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Volume I

Chapters 1 to 79

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EXPLANATORY NOTE AND DISCLAIMER

This unofficial, early-release version of the 2027 Iowa Code provides early access to legislative and editorial additions and changes to Code section text, history, and footnotes with an effective date of January 1, 2027, or earlier. Final data checks, updates, and related corrections have not all been made, but will be included in the official text PDF version of the Iowa Code, which is published annually on this website and biennially in printed hardbound volumes.

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CODE EDITOR'S NOTES

Reference

Simple Harmonization Note

The multiple amendments do not conflict, so they were harmonized to give effect to each as required by Code sections 2B.13 and 4.11. In some cases where this note is referenced, the amendments are identical. Under Code section 2B.13, a strike or repeal prevails over an amendment to the same material and does not create a conflict.

811.1

2026 Acts, ch 1159, §4, amends subsection 2, unnumbered paragraph 1, by establishing an exception to that provision in a new subsection 3, as enacted in 2026 Acts, ch 1159, §5. 2026 Acts, ch 1156, §33, separately amends subsection 2, unnumbered paragraph 1, by also establishing an exception to that provision in a new subsection 3, as enacted in 2026 Acts, ch 1156, §34. Each Act establishes an independent alternate exception. Therefore, the new subsection 3, enacted in 2026 Acts, ch 1156, §34, was codified as subsection 4, and subsection 2, unnumbered paragraph 1, was editorially modified to give effect to both amendments by adding "or 4" to the resulting exception clause being added by both 2026 Acts, ch 1159, §4, and 2026 Acts, ch 1156, §33.

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THE CODE OF IOWA

2027

AS AUTHORIZED BY CHAPTER 2B

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TITLE I

STATE SOVEREIGNTY AND MANAGEMENT

SUBTITLE 1

SOVEREIGNTY

CHAPTER 1

SOVEREIGNTY AND JURISDICTION OF THE STATE

1.1 State boundaries.
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1.3 Concurrent jurisdiction.
1.4 Acquisition of lands by United States.
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1.1 State boundaries.

The boundaries of the state are as defined in the preamble of the Constitution of the State of Iowa.

[C51, §1; R60, §1; C73, §1; C97, §1; C24, 27, 31, 35, 39, §**1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.1]

2009 Acts, ch 41, §1

Referred to in §1.2

1.2 Sovereignty.

The state possesses sovereignty coextensive with the boundaries referred to in section 1.1, subject to such rights as may at any time exist in the United States in relation to public lands, or to any establishment of the national government.

[C51, §2; R60, §2; C73, §2; C97, §2; C24, 27, 31, 35, 39, §**2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.2]

1.3 Concurrent jurisdiction.

The state has concurrent jurisdiction on the waters of any river or lake which forms a common boundary between this and any other state.

[C51, §3; R60, §3; C73, §3; C97, §3; C24, 27, 31, 35, 39, §**3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.3]

See Act of Congress, Sess. II, Chapter 48, 5 Stat. 742 (1845); Act of Congress, Sess. I, Chapter 82, 9 Stat. 52 (1846); Act of Congress, Sess. II, Chapter 1, 9 Stat. 117 (1846)

1.4 Acquisition of lands by United States.

1. The United States of America may acquire by condemnation or otherwise for any of its uses or purposes any real estate in this state, and may exercise jurisdiction thereover but not to the extent of limiting the provisions of the laws of this state.

2. This state reserves, when not in conflict with the Constitution of the United States or any law enacted in pursuance thereof, the right of service on real estate held by the United States of any notice or process authorized by its laws; and reserves jurisdiction, except when used for naval or military purposes, over all offenses committed thereon against its laws and regulations and ordinances adopted in pursuance thereof.

3. Such real estate shall be exempt from all taxation, including special assessments, while held by the United States except when taxation of such property is authorized by the United States.

[R60, §2197, 2198; C73, §4; C97, §4; S13, §4-a – 4-d, 2024-c; C24, 27, 31, 35, 39, §**4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.4]

2017 Acts, ch 54, §76

Referred to in §1.8, 1.11

1.5 Federal wildlife and fish refuge.

The state of Iowa hereby consents that the government of the United States may in any manner acquire in this state such areas of land or water or of land and water as said government may deem necessary for the establishment of the "Upper Mississippi River National Wildlife and Fish Refuge" in accordance with the Act of Congress, approved June 7, 1924, [16 U.S.C. ch 8] provided the states of Illinois, Wisconsin, and Minnesota grant a like consent.

[C27, 31, 35, §4-a1; C39, §**4.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.5]

2017 Acts, ch 54, §1

Referred to in §1.6, 1.8

1.6 Approval required.

Any acquisition by the government of the United States of land and water, or of land or water, under section 1.5 shall be first approved by the natural resource commission and the director of the department of natural resources of this state.

[C27, 31, 35, §4-a2; C39, §**4.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.6]

86 Acts, ch 1245, §1971

Referred to in §1.8

1.7 Legislative grant.

There is hereby granted to the government of the United States, so long as it shall use the same as a part and for the purposes of the said "Upper Mississippi River National Wildlife and Fish Refuge", all areas of land subject to overflow and not used for agricultural purposes or state fish hatcheries or salvaging stations, owned by this state within the boundaries of the

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said refuge, as the same may be established from time to time under authority of the said Act of Congress.

[C27, 31, 35, §4-a3; C39, §**4.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.7]
2017 Acts, ch 54, §2
Referred to in §1.8

1.8 Applicability of statute.

Section 1.4 shall apply to all lands acquired under sections 1.5 through 1.7.

[C27, 31, 35, §4-a4; C39, §**4.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.8]
2018 Acts, ch 1026, §1

1.9 National forests.

The consent of the state of Iowa is hereby given to the acquisition by the United States, by purchase, gift, or condemnation with adequate compensation, of such lands in Iowa as in the opinion of the federal government may be needed for the establishment, consolidation, and extension of national forests or for the establishment and extension of wildlife, fish, and game refuges and for other conservation uses in the state, and may exercise jurisdiction thereover but not to the extent of limiting the provisions of the laws of this state. This section shall not, in any manner or to any extent, modify, limit, or affect the title and ownership of the state to all wildlife as provided in section 481A.2; provided, that the state of Iowa shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the state of Iowa against any persons charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this law had not been passed.

[C35, §4-f1; C39, §**4.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.9]
2017 Acts, ch 54, §3

1.10 Offenses.

Power is hereby conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules, of both a civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this law.

[C35, §4-f2; C39, §**4.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §1.10]

1.11 Keokuk cemetery and Knoxville hospital — assumption of jurisdiction.

At the time of the return of jurisdiction over lands occupied by the veterans administration hospital located in Knoxville, Marion county, Iowa, and the Keokuk National Cemetery at Keokuk located in Lee county, Iowa, by the administrator of veterans affairs to the state of Iowa, the state of Iowa assumes criminal and civil jurisdiction on both grounds in the same manner as provided in section 1.4.

[C77, 79, 81, §1.11]

1.12 Jurisdiction of Indian settlement.

The state of Iowa hereby assumes jurisdiction over civil causes of actions between Indians or other persons or to which Indians or other persons are parties arising within the Sac and Fox Indian settlement in Tama county. The civil laws of this state shall obtain on the settlement and shall be enforced in the same manner as elsewhere throughout the state.

[C71, 73, 75, 77, 79, 81, §1.12]
Referred to in §1.13, 1.14

1.13 Existing trusts not affected.

Nothing in section 1.12, this section, or section 1.14 or 1.15 shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal

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treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.

[C71, 73, 75, 77, 79, 81, §1.13]

2018 Acts, ch 1026, §2

Referred to in §1.14

1.14 Tribal ordinances or customs enforced.

Any tribal ordinance or custom adopted by the governing council of the Sac and Fox Indian settlement in Tama county in the exercise of any authority which it may possess shall, if not inconsistent with any applicable civil law of the state, be given full force and effect in the determination of civil causes of action pursuant to sections 1.12, 1.13, this section, and 1.15.

[C71, 73, 75, 77, 79, 81, §1.14]

2018 Acts, ch 1026, §3; 2019 Acts, ch 59, §1

Referred to in §1.13

1.15 Attorney appointed by state in civil actions.

In all civil causes of action where the state of Iowa or any of its subdivisions or departments is a party, and a member of the Sac and Fox Indian settlement is a party, the district court of Iowa shall appoint competent legal counsel at all stages of hearing, appeal, and final determination for any Indian not otherwise represented by legal counsel, in any domestic relations matter, including, but not limited to, matters pertaining to dependency, neglect, delinquency, care, or custody of minors. The court shall fix and allow reasonable compensation for the services of the attorney, costs of transcripts and depositions, and investigative expense, which shall be paid as a claim out of any funds in the state treasury not otherwise appropriated, upon filing the claim with the director of the department of administrative services.

[C71, 73, 75, 77, 79, 81, §1.15]

83 Acts, ch 123, §27, 209; 94 Acts, ch 1173, §1; 2003 Acts, ch 145, §286

Referred to in §1.13, 1.14

1.15A Criminal jurisdiction — Sac and Fox Indian settlement.

Notwithstanding any other provision of law to the contrary, the state of Iowa tenders to the United States any and all criminal jurisdiction which the state of Iowa has over criminal offenses committed by or against Indians on the Sac and Fox Indian settlement in Tama, Iowa, and that as soon as the United States accepts and assumes such criminal jurisdiction previously conferred to the state of Iowa or reserved by the state of Iowa, all criminal jurisdiction on the part of the state of Iowa over criminal offenses committed by or against Indians on the Sac and Fox Indian settlement in Tama, Iowa, shall cease.

2016 Acts, ch 1050, §1

1.16 Concurrent jurisdiction over lands and waters dedicated to national park purposes.

1. Concurrent legislative jurisdiction over crimes and offenses under the laws of the state of Iowa is ceded to the United States over and within all lands and waters within the state dedicated to national park purposes.

2. The concurrent jurisdiction ceded by subsection 1 is vested upon acceptance by the United States by and through its appropriate officials and shall continue so long as the lands and waters within the designated areas are dedicated to national park purposes.

3. The governor of the state of Iowa is authorized and empowered to execute all proper conveyances in the cession granted by this section, upon request of the United States by and through its appropriate officials.

4. The state of Iowa retains concurrent jurisdiction, both civil and criminal, with the United States over all lands and waters affected by this section.

84 Acts, ch 1024, §1

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1.17 Cession or retrocession of federal jurisdiction.

By appropriate executive order, the governor may accept on behalf of the state full or partial cession or retrocession of federal jurisdiction, criminal or civil, over any lands, except Indian lands, in federal enclaves within the state where such cession or retrocession has been offered by appropriate federal authority. An executive order accepting a cession or retrocession of jurisdiction shall be filed in the office of the secretary of state and in the office of the recorder of the county in which the affected real estate is located.

90 Acts, ch 1146, §1

1.18 Iowa English language reaffirmation.

1. The general assembly of the state of Iowa finds and declares the following:

a. The state of Iowa is comprised of individuals from different ethnic, cultural, and linguistic backgrounds. The state of Iowa encourages the assimilation of Iowans into Iowa's rich culture.

b. Throughout the history of Iowa and of the United States, the common thread binding individuals of differing backgrounds together has been the English language.

c. Among the powers reserved to each state is the power to establish the English language as the official language of the state, and otherwise to promote the English language within the state, subject to the prohibitions enumerated in the Constitution of the United States and in laws of the state.

2. In order to encourage every citizen of this state to become more proficient in the English language, thereby facilitating participation in the economic, political, and cultural activities of this state and of the United States, the English language is hereby declared to be the official language of the state of Iowa.

3. Except as otherwise provided for in subsections 5 and 6, the English language shall be the language of government in Iowa. All official documents, regulations, orders, transactions, proceedings, programs, meetings, publications, or actions taken or issued, which are conducted or regulated by, or on behalf of, or representing the state and all of its political subdivisions shall be in the English language.

4. For the purposes of this section, "*official action*" means any action taken by the government in Iowa or by an authorized officer or agent of the government in Iowa that does any of the following:

a. Binds the government.

b. Is required by law.

c. Is otherwise subject to scrutiny by either the press or the public.

5. This section shall not apply to:

a. The teaching of languages.

b. Requirements under the federal Individuals with Disabilities Education Act.

c. Actions, documents, or policies necessary for trade, tourism, or commerce.

d. Actions or documents that protect the public health and safety.

e. Actions or documents that facilitate activities pertaining to compiling any census of populations.

f. Actions or documents that protect the rights of victims of crimes or criminal defendants.

g. Use of proper names, terms of art, or phrases from languages other than English.

h. Any language usage required by or necessary to secure the rights guaranteed by the Constitution and laws of the United States of America or the Constitution of the State of Iowa.

i. Any oral or written communications, examinations, or publications produced or utilized by a driver's license station, provided public safety is not jeopardized.

6. Nothing in this section shall be construed to do any of the following:

a. Prohibit an individual member of the general assembly or officer of state government, while performing official business, from communicating through any medium with another person in a language other than English, if that member or officer deems it necessary or desirable to do so.

b. Limit the preservation or use of Native American languages, as defined in the federal Native American Languages Act of 1992.

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c. Disparage any language other than English or discourage any person from learning or using a language other than English.

2002 Acts, ch 1007, §1; 2008 Acts, ch 1032, §109

CHAPTER 1A

GREAT SEAL OF IOWA

1A.1 Seal — device — motto.

1A.1 Seal — device — motto.

The secretary of state be, and is, hereby authorized to procure a seal which shall be the great seal of the state of Iowa, two inches in diameter, upon which shall be engraved the following device, surrounded by the words, *"The Great Seal of the State of Iowa"* — a sheaf and field of standing wheat, with a sickle and other farming utensils, on the left side near the bottom; a lead furnace and pile of pig lead on the right side; the citizen soldier, with a plow in his rear, supporting the American flag and liberty cap with his right hand, and his gun with his left, in the center and near the bottom; the Mississippi river in the rear of the whole, with the steamer *Iowa* under way; an eagle near the upper edge, holding in his beak a scroll, with the following inscription upon it: Our liberties we prize, and our rights we will maintain.

[1GA, ch 112; C75, 77, 79, 81, §1A.1]

Referred to in §2A.1

Editor's Note: The Act of the First General Assembly of the State of Iowa creating the Great Seal, approved February 25, 1847, is hereby reproduced in the descriptive part.

There seem to be no further enactments, repeals, or amendments and no codification of this law appears in the various Codes. See *Annals of Iowa,* Volume XI, pages 561, 576. Constitutional provision for a great seal is contained in Iowa Constitution, Art. IV, §20, but no description is provided.

CHAPTER 1B

STATE FLAG

1B.1 Specifications of state flag.
1B.2 Use of state flag.
1B.3 Flags on public buildings.

1B.1 Specifications of state flag.

The banner designed by the Iowa society of the Daughters of the American Revolution and presented to the state is hereby adopted as the state flag for use on all occasions where a state flag may be fittingly displayed. The design consists of three vertical stripes of blue, white, and red, the blue stripe being nearest the staff and the white stripe* being in the center. On the central white stripe is depicted a spreading eagle bearing in its beak blue streamers on which is inscribed the state motto, *"Our liberties we prize and our rights we will maintain"* in white letters, with the word *"Iowa"* in red letters below the streamers.

[C24, 27, 31, 35, 39, §**468;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §31.1]

C93, §1B.1

95 Acts, ch 1, §1

*Editor's Note: On the original design, the white stripe was about equal to the sum of the others

1B.2 Use of state flag.

The design shall be used as the state flag and may be displayed on all proper occasions where the state is officially represented, either at home or abroad, or wherever it may be proper to distinguish the citizens of Iowa from the citizens of other states. When displayed

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with the national emblem, the state flag shall in all cases be subservient to and placed beneath the stars and stripes.

[C24, 27, 31, 35, 39, §**469;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §31.2]
C93, §1B.2
95 Acts, ch 1, §2

1B.3 Flags on public buildings.

1. As used in this section, *"public building"* means a vertical improvement, as defined in section 15J.2, used for a public purpose by the state or a political subdivision of the state.

2. A board of public officers charged with providing supplies for a public building in the state shall provide a suitable state flag, and the custodian of that public building shall raise the flags of the United States of America and the state of Iowa upon each secular day when weather conditions are favorable.

3. The custodian and the board of public officers of a public building in the state shall have the flags of the United States of America and the state of Iowa flown at half-staff when so directed by a proclamation issued by the governor.

4. A person may report an alleged violation of subsection 3 to the attorney general. The attorney general may initiate an action in the name of the state, including but not limited to an action for injunctive relief, to obtain compliance with subsection 3.

[S13, §2804-c; C24, 27, 31, 35, 39, §**470;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §31.3]
C93, §1B.3
95 Acts, ch 1, §3; 2026 Acts, ch 1095, §1
Display of flags on school sites, see §280.5
Section amended

CHAPTER 1C

PUBLIC HOLIDAYS AND RECOGNITION DAYS

This chapter not enacted as a part of this title;
sections 1C.1 and 1C.2 transferred from sections 33.1 and 33.2;
sections 1C.3 – 1C.9 from sections 31.4 – 31.10;
and section 1C.10 from section 186A.1 in Code 1993

1C.1	Legal public holidays.	1C.11	Iowa State Flag Day.
1C.2	Paid holidays.	1C.12	Dr. Norman E. Borlaug World Food Prize Day.
1C.3	Mother's Day — Father's Day.	1C.13	Bill of Rights Day.
1C.4	Independence Sunday.	1C.14	Juneteenth National Freedom Day.
1C.5	Columbus Day.	1C.15	Gift to Iowa's Future Recognition Day.
1C.6	Veterans Day.	1C.16	Purple Heart Day.
1C.7	Youth Honor Day.	1C.17	George Washington Carver Day.
1C.8	Herbert Hoover Day.		
1C.9	Dr. Martin Luther King, Jr. Day.		
1C.10	Arbor Day and Week.		

1C.1 Legal public holidays.

The following are legal public holidays:

1. New Year's Day, January 1.
2. Dr. Martin Luther King, Jr.'s Birthday, the third Monday in January.
3. Lincoln's Birthday, February 12.
4. Washington's Birthday, the third Monday in February.
5. Memorial Day, the last Monday in May.
6. Independence Day, July 4.
7. Labor Day, the first Monday in September.
8. Veterans Day, November 11.
9. Thanksgiving Day, the fourth Thursday in November.

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10. Christmas Day, December 25.
[C71, 73, 75, 77, 79, 81, §33.1]
86 Acts, ch 1164, §1
C93, §1C.1
Referred to in §63.1, 235B.2, 421.9A

1C.2 Paid holidays.

1. State employees are granted, except as provided in subsection 3, the following holidays off from employment with pay:

a. New Year's Day, January 1.
b. Martin Luther King, Jr.'s Birthday, the third Monday in January.
c. Memorial Day, the last Monday in May.
d. Independence Day, July 4.
e. Labor Day, the first Monday in September.
f. Veterans Day, November 11.
g. Thanksgiving Day, the fourth Thursday in November.
h. Friday after Thanksgiving, the Friday following Thanksgiving Day.
i. Christmas Day, December 25.

2. *a.* State employees are granted two days of paid leave each year to be added to the vacation allowance and accrued under the provisions of section 70A.1. In addition, an appointing authority shall grant not more than four additional days of paid leave each year as required to implement contract provisions negotiated pursuant to chapter 20.

b. The executive council may designate days off from employment with pay in addition to those enumerated in this section for state employees at its discretion.

3. If a holiday enumerated in this section falls on Saturday, the preceding Friday shall be granted and if a holiday enumerated in this section falls on Sunday, the following Monday shall be granted. In those cases, where by nature of the employment a state employee must be required to work on a holiday the provisions of subsection 1 shall not apply, however, compensation shall be made on the basis of the employee's straight time hourly rate for a forty-hour workweek and shall be made in either compensatory time off or cash payment, at the discretion of the appointing authority unless otherwise provided for in a collective bargaining agreement. Notwithstanding any other provision of this section, an employee of the state who does not accrue sick leave or vacation, and who works on a holiday, shall receive regular pay for the hours worked on that holiday and shall not otherwise earn holiday compensatory pay.

4. A holiday or paid leave granted to a state employee under this section shall be in addition to vacation time to which a state employee is entitled under section 70A.1.

[C75, 77, 79, 81, §33.2]
84 Acts, ch 1180, §7; 86 Acts, ch 1163, §1 – 3
C93, §1C.2
2008 Acts, ch 1031, §1
Referred to in §200A.8, 252I.1, 421.9A

1C.3 Mother's Day — Father's Day.

The governor of this state is authorized and requested to issue annually a proclamation calling upon our state officials to display the American flag on all state and school buildings, and the people of the state to display the flag at their homes, lodges, churches, and places of business, on the second Sunday in May, known as Mother's Day, and on the third Sunday in June, known as Father's Day, as a public expression of reverence for the homes of our state, and to urge the celebration of Mother's Day and Father's Day in the proclamation in such a way as will deepen home ties, and inspire better homes and closer union between the commonwealth, its homes, and their children.

[C24, 27, 31, 35, 39, §**471;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §31.4]
85 Acts, ch 99, §1
C93, §1C.3

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1C.4 Independence Sunday.

The governor is hereby authorized and requested to issue annually a proclamation, calling upon the citizens of Iowa to assemble themselves in their respective communities for the purpose of holding suitable religious-patriotic services and the display of the American colors, in commemoration of the signing of the Declaration of Independence, on Independence Sunday, which is hereby established as the Sunday preceding the Fourth of July of each year, or on the Fourth when that date falls on Sunday.

[C27, 31, 35, §471-b1; C39, §**471.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §31.5]
C93, §1C.4

1C.5 Columbus Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation, calling upon our state officials to display the American flag on all state and school buildings and the people of the state to display the flag at their homes, lodges, churches, and places of business on the twelfth day of October, known as Columbus Day; to commemorate the life and history of Christopher Columbus and to urge that services and exercises be had in churches, halls and other suitable places expressive of the public sentiment befitting the anniversary of the discovery of America.

[C35, §471-g1; C39, §**471.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §31.6]
C93, §1C.5

1C.6 Veterans Day.

The governor is hereby authorized and requested to issue annually a proclamation designating the eleventh day of November as Veterans Day and calling upon the people of Iowa to observe it as a legal holiday in honor of those who have been members of the armed forces of the United States, and urging state officials to display the American flag on all state and school buildings and the people of the state to display the flag at their homes, lodges, churches and places of business; that business activities be held to the necessary minimum; and that appropriate services and exercises be had expressive of the public sentiments befitting the occasion.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §31.7]
C93, §1C.6

1C.7 Youth Honor Day.

The governor of this state is hereby requested and authorized to issue annually a proclamation designating the thirty-first day of October of each year as Youth Honor Day.

[C62, 66, 71, 73, 75, 77, 79, 81, §31.8]
C93, §1C.7

1C.8 Herbert Hoover Day.

The Sunday which falls on or nearest the tenth day of August of each year is hereby designated as Herbert Hoover Day, which shall be a recognition day in honor of the late President Herbert Hoover. The governor is hereby authorized and requested to issue annually a proclamation designating such Sunday as Herbert Hoover Day and calling on the people and officials of the state of Iowa to commemorate the life and principles of Herbert Hoover, to display the American flag, and to hold appropriate services and ceremonies.

[C71, 73, 75, 77, 79, 81, §31.9]
C93, §1C.8

1C.9 Dr. Martin Luther King, Jr. Day.

1. The third Monday of January of each year is designated as Dr. Martin Luther King, Jr. Day, which shall be a recognition day in honor of the late civil rights leader and Nobel Peace Prize recipient, Dr. Martin Luther King, Jr.

2. The governor is authorized and requested to issue annually a proclamation designating such Monday as Dr. Martin Luther King, Jr. Day and calling on the people and officials of

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the state of Iowa to commemorate the life and principles of Dr. King, to display the American flag, and to hold appropriate private services and ceremonies.

[C79, 81, §31.10]
86 Acts, ch 1164, §2
C93, §1C.9
2020 Acts, ch 1062, §94

1C.10 Arbor Day and Week.

The last Friday in April in each year shall be observed in Iowa as Arbor Day and the week in which this Friday falls shall be observed as Arbor Week. This day and week shall be designated annually by the governor with suitable proclamation urging that schools, civic organizations, governmental departments and all citizens and groups give serious thought to and appreciation of the contribution of trees to the beauty and economic welfare of Iowa.

[C62, 66, 71, 73, 75, 77, 79, 81, §186A.1]
C93, §1C.10

1C.11 Iowa State Flag Day.

The governor of this state is hereby requested and authorized to issue annually a proclamation designating the twenty-ninth day of March as Iowa State Flag Day and to urge that schools, civic organizations, governmental departments, and all citizens and groups display the Iowa state flag on that day and to reflect on and consider the heritage of the state flag.

98 Acts, ch 1023, §1

1C.12 Dr. Norman E. Borlaug World Food Prize Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the sixteenth day of October as Dr. Norman E. Borlaug World Food Prize Day and to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the work, accomplishments, and heroic contributions to humanity of Nobel peace prize laureate Dr. Norman E. Borlaug and to give attention and support to the programs and activities of the world food prize which was inspired and created by Dr. Norman E. Borlaug to alleviate poverty, hunger, and malnutrition throughout the world.

2002 Acts, ch 1160, §1

1C.13 Bill of Rights Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the fifteenth day of December as Bill of Rights Day and to encourage all governmental bodies in the state to observe the day in a manner that emphasizes the meaning and importance of the first ten amendments to the Constitution of the United States, and encourage a formal recitation of the Bill of Rights in its entirety in all schools, government meetings, and courtrooms on or about that date.

2002 Acts, ch 1053, §1

1C.14 Juneteenth National Freedom Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the third Saturday in June as Juneteenth National Freedom Day and to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the emancipation proclamation that ended slavery in the United States and to recognize and celebrate the importance of this day to every person who cherishes liberty and equality for all people.

2002 Acts, ch 1105, §1

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1C.15 Gift to Iowa's Future Recognition Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the first Monday in April as Gift to Iowa's Future Recognition Day to recognize, celebrate, and honor those public-spirited individuals and corporations who have donated land or a conservation easement to benefit Iowa's parks, trails, fish and wildlife habitat, natural areas, open spaces, and public recreation areas and for other public uses and benefits. The department of natural resources shall maintain a registry to record the names of and suitably honor all persons who have donated land or a conservation easement for public use as described in this section.

2008 Acts, ch 1054, §1
Conservation easements, chapter 457A

1C.16 Purple Heart Day.

The governor of this state is hereby requested and authorized to issue annually a proclamation designating the seventh day of August as Purple Heart Day and to encourage all governmental bodies in the state to observe the day in a manner that honors the sacrifice of those men and women who shed their blood and gave their lives in service to the United States of America.

2011 Acts, ch 54, §1

1C.17 George Washington Carver Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the first day of February as George Washington Carver Day and to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the scientific and agricultural accomplishments and global humanitarian achievements of professor Carver and to acknowledge the Iowa educational institutions, Simpson college and Iowa state university, that allowed George Washington Carver to persevere through racial barriers and fulfill his potential as a human being.

2022 Acts, ch 1133, §1

CHAPTER 1D

IOWA STANDARD TIME

1D.1 Standard time and daylight saving time.
1D.2 Effect of time change.

1D.1 Standard time and daylight saving time.

The standard time in this state is the solar time of the ninetieth meridian of longitude west of Greenwich, England, commonly known as central standard time, except that from 2:00 ante meridiem of the first Sunday of April in every year until 2:00 ante meridiem of the last Sunday of October in the same year, standard time shall be advanced one hour. The period of time so advanced shall be known as *"daylight saving time"*.

[C66, 71, 73, 75, 77, 79, 81, §122A.1]
89 Acts, ch 83, §25
C93, §1D.1
2015 Acts, ch 29, §1
Referred to in §1D.2

1D.2 Effect of time change.

In all laws, statutes, orders, decrees, rules, and regulations relating to the time of performance of any act by any officer or department of this state, including the legislative, executive, and judicial branches of the state government, or any county, city or district thereof, relating to the time in which any rights shall accrue or determine, or within which

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any act shall or shall not be performed by any person subject to the jurisdiction of this state and in all the public schools and institutions of this state, or of any county, city or district thereof, and in all contracts and choses in action made or to be performed in this state, the time shall be the time established in section 1D.1.

[C66, 71, 73, 75, 77, 79, 81, §122A.2]
C93, §1D.2

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SUBTITLE 2

LEGISLATIVE BRANCH

CHAPTER 2

GENERAL ASSEMBLY

Referred to in §68.10

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GENERAL PROVISIONS

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2.5 Temporary officers — committee on credentials.
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2.11 Officers and employees — compensation — prohibitions — duties.
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2.61 Requests for research.

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2.62 Interim study committee powers.
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SUBCHAPTER V

STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

2.69 State government efficiency review committee established. Repealed by 2024 Acts, ch 1170, §53.
2.70 through 2.99 Reserved.
2.100 through 2.104 Repealed by 2003 Acts, ch 35, §47, 49.

SUBCHAPTER I

GENERAL PROVISIONS

2.1 Sessions — place.

The sessions of the general assembly shall be held annually at the seat of government, unless the governor shall convene them at some other place in times of pestilence or public danger. Each annual session of the general assembly shall commence on the second Monday in January of each year. The general assembly may recess from time to time during each year in such manner as it may provide, subject to Article III, section 14 of the Constitution of the State of Iowa.

[C51, §4; R60, §13; C73, §5; C97, §5; C24, 27, 31, 35, 39, §**5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §2.1]

2006 Acts, ch 1010, §1

2.2 Designation of general assembly.

1. Each regular session of the general assembly shall be designated by the year in which it convenes and by a number with a new consecutive number assigned with the session beginning in each odd-numbered year.

2. A special session of the general assembly shall be designated as an extraordinary session in the particular year of a numbered general assembly.

[C71, 73, 75, 77, 79, 81, §2.2]

Referred to in §2B.17

2.3 Temporary organization.

At 10:00 a.m. on the second Monday in January of each odd-numbered year, the general assembly shall convene. The president of the senate, or in the president's absence some person claiming to be a member, shall call the senate to order. If necessary, a temporary president shall be chosen from the persons claiming to be elected senators. Some person claiming to be elected a member of the house of representatives shall call the house to order. The persons present claiming to be elected to the senate shall choose a secretary, and those of the house of representatives, a clerk on a temporary basis.

[C51, §5; R60, §14; C73, §6; C97, §6; C24, 27, 31, 35, 39, §**6;** C46, 50, 54, 58, 62, 66, §2.2; C71, 73, 75, 77, 79, 81, §2.3]

2.4 Certificates of election.

The selected secretary and clerk shall receive and file the certificates of election presented for their respective houses, and make a list therefrom of the persons who appear to have been elected members of the respective houses.

[C51, §6; R60, §15; C73, §7; C97, §7; C24, 27, 31, 35, 39, §**7;** C46, 50, 54, 58, 62, 66, §2.3; C71, 73, 75, 77, 79, 81, §2.4]

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2.5 Temporary officers — committee on credentials.

The persons appearing to be members shall proceed to elect such other officers as may be requisite and when so temporarily organized shall choose a committee of five, who shall examine and report upon the credentials of the persons claiming to be members.

[C51, §7; R60, §4; C73, §8; C97, §8; C24, 27, 31, 35, 39, §**8;** C46, 50, 54, 58, 62, 66, §2.4; C71, 73, 75, 77, 79, 81, §2.5]

2.6 Permanent organization.

The members reported by the committee as holding certificates of election from the proper authority shall proceed to the permanent organization of their respective houses by the election of officers and shall not be challenged as to their qualifications during the remainder of the term for which they were elected.

[C51, §8; R60, §5; C73, §9; C97, §9; C24, 27, 31, 35, 39, §**9;** C46, 50, 54, 58, 62, 66, §2.5; C71, 73, 75, 77, 79, 81, §2.6]

2.7 Officers — tenure.

The president of the senate and the speaker of the house of representatives shall hold their offices until the first day of the meeting of the next general assembly. All other officers elected by either house shall hold their offices for the same terms, unless sooner removed, except as may be otherwise provided by resolution or rules of the general assembly.

[R60, §16; C73, §13; C97, §17; C24, 27, 31, 35, 39, §**10;** C46, 50, 54, 58, 62, 66, §2.6; C71, 73, 75, 77, 79, 81, §2.7]

90 Acts, ch 1223, §1

2.8 Oaths.

Any member may administer oaths necessary in the course of business of the house of which that person is a member, and, while acting on a committee, in the course of business of such committee.

[C51, §10; R60, §7; C73, §10; C97, §10; C24, 27, 31, 35, 39, §**11;** C46, 50, 54, 58, 62, 66, §2.7; C71, 73, 75, 77, 79, 81, §2.8]

2.9 Journals — bills and amendments.

1. *a.* The senate and house of representatives shall each publish a daily journal of the transactions of their respective bodies. The secretary of the senate and the chief clerk of the house shall each determine the format and manner of the journal's publication, the procurement procedures for the journal's publication, and the journal's distribution for their respective bodies.

b. The secretary of the senate and the clerk of the house of representatives shall each preserve copies of the printed daily journals of their respective bodies, as corrected, certify to their correctness, and file them with the secretary of state at the adjournment of each session of the general assembly. The secretary of state shall preserve the original journals of the senate and the house in the manner specified by the majority leader of the senate and speaker of the house.

2. *a.* The senate and house of representatives shall each publish bills and amendments of their respective bodies. The secretary of the senate and the chief clerk of the house shall each determine the procurement procedures for the publication of the bills and amendments and the distribution of the bills and amendments for their respective bodies.

b. A bill that seeks to legalize the acts of any official or board or other official body, in regard to any matter of public nature or for any person or persons, company, or corporation, shall not be considered by the senate or house of representatives until the bill is published and distributed to members of the general assembly, and the publication shall be without expense to the state. The senate and house shall not order any such bill published until the secretary of the senate or chief clerk of the house has received a deposit to cover the cost of the publication. The newspaper publication of such bill shall be without expense to the state,

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and the bill shall not be published in a newspaper until the costs of the newspaper publication have been paid to the secretary of state.

[C97, §132; C24, 27, 31, 35, 39, §**13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §2.9]
86 Acts, ch 1245, §2001; 2003 Acts, ch 35, §9, 49; 2003 Acts, ch 145, §102

2.10 Salaries and expenses — members of general assembly.

Members of the general assembly shall receive salaries and expenses as provided by this section.

1. Every member of the general assembly except the presiding officer of the senate, the speaker of the house, the majority and minority floor leader of each house, and the president pro tempore of the senate and speaker pro tempore of the house shall receive an annual salary of twenty-five thousand dollars for the year 2007 and subsequent years while serving as a member of the general assembly. In addition, each such member shall receive a per diem, as defined in subsection 5, for expenses of office, except travel, for each day the general assembly is in session commencing with the first day of a legislative session and ending with the day of final adjournment of each legislative session as indicated by the journals of the house and senate, except that if the length of the first regular session of the general assembly exceeds one hundred ten calendar days and the second regular session exceeds one hundred calendar days, the payments shall be made only for one hundred ten calendar days for the first session and one hundred calendar days for the second session. Members from Polk county shall receive an amount per day equal to three-fourths of the per diem of the non-Polk county members. Each member shall receive a three hundred dollar per month allowance for legislative district constituency postage, travel, telephone costs, and other expenses. Travel expenses shall be paid at the rate established by section 8A.363 for actual travel in going to and returning from the seat of government by the nearest traveled route for not more than one time per week during a legislative session unless the general assembly otherwise provides.

2. The speaker of the house, presiding officer of the senate, and the majority and minority floor leader of each house shall each receive an annual salary of thirty-seven thousand five hundred dollars for the year 2007 and subsequent years while serving in that capacity. The president pro tempore of the senate and the speaker pro tempore of the house shall receive an annual salary of twenty-seven thousand dollars for the year 2007 and subsequent years while serving in that capacity. Expense and travel allowances shall be the same for the speaker of the house and the presiding officer of the senate, the president pro tempore of the senate and the speaker pro tempore of the house, and the majority and minority leader of each house as provided for other members of the general assembly.

3. When a vacancy occurs and the term of any member of the general assembly is not completed, the member shall receive a salary or compensation proportional to the length of the member's service computed to the nearest whole month. A successor elected to fill such vacancy shall receive a salary or compensation proportional to the successor's length of service computed to the nearest whole month commencing with such time as the successor is officially determined to have succeeded to such office.

4. *a.* The director of the department of administrative services shall pay the travel and expenses of the members of the general assembly commencing with the first pay period after the names of such persons are officially certified. The salaries of the members of the general assembly shall be paid pursuant to any of the following alternative methods:

(1) During each month of the year at the same time state employees are paid.

(2) During each pay period during the first six months of each calendar year.

(3) During the first six months of each calendar year by allocating two-thirds of the annual salary to the pay periods during those six months and one-third of the annual salary to the pay periods during the second six months of a calendar year.

b. Each member of the general assembly shall file with the director of the department of administrative services a statement as to the method the member selects for receiving payment of salary. The presiding officers of the two houses of the general assembly shall jointly certify to the director of the department of administrative services the names of the members, officers, and employees of their respective houses and the salaries and mileage to which each is entitled. Travel and expense allowances shall be paid upon the submission of

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vouchers to the director of the department of administrative services indicating a claim for the same.

5. *a.* In addition to the salaries and expenses authorized by this section, a member of the general assembly shall be paid a per diem, and necessary travel and actual expenses incurred in attending meetings for which per diem or expenses are authorized by law for members of the general assembly who serve on statutory boards, commissions, or councils, and for standing or interim committee or subcommittee meetings subject to the provisions of section 2.14, or when on authorized legislative business when the general assembly is not in session. However, if a member of the general assembly is engaged in authorized legislative business at a location other than at the seat of government during the time the general assembly is in session, payment may be made for the actual transportation and lodging costs incurred because of the business. Such per diem or expenses shall be paid promptly from funds appropriated pursuant to section 2.12.

b. For purposes of this section, *"per diem"* means the maximum amount generally allowable to employees of the executive branch of the federal government for per diem while away from home at the seat of government.

6. If a special session of the general assembly is convened, members of the general assembly shall receive, in addition to their annual salaries, a per diem for each day the general assembly is actually in special session, and the same travel allowances and expenses as authorized by this section. A member of the general assembly shall receive the additional per diem, travel allowances, and expenses only for the days of attendance during a special session.

7. A member of the general assembly may return to the state treasury all or a part of the salary, per diem, or expenses paid to the member pursuant to this section. The member may specify the public use for the returned money. A member has no income tax liability for that portion of the member's salary or per diem which is returned to the state treasury pursuant to this subsection. The administrative officer of each house shall provide a form at the convening of each legislative session to allow legislators to return any portion of their salaries or expenses according to this section.

8. Commencing upon the convening of the Seventy-eighth General Assembly in January 1999, the annual salaries of members and officers of the general assembly, as the annual salaries existed during the preceding calendar year, shall be adjusted by an amount equal to the average of the annual cost-of-living pay adjustments negotiated for the members of the collective bargaining units represented by the state police officers council labor union, the American federation of state, county, and municipal employees, and the Iowa united professionals for the fiscal year beginning July 1, 1997. For the calendar year 2000, during the month of January, the annual salaries of members and officers of the general assembly shall be adjusted by an amount equal to the average of the annual cost-of-living pay adjustments received by the members of those collective bargaining units for the fiscal year beginning July 1, 1998. The annual salaries determined for the members and officers as provided in this section for the calendar year 2000 shall remain in effect for subsequent calendar years until otherwise provided by the general assembly.

[C51, §11; R60, §18; C73, §12; C97, §12, 14; S13, §12; C24, 27, 31, 35, §14-a1, 14-a2, 14-a3; C39, §**14, 14.1, 14.2, 14.3, 15, 16, 17;** C46, 50, 54, 58, 62, 66, §2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17; C71, 73, 75, 77, 79, 81, §2.10]

83 Acts, ch 205, §20; 87 Acts, ch 227, §14; 88 Acts, ch 1267, §12, 13; 88 Acts, ch 1275, §29; 89 Acts, ch 302, §10; 89 Acts, ch 303, §13; 90 Acts, ch 1223, §2; 90 Acts, ch 1256, §19; 91 Acts, ch 258, §1; 93 Acts, ch 177, §16 – 18; 95 Acts, ch 211, §14, 17; 97 Acts, ch 204, §16; 2003 Acts, ch 145, §103, 286; 2005 Acts, ch 177, §14, 16; 2008 Acts, ch 1032, §110; 2014 Acts, ch 1026, §1

Referred to in §2.14, 2.32A, 2.40, 2.44, 2.51, 4A.6, 8A.375, 17A.8, 80.28, 80B.8, 97B.8A, 97D.4, 256.179, 256I.3, 261D.3, 272B.2, 418.5
See Iowa Constitution, Art. III, §25

2.11 Officers and employees — compensation — prohibitions — duties.

1. Each house of the general assembly may employ such officers and employees as it shall deem necessary for the conduct of its business. The compensation of the chaplains, officers, and employees of the general assembly shall be fixed by joint action of the house and senate

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by resolution at the opening of each session, or as soon thereafter as conveniently can be done. Such persons shall be furnished by the state such supplies as may be necessary for the proper discharge of their duties.

2. Each house of the general assembly shall implement the sexual harassment prohibitions and grievance, violation, and disposition procedures of section 19B.12 for its respective full-time, part-time, and temporary employees, including, but not limited to, interns, clerks, and pages. Each house shall develop and cause to be distributed, at the time of hiring or orientation, a guide that describes for its employees the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures. This section does not supersede the remedies provided under chapter 216.

3. *a.* Each house of the general assembly shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

b. An employee may challenge the results of the submission of the employee's information to the e-verify system of the United States citizenship and immigration services by submitting a challenge, including documentation proving that the results are incorrect, to the legislative council within ten calendar days of receipt of the results. The legislative council shall review the challenge and communicate the results of the appeal to the employee and the appropriate house of the general assembly as soon as practicable.

c. Each house of the general assembly shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to paragraph *"b"*, if applicable.

[C73, §12; C97, §13, 152; C24, 27, 31, 35, 39, §**18, 19;** C46, 50, 54, 58, 62, 66, §2.18, 2.19; C71, 73, 75, 77, 79, 81, §2.11]

92 Acts, ch 1086, §1; 2026 Acts, ch 1156, §7, 35

NEW subsection 3

2.12 Expenses of general assembly and legislative agencies — budgets.

1. There is appropriated out of any funds in the state treasury not otherwise appropriated a sum sufficient to pay for legislative printing and all current and miscellaneous expenses of the general assembly, authorized by either the senate or the house, and the director of the department of administrative services shall issue warrants for such items of expense upon requisition of the president, majority leader, and secretary of the senate or the speaker and chief clerk of the house.

2. There is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as are necessary, for each house of the general assembly for the payment of any unpaid expense of the general assembly incurred during or in the interim between sessions of the general assembly, including but not limited to salaries and necessary travel and actual expenses of members, expenses of standing and interim committees or subcommittees, and per diem or expenses for members of the general assembly who serve on statutory boards, commissions, or councils for which per diem or expenses are authorized by law. The director of the department of administrative services shall issue warrants for such items of expense upon requisition of the president, majority leader, and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

3. There is appropriated out of any funds in the state treasury not otherwise appropriated, such sums as are necessary for the renovation, remodeling, or preparation of the legislative chambers, legislative offices, or other areas or facilities used or to be used by the legislative branch of government, and for the purchase of legislative equipment and supplies deemed necessary to properly carry out the functions of the general assembly. The director of the department of administrative services shall issue warrants for such items of expense, whether incurred during or between sessions of the general assembly, upon requisition of the president, majority leader, and secretary of the senate for senate expense or the speaker and chief clerk of the house for house expense.

4. There is appropriated out of any funds in the state treasury not otherwise appropriated

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such sums as may be necessary for the fiscal year budgets of the legislative services agency and the office of ombudsman for salaries, support, maintenance, and miscellaneous purposes to carry out their statutory responsibilities. The legislative services agency and the office of ombudsman shall submit their proposed budgets to the legislative council not later than September 1 of each year. The legislative council shall review and approve the proposed budgets not later than December 1 of each year. The budget approved by the legislative council for each of its statutory legislative agencies shall be transmitted by the legislative council to the department of management on or before December 1 of each year for the fiscal year beginning July 1 of the following year. The department of management shall submit the approved budgets received from the legislative council to the governor for inclusion in the governor's proposed budget for the succeeding fiscal year. The approved budgets shall also be submitted to the chairpersons of the committees on appropriations. The committees on appropriations may allocate from the funds appropriated by this section the funds contained in the approved budgets, or such other amounts as specified, pursuant to a concurrent resolution to be approved by both houses of the general assembly. The director of the department of administrative services shall issue warrants for salaries, support, maintenance, and miscellaneous purposes upon requisition by the administrative head of each statutory legislative agency. If the legislative council elects to change the approved budget for a legislative agency prior to July 1, the legislative council shall transmit the amount of the budget revision to the department of management prior to July 1 of the fiscal year, however, if the general assembly approved the budget it cannot be changed except pursuant to a concurrent resolution approved by the general assembly.

[C46, 50, 54, 58, 62, 66, §2.10, 2.20; C71, 73, 75, 77, 79, 81, §2.12]

85 Acts, ch 65, §1; 86 Acts, ch 1244, §1; 90 Acts, ch 1223, §3; 2003 Acts, ch 35, §46, 49; 2003 Acts, ch 145, §286; 2013 Acts, ch 10, §1; 2013 Acts, ch 140, §45

Referred to in §2.10, 2.12A, 2.16, 2.43, 2.44, 2.47A, 4A.6, 8A.375, 42.5, 68B.31, 80B.8, 97B.8A, 97D.4, 256.179, 261D.3, 272B.2, 411.36

2.12A Legal expenses reviewed by the court.

If a member or members of the general assembly are involved in court proceedings on behalf of the general assembly, and are represented by an attorney who is not an employee of the state, and the legislative council determines that the reasonable expense of the court proceedings, including reasonable attorney fees, shall be paid from funds in the state treasury appropriated pursuant to section 2.12, at the conclusion of the court proceedings, the court shall review the fees charged to the state to determine if the fees are fair and reasonable. The legislative council shall not reimburse attorney fees in excess of those determined by the court to be fair and reasonable.

92 Acts, ch 1240, §11

2.12B State capitol maintenance fund — appropriation.

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

2. There is appropriated from the rebuild Iowa infrastructure fund for deposit in the state capitol maintenance fund, for the fiscal year beginning July 1, 2026, and for each fiscal year thereafter, the sum of seven hundred fifty thousand dollars.

3. The facilities manager for facilities under the control of the general assembly shall develop and submit to the legislative council by December 15, 2020, a five-year maintenance project schedule report, with annual written updates thereafter, for the Iowa state capitol and the Ola Babcock Miller building.

4. Moneys in the state capitol maintenance fund shall be expended upon approval of the legislative council and used for maintenance projects for the Iowa state capitol and the Ola Babcock Miller building.

5. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the state capitol maintenance fund shall be credited to the state capitol maintenance fund.

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Notwithstanding section 8.33, moneys credited to the state capitol maintenance fund shall not revert at the close of a fiscal year.

2018 Acts, ch 1162, §16; 2020 Acts, ch 1120, §11; 2026 Acts, ch 1163, §3
Subsection 2 amended

2.13 Issuance of warrants.

The director of the department of administrative services shall also issue to each officer and employee of the general assembly, during legislative sessions or interim periods, upon vouchers signed by the president, majority leader, and secretary of the senate or the speaker and chief clerk of the house, warrants for the amount due for services rendered. The warrants shall be paid out of any moneys in the treasury not otherwise appropriated.

[C97, §15, 16; C24, 27, 31, 35, 39, §**20;** C46, 50, 54, 58, 62, 66, §2.21, 2.22; C71, 73, 75, 77, 79, 81, §2.13]

86 Acts, ch 1244, §2; 90 Acts, ch 1223, §4; 2003 Acts, ch 145, §286

2.14 Meetings of legislative committees.

1. *a.* A standing committee of either house or a subcommittee when authorized by the chairperson of the standing committee, may meet when the general assembly is not in session in the manner provided in this section and upon call pursuant to the rules of the house or senate. In case of vacancy in the chair or in the chairperson's absence, the ranking member shall act as chairperson.

b. A standing committee or subcommittee may act on bills and resolutions in the interim between the first and second regular sessions of a general assembly. A standing committee may also study and draft proposed committee bills. However, unless the subject matter of a study or proposed committee bill has been assigned to a standing committee for study by the general assembly or legislative council, the services of the legislative services agency cannot be utilized.

c. The date, time, and place of any meeting of a standing committee shall, by the person or persons calling the meeting, be reported to and be available to the public in the office of the director of the legislative services agency at least five days prior to the meeting.

d. A standing committee may hold public hearings and receive testimony upon any subject matter within its jurisdiction.

2. The legislative services agency shall provide staff assistance for standing committees when authorized by the legislative council. The chairperson of the committee or subcommittee shall notify the legislative services agency in advance of each meeting.

3. Interim studies utilizing the services of the legislative services agency must be authorized by the general assembly or the legislative council.

a. Nonlegislative members shall not serve upon any study committee, unless approved by the legislative council.

b. Nonlegislative members of study committees shall be paid their necessary travel and actual expenses incurred in attending committee or subcommittee meetings for the purposes of the study.

4. Standing committees and subcommittees of standing committees may meet when the general assembly is not in session under the following conditions:

a. A standing committee may meet one time at the discretion of the chairperson.

b. Additional meetings of standing committees or their subcommittees shall be authorized by the legislative council; however, such authorization may be given at any one time for as many meetings as deemed necessary by the legislative council.

c. Any study committee, other than an interim committee provided for in subsection 3 of this section, which utilizes staff of the legislative services agency may meet at such times as authorized by the legislative council.

5. When the general assembly is not in session, a member of the general assembly shall be paid the per diem and necessary travel and actual expenses, as specified in section 2.10, subsection 5, incurred in attending meetings of a standing committee or subcommittee of which the legislator is a member in addition to regular compensation. However, the per diem

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and expenses shall be allowed only if the member attends a meeting of the committee or subcommittee for at least four hours.

[C71, 73, 75, 77, 79, 81, §2.14]

91 Acts, ch 258, §2; 2003 Acts, ch 35, §44, 49; 2008 Acts, ch 1031, §72

Referred to in §2.10, 2.15

2.15 Powers and duties of standing committees.

1. The powers and duties of standing committees shall include, but shall not be limited to, the following:

a. Introducing legislative bills and resolutions.

b. Conducting investigations with the approval of either or both houses during the session, or the legislative council during the interim, with authority to call witnesses, administer oaths, issue subpoenas, and cite for contempt.

c. Requiring reports and information from state agencies as well as the full cooperation of their personnel.

d. Selecting nonlegislative members when conducting studies as provided in section 2.14.

e. Undertaking in-depth studies of governmental matters within their assigned jurisdiction, not only for the purpose of evaluating proposed legislation, but also for studying existing laws and governmental operations and functions to determine their usefulness and effectiveness, as provided in section 2.14.

f. Reviewing the operations of state agencies and departments.

g. Giving thorough consideration to, establishing priorities for, and making recommendations on all bills assigned to committees.

h. Preparing reports to be made available to members of the general assembly containing the committee's findings, recommendations, and proposed legislation.

2. A standing committee may call upon any department, agency or office of the state, or any political subdivision of the state, for information and assistance as needed in the performance of its duties and the information and assistance shall be furnished to the extent that they are within the resources and authority of the department, agency, office or political subdivision. This subsection does not require the production or opening of any records which are required by law to be kept private or confidential.

[C71, 73, 75, 77, 79, 81, §2.15]

84 Acts, ch 1171, §1; 85 Acts, ch 67, §1; 2008 Acts, ch 1032, §111

2.16 Prefiling legislative bills.

1. Any member of the general assembly or any person elected to serve in the general assembly, or any standing committee, may sponsor and submit legislative bills and joint resolutions for consideration by the general assembly, before the convening of any session of the general assembly. Each house may approve rules for placing prefiled standing committee bills or joint resolutions on its calendar. Such bills and resolutions shall be numbered, printed, and distributed in a manner to be determined by joint rule of the general assembly or, in the absence of such rule, by the legislative council. All such bills and resolutions, except those sponsored by standing committees, shall be assigned to regular standing committees by the presiding officers of the houses when the general assembly convenes.

2. Departments and agencies of state government shall, at least forty-five days prior to the convening of each session of the general assembly, submit copies to the legislative services agency of proposed legislative bills and joint resolutions which such departments desire to be considered by the general assembly. The proposed legislative bills and joint resolutions of the governor must be submitted by the Friday prior to the convening of the session of the general assembly, except in the year of the governor's initial inauguration. The legislative services agency shall review such proposals and submit them in proper form to the presiding officer in each house of the general assembly for referral to the proper standing committee. Before submitting any proposal prepared under this section to the presiding officers, the legislative services agency shall return it for review to, as appropriate, the relevant department or agency or the governor's office and such department or agency or the governor's office shall review and return it within seven days of such delivery.

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3. The costs of carrying out the provisions of this section shall be paid pursuant to section 2.12.

[C71, 73, 75, 77, 79, 81, §2.16]

86 Acts, ch 1245, §2002; 2003 Acts, ch 35, §44, 49

Referred to in §2A.4

2.17 Freedom of speech.

A member of the general assembly shall not be held for slander or libel in any court for words used in any speech or debate in either house or at any session of a standing committee.

[C51, §9; R60, §6; C73, §11; C97, §11; C24, 27, 31, 35, 39, §**22;** C46, 50, 54, 58, 62, 66, §2.23; C71, 73, 75, 77, 79, 81, §2.17]

2.18 Contempt.

Each house has authority to punish for contempt, by fine or imprisonment or both, any person who commits any of the following offenses against its authority:

1. Arresting a member, knowing the member to be such, in violation of the member's privilege, or assaulting, or threatening to assault, or threatening any harm to the person or property of, a member, knowing the member to be such, for anything said or done by the member in such house as a member thereof.

2. Attempting by menace, or by force, or by any corrupt means to control or influence a member in giving a vote, or to prevent giving it.

3. Disorderly or contemptuous conduct, tending to disturb its proceedings.

4. Refusal to attend, or to be sworn, or to affirm, or to be examined, as a witness before it, or before a committee thereof, when duly subpoenaed.

5. Assaulting or preventing any person going before it, or before any of its committees, by its order, the offender knowing such fact.

6. Rescuing or attempting to rescue any person arrested by its order, the offender knowing of such arrest.

7. Impeding any officer of such house in the discharge of the officer's duties as such, the offender knowing the officer's official character.

[C51, §12; R60, §8; C73, §14; C97, §18; C24, 27, 31, 35, 39, §**23;** C46, 50, 54, 58, 62, 66, §2.24; C71, 73, 75, 77, 79, 81, §2.18]

2.19 Punishment for contempt.

Fines and imprisonment for contempt shall be only by virtue of an order of the proper house, entered on its journals, stating the grounds thereof.

[C51, §14; R60, §10; C73, §15; C97, §19; C24, 27, 31, 35, 39, §**24;** C46, 50, 54, 58, 62, 66, §2.25; C71, 73, 75, 77, 79, 81, §2.19]

2.20 Warrant — execution.

Imprisonment for contempt shall be effected by a warrant, under the hand of the presiding officer, for the time being, of the house ordering it, countersigned by the acting secretary or clerk, in the name of the state, and directed to the sheriff or jailer of the proper county. Under such warrant, the proper officer will be authorized to commit and detain the person.

[C51, §14; R60, §10; C73, §15; C97, §19; C24, 27, 31, 35, 39, §**25;** C46, 50, 54, 58, 62, 66, §2.26; C71, 73, 75, 77, 79, 81, §2.20]

2.21 Fines — collection.

Fines for contempt shall be collected by a warrant, directed to any proper officer of any county in which the offender has property, and executed in the same manner as executions for fines issued from courts of record, and the proceeds paid into the state treasury.

[C51, §14; R60, §10; C73, §15; C97, §19; C24, 27, 31, 35, 39, §**26;** C46, 50, 54, 58, 62, 66, §2.27; C71, 73, 75, 77, 79, 81, §2.21]

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2.22 Punishment — effect.

1. Imprisonment for contempt shall not extend beyond the session at which it is ordered, and shall be in a facility designated by the presiding officer.

2. Punishment for contempt shall not constitute a bar to any other proceeding, civil or criminal, for the same act.

[C51, §13, 15; R60, §9, 11; C73, §16; C97, §20; C24, 27, 31, 35, 39, §**27;** C46, 50, 54, 58, 62, 66, §2.28; C71, 73, 75, 77, 79, 81, §2.22]

2.23 Witness — attendance compulsory.

Whenever a committee of either house, or a joint committee of both, is conducting an investigation requiring the personal attendance of witnesses, any person may be compelled to appear before such committee as a witness by serving an order upon the person, which service shall be made in the manner required in case of a subpoena in a civil action in the district court. Such order shall state the time and place a person is required to appear, be signed by the presiding officer of the body by which the committee was appointed, and attested by its acting secretary or clerk; or, in case of a joint committee, signed and attested by such officers of that body.

[C73, §17; C97, §21; C24, 27, 31, 35, 39, §**28;** C46, 50, 54, 58, 62, 66, §2.29; C71, 73, 75, 77, 79, 81, §2.23]

Referred to in §2.24

2.24 Witnesses — compensation.

Witnesses called by a standing or joint committee shall be entitled to the same compensation for attendance under section 2.23 as before the district court but shall not have the right to demand payment of their fees in advance.

[C73, §18; C97, §22; C24, 27, 31, 35, 39, §**29;** C46, 50, 54, 58, 62, 66, §2.30; C71, 73, 75, 77, 79, 81, §2.24]

Witness compensation in court, see §622.69 – 622.74

2.25 Joint conventions.

1. Joint conventions of the general assembly shall meet in the house of representatives for such purposes as are provided by law. The president of the senate, or, in the president's absence, the president pro tempore of the senate shall preside at such joint conventions.

2. The speaker of the house of representatives may, for purposes of canvass of votes for governor and lieutenant governor and for the inauguration of such officers, designate any suitable hall at the seat of government as the hall of the house of representatives.

[R60, §674, 675; C73, §19; C97, §23; C24, 27, 31, 35, 39, §**30;** C46, 50, 54, 58, 62, 66, §2.31; C71, 73, 75, 77, 79, 81, §2.25]

Referred to in §2.28

2.26 Secretary — record.

The clerk of the house of representatives shall act as secretary of the convention, and the clerk and the secretary of the senate shall keep a fair and correct record of the proceedings of the convention, which shall be entered on the journal of each house.

[R60, §677; C73, §21; C97, §25; C24, 27, 31, 35, 39, §**31;** C46, 50, 54, 58, 62, 66, §2.32; C71, 73, 75, 77, 79, 81, §2.26]

Referred to in §2.28

2.27 Canvass of votes for governor.

The general assembly shall meet in joint session on the same day the assembly first convenes in January of 1979 and every four years thereafter as soon as both houses have been organized, and canvass the votes cast for governor and lieutenant governor and determine the election. When the canvass is completed, the oath of office shall be

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administered to the persons so declared elected. Upon being inaugurated the governor shall deliver to the joint assembly any message the governor may deem expedient.

[S13, §30-a; C24, 27, 31, 35, 39, §**32;** C46, 50, 54, 58, 62, 66, §2.33; C71, 73, 75, 77, 79, 81, §2.27]

2007 Acts, ch 59, §1, 19; 2009 Acts, ch 57, §1

Referred to in §2.28

2.28 Tellers.

1. After the time for the meeting of the joint convention has been designated each house shall appoint three tellers, and the six shall act as judges of the election.

2. Canvassing the votes for governor and lieutenant governor shall be conducted substantially according to the provisions of sections 2.25 through 2.27 and this section.

[R60, §676; C73, §20, 26; C97, §24, 30; C24, 27, 31, 35, 39, §**33, 34;** C46, 50, 54, 58, 62, 66, §2.34, 2.35; C71, 73, 75, 77, 79, 81, §2.28]

2008 Acts, ch 1032, §1

2.29 Election — vote — how taken — second poll.

1. When any officer is to be elected by joint convention, the names of the members shall be arranged in alphabetical order by the secretaries, and each member shall vote in the order in which the member's name stands when so arranged. The name of the person voted for, and the names of the members voting, shall be entered in writing by the tellers, who, after the secretary shall have called the names of the members a second time, and the name of the person for whom each member has voted, shall report to the president of the convention the number of votes given for each candidate.

2. If no person shall receive the votes of a majority of the members present, a second poll may be taken, or as many polls as may be required until some person receives a majority.

[R60, §678, 679, 680; C73, §22, 23; C97, §26, 27; C24, 27, 31, 35, 39, §**35, 36;** C46, 50, 54, 58, 62, 66, §2.36, 2.37; C71, 73, 75, 77, 79, 81, §2.29]

2.30 Certificates of election.

When any person shall have received a majority of the votes, the president shall declare the person to be elected, and shall, in the presence of the convention, sign two certificates of such election, attested by the tellers, one of which the president shall transmit to the governor, and the other shall be preserved among the records of the convention and entered at length on the journal of each house. The governor shall issue a commission to the person so elected.

[R60, §682; C73, §25; C97, §29; C24, 27, 31, 35, 39, §**37;** C46, 50, 54, 58, 62, 66, §2.38; C71, 73, 75, 77, 79, 81, §2.30]

2.31 Adjournment.

If the purpose for which the joint convention is assembled is not concluded, the president shall adjourn or recess the same from time to time as the members present may determine.

[R60, §681; C73, §24; C97, §28; C24, 27, 31, 35, 39, §**38;** C46, 50, 54, 58, 62, 66, §2.39; C71, 73, 75, 77, 79, 81, §2.31]

2.32 Confirmation of appointments — procedures.

1. The governor shall either make an appointment or file a notice of deferred appointment by March 1 for the following appointments which are subject to confirmation by the senate:

a. An appointment to fill a term beginning on May 1 of that year.

b. An appointment to fill a vacancy, other than as provided for in paragraph *"d"*, existing prior to the convening of the general assembly in regular session in that year.

c. An appointment to fill a vacancy, other than as provided for in paragraph *"d"*, which is known, prior to the convening of the general assembly in regular session, will occur before May 1 of that year.

d. An appointment to fill a vacancy existing in a full-time compensated position on December 15 prior to the convening of the general assembly.

2. The governor shall file by February 1 with the secretary of the senate a list of all the

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appointment positions requiring gubernatorial action pursuant to subsection 1. The secretary of the senate shall provide the governor a written acknowledgment of the list within five days of its receipt. The senate shall approve the list or request corrections by resolution by February 15.

3. The governor shall submit all appointments requiring confirmation by the senate and notices of deferred appointment to the secretary of the senate who shall provide the governor's office with receipts of submission. Each notice of appointment shall be accompanied by a statement of the appointee's political affiliation. The notice of a deferred appointment shall be filed by the governor with the secretary of the senate and accompanied by a statement of reasons for the deferral. For appointments requiring confirmation by the senate made during the legislative interim, the notice of appointment shall be submitted to the secretary of the senate within three days of the appointment date.

4. A gubernatorial appointee, whose appointment is subject to confirmation by the senate and who serves at the pleasure of the governor, is subject to reconfirmation by the senate during the regular session of the general assembly convening in January if the appointee will complete the appointee's fourth year in office on or before the following April 30. For the purposes of this section, the submission of an appointee for reconfirmation is deemed the same as the submission of an appointee for confirmation and the procedures of this section regarding confirmation and the consequences of refusal to confirm are the same for reconfirmation.

5. If an appointment subject to senate confirmation is required by statute to be made by an appointing authority other than the governor, the duties assigned under this section to the governor shall be performed by the appointing authority.

6. If a vacancy in a position requiring confirmation by the senate, other than a full-time compensated position, occurs after the convening of the general assembly in regular session, the governor shall, within sixty calendar days after the vacancy occurs, either make an appointment or file a notice of deferred appointment unless the general assembly has adjourned its regular session before the sixty-day period expires. If a vacancy in a full-time compensated position requiring senate confirmation occurs after December 15, the governor shall, within ninety calendar days after the vacancy occurs, make an appointment or file a notice of deferred appointment unless the general assembly has adjourned its regular session before the ninety-day period expires.

7. If an appointment is submitted pursuant to subsection 1, the senate shall by April 15 of that year either approve, disapprove, or by resolution defer consideration of confirmation of the appointment. If an appointment is submitted pursuant to subsection 6, the senate shall either approve, disapprove, or by resolution defer consideration of confirmation of the appointment within thirty days after receiving the appointment from the governor. The senate may defer consideration of an appointment until a later time during that session, but the senate shall not adjourn that session until all appointments submitted pursuant to this section before the last thirty days of the session are approved or disapproved. If a nomination is submitted during the last thirty days of the session, the senate may by resolution defer consideration of the appointment until the next regular session of the general assembly and the nomination shall be considered as though made during the legislative interim.

8. The confirmation of every appointment submitted to the senate requires the approval of two-thirds of the members of the senate. The senate shall adopt rules governing the referral of appointments to committees, the reports of committees on appointments, and the confirmation of appointments by the senate.

9. A person whose appointment is subject to senate confirmation shall make available to the senate committee to which the appointment is referred, upon the committee's request, a notarized statement that the person has filed federal and state income tax returns for the three years immediately preceding the appointment, or a notarized statement of the legal reason for failure to file. In addition, a person whose appointment is subject to senate confirmation shall make available to the senate committee to which the appointment is referred a notarized statement on whether the person has filed a registration statement pursuant to the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq. If the appointment is to a board, commission, council, or other body empowered to

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take disciplinary action, all complaints and statements of charges, settlement agreements, findings of fact, and orders pertaining to any disciplinary action taken by that board, commission, council, or body in a contested case against the person whose appointment is being reviewed by the senate shall be made available to the senate committee to which the appointment is referred upon its request.

10. All tax records, complaint files, investigation files, other investigation reports, and other investigative information in the possession of the committee which relate to appointee tax filings or complaints and statements of charges, settlement agreements, findings of fact, and orders from any past disciplinary action in a contested case against the appointee are privileged and confidential and they are not subject to discovery, subpoena, or other means of legal compulsion for their release to a person other than the appointee unless otherwise provided by law.

11. Sixty days after a person's appointment has been disapproved by the senate, that person shall not serve in that position as an interim appointment or by holding over in office and the governor shall submit another appointment or file a notice of deferred appointment before the sixty-day period expires.

[C27, 31, 35, §38-b1; C39, §**38.1;** C46, 50, 54, 58, 62, 66, §2.40; C71, 73, 75, 77, 79, 81, §2.32]

85 Acts, ch 145, §1; 86 Acts, ch 1245, §2003; 88 Acts, ch 1128, §1; 94 Acts, ch 1184, §1; 2008 Acts, ch 1031, §73; 2009 Acts, ch 106, §1, 2, 14; 2018 Acts, ch 1061, §1

Referred to in §7E.8, 15E.63, 84A.1, 99D.5, 159A.13, 169.5, 216A.3, 257.30, 307A.4, 475A.1

2.32A Appointments by members of the general assembly to statutory boards, commissions, councils, and committees — per diem and expenses.

1. A member of the general assembly who is charged with making an appointment to a statutory board, commission, council, or committee shall make the appointment prior to the fourth Monday in January of the first regular session of each general assembly and in accordance with section 4A.13. If multiple appointing members are charged with making appointments of public members to the same board, commission, council, or committee, including as provided in section 333A.2, the appointing members shall consult with one another in making the appointments. If the senate appointing member for a legislative appointment is the president, majority leader, or the minority leader, the appointing member shall consult with the other two leaders in making the appointment. If the house of representatives appointing member is the speaker, majority leader, or minority leader, the appointing member shall consult with the other two leaders in making the appointment.

2. Each appointing member shall inform the director of the legislative services agency of the appointment and of the term of the appointment. The legislative services agency shall maintain an up-to-date listing of all appointments made or to be made by members of the general assembly.

3. The legislative services agency shall inform each appointee and each affected board, commission, council, or committee of the appointment and of the term of the appointment.

4. Unless otherwise specifically provided by law, a member of the general assembly shall be paid, in accordance with section 2.10, per diem and necessary travel and actual expenses incurred in attending meetings of a statutory board, commission, council, or committee to which the member is appointed by a member of the general assembly.

2008 Acts, ch 1156, §1, 58; 2009 Acts, ch 41, §2

Referred to in §2A.4, 4A.13, 256H.2

2.33 Differential treatment in legislation.

The general assembly shall not pass a bill that uses gender as the basis for differential treatment unless there is a compelling reason for the differential treatment and no reasonable alternatives exist by which the treatment could be mitigated or avoided.

84 Acts, ch 1042, §1

2.34 Reserved.

2.35 and 2.36 Repealed by 2008 Acts, ch 1156, §53, 58.

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2.37 through 2.39 Reserved.

2.40 Membership in state insurance plans.

1. *a.* A member of the general assembly may elect to become a member of a state group insurance plan for employees of the state established under chapter 509A subject to the following conditions:

(1) The member shall be eligible for all state group insurance plans on the basis of enrollment rules established for the largest number of full-time state employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

(2) The member shall pay that portion of the total premium for the plan selected on the same basis as paid by the largest number of full-time state employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

(3) The member shall authorize a payroll deduction of the premium due according to the member's pay plan selected pursuant to section 2.10, subsection 4.

b. A member of the general assembly may continue membership in a state group insurance plan without reapplication during the member's tenure as a member of consecutive general assemblies. For the purpose of electing to become a member of the state health or medical service group insurance plan, a member of the general assembly has the status of a "new hire", full-time state employee following each election of that member in a general or special election, or during the first subsequent annual open enrollment.

c. In lieu of membership in a state health or medical group insurance plan, a member of the general assembly may elect to receive reimbursement for the costs paid by the member for a continuation of a group coverage (COBRA) health or medical insurance plan. The member shall apply for reimbursement by submitting evidence of payment for a COBRA health or medical insurance plan. The maximum reimbursement shall be no greater than the state's contribution for health or medical insurance family plan II.

d. A member of the general assembly who elects to become a member of a state health or medical group insurance plan shall be exempted from preexisting medical condition waiting periods. A member of the general assembly may change programs or coverage under the state health or medical service group insurance plan during the month of January of odd-numbered years, but program and coverage change selections shall be subject to the enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

e. A person who has been a member of the general assembly for two years and who has elected to be a member of a state health or medical group insurance plan may continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after leaving office. The continuing former member of the general assembly shall pay the total premium for the state plan and shall have the same rights to change programs or coverage as state employees. This paragraph shall not be construed to permit a former member to become a member of a state health or medical group insurance plan providing programs or coverage of a type that the former member did not elect to continue pursuant to this paragraph.

f. In the event of the death of a former member of the general assembly who has elected to continue to be a member of a state health or medical group insurance plan, the surviving spouse of the former member whose insurance would otherwise terminate because of the death of the former member may elect to continue to be a member of such state health or medical group insurance plan by requesting continuation in writing to the finance officer within thirty-one days after the death of the former member. The surviving spouse of the former member shall pay the total premium for the state plan and shall have the same rights to change programs or coverage as state employees. For purposes of this paragraph, health or medical programs or coverage and dental programs or coverage are to be treated separately and the rights to change programs or coverage apply only to the type of programs or coverage that the continuing former member has elected to continue.

2. A part-time employee of the general assembly may elect to become a member of a state

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group insurance plan for employees of the state established under chapter 509A subject to the following conditions:

a. The part-time employee shall be eligible for all state group insurance plans on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20 and shall have the same rights to change programs or coverage as are afforded such state employees.

b. The part-time employee shall pay the total premium.

c. A part-time employee may continue membership in a state group insurance plan without reapplication during the employee's employment during consecutive sessions of the general assembly. For the purpose of electing to become a member of the state group insurance plan, a part-time employee of the general assembly has the status of a "new hire", full-time state employee when the employee is initially eligible or during the first subsequent enrollment change period.

d. (1) A part-time employee of the general assembly who elects membership in a state group insurance plan shall state each year whether the membership is to extend through the interim period between consecutive sessions of the general assembly.

(2) If the membership is to extend through the interim period the part-time employee shall authorize payment of the total annual premium through direct payment of the monthly premium for the plan selected to the state group insurance plan provider.

(3) The part-time employee shall notify the finance officer within thirty-one days after the conclusion of the general assembly whether the person's decision to extend the membership through the interim period is confirmed.

e. A member of a state group insurance plan pursuant to this subsection shall have the same rights upon final termination of employment as a part-time employee as are afforded full-time state employees excluded from collective bargaining as provided in chapter 20.

f. A part-time employee of the general assembly who elects membership in a state life insurance plan shall authorize payment of the premium through a total of two payments during each annual period made to the department of administrative services on dates prescribed by the department.

3. A full-time employee of the general assembly may elect to become a member of a state group insurance plan for employees of the state established under chapter 509A subject to the following conditions:

a. The full-time employee shall be eligible for all state group insurance plans on the basis of enrollment rules established for the largest number of full-time state employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20 and shall have the same rights to change programs or coverage as are afforded such state employees.

b. The full-time employee shall pay that portion of the total premium for the plan selected on the same basis as paid by the largest number of full-time state employees of the executive branch, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

c. A member of a state group insurance plan pursuant to this subsection shall have the same rights upon final termination of employment as are afforded the largest number of full-time state employees, other than employees of the state board of regents, that are excluded from collective bargaining as provided in chapter 20.

83 Acts, ch 205, §21; 88 Acts, ch 1267, §14; 89 Acts, ch 303, §14; 90 Acts, ch 1122, §1, 2; 95 Acts, ch 211, §15; 2003 Acts, ch 145, §286; 2005 Acts, ch 52, §1; 2008 Acts, ch 1031, §2; 2017 Acts, ch 35, §1 – 5

Limitation on additional coverage benefits, lower costs, or other enhancements of group health insurance coverage provided to general assembly members and employees on or after March 7, 2011; 2011 Acts, ch 122, §1, 5

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SUBCHAPTER II

LEGISLATIVE COUNCIL

2.41 Legislative council created.

1. A continuing legislative council of twenty-four members is created. The council is composed of the president and president pro tempore of the senate, the speaker and speaker pro tempore of the house of representatives, the majority and minority floor leaders of the senate, the chairperson of the senate committee on appropriations, the minority party ranking member of the senate committee on appropriations, three members of the senate appointed by the majority leader of the senate, three members of the senate appointed by the minority leader of the senate, the majority and minority floor leaders of the house of representatives, the chairperson of the house committee on appropriations, the minority party ranking member of the house committee on appropriations, three members of the house of representatives appointed by the speaker of the house of representatives, and three members of the house of representatives appointed by the minority leader of the house of representatives.

2. Members shall be appointed prior to the fourth Monday in January of the first regular session of each general assembly and shall serve for two-year terms ending upon the convening of the following general assembly or when their successors are appointed. Vacancies on the council, including vacancies which occur when a member of the council ceases to be a member of the general assembly, shall be filled by the appointing authority who made the original appointment. Insofar as possible at least two members of the council from each house shall be reappointed.

3. The council shall hold regular meetings at a time and place fixed by the chairperson of the council and shall meet at any other time and place as the council deems necessary.

[C58, §2.46; C62, 66, 71, 73, §2.49; C75, 77, 79, 81, §2.41]

86 Acts, ch 1245, §2005; 90 Acts, ch 1223, §6; 2008 Acts, ch 1156, §2, 58

2.42 Powers and duties of council.

The legislative council shall select its officers and prescribe its rules and procedure. The powers and duties of the council shall include, but not be limited to, the following:

1. To establish policies for the operation of the legislative services agency.

2. To appoint the director of the legislative services agency for such term of office as may be set by the council.

3. To prepare reports to be submitted to the general assembly at its regular sessions.

4. To appoint interim study committees consisting of members of the legislative council and members of the general assembly of such number as the council shall determine. Nonlegislative members may be included on such committees when the council deems the participation of such members advantageous to the conduct of the study.

5. To conduct studies and evaluate reports of studies assigned to study committees and make recommendations for legislative or administrative action thereon. Recommendations shall include such bills as the legislative council may deem advisable.

6. To cooperate with other states to discuss mutual legislative and governmental problems.

7. To recommend staff for the legislative council and the standing committees in cooperation with the chairperson of such standing committees.

8. To recommend changes or revisions in the senate and house rules and the joint rules for more efficient operation of the general assembly and draft proposed rule amendments, resolutions, and bills as may be required to carry out such recommendations, for consideration by the general assembly.

9. To recommend to the general assembly the names and numbers of standing committees of both houses.

10. To establish rules for the style and format for drafting and preparing of legislative bills and resolutions.

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11. To approve the appointment of the Iowa Code editor and the administrative code editor.

12. To establish policies for the distribution of information which is stored by the general assembly in an electronic format, including the contents of statutes or rules, other than value-added electronic publications as provided in section 2A.5. The legislative council shall establish payment rates that encourage the distribution of such information to the public, including private vendors reselling that information. The legislative council shall not establish a price that attempts to recover more than is attributable to costs related to reproducing and delivering the information.

13. To establish policies with regard to publishing printed and electronic versions of legal publications as provided in chapters 2A and 2B, including the Iowa Acts, Iowa Code, Iowa administrative bulletin, Iowa administrative code, and Iowa court rules, or any part of those publications. The publishing policies may include, but are not limited to: the style and format to be used; the frequency of publication; the contents of the publications; the numbering systems to be used; the preparation of editorial comments or notations; the correction of errors; the type of print or electronic media and data processing software to be used; the number of volumes to be published; recommended revisions; the letting of contracts for publication; the pricing of the publications to which section 22.3 does not apply; access to, and the use, reproduction, legal protection, sale or distribution, and pricing of related data processing software consistent with chapter 22; and any other matters deemed necessary to the publication of uniform and understandable publications.

14. To hear and act upon appeals of aggrieved employees of the legislative services agency and the office of ombudsman pursuant to rules of procedure established by the council.

15. Authority to review and delay the effective dates of rules and forms submitted by the supreme court pursuant to section 602.4202.

16. To implement the sexual harassment prohibitions and grievance, violation, and disposition procedures of section 19B.12 with respect to full-time, part-time, and temporary central legislative staff agency employees and to develop and distribute, at the time of hiring or orientation, a guide that describes for its employees the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures. This subsection does not supersede the remedies provided under chapter 216.

[C58, §2.47; C62, 66, 71, 73, §2.50; C75, 77, 79, 81, §2.42]

83 Acts, ch 186, §10001, 10201; 84 Acts, ch 1067, §1; 85 Acts, ch 65, §2, 3; 85 Acts, ch 197, §1; 87 Acts, ch 115, §2; 91 Acts, ch 258, §4; 92 Acts, ch 1086, §2; 96 Acts, ch 1099, §1; 2003 Acts, ch 35, §10, 49; 2010 Acts, ch 1031, §26; 2013 Acts, ch 10, §2; 2013 Acts, ch 140, §46; 2014 Acts, ch 1141, §30

Referred to in §2A.2, 2A.5, 2B.1, 2B.5A, 2B.5B, 2B.10, 2B.17, 2B.17A, 2B.18, 2B.33, 2B.34, 2B.35, 2B.37, 2B.39

2.43 General supervision over legislative facilities, equipment, and arrangements.

1. The legislative council in cooperation with the officers of the senate and house shall have the duty and responsibility for preparing for each session of the general assembly. Pursuant to such duty and responsibility, the legislative council shall assign the use of areas in the state capitol except for the areas used by the governor as of January 1, 1986, and, in consultation with the director of the department of administrative services and the capitol planning commission, may assign areas in other state office buildings, except for the judicial branch building, for use of the general assembly or legislative agencies. The legislative council shall provide the courts with use of space in the state capitol for ceremonial purposes. The legislative council may authorize the renovation, remodeling and preparation of the physical facilities used or to be used by the general assembly or legislative agencies subject to the jurisdiction of the legislative council and award contracts pursuant to such authority to carry out such preparation. The legislative council may purchase supplies and equipment deemed necessary for the proper functioning of the legislative branch of government.

2. In carrying out its duties under this section, the legislative council shall consult with the director of the department of administrative services and the capitol planning commission, but shall not be bound by any decision of the director in respect to the responsibilities and duties provided for in this section. The legislative council may direct the director of the

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department of administrative services or other state employees to carry out its directives in regard to the physical facilities of the general assembly, or may employ other personnel to carry out such functions.

3. The costs of carrying out the provisions of this section shall be paid pursuant to section 2.12.

[C71, 73, §2.51; C75, 77, 79, 81, §2.43]

86 Acts, ch 1245, §301; 2002 Acts, ch 1173, §23; 2003 Acts, ch 145, §104, 286; 2017 Acts, ch 170, §20

Referred to in §8A.322
Capitol space allocation, see also §8A.322

2.44 Expenses of council and special interim committees.

1. Members of the legislative council shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, and shall be paid the per diem specified in section 2.10, subsection 5, for each day in which engaged in the performance of their duties. However, the per diem and expenses shall not be paid when the general assembly is actually in session at the seat of government. The expenses and per diem shall be paid in the manner provided for in section 2.12.

2. Members of special interim study committees which may from time to time be created and members of the legislative fiscal committee who are not members of the legislative council shall be entitled to receive the same expenses and compensation provided for the members of the legislative council.

[C97, §181; S13, §181; C24, 27, 31, 35, 39, §**44;** C46, 50, §2.46; C54, §2.45; C58, §2.45, 2.48; C62, 66, §2.45, 2.51; C71, 73, §2.45, 2.52; C75, 77, 79, 81, §2.44]

91 Acts, ch 258, §5

2.45 Committees of the legislative council.

The legislative council shall be divided into committees, which shall include but not be limited to:

1. The legislative service committee which shall be composed of six members of the legislative council, consisting of three members from each house, to be appointed by the legislative council. The legislative service committee shall select a chairperson from its membership, and shall determine policies relating to the operation of the legislative services agency, subject to the approval of the legislative council.

2. The legislative fiscal committee, composed of the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees of the house and senate responsible for developing a state budget and appropriating funds, the chairpersons or their designated committee member and the ranking minority party members or their designated committee member of the committees on ways and means, and two members, one appointed from the majority party of the senate by the majority leader of the senate and one appointed from the majority party of the house by the speaker of the house of representatives. In each house, unless one of the members who represent the committee on ways and means is also a member of the legislative council, the person appointed from the membership of the majority party in that house shall also be appointed from the membership of the legislative council.

3. The legislative administration committee which shall be composed of six members of the legislative council, consisting of three members from each house, to be appointed by the legislative council. The legislative administration committee shall perform such duties as are assigned it by the legislative council.

4. *a.* The legislative capital projects committee which shall be composed of ten members appointed as follows:

(1) Two senate members of the legislative fiscal committee or the senate committee on appropriations, one to be appointed by the majority leader of the senate and one to be appointed by the minority leader of the senate.

(2) Two house members of the legislative fiscal committee or the house committee on

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appropriations, one to be appointed by the speaker of the house and one to be appointed by the minority leader of the house.

(3) The chairpersons of the senate and house committees on appropriations.

(4) Four members of the legislative council, one appointed by the speaker of the house, one by the majority leader of the senate, one by the minority leader of the house, and one by the minority leader of the senate.

b. The chairperson of the legislative council shall designate the chairperson or chairpersons of the legislative capital projects committee.

5. The legislative health policy oversight committee, which shall be composed of ten members of the general assembly, consisting of five members from each house, to be appointed by the legislative council. The legislative health policy oversight committee may meet annually to provide continuing oversight for Medicaid managed care, and to ensure effective and efficient administration of the program, address stakeholder concerns, monitor program costs and expenditures, and make recommendations.

[C97, §181; S13, §181; C24, 27, 31, 35, 39, §**39, 40;** C46, 50, §2.41, 2.42; C54, 58, 62, 66, 71, 73, §2.41; C75, 77, 79, 81, §2.45]

86 Acts, ch 1245, §2006; 89 Acts, ch 298, §1; 2002 Acts, ch 1162, §74; 2003 Acts, ch 35, §11, 44, 49; 2006 Acts, ch 1153, §16; 2008 Acts, ch 1032, §201; 2009 Acts, ch 86, §1; 2010 Acts, ch 1138, §2; 2015 Acts, ch 137, §64, 162, 163; 2016 Acts, ch 1139, §97; 2022 Acts, ch 1002, §60; 2023 Acts, ch 112, §55

2.46 Powers of legislative fiscal committee.

The legislative fiscal committee may, subject to the approval of the legislative council:

1. *Budget.* Gather information relative to budget matters for the purpose of aiding the legislature to properly appropriate money for the functions of government, and to report their findings to the legislature.

2. *Examination.* Examine the reports and official acts of the executive council and of each officer, board, commission, and department of the state, in respect to the conduct and expenditures thereof and the receipts and disbursements of public funds thereby. All state departments and agencies are required to immediately notify the legislative fiscal committee of the legislative council and the director of the legislative services agency if any state facilities within their jurisdiction have been cited for violations of any federal, state, or local laws or regulations or have been decertified or notified of the threat of decertification from compliance with any state, federal, or other nationally recognized certification or accreditation agency or organization.

3. *Reorganization.* Make a continuous study of all offices, departments, agencies, boards, bureaus, and commissions of the state government and shall determine and recommend to each session of the legislature what changes therein are necessary to accomplish the following purposes:

a. To reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of state government.

b. To increase the efficiency of the operations of the state government to the fullest extent practicable within the available revenues.

c. To group, coordinate, and consolidate judicial districts, agencies and functions of the government, as nearly as may be according to major purposes.

d. To reduce the number of offices, agencies, boards, commissions, and departments by consolidating those having similar functions, and to abolish such offices, agencies, boards, commissions, and departments, or functions thereof, as may not be necessary for the efficient and economical conduct of state government.

e. To eliminate overlapping and duplication of effort on the part of such offices, agencies, boards, commissions, and departments of the state government.

4. *Administration of legislative database.* Determine the policy for the content and administration of a legislative database.

5. *Information needs determination.* Determine the information needs of the general assembly and report them to the director of the department of administrative services who

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shall consider such needs in establishing the operating policies for a database management system.

[C97, §181, 182; S13, §181; C24, 27, 31, 35, 39, §**42, 45;** C46, 50, §2.44, 2.47; C54, 58, 62, 66, 71, 73, §2.43; C75, 77, §2.46; C79, §2.46, 2.54; C81, §2.46]

86 Acts, ch 1245, §302; 89 Acts, ch 298, §2; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 145, §286

2.47 Procedure.

The chairpersons of the committees on appropriations shall serve as co-chairpersons of the legislative fiscal committee. The legislative fiscal committee shall determine its own method of procedure and shall meet as often as deemed necessary, subject to the approval of the legislative council. It shall keep a record of its proceedings which shall be open to public inspection, and it shall inform the legislative council in advance concerning the dates of meetings of the committee.

[C75, 77, 79, 81, §2.47]

2023 Acts, ch 64, §1

2.47A Powers and duties of legislative capital projects committee.

1. The legislative capital projects committee shall do all of the following:

a. Receive the recommendations of the governor regarding the funding and priorities of proposed capital projects pursuant to section 8.3A, subsection 2, paragraph *"b"*.

b. Receive the reports of all capital project budgeting requests of all state agencies, with individual state agency priorities noted, pursuant to section 8.5, subsection 12.

c. Receive annual status reports for all ongoing capital projects of state agencies.

d. Examine and evaluate, on a continuing basis, the state's system of contracting and subcontracting in regard to capital projects.

2. The legislative capital projects committee, subject to the approval of the legislative council, may do all of the following:

a. Gather information relative to capital projects, for the purpose of aiding the general assembly to properly appropriate moneys for capital projects.

b. Examine the reports and official acts of the state agencies, as defined in section 8.3A, with regard to capital project planning and budgeting and the receipt and disbursement of capital project funding.

c. Establish advisory bodies to the committee in areas where technical expertise is not otherwise readily available to the committee. Advisory body members may be reimbursed for actual and necessary expenses from funds appropriated pursuant to section 2.12, but only if the reimbursement is approved by the legislative council.

d. Compensate experts from outside state government for the provision of services to the committee from funds appropriated pursuant to section 2.12, but only if the compensation is approved by the legislative council.

e. Make recommendations to the legislative fiscal committee, legislative council, and the general assembly regarding issues relating to the planning, budgeting, and expenditure of capital project funding.

3. The capital projects committee shall determine its own method of procedure and shall keep a record of its proceedings which shall be open to public inspection. The committee shall meet as often as deemed necessary, subject to the approval of the legislative council, and the committee shall inform the legislative council in advance of its meeting dates.

89 Acts, ch 298, §3; 90 Acts, ch 1168, §1; 91 Acts, ch 268, §601; 95 Acts, ch 214, §1; 2001 Acts, 2nd Ex, ch 2, §1, 13; 2003 Acts, ch 145, §105; 2007 Acts, ch 115, §1; 2024 Acts, ch 1185, §87

2.48 Review of tax incentive programs.

1. As used in this section, *"tax expenditure"* means an exclusion from the operation or collection of a tax imposed in this state. Tax expenditures include tax credits, exemptions, deductions, and rebates. Tax expenditures also include sales tax refunds issued pursuant to section 423.3 or 423.4.

2. *a.* (1) The department administering a tax expenditure described in subsection 3 shall

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engage in a review of the tax expenditure based upon the schedule in subsection 3, unless the tax expenditure is repealed. For purposes of this section, a tax expenditure is considered repealed if a zero amount remains available to be awarded, issued, or claimed under law. If multiple departments administer the tax expenditure, the departments shall cooperate in the review.

(2) The review shall consist of evaluating any tax expenditure described in subsection 3 and assess its equity, simplicity, competitiveness, public purpose, adequacy, and extent of conformance with the original purpose of the legislation that enacted the tax expenditure, as those issues pertain to taxation in Iowa.

b. (1) The department shall file a report detailing the review with the general assembly no later than December 15 of the year the credit is scheduled to be reviewed in subsection 3.

(2) The report may include recommendations for better aligning tax expenditures with the original intent of the legislation that enacted the tax expenditure.

3. The applicable department shall review the following tax expenditures and incentives according to the following schedule:

a. In 2011:

(1) The tax credits for increasing research activities available under sections 422.10 and 422.33.

(2) The franchise tax credits available under sections 422.11 and 422.33.

(3) The earned income tax credit available under section 422.12B.

b. In 2012:

(1) The targeted jobs withholding credits available under section 403.19A.

(2) Funding of urban renewal projects with increased local sales and services tax revenues under section 423B.10.

(3) School tuition organization tax credits under sections 422.11S and 422.33.

(4) Tuition and textbook tax credits under section 422.12.

c. In 2013:

(1) The child and dependent care and early childhood development tax credits under section 422.12C.

(2) The endow Iowa tax credits authorized under section 15E.305.

(3) The redevelopment tax credits available under section 15.293A.

(4) Property tax revenue divisions for urban renewal areas under section 403.19.

d. In 2014:

(1) Historic preservation tax credits under chapter 404A.

(2) Renewable energy tax credits under chapter 476C.

(3) The E-85 gasoline promotion tax credits available under section 422.11O.

(4) The biodiesel blended fuel tax credits available under section 422.11P.

e. In 2015:

(1) The beginning farmer tax credit program as provided in chapter 16, subchapter VIII, part 5, subpart B.

(2) The claim of right tax credit under section 422.5.

(3) The reduction in allocating income to Iowa by S corporation shareholders under section 422.8.

(4) (a) The assistive device corporate tax credit under section 422.33.

(b) This subparagraph is repealed January 1, 2031.

(5) The charitable conservation contribution tax credit under sections 422.11W and 422.33.

(6) The motor vehicle fuel tax credit under section 422.110.

f. In 2016:

(1) The homestead tax exemption and credit under chapter 425.

(2) The elderly and disabled property tax credit under chapter 425.

(3) The agricultural land tax credit under chapter 426.

(4) The military service tax credit under chapter 426A.

g. In 2017, the innovation fund investment tax credit available under section 15E.52.

h. In 2022, the renewable chemical production tax credit program available under sections 15.315 through 15.322.

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4. A tax expenditure or incentive reviewed pursuant to subsection 3 shall be reviewed again not more than five years after the tax expenditure or incentive was most recently reviewed.

2010 Acts, ch 1138, §3; 2012 Acts, ch 1110, §1; 2012 Acts, ch 1124, §1, 2; 2012 Acts, ch 1136, §29, 39 – 41; 2013 Acts, ch 117, §1, 7; 2013 Acts, ch 125, §1, 23, 24; 2014 Acts, ch 1026, §2; 2014 Acts, ch 1080, §79, 80, 98, 115, 125; 2014 Acts, ch 1130, §28; 2015 Acts, ch 138, §107, 126, 127; 2016 Acts, ch 1065, §2, 15, 16; 2016 Acts, ch 1138, §4; 2017 Acts, ch 29, §1; 2019 Acts, ch 161, §1, 18, 19; 2021 Acts, ch 177, §109; 2022 Acts, ch 1002, §61 – 63; 2022 Acts, ch 1061, §28, 38; 2023 Acts, ch 71, §23, 48, 49; 2025 Acts, ch 136, §25, 26, 59, 70, 87, 90; 2025 Acts, ch 148, §61 – 64; 2026 Acts, ch 1199, §16, 20

Referred to in §422.25, 423.37

For future strike of subsection 3, paragraph h, effective July 1, 2039, see 2017 Acts, ch 29, §2, 169; 2025 Acts, ch 148, §65

2025 amendment to subsection 3, paragraph e, former subparagraph (5) applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §90

Subsection 3, paragraph e, subparagraph (7) stricken

2.49 and 2.50 Repealed by 2003 Acts, ch 35, §47, 49. See chapter 2A.

2.51 Visitations.

The legislative fiscal committee, with the approval of the legislative council, may direct a subcommittee, which shall be composed of the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on appropriations of the senate and the house of representatives and the chairpersons of the appropriate standing committees of the general assembly, to visit the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs. When the legislative fiscal committee visits the offices and facilities of any state office, department, agency, board, bureau, or commission to review programs authorized by the general assembly and the administration of the programs, there shall be included the chairpersons and minority party ranking members of the appropriate subcommittees of the committees on appropriations of the senate and the house of representatives. The legislative council may appoint a member of the subcommittee or standing committee to serve in place of that subcommittee's or standing committee's chairperson or minority party ranking member on the legislative fiscal visitation committee or subcommittee if that person will be absent. The subcommittee and the legislative fiscal committee shall be provided with information by the legislative services agency concerning budgets, programs, and legislation authorizing programs prior to any visitation. Members of a committee shall be compensated pursuant to section 2.10, subsection 5. The subcommittee shall make reports and recommendations as required by the legislative fiscal committee.

[C75, 77, 79, 81, §2.51]

84 Acts, ch 1026, §1; 2003 Acts, ch 35, §45, 49; 2023 Acts, ch 64, §2

2.52 Access — subpoenas. Repealed by 2003 Acts, ch 35, §47, 49. See §2A.3.

2.53 and 2.54 Reserved.

2.55 and 2.55A Repealed by 2003 Acts, ch 35, §47, 49.

SUBCHAPTER III

CORRECTIONAL IMPACT STATEMENTS

2.56 Correctional impact statements.

1. Prior to debate on the floor of a chamber of the general assembly, a correctional impact statement shall be attached to any bill, joint resolution, or amendment which proposes a change in the law which creates a public offense, significantly changes an existing public offense or the penalty for an existing offense, or changes existing sentencing, parole, or

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probation procedures. The statement shall include information concerning the estimated number of criminal cases per year that the legislation will impact, the fiscal impact of confining persons pursuant to the legislation, the impact of the legislation on minorities, the impact of the legislation upon existing correctional institutions, community-based correctional facilities and services, and jails, the likelihood that the legislation may create a need for additional prison capacity, and other relevant matters. The statement shall be factual and shall, if possible, provide a reasonable estimate of both the immediate effect and the long-range impact upon prison capacity.

2. *a.* When a committee of the general assembly reports a bill, joint resolution, or amendment to the floor, the committee shall state in the report whether a correctional impact statement is or is not required.

b. The legislative services agency shall review all bills and joint resolutions placed on the calendar of either chamber of the general assembly, as well as amendments filed to bills or joint resolutions on the calendar, to determine whether a correctional impact statement is required.

c. A member of the general assembly may request the preparation of a correctional impact statement by submitting a request to the legislative services agency.

3. The legislative services agency shall cause to be prepared a correctional impact statement within a reasonable time after receiving a request or determining that a proposal is subject to this section. All correctional impact statements approved by the legislative services agency shall be transmitted immediately to either the chief clerk of the house or the secretary of the senate, after notifying the sponsor of the legislation that the statement has been prepared for publication. The chief clerk of the house or the secretary of the senate shall attach the statement to the bill, joint resolution, or amendment affected as soon as it is available.

4. The legislative services agency may request the cooperation of any state department or agency or political subdivision in preparing a correctional impact statement.

5. The legislative services agency, in cooperation with the department of health and human services as the agency responsible for criminal and juvenile justice planning, shall develop a protocol for analyzing the impact of the legislation on minorities.

6. A revised correctional impact statement shall be prepared if the correctional impact has been changed by the adoption of an amendment, and may be requested by a member of the general assembly or be prepared upon a determination made by the legislative services agency. However, a request for a revised correctional impact statement shall not delay action on the bill, joint resolution, or amendment unless so ordered by the presiding officer of the chamber.

93 Acts, ch 171, §14; 2003 Acts, ch 35, §12, 49; 2008 Acts, ch 1095, §1, 2, 4; 2023 Acts, ch 19, §1

Referred to in §2A.4, 8.98

2.57 Reserved.

2.58 through 2.60 Repealed by 2003 Acts, ch 35, §47, 49. See chapter 2A.

SUBCHAPTER IV

RESEARCH REQUESTS — INTERIM STUDY COMMITTEES

2.61 Requests for research.

Requests for research on governmental matters may be made to the legislative services agency by either house of the general assembly, committees of either house of the general assembly, special interim committees of the general assembly, the legislative council, or upon petition by twenty or more members of the general assembly. Any legislative committee may request the legislative services agency to do research on any matter under consideration by such committee. For each such request the legislative council may, if deemed advisable,

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authorize a special interim study committee to conduct the research study or may request a standing committee to conduct such study. Members on a study committee shall be appointed by the council and shall consist of at least one member of the council and such other members of the majority and minority parties of the senate and the house of representatives as the council may designate. As far as practicable, a study committee shall include members of standing committees concerned with the subject matter of the study. No legislator shall serve on more than two study committees. Nonlegislative members having special knowledge of the subject under study may be appointed by the council to a study committee but such members shall be nonvoting members of such committee. The legislative services agency shall assist study committees on research studies when authorized by the legislative council.

[C58, §2.52; C62, 66, §2.55; C71, 73, 75, 77, 79, 81, §2.61]

2003 Acts, ch 35, §44, 46, 49

2.62 Interim study committee powers.

Special interim study committees shall have the following powers and duties:

1. Elect officers and adopt necessary rules for the conduct of business.
2. Conduct research on any matter connected with the study assigned by the legislative council.
3. Hold hearings.
4. Make regular progress reports to the legislative council.
5. Make a report, which may include recommendations, to the legislative council. Copies of study committee reports shall be made available to members of the general assembly and may be made available to other interested individuals upon request. The reports shall not be final until approved by the legislative council.

[C62, 66, §2.57; C71, 73, 75, 77, 79, 81, §2.62]

2.63 Interim study committee meetings.

Special interim study committees shall first meet at the call of the ranking legislative council member assigned to the study committee, and shall thereafter meet at such time as study committee members shall so designate. Any legislator may attend any study committee meeting or any hearing held by a study committee. All study committee meetings shall be open to the public.

[C62, 66, §2.58; C71, 73, 75, 77, 79, 81, §2.63]

2.64 through 2.67 Repealed by 2003 Acts, ch 35, §47, 49. See chapter 2A.

2.68 Reserved.

SUBCHAPTER V

STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE

2.69 State government efficiency review committee established. Repealed by 2024 Acts, ch 1170, §53.

2.70 through 2.99 Reserved.

2.100 through 2.104 Repealed by 2003 Acts, ch 35, §47, 49. See chapter 2A.

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CHAPTER 2A

LEGISLATIVE SERVICES AGENCY

Referred to in §2.42, 2B.33, 2B.34, 2B.35, 2B.37, 2B.39

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2A.1 Legislative services agency created — services — legislative privileges — nonpartisanship and nonadvocacy.

1. A legislative services agency is created as a nonpartisan, central legislative staff agency under the direction and control of the legislative council. The agency shall cooperate with and serve all members of the general assembly, the legislative council, and committees of the general assembly.

2. The legislative services agency shall provide the following services:

a. Legal and fiscal analysis, including legal drafting services, fiscal analysis of legislation, and state expenditure, revenue, and budget review.

b. State government oversight and performance evaluation.

c. Staffing of standing committees, revenue and budget committees, statutory committees, and interim study committees, and any subcommittees of such committees, including the provision of legal and fiscal analysis to committees and subcommittees.

d. Publication of the official legal publications of the state, including but not limited to the Iowa Acts, Iowa Code, Iowa administrative bulletin, Iowa administrative code, and Iowa court rules as provided in chapter 2B. The legislative services agency shall do all of the following:

(1) Designate a legal publication described in chapter 2B as an official legal publication. The legislative services agency may also designate a legal publication as an unofficial legal publication. The legislative services agency may use the great seal of the state of Iowa as provided in section 1A.1 or other symbol to identify an official or unofficial legal publication.

(2) Provide for citing official legal publications as provided in chapter 2B.

e. Operation and maintenance of the legislative computer systems used by the senate, house of representatives, and the central legislative staff agencies.

f. Provision of legislative information to the public, provision of library information, management of legislative visitor protocol services, and provision of capitol tour guide services.

g. Other functions as assigned to the legislative services agency by the legislative council or the general assembly.

3. The legislative services agency shall provide services to the general assembly in such a manner as to preserve the authority of the senate and the house of representatives to determine their own rules of proceedings and to exercise all other powers necessary for a separate branch of the general assembly of a free and independent state, and to protect the legislative privileges of the members and employees of the general assembly. In providing services to the general assembly, the legislative services agency shall adhere to all applicable policies of the general assembly and its constituent bodies relating to public access to legislative information and related confidentiality restrictions.

4. The director and all other employees of the legislative services agency shall not participate in partisan political activities and shall not be identified as advocates or opponents of issues subject to legislative debate except as otherwise provided by law or by the legislative council.

2003 Acts, ch 35, §1, 49; 2010 Acts, ch 1031, §27; 2014 Acts, ch 1141, §31
Referred to in §2B.17, 2B.18

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2A.2 Director — duties.

1. The administrative head of the legislative services agency shall be the director appointed by the legislative council as provided in section 2.42. The salary of the director shall be set by the legislative council.

2. The director shall do all of the following:

a. Employ persons with expertise to perform the legal, fiscal, technical, and other functions which are required to be performed by the legislative services agency by this chapter or are assigned to the legislative services agency by the legislative council or the general assembly.

b. Supervise all employees of the legislative services agency, including the legal counsel designated to provide legal assistance to the administrative rules review committee, and supervise any outside service providers retained by the legislative services agency.

c. Supervise all expenditures of the agency.

d. Supervise the legal and fiscal analysis and legal publication functions of the agency.

e. Supervise the government oversight and program evaluation functions of the agency.

f. Supervise the committee staffing functions of the agency.

g. Supervise the computer systems services functions of the agency.

h. Supervise the legislative and library information, legislative visitor protocol, and capitol tour guide functions of the agency.

i. (1) Use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

(2) An employee may challenge the results of the submission of the employee's information to the e-verify system of the United States citizenship and immigration services by submitting a challenge, including documentation proving that the results are incorrect, to the legislative council within ten calendar days of receipt of the results. The legislative council shall review the challenge and communicate the results of the appeal to the employee and the director as soon as practicable.

(3) The director shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to subparagraph (2), if applicable.

j. Perform other functions as assigned to the director by the legislative council or the general assembly.

2003 Acts, ch 35, §2, 49; 2026 Acts, ch 1156, §8, 35
Subsection 2, NEW paragraph i and former paragraph i redesignated as j

2A.3 Information access — confidentiality — subpoenas.

1. *a.* The director and agents and employees of the legislative services agency, with respect to the agency's provision of services relating to fiscal analysis of legislation, state expenditure, revenue, and budget review, state government oversight and performance evaluation, and staffing of revenue and budget committees, shall at all times have access to all agencies, offices, boards, and commissions of the state and its political subdivisions and private organizations providing services to individuals under contracts with state agencies, offices, boards, or commissions and to the information, records, instrumentalities, and properties used in the performance of such entities' statutory duties or contractual arrangements. All such entities and the described private organizations shall cooperate with the director, and shall make available to the director such information, records, instrumentalities, and properties upon request.

b. If the information sought by the legislative services agency, with respect to the agency's provision of services described in paragraph "*a*", is required by law to be kept confidential, the agency shall have access to the information, but shall maintain the confidentiality of the information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the legislative services agency shall not have access to tax return information except for individual income tax sample data as provided in section 422.72, subsection 1.

c. The director may issue subpoenas for production of any information, records,

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instrumentalities, or properties to which the director is authorized to have access under paragraph *"a"*. If any person subpoenaed refuses to produce the information, records, instrumentalities, or properties, the director may apply to the district court having jurisdiction over that person for the enforcement of the subpoena.

2. The director and agents and employees of the legislative services agency, with respect to the agency's provision of services relating to legal analysis, drafting, and publications, staffing of subject matter standing and statutory committees, and provision of legislative information to the public, may call upon any agency, office, board, or commission of the state or any of its political subdivisions or private organizations providing services to individuals under contracts with a state agency, office, board, or commission for such information and assistance as may be needed in the provision of services described in this subsection. Such information and assistance shall be furnished within the resources and authority of such agency, office, board, or commission. This requirement of furnishing such information and assistance shall not be construed to require the production or opening of any public records which are required by law to be kept private or confidential.

3. The director, an agent or former agent, and an employee or former employee of the legislative services agency shall not be compelled to give testimony or to appear and produce documentary evidence in a judicial or quasi-judicial proceeding if the testimony or documentary evidence sought relates to a legislative duty or act concerning the consideration or passage or rejection of proposed legislation performed by the director, agent, or employee. An order or subpoena purporting to compel testimony or the production of documentary evidence protected under this subsection is unenforceable.

2003 Acts, ch 35, §3, 49

2A.4 Specific services — public policy recommendations restricted.

The legislative services agency shall provide the following specific services:

1. Preparation of legal and legislative analysis of any governmental matter upon the proper request of members and committees of the general assembly. Such analysis shall not contain any public policy recommendations. Such legal analysis shall be provided through the exercise of an attorney-employee's independent, professional judgment.

2. Drafting and preparation of legislation, including bills, resolutions, and amendments, for committees and individual members of the general assembly; proposed bills and joint resolutions for state agencies and the governor in accordance with section 2.16; and bills embodying a plan of legislative and congressional redistricting prepared in accordance with chapter 42.

3. Fiscal analysis of legislation, and state expenditure, revenue, and budget review. The director of the agency or the director's designee may make recommendations to the general assembly concerning the state's expenditures and revenues.

4. Attendance at the budget hearings required by section 8.26. The director of the agency may offer explanations or suggestions and make inquiries with respect to such budget hearings.

5. Assistance to standing committees and members of the general assembly in attaching fiscal notes to bills and resolutions as provided by the rules of the general assembly.

6. Performance of the duties pertaining to the preparation of correctional impact statements as provided in section 2.56.

7. Furnishing information, acting in an advisory capacity, providing staffing services, and reporting to standing, statutory, and interim committees of the general assembly.

8. Provision of staffing services including but not limited to preparation of legal and legislative analysis for the administrative rules review committee.

9. Preparation of legal and legislative analysis for the legislative council with respect to rules and forms submitted by the supreme court to the legislative council pursuant to section 602.4202.

10. Review and oversight of state program operations and program evaluation of state agencies, including compliance, efficiency, and effectiveness determinations, as required by section 2A.7.

11. Provision of legislative computer systems services to the senate, house of

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representatives, and central legislative staff agencies, and provision of advice regarding legislative computer systems services, needs, capabilities, and uses to the legislative council and the general assembly.

12. Maintenance of an up-to-date listing of all appointments made or to be made by members of the general assembly as required by section 2.32A and in accordance with section 4A.13. The legislative services agency may post on the general assembly's internet site information regarding the organization and activities of boards, commissions, councils, and committees to which members of the general assembly make appointments.

2003 Acts, ch 35, §4, 49; 2008 Acts, ch 1156, §3, 58

2A.5 Official legal and other publications — procurements.

1. The legislative services agency shall publish the official legal publications of the state as provided in chapter 2B. The legislative services agency shall have legal custody of the publications and shall provide for the warehousing, sale, and distribution of the publications. The legislative services agency shall retain or cause to be retained a number of old editions of the publications but may otherwise distribute or cause to be distributed old editions of the publications to any person upon payment by the person of any distribution costs. This section and chapter 2B do not require the legislative services agency to publish a publication in both a printed and electronic version.

2. The printed versions of the publications listed in this subsection shall be sold at a price to be established by the legislative services agency. In determining the prices, the legislative services agency shall consider the costs of printing, binding, distribution, and paper stock, compilation and editing labor costs, and any other associated costs. The legislative services agency shall also consider the number of volumes or units to be printed, sold, and distributed in the determination of the prices.

a. The Iowa Code.

b. The Iowa Acts.

c. The Iowa court rules.

d. The Iowa administrative code.

e. The Iowa administrative bulletin.

3. The legislative services agency shall publish annually an electronic or printed version of the roster of state officials. The roster of state officials shall include a correct list of state officers and deputies; members of boards and commissions; justices of the supreme court, judges of the court of appeals, and judges of the district courts including district associate judges and judicial magistrates; and members of the general assembly. The office of the governor shall cooperate in the preparation of the list.

4. The legislative services agency shall in each odd-numbered year compile for publication a printed or electronic version of the Iowa official register for distribution as soon as practicable. The register shall contain historical, political, and other information and statistics of general value but shall not contain information or statistics of a partisan character. The printed and electronic versions of the register need not contain the same information and statistics but shall be published to provide the greatest access to such information and statistics at the most reasonable cost as determined by the legislative services agency. The different versions of the register may be distributed free of charge, may be distributed free of charge except for postage and handling charges, or may be sold at a price to be established by the legislative services agency.

5. The legislative services agency may establish policies for the production, editing, distribution, and pricing of electronic publications containing information stored by the legislative branch in an electronic format, including information contained in the printed publications listed in this section. Such electronic publications may include programming not originally part of the stored information, including but not limited to search and retrieval functions. The policies shall provide for the widest possible distribution of these value-added electronic publications at the lowest price practicable, which shall not be more than the costs attributable to producing, editing, and distributing the electronic publications.

6. Subject to section 2.42, the legislative services agency shall determine its procurement procedures, which may include procurement determinations based on service provider

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competence, meeting of service or product specifications, and reasonableness of price; the posting of security to accompany a service provider proposal; the preference of Iowa-based businesses if comparable in price; the disclosure of service provider assignments; the inclusion of renewal options; the imposition of liquidated damages and other penalties for breach of any service provider requirement; and the rejection of all service provider proposals and institution of a new procurement process.

2003 Acts, ch 35, §5, 48, 49; 2010 Acts, ch 1031, §28 – 30; 2014 Acts, ch 1141, §32, 33
Referred to in §2.42, 2A.6, 7A.27, 7D.6, 9F.4, 22.3A

2A.6 Special distribution of legal publications.

1. The legislative services agency shall make available electronic or printed versions of the official legal publications listed in section 2A.5, to the three branches of state government, to elected county officers, to county and city assessors, to Iowa's congressional delegation, to federal courts in Iowa and federal judges and magistrates for Iowa, and to state and university depository libraries, the library of Congress, and the library of the United States supreme court.

2. The legislative services agency may review the publication costs and offsetting sales revenues relating to legal publications in electronic and printed formats. If a legal publication is available in an electronic version, the legislative services agency may provide the version free of charge or may charge a fee for any mailing or handling costs in the distribution of the electronic version or may charge a fee for an electronic version which includes programming not originally part of the stored information, including but not limited to search and retrieval functions. The legislative services agency shall establish policies requiring payment for any printed versions of the official legal publications from persons to whom the legislative services agency is obligated to make the legal publications available pursuant to subsection 1.

2003 Acts, ch 35, §6, 49; 2010 Acts, ch 1031, §31
State publications, see §8A.205

2A.7 State government oversight and program evaluation.

1. The general assembly shall independently and intensively review and oversee the performance of state agencies in the operation of state programs to evaluate the efficiency and effectiveness of the state programs and to consider alternatives which may improve the benefits of such programs or may reduce their costs to the citizens of the state. The legislative services agency shall provide technical and professional support for the general assembly's oversight responsibility.

2. The general assembly by concurrent resolution or the legislative council may direct the legislative services agency to conduct a program evaluation of any state agency. Upon the passage of the concurrent resolution or receiving the direction of the legislative council, the director of the legislative services agency shall inform the chairpersons of the committees responsible for appropriations of the anticipated cost of the program evaluation and the number and nature of any additional personnel needed to conduct the program evaluation and shall notify the official responsible for the program to be evaluated. The director, after consulting with the responsible official and the entity requesting the program evaluation, shall determine the goals and objectives of the state agency or state program for the purpose of the program evaluation.

3. In conducting the program evaluation, the legislative services agency may make certain determinations including but not limited to the following:

a. The organizational framework of the state agency, its adequacy and relationship to the overall structure of state government, and whether the program under the agency's jurisdiction could be more effective if consolidated with another program, transferred to another program, or modified, or whether the program should be abolished.

b. Whether the state agency is conducting programs and activities and expending funds appropriated to the state agency in compliance with state and federal law and any executive order of the governor, and whether statutory or administrative rule changes are advisable.

c. Whether the state agency is conducting authorized activities and programs pursuant to goals and objectives established by statute or rule, specific legislative intent, the budget,

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the governor, or a strategic or other long-range plan, and whether alternatives which might produce the desired results at a lower cost have been considered.

d. Whether the state agency is conducting programs and activities and expending funds appropriated to the state agency in an efficient and effective manner, has complied with all applicable laws, and, if not, determine the causes for such inefficiency, ineffectiveness, or noncompliance.

e. Relationships within and among other governmental agencies and programs including financial exchanges, coordination, inconsistent programs, and areas of duplication or overlapping programs.

f. The productivity of the state agency's operations measured in terms of cost-benefit relationships or other accepted measures of effectiveness.

g. Other criteria determined by the director.

4. Upon the completion of the program evaluation and preparation of a report on the evaluation, the legislative services agency shall provide a copy of the report to the governing official or board of the state agency and afford the state agency a reasonable opportunity to respond to the findings and recommendations of the report. The response shall be included in the final version of the report released to the general assembly or the legislative council. Until its release the report shall be regarded as confidential by all persons properly having custody of the report.

2003 Acts, ch 35, §7, 49
Referred to in §2A.4

2A.8 Sales — tax exemption. Repealed by 2004 Acts, ch 1073, §51. See §423.3(33).

CHAPTER 2B

LEGAL PUBLICATIONS

Referred to in §2.42, 2A.1, 2A.5, 25B.5

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SUBCHAPTER I

GENERAL PROVISIONS

Referred to in §2B.37

2B.1 Iowa Code and administrative code editors.

1. The director of the legislative services agency shall appoint the Iowa Code editor and the administrative code editor, subject to the approval of the legislative council, as provided in section 2.42. The Iowa Code editor and the administrative code editor shall serve at the pleasure of the director of the legislative services agency.

2. The Iowa Code and administrative code editors are responsible for the editing, compiling, and proofreading of the publications they prepare, as provided in this chapter. The Iowa Code editor is entitled to the temporary possession of the original enrolled Acts and resolutions as necessary to prepare them for publication.

[C51, §46; R60, §62, 113, 115, 144; C73, §35, 155, 156; C97, p. 5, §38, 216; S13, p. 3; SS15, §224-c, -h; C24, 27, 31, 35, 39, §**156;** C46, 50, 54, 58, 62, 66, §14.3; C71, §14.5; C73, 75, 77, 79, 81, §14.1]

91 Acts, ch 258, §8

C93, §2B.1

98 Acts, ch 1119, §13; 98 Acts, ch 1164, §1; 2003 Acts, ch 35, §13, 49

2B.2 through 2B.4 Reserved.

2B.5 Duties of administrative code editor.

The administrative code editor shall do all of the following:

1. Supervise the publication of the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

2. Notify the administrative rules coordinator if a rule is not in proper style or form.

3. Perform other duties as directed by the director of the legislative services agency, the legislative council, or the administrative rules review committee and as provided by law.

91 Acts, ch 258, §9

CS91, §14.5

C93, §2B.5

98 Acts, ch 1115, §1, 21; 2003 Acts, ch 35, §14, 49; 2005 Acts, ch 19, §1; 2010 Acts, ch 1031, §32, 33; 2014 Acts, ch 1141, §34; 2019 Acts, ch 92, §11

2B.5A Iowa administrative bulletin and Iowa administrative code.

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to produce the Iowa administrative bulletin and the Iowa administrative code.

2. In consultation with the administrative rules coordinator, the administrative code editor shall prescribe a uniform style and form required for a person filing a document for publication in the Iowa administrative bulletin or the Iowa administrative code, including but not limited to a rulemaking document. A rulemaking document includes a notice of intended action as provided in section 17A.4 or an adopted rule for filing as provided in section 17A.5. The rulemaking document shall correlate each rule to the uniform numbering system established by the administrative code editor. The administrative code editor shall provide for the publication of an electronic version of the Iowa administrative bulletin and the Iowa administrative code. The administrative code editor shall review all submitted documents for style and form and notify the administrative rules coordinator if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form. The style and form prescribed shall require that a rulemaking document include a reference to the statute which the rules are intended to implement.

3. *a.* The administrative code editor may omit from the Iowa administrative bulletin or the Iowa administrative code any document for publication in the Iowa administrative bulletin or the Iowa administrative code, if the administrative code editor determines that

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its publication would be unduly cumbersome, expensive, or otherwise inexpedient. The person filing the document for publication shall provide the administrative code editor with an electronic version of the document. The administrative code editor shall publish the document on the general assembly's internet site and publish a notice in the Iowa administrative bulletin or the Iowa administrative code stating the specific subject matter of the omitted document and how the omitted document may be accessed.

b. The administrative code editor shall omit or cause to be omitted from the Iowa administrative code any rule or portion of a rule nullified by the general assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

4. The administrative code editor shall publish the Iowa administrative bulletin in accordance with section 2.42 at least every other week, unless the administrative code editor and the administrative rules review committee determine that an alternative publication schedule is preferable. The administrative code editor shall provide for the arrangement of the contents of the Iowa administrative bulletin.

a. The Iowa administrative bulletin shall contain all of the following:

(1) Rulemaking documents, including notices of intended action as provided in section 17A.4, and rules adopted and effective immediately upon filing and rules adopted and filed as provided in section 17A.5.

(2) Resolutions nullifying administrative rules passed by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

(3) All proclamations and executive orders of the governor which are general and permanent in nature.

(4) Other materials deemed fitting and proper by the administrative rules review committee.

(5) Items required to be published by statute.

(6) A comprehensive method to search and identify its contents. An electronic version may include search and retrieval programming and index.

b. The Iowa administrative bulletin may contain all of the following:

(1) A preface.

(2) A rulemaking schedule.

(3) The agenda for the next meeting of the administrative rules review committee as provided in section 17A.8, if available.

(4) A schedule of known public hearings.

(5) A list of agencies referenced by agency identification number.

5. The administrative code editor shall publish the Iowa administrative code in accordance with section 2.42 at least every other week, unless the administrative code editor and the administrative rules review committee determine that an alternative publication schedule is preferable. However, the legislative services agency may publish supplements in lieu of the Iowa administrative code. The administrative code editor shall provide for the arrangement of the Iowa administrative code.

a. The Iowa administrative code shall include all of the following:

(1) Rules of general application adopted and filed with the administrative code editor by state agencies. However, the administrative code editor may delete a rule from the Iowa administrative code if the agency that adopted the rule has ceased to exist, no successor agency has jurisdiction over the rule, and no statutory authority exists supporting the rule.

(2) A comprehensive method to search and identify its contents, including rules.

(a) An electronic version may include search and retrieval programming and index.

(b) A print version may include an index.

b. The Iowa administrative code may include a preface.

2010 Acts, ch 1031, §34; 2014 Acts, ch 1141, §35, 36; 2024 Acts, ch 1169, §1; 2026 Acts, ch 1031, §1

Referred to in §2B.5, 2B.13, 17A.4, 17A.6, 267.6

Subsection 5, paragraph b amended and editorial change applied

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2B.5B Iowa court rules.

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to produce the Iowa court rules.

2. The legislative services agency, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council pursuant to section 2.42, shall prescribe a uniform style and form required for filing a document for publication in the Iowa court rules. The document shall correlate each rule to the uniform numbering system. The legislative services agency shall provide for the publication of an electronic version of the Iowa court rules. The legislative services agency shall review all submitted documents for style and form and notify the Iowa supreme court if a rulemaking document is not in proper style or form, and may return or revise a document which is not in proper style and form.

3. *a.* The legislative services agency shall publish the Iowa court rules in accordance with section 2.42. However, the legislative services agency may publish supplements in lieu of the Iowa court rules. The legislative services agency shall provide for arrangement of the Iowa court rules in consultation with the Iowa supreme court.

b. The Iowa court rules shall include all of the following:

(1) Rules prescribed by the supreme court, which may include the Iowa rules of civil procedure, the Iowa rules of criminal procedure, the Iowa rules of evidence, the Iowa rules of appellate procedure, the Iowa rules of professional conduct, and the Iowa code of judicial conduct.

(2) A comprehensive method to search and identify its contents, including court rules.

(a) An electronic version may include search and retrieval programming and index.

(b) A print version may include an index.

c. The Iowa court rules may include all of the following:

(1) A preface.

(2) Tables, including tables of corresponding rule numbers.

2010 Acts, ch 1031, §35; 2014 Acts, ch 1141, §37, 38; 2019 Acts, ch 92, §12, 13

Referred to in §602.1206, 602.4201

2B.6 Duties of Iowa Code editor.

The Iowa Code editor shall:

1. Submit recommendations as the Iowa Code editor deems proper to each general assembly for the purpose of amending, revising, codifying, and repealing portions of the statutes which are inaccurate, inconsistent, outdated, conflicting, redundant, or ambiguous, and present the recommendations in bill form to the appropriate committees of the general assembly.

2. Provide for the publication of all of the following:

a. The Iowa Acts as provided in section 2B.10.

b. The Iowa Code as provided in section 2B.12.

3. Perform other duties as directed by the director of the legislative services agency or the legislative council and as provided by law.

[C51, §46; R60, §62, 113, 115, 144; C73, §35, 155, 156; C97, p. 5, §38, 216; S13, p. 3; SS15, §224-c, -h; C24, 27, 31, 35, 39, §**156;** C46, 50, 54, §14.3; C54, 58, 62, 66, §14.3, 17A.9; C71, 73, 75, 77, 79, 81, §14.6; 82 Acts, ch 1061, §1]

91 Acts, ch 258, §10

C93, §2B.6

2003 Acts, ch 35, §15, 49; 2010 Acts, ch 1031, §36; 2014 Acts, ch 1141, §39

2B.7 through 2B.9 Reserved.

2B.10 Iowa Acts.

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to produce the Iowa Acts.

2. The legislative services agency shall publish the annual edition of the Iowa Acts as soon as possible after the final adjournment of a regular session of the general assembly.

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The legislative services agency may also publish an updated edition of the Iowa Acts or a supplement to the Iowa Acts after a special session of the general assembly.

3. *a.* The arrangement, appearance, and contents of the Iowa Acts shall be determined by the Iowa Code editor in accordance with the policies of the legislative council and legislative services agency as provided in section 2.42.

b. The bills and joint resolutions of the Iowa Acts may be arranged by chapter, numbered from one for the first regular session and numbered from one thousand one for the second regular session.

4. The Iowa Acts shall include all of the following:

a. A preface.

b. A table of contents.

c. A list of elective state officers and deputies, supreme court justices, judges of the court of appeals, members of the general assembly, and members of Iowa's congressional delegation.

d. A statement of the condition of the state treasury as provided by Article III, section 18, of the Constitution of the State of Iowa. The statement shall be furnished to the legislative services agency by the director of the department of administrative services.

e. An analysis of its chapters.

f. The text of bills that have been enacted and joint resolutions that have been enacted or passed by the general assembly, including text indicating items disapproved in appropriation bills.

g. Messages transmitted by the governor disapproving items in appropriation bills.

h. A notation of the filing of an estimate of a state mandate prepared by the legislative services agency pursuant to section 25B.5.

i. Tables, including any analysis of tables.

j. A comprehensive method to search and identify its contents, including the text of bills that have been enacted and joint resolutions that have been enacted or passed by the general assembly.

(1) An electronic version may include search and retrieval programming and an index and a summary index.

(2) A print version may include an index and a summary index.

k. Other reference material as determined by the Iowa Code editor in accordance with any policies of the legislative council.

5. The enrolling clerks of the house and senate shall arrange for the Iowa Code editor to receive suitable copies of all Acts and resolutions as soon as they are enrolled.

[C73, §36; C97, §39; SS15, §224-i; C24, 27, 31, 35, §162, 162-d1, 163, 164, 165, 167; C39, §**221.1 – 221.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §14.10]

83 Acts, ch 186, §10004, 10201; 91 Acts, ch 258, §11; 92 Acts, ch 1123, §3

C93, §2B.10

98 Acts, ch 1115, §2, 21; 2003 Acts, ch 35, §16, 45, 49; 2003 Acts, ch 145, §286; 2004 Acts, ch 1086, §1; 2010 Acts, ch 1031, §37

Referred to in §2B.6

2B.11 Reserved.

2B.12 Iowa Code.

1. The legislative services agency shall control and maintain in a secure electronic repository custodial information used to publish the Iowa Code.

2. The legislative services agency shall publish an annual edition of the Iowa Code as soon as possible after the final adjournment of a regular or special session of a general assembly.

3. An edition of the Iowa Code shall contain each Code section in its new or amended form. However, a new section or amendment which does not take effect until after the probable publication date of a succeeding Iowa Code may be deferred for publication in that succeeding Iowa Code. The sections shall be inserted in each edition in a logical order as determined by the Iowa Code editor in accordance with the policies of the legislative council.

4. Each section of an Iowa Code shall be indicated by a number printed in boldface type and shall have an appropriate headnote printed in boldface type.

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5. The Iowa Code shall include all of the following:

a. The Declaration of Independence.

b. The Articles of Confederation.

c. The Constitution of the United States.

d. The laws of the United States relating to the authentication of records.

e. The Constitution of the State of Iowa, original and codified versions.

f. The Act admitting Iowa into the union as a state.

g. The arrangement of the Code into distinct units, as established by the legislative services agency, which may include titles, subunits of titles, chapters, subunits of chapters, and sections, and subunits of sections. The distinct units shall be numbered and may include names.

h. All of the statutes of Iowa of a general and permanent nature, except as provided in subsection 3.

i. A comprehensive method to search and identify its contents, including the text of the Constitution and statutes of the State of Iowa.

(1) An electronic version may include search and retrieval programming, analysis of titles and chapters, and an index and a summary index.

(2) A print version shall include an analysis of titles and chapters, and may include an index and a summary index.

6. The Iowa Code may include all of the following:

a. A preface.

b. A description of citations to statutes.

c. Abbreviations to other publications which may be referred to in the Iowa Code.

d. Appropriate historical references or source notes.

e. An analysis of the Code by titles and chapters.

f. Other reference materials as determined by the Iowa Code editor in accordance with any policies of the legislative council.

7. The Iowa Code may include appropriate tables showing the disposition of Acts of the general assembly, the corresponding sections from edition to edition of an Iowa Code, and other reference material as determined by the Iowa Code editor in accordance with policies of the legislative council.

8. In lieu of or in addition to publishing an annual edition of the Iowa Code, the legislative services agency, in accordance with the policies of the legislative council, may publish a supplement to the Iowa Code, as necessary or desirable, in a manner similar to the publication of an annual edition of the Iowa Code.

[C97, p. 5; S13, p. 3; C24, 27, 31, 35, 39, §**168;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §14.12; 82 Acts, ch 1061, §2 – 4]

91 Acts, ch 258, §12

C93, §2B.12

94 Acts, ch 1107, §19; 2003 Acts, ch 35, §17, 49; 2005 Acts, ch 19, §2; 2010 Acts, ch 1031, §38 – 45; 2014 Acts, ch 1141, §40

Referred to in §2B.6

Powers and duties of legislative council related to Code, see §2.42

2B.13 Editorial powers and duties.

1. The Iowa Code editor in preparing the copy for an edition of the Iowa Code shall not alter the sense, meaning, or effect of any Act of the general assembly, but may:

a. Correct manifestly misspelled words and grammatical and clerical errors, including punctuation, and change capitalization, spelling, and punctuation for purposes of uniformity and consistency in Code language.

b. Correct internal references to sections which are cited erroneously or have been repealed, amended, or renumbered.

c. Substitute the proper chapter, section, subsection, or other statutory reference for the term "this Act" or references to another Act of the general assembly when there appears to be no doubt as to the proper method of making the substitution.

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d. Substitute the proper date for references to the effective or applicability dates of an Act when there appears to be no doubt as to the proper method of making the substitution.

e. Correct names of agencies, officers, or other entities when there appears to be no doubt as to the proper method of making the correction.

f. Transfer, divide, or combine sections or parts of sections and add or revise headnotes to sections and section subunits. Pursuant to section 3.3, the headnotes are not part of the law.

g. Change words that designate one gender to reflect both genders when the provisions apply to both genders.

h. If any Code section or part of a Code section, or any Act of the general assembly which is intended to be codified, is amended by more than one Act or more than one provision in an Act of the general assembly, and the amendments do not expressly refer to or amend one of the other Acts or Act provisions in question, harmonize the amendments, if possible, so that effect may be given to each and incorporate the amendments as harmonized in the Code section. If amendments made by several Acts are irreconcilable, unless one of the amendments repeals or strikes the language in question, the Iowa Code editor shall codify the amendment that is latest in date of enactment by the general assembly. If amendments made by provisions within an Act are irreconcilable, unless one of the amendments repeals or strikes the language in question, the Iowa Code editor shall codify the provision listed last in the Act. If one of the amendments repeals or strikes the language in question, the Iowa Code editor shall codify the amendment that repeals or strikes the language.

2. The administrative code editor in preparing the copy for an edition of the Iowa administrative code or bulletin shall not alter the sense, meaning, or effect of any rule, but may:

a. Correct misspelled words and grammatical and clerical errors, including punctuation, and change capitalization, spelling, and punctuation for purposes of uniformity and consistency.

b. Correct references to rules or Code sections, or chapters or subunits of rules or Code sections, which are cited erroneously or have been repealed, amended, or renumbered.

c. Correct names of agencies, officers, or other entities when there appears to be no doubt as to the proper method of making the correction.

d. Transfer, divide, or combine rules or parts of rules and add or amend catchwords to rules or parts of rules.

e. Change words that designate one gender to reflect both genders when the provisions apply to both genders.

f. Update the address, telephone number, facsimile number, electronic mail address, or internet site address of an agency, officer, or other entity.

g. Perform any other editorial tasks required or authorized by section 2B.5A.

3. *a.* The Iowa Code editor may, in preparing the copy for an edition of the Iowa Code, establish standards for and change capitalization, spelling, and punctuation in any provision for purposes of uniformity and consistency in language.

b. The administrative code editor may establish standards for capitalization, spelling, and punctuation for purposes of uniformity and consistency in the Iowa administrative code.

4. *a.* The Iowa Code editor shall seek direction from the senate committee on judiciary and the house committee on judiciary when making Iowa Code changes.

b. The administrative code editor shall seek direction from the administrative rules review committee and the administrative rules coordinator when making Iowa administrative code changes, which appear to require substantial editing and which might otherwise be interpreted to exceed the scope of the authority granted in this section.

5. The Iowa Code editor may prepare and publish comments deemed necessary for a proper explanation of the manner of publishing a section or chapter of the Iowa Code. The Iowa Code editor shall maintain a record of all of the corrections made under subsection 1. The Iowa Code editor shall also maintain a separate record of the changes made under subsection 1, paragraphs "*b*" through "*h*". The records shall be available to the public.

6. The Iowa Code editor and the administrative code editor shall not make editorial changes which go beyond the authority granted in this section or other law.

[C24, 27, 31, 35, 39, §**169;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §14.13]

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84 Acts, ch 1117, §1; 85 Acts, ch 195, §1; 86 Acts, ch 1242, §5, 6; 91 Acts, ch 258, §13
C93, §2B.13
95 Acts, ch 67, §1; 96 Acts, ch 1099, §2; 2003 Acts, ch 35, §18, 49; 2010 Acts, ch 1031, §46 – 48; 2014 Acts, ch 1141, §41 – 47; 2019 Acts, ch 92, §14; 2020 Acts, ch 1090, §1; 2023 Acts, ch 70, §1, 14
Referred to in §17A.7

2B.14 through 2B.16 Reserved.

2B.17 Official legal publications — citations.

1. A legal publication designated as official by the legislative services agency as provided in sections 2.42 and 2A.1 is the authoritative and official electronic or print version of the statutes, administrative rules, or court rules of the state of Iowa.

2. *a.* The codified state constitution shall be known as the Constitution of the State of Iowa.

b. For statutes, the official versions of publications shall be known as the Iowa Acts, the Iowa Code, and the Code Supplement for supplements for the years 1979 through 2011.

c. For administrative rules, the official versions of the publications shall be known as the Iowa Administrative Bulletin and the Iowa Administrative Code.

d. For court rules, the official legal publication shall be known as the Iowa Court Rules.

3. The legislative services agency may adopt a style manual providing a uniform system of citing the codified Constitution of the State of Iowa and the official versions of publications listed in subsection 2, including by reference to commonly accepted legal sources. The legislative services agency style manual may provide for a different form of citation for electronic and printed versions of the same publication. Nothing in this section affects rules for style and format adopted pursuant to section 2.42.

4. The codified Constitution of the State of Iowa, and statutes enacted and joint resolutions enacted or passed by the general assembly shall be cited as follows:

a. The codified Constitution of the State of Iowa shall be cited as the Constitution of the State of Iowa, with a reference identifying the preamble or boundaries, or article, section, and subunit of a section. Subject to the legislative services agency style manual, the Constitution of the State of Iowa may be cited as the Iowa Constitution.

b. The Iowa Acts shall be cited as the Iowa Acts with a reference identifying the year of the publication in conformance with section 2.2, and the chapter of a bill enacted or joint resolution enacted or passed during a regular session, or in the alternative the bill or joint resolution chamber designation, and the section of the chapter or bill or subunit of a section. A bill or joint resolution enacted or passed during a special session shall be cited by the extraordinary session designation in conformance with section 2.2. If the Iowa Acts have not been published, a bill or joint resolution may be cited by its bill or joint resolution chamber designation.

c. The Iowa Code shall be cited as the Iowa Code. Supplements to the Iowa Code published for the years 1979 through 2011 shall be cited as the Code Supplement. Subject to the legislative services agency style manual, the Iowa Code may be cited as the Code of Iowa or Code and the Code Supplement may be cited as the Iowa Code Supplement, with references identifying parts of the publication, including but not limited to title or chapter, section, or subunit of a section. If the citation refers to a past edition of the Iowa Code or Code Supplement, the citation shall identify the year of publication. The legislative services agency style manual shall provide for a citation form for any supplements to the Iowa Code published after the year 2013.

5. Administrative rules shall be cited as follows:

a. The Iowa Administrative Bulletin shall be cited as the IAB, with references identifying the volume number which may be based on a fiscal year cycle, the issue number, the publication date, and the ARC number assigned to the rulemaking document by the administrative rules coordinator pursuant to section 17A.4 or 17A.5. Subject to the legislative services agency style manual, the citation may also include the publication's page number.

b. The Iowa Administrative Code shall be cited as the IAC, with references to an agency's

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identification number placed at the beginning of the citation and with references to parts of the publication, including but not limited to chapter, rule, or subunit of a rule.

6. The Iowa Court Rules shall be cited as the Iowa Court Rules, with references to the rule number and to subunits of the publication, which may include but are not limited to the Iowa Rules of Civil Procedure, the Iowa Rules of Criminal Procedure, the Iowa Rules of Evidence, the Iowa Rules of Appellate Procedure, the Iowa Rules of Professional Conduct, and the Iowa Code of Judicial Conduct. Subject to the legislative services agency style manual, the names of the rules may be abbreviated.

[C24, 27, 31, 35, 39, §**172;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §14.17; 82 Acts, ch 1061, §5]

91 Acts, ch 258, §14

C93, §2B.17

96 Acts, ch 1099, §3, 4; 2003 Acts, ch 35, §19, 49; 2004 Acts, ch 1086, §2; 2005 Acts, ch 19, §3; 2010 Acts, ch 1031, §49; 2014 Acts, ch 1141, §48, 49; 2019 Acts, ch 92, §15, 16; 2023 Acts, ch 70, §2, 14

Referred to in §2B.17A, 2B.32

2B.17A Official legal publications — publication dates.

1. An edition of an official legal publication becomes effective on its publication date. A publication date is the date that an edition of a legal publication is conclusively presumed to be complete, incorporating all revisions or editorial changes. Nothing in this section affects an effective date of a codified or uncodified provision of law, including but not limited to as provided in Article III, section 26, of the Constitution of the State of Iowa, or section 3.7.

2. If not otherwise established by statute or a policy of the legislative council pursuant to section 2.42, the legislative services agency shall establish a publication date for each edition of a print or electronic version of an official legal publication as cited in section 2B.17. The publication date may be based on the date that the edition of an official legal publication is first made available to the public accessing the general assembly's internet site. The publication date may also be the first date that an edition of a print version of an official legal publication is first made available for public distribution. If the legislative services agency does not provide a publication date for the Iowa Code, the publication date shall be the first day of the next regular session of the general assembly convened pursuant to Article III, section 2, of the Constitution of the State of Iowa. Otherwise, the legislative services agency shall provide public notice of a publication date for each edition of an official legal publication on the general assembly's internet site.

3. A legal publication designated by the legislative services agency as unofficial shall not be used to establish a publication date for an official legal publication.

2019 Acts, ch 92, §17

2B.18 Iowa Code, Iowa administrative code, and Iowa court rules — custody and authentication.

1. The Iowa Code editor is the custodian of the official legal publications known as the Iowa Acts, Iowa Code, and Code Supplement for supplements to the Iowa Code for the years 1979 through 2011, and for any other supplements to the Iowa Code. The Iowa Code editor may attest to and authenticate any portion of such official legal publication for purposes of admitting a portion of the official legal publication in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

2. The administrative code editor is the custodian of the official legal publications known as the Iowa administrative bulletin and the Iowa administrative code. The administrative code editor may attest to and authenticate any portion of such official legal publication for purposes of admitting a portion of the official legal publication in any court or office of any state, territory, or possession of the United States or in a foreign jurisdiction.

3. The legislative services agency, upon direction by the Iowa supreme court and in accordance with the policies of the legislative council pursuant to section 2.42 and the

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legislative services agency pursuant to section 2A.1, shall provide a process to attest to and authenticate any portion of Iowa court rules.

2010 Acts, ch 1031, §50; 2014 Acts, ch 1141, §50; 2019 Acts, ch 92, §18, 19
Referred to in §2B.35

2B.19 and 2B.20 Reserved.

2B.21 Availability of parts of the Iowa Code and administrative code.

The Iowa Code editor and the administrative code editor, in accordance with policies established by the legislative council, may cause parts of the Iowa Code or administrative code to be made available for the use of public officers and other persons. This authority shall be exercised in a manner planned to avoid delay in the other publications of the editors.

[C97, p. 5; S13, p. 3; C24, 27, 31, 35, 39, §**176;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §14.21]

83 Acts, ch 181, §1; 85 Acts, ch 197, §2; 86 Acts, ch 1238, §1; 91 Acts, ch 258, §15
C93, §2B.21
2003 Acts, ch 35, §20, 49
Publication and sale of other publications by department of administrative services, see §7A.27

2B.22 Appropriation.

There is hereby appropriated out of any money in the treasury not otherwise appropriated an amount sufficient to defray all expenses incurred in the carrying out of the provisions of this chapter.

[C24, 27, 31, 35, 39, §**177;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §14.22]
C93, §2B.22

2B.23 through 2B.30 Reserved.

SUBCHAPTER II

UNIFORM ELECTRONIC LEGAL MATERIAL ACT

2B.31 Short title.

This subchapter may be cited as the *"Uniform Electronic Legal Material Act"*.

2019 Acts, ch 92, §1

2B.32 Definitions.

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

1. *"Electronic"* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
2. *"Legal material"* means an edition, including any part of that edition of the following legal publications as cited in section 2B.17, whether or not in effect:
   a. The Constitution of the State of Iowa.
   b. The Iowa Acts.
   c. The Iowa Code.
   d. The Iowa administrative bulletin.
   e. The Iowa administrative code.
3. *"Publish"* means to display, present, or release to the public, or cause to be displayed, presented, or released to the public by the legislative services agency.
4. *"Record"* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including printed and electronic versions of legal publications.
5. *"State"* means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

2019 Acts, ch 92, §2

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2B.33 Applicability.

1. This subchapter applies to all legal material in an electronic record that is designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter and which is first published electronically on or after January 16, 2020.

2. This subchapter applies to electronic records that are publicly available by accessing the general assembly's internet site.

2019 Acts, ch 92, §3

2B.34 Legal material in official electronic record.

1. If the legislative services agency publishes legal material only in an electronic record, the legislative services agency shall do all of the following:

a. Designate the electronic record as official.

b. Comply with the applicable provisions of section 2.42, chapter 2A, and this chapter.

2. If the legislative services agency publishes legal material in an electronic record and also publishes the legal material in a record other than an electronic record, the legislative services agency may designate the electronic record as official if the electronic record complies with the applicable provisions of section 2.42, chapter 2A, and this chapter.

3. Except as provided in subsection 1, the legislative services agency may designate an electronic record as unofficial.

2019 Acts, ch 92, §4

2B.35 Authentication of official electronic record.

1. The legislative services agency in publishing legal material in an electronic record that is designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter shall authenticate the electronic record. To authenticate an electronic record, the legislative services agency shall provide a method for a user to determine that the record received by the user from the legislative services agency is unaltered from the official record published by the legislative services agency.

2. Subsection 1 does not affect any other process to authenticate legal material under section 2B.18 or any other authentication process adopted by the legislative council or the legislative services agency.

2019 Acts, ch 92, §5

Referred to in §2B.36

2B.36 Effect of authentication.

1. Legal material in an electronic record that is authenticated under section 2B.35 is presumed to be an accurate copy of the legal material.

2. If another state has adopted a law substantially similar to this subchapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

3. A party contesting the authentication of legal material in an electronic record authenticated under section 2B.35 has the burden of proving by a preponderance of the evidence that the electronic record is not authentic.

2019 Acts, ch 92, §6

2B.37 Preservation and security of legal material in official electronic record.

1. The legislative services agency in maintaining custodial information as provided in subchapter I and that is or was designated as official under the applicable provisions of section 2.42, chapter 2A, and this chapter shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

2. If legal material is preserved under subsection 1 in an electronic record, the legislative services agency shall do all of the following:

a. Ensure the integrity of the record.

b. Provide for backup and disaster recovery of the record.

c. Ensure the continuing usability of the legal material.

2019 Acts, ch 92, §7

Referred to in §2B.38

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2B.38 Public access to legal material in official electronic record.

The legislative services agency, in preserving legal material in an electronic record as required under section 2B.37, shall ensure that the legal material is reasonably available for use by the public on a permanent basis.

2019 Acts, ch 92, §8

2B.39 Standards.

1. In implementing this subchapter, the legislative services agency may consider any of the following:

a. The most recent standards regarding authentication of, preservation and security of, and public access to, legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies.

b. The needs of users of legal material in an electronic record.

c. The views of governmental officials and entities and other interested persons.

d. To the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to, legal material which are compatible with the methods and technologies used by other official publishers in other states that have adopted a law substantially similar to this subchapter.

2. The provisions of this subchapter shall be implemented when the legislative council approves a plan presented by the legislative services agency. The plan shall provide for the implementation of this subchapter in a manner that best benefits users of the general assembly's internet site on a reliable, long-term, and cost-effective basis, and which may include a budget estimate necessary to complete implementation. The legislative services agency may request the legislative council to approve a policy for the use of an account in which receipts from the revenue from distributions of publications credited to the account may be expended by the legislative services agency on a multiyear revolving basis, so long as such revenue is used exclusively to pay for costs associated with implementing the provisions of this subchapter as well as ordinary expenditures associated with producing and distributing printed and electronic versions of publications including as provided in section 2.42, chapter 2A, and this chapter. However, if the legislative services agency determines that it may fully implement this subchapter without preparing a detailed plan for approval by the legislative council, it shall prepare and submit a report to the legislative council describing the implementation.

3. This section shall be implemented on July 1, 2019.

2019 Acts, ch 92, §9

2B.40 Relation to Electronic Signatures in Global and National Commerce Act.

This subchapter modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §7003(b).

2019 Acts, ch 92, §10

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CHAPTER 2C

OMBUDSMAN

Referred to in §21.5, 23A.4, 70A.29

This chapter not enacted as a part of this title; transferred from chapter 601G in Code 1993

2C.1 Definitions.
2C.2 Office established.
2C.3 Appointment — vacancy.
2C.4 Citizenship and residency requirements — duties.
2C.5 Term — removal.
2C.6 Deputy — assistant for penal agencies.
2C.7 Prohibited activities.
2C.8 Closed files.
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2C.11 Subjects for investigations.
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2C.12 Complaints investigated.
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2C.14 Institutionalized complainants.
2C.15 Reports critical of agency or officer.
2C.16 Recommendations to agency.
2C.17 Publication of conclusions.
2C.18 Report to general assembly.
2C.19 Disciplinary action recommended.
2C.20 Immunities.
2C.21 Witnesses.
2C.22 Penalties.
2C.23 Citation.

2C.1 Definitions.

As used in this chapter:

1. *"Administrative action"* means any policy or action taken by an agency or failure to act pursuant to law.

2. *"Agency"* means all governmental entities, departments, boards, commissions, councils or institutions, and any officer, employee or member thereof acting or purporting to act in the exercise of official duties, but it does not include:

a. Any court or judge or appurtenant judicial staff.

b. The members, committees, or permanent or temporary staffs of the Iowa general assembly.

c. The governor of Iowa or the governor's personal staff.

d. Any instrumentality formed pursuant to an interstate compact and answerable to more than one state.

3. *"Employee"* means any employee of an agency.

4. *"Officer"* means any officer of an agency.

5. *"Person"* means an individual, aggregate of individuals, corporation, partnership, or unincorporated association.

[C73, 75, 77, 79, 81, §601G.1]
C93, §2C.1

2C.2 Office established.

The office of ombudsman is established.

[C73, 75, 77, 79, 81, §601G.2]
C93, §2C.2
2013 Acts, ch 10, §3

2C.3 Appointment — vacancy.

1. The ombudsman shall be appointed by the legislative council with the approval and confirmation of a constitutional majority of the senate and with the approval and confirmation of a constitutional majority of the house of representatives. The legislative council shall fill a vacancy in this office in the same manner as the original appointment. If the appointment or vacancy occurs while the general assembly is not in session, such appointment shall be reported to the senate and the house of representatives within thirty days of their convening at their next regular session for approval and confirmation.

2. The ombudsman shall employ and supervise all employees under the ombudsman's direction in such positions and at such salaries as shall be authorized by the legislative

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council. The legislative council shall hear and act upon appeals of aggrieved employees of the office of ombudsman.

[C73, 75, 77, 79, 81, §601G.3]
C93, §2C.3
2013 Acts, ch 10, §4; 2013 Acts, ch 140, §47

2C.4 Citizenship and residency requirements — duties.

1. The ombudsman shall be a citizen of the United States and a resident of the state of Iowa, and shall be qualified to analyze problems of law, administration, and public policy.

2. *a.* The ombudsman shall use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees.

b. An employee may challenge the results of the submission of the employee's information to the e-verify system of the United States citizenship and immigration services by submitting a challenge, including documentation proving that the results are incorrect, to the legislative council within ten calendar days of receipt of the results. The legislative council shall review the challenge and communicate the results of the appeal to the employee and the ombudsman as soon as practicable.

c. The ombudsman shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to paragraph *"b"*, if applicable.

[C73, 75, 77, 79, 81, §601G.4]
C93, §2C.4
2013 Acts, ch 10, §5; 2026 Acts, ch 1156, §9, 35
Section amended

2C.5 Term — removal.

The ombudsman shall hold office for four years from the first day in July of the year of approval by the senate and the house of representatives, and until a successor is appointed by the legislative council, unless the ombudsman can no longer perform the official duties, or is removed from office. The ombudsman may at any time be removed from office by constitutional majority vote of the two houses of the general assembly or as provided by chapter 66. If a vacancy occurs in the office of ombudsman, the deputy ombudsman shall act as ombudsman until the vacancy is filled by the legislative council.

[C73, 75, 77, 79, 81, §601G.5]
C93, §2C.5
2013 Acts, ch 10, §6

2C.6 Deputy — assistant for penal agencies.

1. The ombudsman shall designate one of the members of the staff as the deputy ombudsman, with authority to act as ombudsman when the ombudsman is absent from the state or becomes disabled. The ombudsman may delegate to members of the staff any of the authority or duties of the office except the duty of formally making recommendations to agencies or reports to the governor or the general assembly.

2. The ombudsman shall appoint an assistant who shall be primarily responsible for investigating complaints relating to penal or correctional agencies.

[C73, 75, 77, 79, 81, §601G.6]
84 Acts, ch 1046, §1
C93, §2C.6
2013 Acts, ch 10, §7

2C.7 Prohibited activities.

Neither the ombudsman nor any member of the staff shall:

1. Hold another public office of trust or profit under the laws of this state other than notary public as provided in chapter 9B.

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2. Engage in other employment for remuneration with an agency against which a complaint may be filed under this chapter or that could create a conflict of interest or interfere in the performance of the person's duties under this chapter.

3. Knowingly engage in or maintain any business transactions with persons employed by agencies against whom complaints may be made under the provisions of this chapter.

4. Be actively involved in partisan affairs.

[C73, 75, 77, 79, 81, §601G.7]
84 Acts, ch 1046, §2
C93, §2C.7
2012 Acts, ch 1050, §31, 60; 2013 Acts, ch 10, §8

2C.8 Closed files.

The ombudsman may maintain secrecy in respect to all matters including the identities of the complainants or witnesses coming before the ombudsman, except that the general assembly, any standing committee of the general assembly or the governor may require disclosure of any matter and shall have complete access to the records and files of the ombudsman. The ombudsman may conduct private hearings.

[C73, 75, 77, 79, 81, §601G.8]
C93, §2C.8
2013 Acts, ch 10, §9

2C.9 Powers.

The ombudsman may:

1. Investigate, on complaint or on the ombudsman's own motion, any administrative action of any agency, without regard to the finality of the administrative action, except that the ombudsman shall not investigate the complaint of an employee of an agency in regard to that employee's employment relationship with the agency except as otherwise provided by this chapter. A communication or receipt of information made pursuant to the powers prescribed in this chapter shall not be considered an ex parte communication as described in the provisions of section 17A.17.

2. Investigate, on complaint or on the ombudsman's own motion, any administrative action of any person providing child welfare or juvenile justice services under contract with an agency that is subject to investigation by the ombudsman. The person shall be considered to be an agency for purposes of the ombudsman's investigation.

3. Investigate, on complaint, any complaint received by an individual who holds a license, certificate, authorization, or statement of recognition issued by the board of educational examiners related to violence in the classroom or violence on school property, including any disclosure of information to which section 279.14B applies related to violence in the classroom or violence on school property. The ombudsman shall provide the results of the investigation to the department of education and the board of educational examiners. The ombudsman shall maintain secrecy in respect to the identities of the complainants.

4. Prescribe the methods by which complaints are to be made, received, and acted upon; determine the scope and manner of investigations to be made; and, subject to the requirements of this chapter, determine the form, frequency, and distribution of the conclusions and recommendations of the ombudsman.

5. Request and receive from each agency assistance and information as necessary in the performance of the duties of the office. Notwithstanding section 22.7, pursuant to an investigation the ombudsman may examine any and all records and documents of any agency unless its custodian demonstrates that the examination would violate federal law or result in the denial of federal funds to the agency. Confidential documents provided to the ombudsman by other agencies shall continue to maintain their confidential status. The ombudsman is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the agency. The ombudsman may enter and inspect premises within any agency's control and may observe proceedings and attend hearings, with the consent of the interested party, including those held under a provision of confidentiality, conducted by any agency unless the agency demonstrates that the attendance or observation

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would violate federal law or result in the denial of federal funds to that agency. This subsection does not permit the examination of records or access to hearings and proceedings which are the work product of an attorney under section 22.7, subsection 4, or which are privileged communications under section 622.10.

6. Issue a subpoena to compel any person to appear, give sworn testimony, or produce documentary or other evidence relevant to a matter under inquiry. The ombudsman, deputies, and assistants of the ombudsman may administer oaths to persons giving testimony before them. If a witness either fails or refuses to obey a subpoena issued by the ombudsman, the ombudsman may petition the district court having jurisdiction for an order directing obedience to the subpoena. If the court finds that the subpoena should be obeyed, it shall enter an order requiring obedience to the subpoena, and refusal to obey the court order is subject to punishment for contempt.

7. Establish rules relating to the operation, organization, and procedure of the office of ombudsman. The rules are exempt from chapter 17A and shall be published in the Iowa administrative code.

[C73, 75, 77, 79, 81, §601G.9; 82 Acts, ch 1026, §1]
88 Acts, ch 1247, §1; 89 Acts, ch 296, §78
C93, §2C.9
2003 Acts, ch 178, §46; 2006 Acts, ch 1153, §12; 2013 Acts, ch 10, §10; 2013 Acts, ch 140, §48; 2023 Acts, ch 96, §1
Referred to in §21.5, 279.14B

2C.10 No charge for services.

A monetary charge or other charge shall not be levied upon any person as a prerequisite to presentation of a complaint to the ombudsman.

[C73, 75, 77, 79, 81, §601G.10]
C93, §2C.10
2013 Acts, ch 10, §11

2C.11 Subjects for investigations.

1. An appropriate subject for investigation by the office of ombudsman is an administrative action that might be:

a. Contrary to law or regulation.

b. Unreasonable, unfair, oppressive, or inconsistent with the general course of an agency's functioning, even though in accordance with law.

c. Based on a mistake of law or arbitrary in ascertainments of fact.

d. Based on improper motivation or irrelevant consideration.

e. Unaccompanied by an adequate statement of reasons.

2. The ombudsman may also be concerned with strengthening procedures and practices which lessen the risk that objectionable administrative actions will occur.

[C73, 75, 77, 79, 81, §601G.11]
C93, §2C.11
2007 Acts, ch 126, §1; 2013 Acts, ch 10, §12; 2013 Acts, ch 140, §49

2C.11A Subjects for investigations — disclosures of information.

The office of ombudsman shall investigate a complaint filed by an employee who is not a merit system employee or an employee covered by a collective bargaining agreement and who alleges that adverse employment action has been taken against the employee in violation of section 70A.28, subsection 2. A complaint filed pursuant to this section shall be made within thirty calendar days following the effective date of the adverse employment action. The ombudsman shall investigate the matter and shall issue findings relative to the complaint in an expeditious manner.

2006 Acts, ch 1153, §13; 2013 Acts, ch 10, §13
Referred to in §70A.28

2C.12 Complaints investigated.

1. The ombudsman may receive a complaint from any source concerning an

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administrative action. The ombudsman shall conduct a suitable investigation into the administrative actions complained of unless the ombudsman finds substantiating facts that:

a. The complainant has available another remedy or channel of complaint which the complainant could reasonably be expected to use.

b. The grievance pertains to a matter outside the ombudsman's power.

c. The complainant has no substantive or procedural interest which is directly affected by the matter complained about.

d. The complaint is trivial, frivolous, vexatious, or not made in good faith.

e. Other complaints are more worthy of attention.

f. The ombudsman's resources are insufficient for adequate investigation.

g. The complaint has been delayed too long to justify present examination of its merit.

2. The ombudsman may decline to investigate a complaint, but shall not be prohibited from inquiring into the matter complained about or into related problems at some future time.

[C73, 75, 77, 79, 81, §601G.12]
C93, §2C.12
2008 Acts, ch 1032, §201; 2013 Acts, ch 10, §14

2C.13 No investigation — notice to complainant.

If the ombudsman decides not to investigate, the complainant shall be informed of the reasons for the decision. If the ombudsman decides to investigate, the complainant and the agency shall be notified of the decision. After completing consideration of a complaint, whether or not it has been investigated, the ombudsman shall without delay inform the complainant of the fact, and if appropriate, shall inform the agency involved. The ombudsman shall on request of the complainant, and as appropriate, report the status of the investigation to the complainant.

[C73, 75, 77, 79, 81, §601G.13; 82 Acts, ch 1026, §2]
C93, §2C.13
2005 Acts, ch 19, §4; 2013 Acts, ch 10, §15

2C.14 Institutionalized complainants.

A letter to the ombudsman from a person in a correctional institution, a hospital, or other institution under the control of an agency shall be immediately forwarded, unopened, to the ombudsman by the institution where the writer of the letter is a resident. A letter from the ombudsman to such a person shall be immediately delivered, unopened, to the person.

[C73, 75, 77, 79, 81, §601G.14]
C93, §2C.14
2005 Acts, ch 19, §5; 2013 Acts, ch 10, §16

2C.15 Reports critical of agency or officer.

Before announcing a conclusion or recommendation that criticizes an agency or any officer or employee, the ombudsman shall consult with that agency, officer, or employee and shall attach to every report sent or made under the provisions of this chapter a copy of any unedited comments made by or on behalf of the officer, employee, or agency.

[C73, 75, 77, 79, 81, §601G.15]
C93, §2C.15
2013 Acts, ch 10, §17

2C.16 Recommendations to agency.

1. The ombudsman shall state recommendations to an agency, if, after having considered a complaint and whatever material the ombudsman deems pertinent, the ombudsman finds substantiating facts for any of the following:

a. A matter should be further considered by the agency.

b. An administrative action should be modified or canceled.

c. A rule on which an administrative action is based should be altered.

d. Reasons should be given for an administrative action.

e. Any other action should be taken by the agency.

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2. If the ombudsman requests, the agency shall, within twenty working days notify the ombudsman of any action taken on the recommendations or the reasons for not complying with them.

3. If the ombudsman believes that a law resulted in an administrative action which is unfair or otherwise objectionable, the ombudsman shall notify the general assembly concerning desirable statutory change.

[C73, 75, 77, 79, 81, §601G.16]
C93, §2C.16
2008 Acts, ch 1031, §3; 2013 Acts, ch 10, §18; 2014 Acts, ch 1092, §1

2C.17 Publication of conclusions.

1. The ombudsman may publish the conclusions, recommendations, and suggestions and transmit them to the governor or the general assembly or any of its committees. When publishing an opinion adverse to an agency or official the ombudsman shall, unless excused by the agency or official affected, include with the opinion any unedited reply made by the agency.

2. Any conclusions, recommendations, and suggestions so published may at the same time be made available to the news media or others who may be concerned.

[C73, 75, 77, 79, 81, §601G.17]
C93, §2C.17
2005 Acts, ch 19, §6; 2013 Acts, ch 10, §19

2C.18 Report to general assembly.

The ombudsman shall by December 31 of each year submit an economically designed and reproduced report to the general assembly and to the governor concerning the exercise of the ombudsman's functions during the preceding fiscal year. In discussing matters with which the ombudsman has been concerned, the ombudsman shall not identify specific persons if to do so would cause needless hardship. If the annual report criticizes a named agency or official, it shall also include unedited replies made by the agency or official to the criticism, unless excused by the agency or official affected.

[C73, 75, 77, 79, 81, §601G.18; 82 Acts, ch 1026, §3]
C93, §2C.18
2013 Acts, ch 10, §20; 2013 Acts, ch 140, §50; 2019 Acts, ch 89, §6

2C.19 Disciplinary action recommended.

If the ombudsman believes that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, the ombudsman shall refer the matter to the appropriate authorities.

[C73, 75, 77, 79, 81, §601G.19]
C93, §2C.19
2013 Acts, ch 10, §21

2C.20 Immunities.

No civil action, except removal from office as provided in chapter 66, or proceeding shall be commenced against the ombudsman or any member of the staff for any act or omission performed pursuant to the provisions of this chapter unless the act or omission is actuated by malice or is grossly negligent, nor shall the ombudsman or any member of the staff be compelled to testify in any court with respect to any matter involving the exercise of the ombudsman's official duties except as may be necessary to enforce the provisions of this chapter.

[C73, 75, 77, 79, 81, §601G.20]
C93, §2C.20
2013 Acts, ch 10, §22

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2C.21 Witnesses.

A person required by the ombudsman to provide information shall be paid the same fees and travel allowances as are extended to witnesses whose attendance has been required in the district courts of this state. Officers and employees of an agency shall not be entitled to such fees and allowances. A person who, with or without service of compulsory process, provides oral or documentary information requested by the ombudsman shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state, and shall also be entitled to be accompanied and advised by counsel while being questioned.

[C73, 75, 77, 79, 81, §601G.21]
C93, §2C.21
2013 Acts, ch 10, §23

2C.22 Penalties.

A person who willfully obstructs or hinders the lawful actions of the ombudsman or the ombudsman's staff, or who willfully misleads or attempts to mislead the ombudsman in the ombudsman's inquiries, shall be guilty of a simple misdemeanor.

[C73, 75, 77, 79, 81, §601G.22]
C93, §2C.22
2013 Acts, ch 10, §24

2C.23 Citation.

This chapter shall be known and may be cited as the "*Iowa Ombudsman Act*".

[C73, 75, 77, 79, 81, §601G.23]
C93, §2C.23
2013 Acts, ch 10, §25

CHAPTER 2D

INTERNATIONAL RELATIONS

2D.1 International relations advisory council. Repealed by 2008 Acts, ch 1156, §53, 58.
2D.2 International relations committee — protocol.
2D.3 Legislative branch protocol officer.
2D.4 Executive branch protocol officer.

2D.1 International relations advisory council. Repealed by 2008 Acts, ch 1156, §53, 58.

2D.2 International relations committee — protocol.

1. The international relations committee of the legislative council shall establish and utilize protocol for visitors to the capitol, who may include state, national, or international visitors. The protocol established shall include provisions relating to transportation of visitors to and from the capitol, the designation of an official point of entry and a receiving area for visitors, security provisions, official introduction of visitors to the general assembly while the general assembly is in session, the provision of gifts to visitors, and other provisions appropriate to the visitor's position.

2. The international relations committee shall work with the executive branch protocol officer and with the legislative branch protocol officer in developing the protocol and in coordinating the visits of state, national, and international visitors to the capitol.

2000 Acts, ch 1102, §2

2D.3 Legislative branch protocol officer.

The legislative services agency shall employ a legislative branch protocol officer to coordinate activities related to state, national, and international visitors to the state capitol or with an interest in the general assembly, and related to travel of members of the general

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assembly abroad. The protocol officer shall work with the executive branch protocol officer to coordinate state, national, and international relations activities. The legislative branch protocol officer shall submit periodic reports to the international relations committee of the legislative council regarding the visits of state, national, and international visitors and regarding international activities.

2000 Acts, ch 1102, §3; 2000 Acts, ch 1232, §41; 2003 Acts, ch 35, §44, 49; 2008 Acts, ch 1156, §4, 58

2D.4 Executive branch protocol officer.

The lieutenant governor, or the lieutenant governor's designee, shall be the executive branch protocol officer. The protocol officer shall work with the international relations committee of the legislative council and the legislative branch protocol officer in developing and implementing protocol for state, national, and international visitors to the state capitol and in improving coordination between the legislative and executive branches in international relations activities.

2000 Acts, ch 1102, §4; 2008 Acts, ch 1156, §5, 58

CHAPTER 3

STATUTES AND RELATED MATTERS

3.1	Form of bills.	3.11	Private Acts — when effective.
3.2	Bill drafting instructions.	3.12	Appropriations — effective for fiscal year.
3.3	Headnotes and historical references.	3.13	Pro rata disbursement of appropriations.
3.4	Bills — approval — passage over veto.	3.14	Certain appropriations prohibited.
3.5	Failure of governor to return bill.	3.15	through 3.19 Reserved.
3.6	Acts — where deposited — nullification resolutions.	3.20	Directions to future general assemblies. Repealed by 2024 Acts, ch 1170, §53.
3.7	Effective dates of Acts and resolutions.		
3.8	through 3.10 Reserved.		

3.1 Form of bills.

1. Bills designed to amend, revise, enact, codify, or repeal a law:

a. Shall refer to the numbers of the sections or chapters of the Code to be amended or repealed, but it is not necessary to refer to the sections or chapters in the title.

b. Shall refer to the session of the general assembly and the sections and chapters of the Acts to be amended if the bill relates to a section or sections of an Act not appearing in the Code.

c. Shall express all references to statutes in numerals.

2. The title to a bill shall contain a brief statement of the purpose of the bill, however all detail matters properly connected with the subject so expressed may be omitted from the title.

[C73, §38; C97, §41; S13, §41-a, -b; C24, 27, 31, 35, 39, §**47;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.1]

84 Acts, ch 1067, §2; 90 Acts, ch 1168, §2; 2004 Acts, ch 1101, §2; 2008 Acts, ch 1031, §4; 2014 Acts, ch 1141, §51

Publication of bills, §2.9

3.2 Bill drafting instructions.

The legislative council shall, in consultation with the director of the legislative services agency and the Code editor, promulgate rules and instructions for the drafting of legislative

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bills and resolutions not otherwise in conflict with the provisions of law and the rules of the senate and the house.

[C71, 73, 75, 77, 79, 81, §3.2]

2003 Acts, ch 35, §44, 49

3.3 Headnotes and historical references.

1. Proper headnotes may be placed at the beginning of a section of a bill or at the beginning of a Code section or Code section subunit. However, except as provided for the uniform commercial code pursuant to section 554.1107, headnotes shall not be considered as part of the law as enacted.

2. At the end of a Code section there may be placed a reference to the section number of the Code, or any Iowa Act from which the matter of the Code section was taken. Historical references shall not be considered as a part of the law as enacted.

[C24, 27, 31, 35, 39, §**49;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.3]

2004 Acts, ch 1086, §3; 2005 Acts, ch 19, §7; 2007 Acts, ch 41, §40; 2008 Acts, ch 1031, §5; 2014 Acts, ch 1141, §52

Referred to in §2B.13

3.4 Bills — approval — passage over veto.

1. If the governor approves a bill, the governor shall sign and date it; if the governor returns the bill with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed on or attached to the bill:

> This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and nays by a vote of two-thirds of the members of each house, has become a law this ..... day of .....

2. An *"appropriation bill"* means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

[C51, §16, 17; R60, §19, 20; C73, §28, 29; C97, §32; C24, 27, 31, 35, 39, §**50;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.4]

86 Acts, ch 1245, §2011; 2013 Acts, ch 90, §1

Iowa Constitution, Art. III, §16

3.5 Failure of governor to return bill.

When a bill has passed the general assembly, and is not returned by the governor within three days as provided in the Constitution, it shall be authenticated by the secretary of state endorsing thereon:

> This bill, having remained with the governor three days (Sunday excepted), the general assembly being in session, has become a law this ..... day of ....., ...
> .....,
> Secretary of State.

[C51, §18; R60, §21; C73, §30; C97, §33; C24, 27, 31, 35, 39, §**51;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.5]

Iowa Constitution, Art. III, §16

3.6 Acts — where deposited — nullification resolutions.

1. The original Acts of the general assembly shall be deposited with and kept by the secretary of state.

2. The secretary of state shall submit to the administrative code editor a copy of any

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resolution nullifying an administrative rule which is passed by the general assembly pursuant to Article III, section 40 of the Constitution of the State of Iowa.

[C51, §19; R60, §22; C73, §31; C97, §34; C24, 27, 31, 35, 39, §**52;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.6]

91 Acts, ch 42, §1; 2019 Acts, ch 24, §104

3.7 Effective dates of Acts and resolutions.

1. All Acts and resolutions of a public nature passed at regular sessions of the general assembly shall take effect on the first day of July following their passage, unless some other specified time is provided in an Act or resolution.

2. All Acts and resolutions of a public nature which are passed prior to July 1 at a regular session of the general assembly and which are approved by the governor on or after July 1, shall take effect forty-five days after approval. However, this subsection shall not apply to Acts provided for in section 3.12 or Acts and resolutions which specify when they take effect.

3. All Acts and resolutions passed at a special session of the general assembly shall take effect ninety days after adjournment of the special session unless a different effective day is stated in an Act or resolution.

4. An Act which is effective upon enactment is effective upon the date of signature by the governor; or if the governor fails to sign it and returns it with objections, upon the date of passage by the general assembly after reconsideration as provided in Article III, section 16 of the Constitution of the State of Iowa; or if the governor fails to sign or return an Act submitted during session, but prior to the last three days of a session, on the fourth day after it is presented to the governor for the governor's approval. An Act which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

5. A concurrent or joint resolution which is effective upon enactment is effective upon the date of final passage by both chambers of the general assembly, except that such a concurrent or joint resolution requiring the approval of the governor under section 262A.4 or otherwise requiring the approval of the governor is effective upon the date of such approval. A resolution which is effective upon enactment is effective upon the date of passage. A concurrent or joint resolution or resolution which has an effective date which is dependent upon the time of enactment shall have the time of enactment determined by the standards of this subsection.

6. Unless retroactive effectiveness is specifically provided for in an Act or resolution, an Act or resolution which is enacted after an effective date provided in the Act or resolution shall take effect upon the date of enactment.

7. Proposed legalizing Acts shall be published prior to passage as provided in chapter 585.

8. An Act or resolution under this section is also subject to the applicable provisions of Article III, sections 16 and 17 of the Constitution of the State of Iowa.

[C51, §22; R60, §25; C73, §34; C97, §37; C24, 27, 31, 35, 39, §**53;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.7]

87 Acts, ch 1, §1; 2006 Acts, ch 1010, §2

Referred to in §2B.17A, 422.12E

Iowa Constitution, Art. III, §26

For the effective dates of Acts and resolutions prior to the enactment of 87 Acts, ch 1, §1, effective February 19, 1987, see Code 1987, Code 1966, and prior Codes

Acts of private nature, §3.11

3.8 through 3.10 Reserved.

3.11 Private Acts — when effective.

Acts of a private nature which do not prescribe the time when they take effect, shall do so on the thirtieth day next after they have been approved by the governor, or endorsed as provided in this chapter.

[C51, §20; R60, §23; C73, §32; C97, §35; C24, 27, 31, 35, 39, §**57;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.11]

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3.12 Appropriations — effective for fiscal year.

All annual appropriations shall be for the fiscal year beginning with July 1 and ending with June 30 of the succeeding year and when such appropriations are made payable quarterly, the quarters shall end with September 30, December 31, March 31, and June 30; but nothing in this section shall be construed as increasing the amount of any annual appropriation.

[S13, §116-a; C24, 27, 31, 35, 39, §**58;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.12]

Referred to in §3.7, 3.13, 162.2, 455B.133B, 455B.133C, 461.2

3.13 Pro rata disbursement of appropriations.

Annual appropriations shall be disbursed in accordance with the provisions of the Acts granting the same pro rata from the time such Acts shall take effect up to the first day of the succeeding quarter as provided in section 3.12.

[S13, §116-b; C24, 27, 31, 35, 39, §**59;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.13]

3.14 Certain appropriations prohibited.

An appropriation shall not be made to any institution not wholly under the control of the state of Iowa.

[S13, §116-c1; C24, 27, 31, 35, 39, §**60;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §3.14]
2006 Acts, ch 1010, §3

Iowa Constitution, Art. III, §31

3.15 through 3.19 Reserved.

3.20 Directions to future general assemblies. Repealed by 2024 Acts, ch 1170, §53.

CHAPTER 4

CONSTRUCTION OF STATUTES

Referred to in §91A.2, 91E.1, 94.1, 147.161, 162.2, 514B.1

4.1 Rules.
4.1A Statutory construction — sex and related terms.
4.2 Common law rule of construction.
4.3 References to other statutes.
4.4 Presumption of enactment.
4.5 Prospective statutes.
4.6 Ambiguous statutes — interpretation.
4.7 Conflicts between general and special statutes.
4.8 Irreconcilable statutes.
4.9 Official copy prevails.
4.10 Reenactment of statutes — continuation.
4.11 Conflicting amendments to same statutes — interpretation.
4.12 Acts or statutes are severable.
4.13 General savings provision.
4.14 General rules of construction for English language laws.

4.1 Rules.

In the construction of the statutes, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the general assembly, or repugnant to the context of the statute:

1. *Appellate court.* The term *"appellate court"* means and includes both the supreme court and the court of appeals. Where an act, omission, right, or liability is by statute conditioned upon the filing of a decision by an appellate court, the term means any final decision of either the supreme court or the court of appeals.

2. *"Child"* includes child by adoption.

3. *Clerk — clerk's office.* The word *"clerk"* means clerk of the court in which the action or proceeding is brought or is pending; and the words *"clerk's office"* mean the office of that clerk.

4. *Consanguinity and affinity.* Degrees of consanguinity and affinity shall be computed according to the civil law.

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5. *"Court employee"* and *"employee of the judicial branch"* include every officer or employee of the judicial branch except a judicial officer.

6. *Deed — bond — indenture — undertaking.* The word *"deed"* is applied to an instrument conveying lands, but does not imply a sealed instrument; and the words *"bond"* and *"indenture"* do not necessarily imply a seal, and the word *"undertaking"* means a promise or security in any form.

7. *Executor — administrator.* The term *"executor"* includes administrator, and the term *"administrator"* includes executor, where the subject matter justifies such use.

8. *Figures and words.* If there is a conflict between figures and words in expressing a number, the words govern.

9. *Highway — road.* The words *"highway"* and *"road"* include public bridges, and may be held equivalent to the words *"county way"*, *"county road"*, *"common road"*, and *"state road"*.

9A. *"Intellectual disability"* means a diagnosis of intellectual disability or intellectual developmental disorder, global developmental delay, or unspecified intellectual disability or intellectual developmental disorder which diagnosis shall be made only when the onset of the person's condition was during the developmental period and based on an assessment of the person's intellectual functioning and level of adaptive skills. A diagnosis of intellectual disability shall be made by a licensed psychologist or psychiatrist who is professionally trained to administer the tests required to assess intellectual functioning and to evaluate a person's adaptive skills and shall be made in accordance with the criteria provided in the current version of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

9B. *"Internet"* means the federated international system that is composed of allied electronic communication networks linked by telecommunication channels, that uses standardized protocols, and that facilitates electronic communication services, including but not limited to use of the world wide web; the transmission of electronic mail or messages; the transfer of files and data or other electronic information; and the transmission of voice, image, and video.

9C. *"Internet site"* means a specific location on the internet that is determined by internet protocol numbers, by a domain name, or by both, including but not limited to domain names that use the designations ".com", ".edu", ".gov", ".org", and ".net".

10. *Issue.* The word *"issue"* as applied to descent of estates includes all lawful lineal descendants.

11. *Joint authority.* Words giving a joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of them, unless it be otherwise expressed in the Act giving the authority.

12. *"Judicial officer"* means a supreme court justice, a judge of the court of appeals, a district judge, a district associate judge, an associate juvenile judge, an associate probate judge, or a magistrate. The term also includes a person who is temporarily serving as a justice, judge, or magistrate as permitted by section 602.1612 or 602.9206.

13. *Land — real estate.* The word *"land"* and the phrases *"real estate"* and *"real property"* include lands, tenements, hereditaments, and all rights thereto and interests therein, equitable as well as legal.

13A. *"Livestock"* includes but is not limited to an animal classified as an ostrich, rhea, or emu.

14. *"Magistrate"* means a judicial officer appointed under chapter 602, article 6, part 4.

15. Reserved.

16. *Month — year — A.D.* The word *"month"* means a calendar month, and the word *"year"* and the abbreviation *"A.D."* are equivalent to the expression *"year of our Lord"*.

17. *Number and gender.* Unless otherwise specifically provided by law the singular includes the plural, and the plural includes the singular. Words of one gender include the other genders.

18. *Numerals — figures.* The Roman numerals and the Arabic figures are to be taken as parts of the English language.

19. *Oath — affirmation.* The word *"oath"* includes affirmation in all cases where an

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affirmation may be substituted for an oath, and in like cases the word "*swear*" includes "*affirm*".

20. *Person.* Unless otherwise provided by law, "*person*" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

21. *Personal property.* The words "*personal property*" include money, goods, chattels, evidences of debt, and things in action.

21A. *Persons with mental illness.* The words "*persons with mental illness*" include persons with psychosis, persons who are severely depressed, and persons with any type of mental disease or mental disorder, except that mental illness does not refer to intellectual disability, or to insanity, diminished responsibility, or mental incompetency as defined and used in the Iowa criminal code or in the rules of criminal procedure, Iowa court rules. A person who is hospitalized or detained for treatment of mental illness shall not be deemed or presumed to be incompetent in the absence of a finding of incompetence made pursuant to section 229.27.

22. *Population.* The word "*population*" where used in this Code or any statute means the population shown by the latest preceding certified federal census, unless otherwise specifically provided.

23. "*Preceding*" and "*following*" when used by way of reference to a chapter or other part of a statute mean the next preceding or next following chapter or other part.

24. *Property.* The word "*property*" includes personal and real property.

25. *Quorum.* A quorum of a public body is a majority of the number of members fixed by statute.

26. *Repeal — effect of.* The repeal of a statute, after it becomes effective, does not revive a statute previously repealed, nor affect any right which has accrued, any duty imposed, any penalty incurred, or any proceeding commenced, under or by virtue of the statute repealed.

27. "*Rule*" includes "*regulation*".

28. *Seal.* Where the seal of a court, public office, public officer, or public or private corporation may be required to be affixed to any paper, the word "*seal*" shall include an impression upon the paper alone, or upon wax, a wafer affixed to the paper, or an official stamp of a notarial officer as provided in chapter 9B. If the seal of a court is required, the word "*seal*" may also include a visible electronic image of the seal on an electronic document.

29. *Series.* If a statute refers to a series of numbers or letters, the first and the last numbers or letters are included.

30. *Shall, must, and may.* Unless otherwise specifically provided by the general assembly, whenever the following words are used in a statute enacted after July 1, 1971, their meaning and application shall be:

a. The word "*shall*" imposes a duty.

b. The word "*must*" states a requirement.

c. The word "*may*" confers a power.

31. *Sheriff.* The term "*sheriff*" may be extended to any person performing the duties of the sheriff, either generally or in special cases.

32. *State.* The word "*state*", when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "*United States*" may include the said district and territories.

33. *Tense.* Words in the present tense include the future.

34. *Time — legal holidays.* In computing time, the first day shall be excluded and the last included, unless the last falls on Sunday, in which case the time prescribed shall be extended so as to include the whole of the following Monday. However, when by the provisions of a statute or rule prescribed under authority of a statute, the last day for the commencement of an action or proceedings, the filing of a pleading or motion in a pending action or proceedings, or the perfecting or filing of an appeal from the decision or award of a court, board, commission, or official falls on a Saturday, a Sunday, a day on which the office of the clerk of the district court is closed in whole or in part pursuant to the authority of the supreme court, the first day of January, the third Monday in January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the

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first Monday in September, the eleventh day of November, the fourth Thursday in November, the twenty-fifth day of December, and the following Monday when any of the foregoing named legal holidays fall on a Sunday, and any day appointed or recommended by the governor of Iowa or the president of the United States as a day of fasting or thanksgiving, the time shall be extended to include the next day which the office of the clerk of the court or the office of the board, commission, or official is open to receive the filing of a commencement of an action, pleading or a motion in a pending action or proceeding, or the perfecting or filing of an appeal.

35. *"United States"* includes all the states.

36. The word *"week"* means seven consecutive days.

37. *Will.* The word *"will"* includes codicils.

38. *Words and phrases.* Words and phrases shall be construed according to the context and the approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed according to such meaning.

39. *Written — in writing — signature.* The words *"written"* and *"in writing"* may include any mode of representing words or letters in general use, and include an electronic record as defined in section 554D.103. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. *"Signature"* includes an electronic signature as defined in section 554D.103. If a person is unable due to a physical disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

a. The name of the person with a disability written by another upon the request and in the presence of the person with a disability.

b. A rubber stamp reproduction of the name or facsimile of the actual signature when adopted by the person with a disability for all purposes requiring a signature and then only when affixed by that person or another upon request and in the presence of the person with a disability.

40. The word *"year"* means twelve consecutive months.

[C51, §26, 2513; R60, §29, 4121, 4123, 4124; C73, §45; C97, §48; C24, 27, 31, 35, 39, §**63;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §4.1]

83 Acts, ch 186, §10002, 10201; 87 Acts, ch 115, §3; 92 Acts, ch 1151, §1; 93 Acts, ch 9, §1; 95 Acts, ch 43, §1; 96 Acts, ch 1129, §1; 96 Acts, ch 1153, §1; 98 Acts, ch 1047, §1; 99 Acts, ch 146, §42; 2000 Acts, ch 1189, §24; 2002 Acts, ch 1119, §106; 2002 Acts, ch 1137, §1, 71; 2005 Acts, ch 3, §1; 2007 Acts, ch 33, §1; 2009 Acts, ch 69, §1; 2012 Acts, ch 1019, §1, 2; 2012 Acts, ch 1050, §32, 60; 2022 Acts, ch 1131, §58

Referred to in §9E.2, 28J.1, 43.49, 50.24, 50.46, 142C.2, 163.35, 203.1, 203C.1, 217.30, 222.2, 226.8, 229.1, 235B.2, 235E.1, 256H.1, 347.9A, 362.2, 386.1, 421.9, 421.9A, 446.16, 455B.482, 480.1, 481B.1, 486A.101, 489.14102, 490.140, 502A.1, 508B.5, 514.1, 514E.1, 515.115, 515G.5, 523H.1, 524.103, 527.5, 533.405, 537A.10, 543E.3, 551A.1, 562A.8A, 562B.9A, 633.552, 686D.2, 714.15, 714E.1, 715.3, 716A.1, 904.108

Similar provision on population, §9F.6

Definition of "special state agents", §80.23

4.1A Statutory construction — sex and related terms.

1. In the construction of statutes, the following rules shall be observed with regard to a person's biological sex:

a. *"Sex"*, when used to classify or describe a natural person, means the state of being either male or female as observed or clinically verified at birth.

b. When used in reference to a natural person, a *"female"* means an individual who has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, a reproductive system that at some point produces ova, and a *"male"* means an individual who has, had, will have through the course of normal development, or would have but for a developmental anomaly, genetic anomaly, or accident, a reproductive system that at some point produces sperm.

c. The term *"woman"* or *"girl"* refers to a female and the term *"man"* or *"boy"* refers to a male.

d. The term *"mother"* means a parent who is female and the term *"father"* means a parent who is male.

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e. *"Gender"*, when used alone in reference to males, females, or the natural differences between males and females, shall be considered a synonym for sex and shall not be considered a synonym or shorthand expression for gender identity, experienced gender, gender expression, or gender role.

f. The term *"equal"* does not mean *"same"* or *"identical"*.

g. Separate accommodations are not inherently unequal.

h. A person born with a medically verifiable diagnosis of disorder or difference of sex development shall be provided the legal protections and accommodations afforded under the federal Americans with Disabilities Act of 1990 and applicable state law.

2. Any state law, policy, or program that prohibits discrimination on the basis of sex shall be construed to forbid unfair or discriminatory practices against females or males in relation to similarly situated members of the opposite sex.

3. Notwithstanding any provision of state law to the contrary, distinctions based on sex, including but not limited to in prisons or other detention facilities, domestic violence shelters, rape crisis centers, locker rooms, restrooms, and in other contexts where health, safety, or privacy are implicated resulting in separate accommodations, are substantially related to the important government objectives of protecting the health, safety, and privacy of the persons in these contexts.

4. Any state department or subunit of a department, or any political subdivision of the state including a city, county, township, or school district, that collects vital statistics for the purpose of complying with state antidiscrimination laws, or for the purpose of gathering accurate state public health, crime, economic, or other data, shall identify the sex of each person included in the collected data as either male or female.

5. For the purposes of this section, *"state law"* includes any state statute or rule.

2025 Acts, ch 1, §1; 2026 Acts, ch 1040, §1, 2
Referred to in §144.13, 144.23, 261I.1, 280.33
Subsection 1, paragraph e amended
Subsection 4 amended

4.2 Common law rule of construction.

The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this Code. Its provisions and all proceedings under it shall be liberally construed with a view to promote its objects and assist the parties in obtaining justice.

[C51, §2503; R60, §2622; C73, §2528; C97, §3446; C24, 27, 31, 35, 39, §**64;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §4.2]

4.3 References to other statutes.

Any statute which adopts by reference the whole or a portion of another statute of this state shall be construed to include subsequent amendments of the statute or the portion thereof so adopted by reference unless a contrary intent is expressed.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §4.3]

4.4 Presumption of enactment.

In enacting a statute, it is presumed that:

1. Compliance with the Constitutions of the state and of the United States is intended.
2. The entire statute is intended to be effective.
3. A just and reasonable result is intended.
4. A result feasible of execution is intended.
5. Public interest is favored over any private interest.

[C73, 75, 77, 79, 81, §4.4]

4.5 Prospective statutes.

A statute is presumed to be prospective in its operation unless expressly made retrospective.

[C73, 75, 77, 79, 81, §4.5]

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4.6 Ambiguous statutes — interpretation.

If a statute is ambiguous, the court, in determining the intention of the legislature, may consider among other matters:

1. The object sought to be attained.
2. The circumstances under which the statute was enacted.
3. The legislative history.
4. The common law or former statutory provisions, including laws upon the same or similar subjects.
5. The consequences of a particular construction.
6. The administrative construction of the statute.
7. The preamble or statement of policy.

[C73, 75, 77, 79, 81, §4.6]

4.7 Conflicts between general and special statutes.

If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision.

[C73, 75, 77, 79, 81, §4.7]

Referred to in §7E.6

Intent of general assembly that §7E.6 govern compensation of members of boards, committees, commissions, or councils except for certain provisions enacted subsequent to July 1, 1986; see §7E.6(1) and (7)

4.8 Irreconcilable statutes.

If statutes enacted at the same or different sessions of the legislature are irreconcilable, the statute latest in date of enactment by the general assembly prevails. If provisions of the same Act are irreconcilable, the provision listed last in the Act prevails.

[C73, 75, 77, 79, 81, §4.8]

Code editor authority to harmonize and rules for codification of irreconcilable statutes, see also §2B.13(1)(h)

4.9 Official copy prevails.

If the language of the official copy of a statute conflicts with the language of any subsequent printing or reprinting of the statute, the language of the official copy prevails.

[C73, 75, 77, 79, 81, §4.9]

4.10 Reenactment of statutes — continuation.

A statute which is reenacted, revised or amended is intended to be a continuation of the prior statute and not a new enactment, so far as it is the same as the prior statute.

[C73, 75, 77, 79, 81, §4.10]

4.11 Conflicting amendments to same statutes — interpretation.

If amendments to the same statute are enacted at the same or different sessions of the general assembly, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are irreconcilable, the latest in date of enactment by the general assembly prevails.

[C73, 75, 77, 79, 81, §4.11]

4.12 Acts or statutes are severable.

If any provision of an Act or statute or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act or statute which can be given effect without the invalid provision or application, and to this end the provisions of the Act or statute are severable.

[C73, 75, 77, 79, 81, §4.12]

4.13 General savings provision.

1. The reenactment, revision, amendment, or repeal of a statute does not affect any of the following:

a. The prior operation of the statute or any prior action taken under the statute.

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b. Any validation, cure, right, privilege, obligation, or liability previously acquired, accrued, accorded, or incurred under the statute.

c. Any violation of the statute or penalty, forfeiture, or punishment incurred in respect to the statute, prior to the amendment or repeal.

d. Any investigation, proceeding, or remedy in respect of any privilege, obligation, liability, penalty, forfeiture, or punishment; and the investigation, proceeding, or remedy may be instituted, continued, or enforced, and the penalty, forfeiture, or punishment imposed, as if the statute had not been repealed or amended.

2. If the penalty, forfeiture, or punishment for any offense is reduced by a reenactment, revision, or amendment of a statute, the penalty, forfeiture, or punishment if not already imposed shall be imposed according to the statute as amended.

[C73, 75, 77, 79, 81, §4.13]
2008 Acts, ch 1031, §6
Referred to in §124.201

4.14 General rules of construction for English language laws.

It is presumed that English language requirements in the public sector are consistent with the laws of Iowa and any ambiguity in the English language text of the laws of Iowa shall be resolved, in accordance with the ninth and tenth amendments of the Constitution of the United States, not to deny or disparage rights retained by the people, and to reserve powers to the states or to the people.

2002 Acts, ch 1007, §2

CHAPTER 4A

STATE BOARDS — REVIEW COMMITTEE

4A.1 Definitions.
4A.2 Committee — duties.
4A.3 Board reviews.
4A.4 Reports.
4A.5 Boards and governmental entities — dissolution.
4A.6 State government efficiency review committee established.
4A.7 through 4A.10 Reserved.
4A.11 Board members — nonattendance — vacancy.
4A.12 Appointive boards — political affiliation.
4A.13 Statutory boards, commissions, councils, and committees — appointments by members of general assembly — terms — dissolution.
4A.14 Minority representation.
4A.15 Boards and commissions — criteria for establishing.
4A.16 Young adult representation.
4A.17 Employees as members — voting.

4A.1 Definitions.

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

1. *"Board"* means any board, commission, committee, council, panel, review team, or foundation of this state.

2. *"Committee"* means the state government efficiency review committee established pursuant to this chapter.

2024 Acts, ch 1154, §32; 2024 Acts, ch 1170, §43

4A.2 Committee — duties.

1. The committee shall carry out the functions provided in this chapter.

2. Administrative assistance shall be provided by the legislative services agency.

2024 Acts, ch 1170, §44

4A.3 Board reviews.

1. The committee shall review the usefulness, performance, and efficacy of each board as

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provided in subsection 2. After completing a review, the committee shall prepare and publish a report of its findings and recommendations as provided in section 4A.4.

2. The committee shall establish a schedule for the committee to review each board such that the committee reviews approximately one-fourth of all boards each calendar year. Each board shall be reviewed once between the calendar years 2025 and 2029, and once every four years thereafter. The committee may modify the schedule as necessary to facilitate the efficient administration of the committee.

3. A board that is scheduled for review shall submit a report to the committee thirty days prior to the date that it is scheduled for review that includes but is not limited to all of the following:

a. The board's primary purpose and its goals and objectives.

b. The board's past and anticipated workload, the number of staff required to complete that workload, and the board's total number of staff.

c. The board's past and anticipated budgets and its sources of funding.

d. The number of members that compose the governing board or other governing entity of the board and member compensation, if any.

4. A board subject to review shall bear the burden of demonstrating to the committee a public need for its continued existence. In determining whether a board has met that burden, the committee shall consider the following, as applicable, in addition to any other information deemed relevant by the committee:

a. Whether continuation of the board is necessary to protect the health or safety of the public, and if so, whether the board's authority is narrowly tailored to protect against present, recognizable, and significant harms to the health or safety of the public.

b. Whether the public could be protected or served in an alternate or less restrictive manner.

c. Whether rules adopted by the board are consistent with the legislative mandate of the board as expressed in the statutes that created and empowered the board.

d. The extent to which the board's jurisdiction and programs overlap or duplicate those of other boards, the extent to which the board coordinates with those other boards, and the extent to which the board's programs could be consolidated with the programs of other state departments or boards.

e. The number of other states that regulate the occupation, whether a license is required to engage in the occupation in other states, whether the initial licensing and license renewal requirements for the occupation are substantially equivalent in every state, and the amount of regulation exercised by the board compared to the regulation, if any, in other states.

f. Whether the board recognizes national uniform licensure requirements for the occupation.

g. Whether private contractors could be used, in an effective and efficient manner, either to assist the board in the performance of its duties or to perform the board's duties in place of the board.

h. The cost-effectiveness of the board in terms of the number of employees, services rendered, and administrative costs incurred, both past and present.

i. The efficiency with which formal public complaints filed with the board have been processed to completion.

j. Whether the purpose for which the board was created has been fulfilled, has changed, or no longer exists.

k. Whether federal law requires that the board exist in some form.

l. Whether the requirement for an occupational license is consistent with the principles expressed in section 4A.4, subsection 2, serves the public health or safety, and provides the least restrictive form of regulation that adequately protects the public health or safety.

m. The extent to which licensing ensures that practitioners have occupational skill sets or competencies that are substantially related to protecting consumers from present, significant, and substantiated harms that threaten the public health or safety, and the impact that those criteria have on applicants for a license, particularly those with moderate or low incomes, seeking to enter the occupation or profession.

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n. The extent to which the requirement for the occupational license stimulates or restricts competition, affects consumer choice, and affects the cost of services.

2024 Acts, ch 1170, §45
Referred to in §4A.4, 4A.6

4A.4 Reports.

1. After completing a review of a board pursuant to section 4A.3, the committee shall prepare and submit a report of its findings and recommendations by December 21 of each year. A report may include findings and recommendations for more than one board. Copies of the report shall be submitted to the president of the senate, the speaker of the house of representatives, the governor, and each affected board, and shall be made publicly available on the internet site of the general assembly. The committee shall present its recommendations to the general assembly.

2. Recommendations of the committee shall indicate how or whether implementation of the recommendations would do each of the following:

a. Improve efficiency in the management of state government.

b. Improve services rendered to citizens of the state.

c. Provide for the least restrictive regulations by repealing current regulations and replacing them with less restrictive regulations that adequately protect the public.

d. Improve the effectiveness of the services performed by the boards of the state.

e. Avoid duplication of effort by state agencies or boards.

2024 Acts, ch 1170, §46
Referred to in §4A.3

4A.5 Boards and governmental entities — dissolution.

1. Except as provided in subsection 2, a board established by an Act of the general assembly after July 1, 2024, shall dissolve four years after the establishment of the board, unless the Act establishing the board expressly states an alternative dissolution date.

2. An Act of the general assembly establishing a board for the exclusive purpose of providing advice or recommendations after July 1, 2024, shall include a dissolution date of the board not more than two years after the establishment of the board.

2024 Acts, ch 1170, §47

4A.6 State government efficiency review committee established.

1. A state government efficiency review committee is established which shall meet as necessary to efficiently review all boards according to the schedule established by the committee pursuant to section 4A.3.

2. *a.* The committee shall consist of two members of the senate appointed by the majority leader of the senate, one member of the senate appointed by the minority leader of the senate, two members of the house of representatives appointed by the speaker of the house of representatives, one member of the house of representatives appointed by the minority leader of the house of representatives, an employee of the office of the governor appointed by the governor, the director of the department of management or the director's designee, and the director of the department of inspections, appeals, and licensing, or the director's designee.

b. Members shall be appointed prior to January 31 of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

c. The committee shall elect a chairperson and vice chairperson from the legislative members of the committee.

3. The legislative members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and shall be paid a per diem as specified in section 2.10 for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid to members of the

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general assembly when the general assembly is actually in session at the seat of government. Expenses and per diem shall be paid from moneys appropriated pursuant to section 2.12.

4. Administrative assistance shall be provided by the legislative services agency.

2024 Acts, ch 1154, §33; 2024 Acts, ch 1170, §48

4A.7 through 4A.10 Reserved.

4A.11 Board members — nonattendance — vacancy.

1. Any person who has been appointed by the governor to any board under the laws of this state shall be deemed to have submitted a resignation from such office if any of the following events occurs:

a. The person does not attend three or more consecutive regular meetings of such board. This paragraph does not apply unless the first and last of the consecutive meetings counted for this purpose are at least thirty days apart.

b. The person attends less than one-half of the regular meetings of such board within any period of twelve calendar months beginning on July 1 or January 1. This paragraph does not apply unless such board holds at least four regular meetings during such period. This paragraph applies only to such a period beginning on or after the date when the person takes office as a member of such board.

c. Sufficient grounds exist that would otherwise subject the person to removal by the executive council pursuant to section 66.26.

2. With respect to subsection 1, paragraphs *"a"* and *"b"*, if such person received no notice and had no knowledge of a regular meeting and gives the governor a sworn statement to that effect within ten days after the person learns of the meeting, such meeting shall not be counted for the purposes of this section.

3. The governor in the governor's discretion may accept or reject such resignation. If the governor accepts it, the governor shall notify such person, in writing, that the resignation is accepted pursuant to this section. The governor shall then make another appointment to such office. Such appointment shall be made in the same manner and for the same term as in the case of other vacancies caused by resignation from such office.

4. As used in this section, *"board"* includes any commission, committee, agency, or governmental body which has three or more members.

[C71, 73, 75, 77, 79, 81, §69.15]

2007 Acts, ch 22, §16; 2024 Acts, ch 1170, §54, 371 – 373

C2025, §4A.11

4A.12 Appointive boards — political affiliation.

1. All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. A person shall not be appointed or reappointed to any board, commission, or council established by the Code, if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

2. In the case where the appointment of members of the general assembly is allowed, and the law does not otherwise provide, if an even number of legislators are appointed they shall be equally divided by political party affiliation; if an odd number of members of the general assembly are appointed, the number representing a certain political party shall not exceed the number of legislative members of the other political party who may be appointed by more than one.

3. If there are multiple appointing authorities for a board, commission or council, the appointing authorities shall consult to avoid a violation of this section.

4. This section shall not apply to any board, commission, or council established by the Code for which other restrictions regarding the political affiliations of members are provided by law.

[C77, 79, 81, §69.16]

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86 Acts, ch 1245, §2040; 87 Acts, ch 218, §7; 2018 Acts, ch 1041, §19; 2019 Acts, ch 59, §32; 2020 Acts, ch 1063, §38; 2024 Acts, ch 1170, §54

C2025, §4A.12

Referred to in §8D.3, 15H.3, 23.3, 35A.2, 47.8, 68B.32, 80.28, 84A.1A, 84A.4, 84D.5, 135.43, 148.2A, 159A.13, 217.43, 256.5A, 256.132, 256.147, 331.322, 418.5, 455A.5, 455A.6, 455A.20, 514E.2, 542.4

4A.13 Statutory boards, commissions, councils, and committees — appointments by members of general assembly — terms — dissolution.

1. Unless otherwise specifically provided by law, all of the following shall apply to an appointment to a statutory board, commission, council, or committee made by a member or members of the general assembly pursuant to section 2.32A:

a. An appointment shall be at the pleasure of the appointing member.

b. Unless an appointee is replaced by the appointing member, the regular term of appointment shall be two years, beginning upon the convening of a general assembly and ending upon the convening of the following general assembly, or when the appointee's successor is appointed, whichever occurs later.

c. Unless otherwise provided, a vacancy exists if a member of the general assembly serving on a statutory board, commission, council, or committee ceases to be a member of the general assembly. A vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

2. Unless otherwise specifically provided by law, a board, commission, council, committee, task force, or other temporary body created by an uncodified statute that provides for issuance of a final report by the body is dissolved on or about the date the body's final report is issued.

2008 Acts, ch 1156, §22, 58

C2009, §69.16B

2024 Acts, ch 1170, §54

C2025, §4A.13

Referred to in §2.32A, 2A.4, 8A.372, 15E.63, 80.28, 80B.6, 84A.1A, 217.2, 249A.4B, 256.32, 256H.2, 261D.3, 272B.2, 411.36, 418.5, 423.9

4A.14 Minority representation.

All appointive boards, commissions, committees, and councils of the state established by the Code if not otherwise provided by law should provide, to the extent practicable, for minority representation. All appointing authorities of boards, commissions, committees, and councils subject to this section should consider qualified minority persons for appointment to boards, commissions, committees, and councils. For purposes of this section, "*minority*" means a minority person as defined in section 15.102.

2008 Acts, ch 1156, §23, 58

C2009, §69.16C

2024 Acts, ch 1170, §54

C2025, §4A.14

4A.15 Boards and commissions — criteria for establishing.

1. Prior to establishing a new appointive board, commission, committee, or council of the state, the general assembly shall consider all of the following:

a. Whether there is an existing board or commission that would be able to perform the duties of the new board, commission, committee, or council.

b. The estimated annual cost of the new board, commission, committee, or council, including any additional personnel costs arising out of the creation of the new board, commission, committee, or council.

c. Whether a repeal date is needed for the new board, commission, committee, or council. Whenever possible, an appropriate repeal date should be included.

2. This section shall apply to appointive boards, commissions, committees, and councils of the state established by the Code on or after July 1, 2010.

2010 Acts, ch 1031, §421

C2011, §69.16D

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2024 Acts, ch 1170, §54
C2025, §4A.15

4A.16 Young adult representation.

1. For purposes of this section, unless the context otherwise requires, *"young adult"* means a person who, at the time of appointment or reappointment, is at least eighteen years of age but less than thirty-five years of age.

2. All appointive boards, commissions, committees, and councils of the state established by the Code should provide, to the extent practicable and if not otherwise provided by law, for at least one member who is a young adult. All appointing authorities of boards, commissions, committees, and councils should consider qualified young adults for appointment to boards, commissions, committees, and councils.

2010 Acts, ch 1076, §1
C2011, §69.16E
2024 Acts, ch 1170, §54
C2025, §4A.16

4A.17 Employees as members — voting.

If an employee of an appointive board, commission, or council is a member of the board, commission, or council, that employee shall not be a voting member. Payment of per diem and expenses shall not cause a member to be considered an employee of that board, commission, or council.

[C77, 79, 81, §69.17]
2024 Acts, ch 1170, §54
C2025, §4A.17

CHAPTER 5

UNIFORM STATE LAWS

5.1 Commission on uniform laws — vacancies.
5.2 Tenure — compensation — expenses.
5.3 Organization.
5.4 Duties — reports.

5.1 Commission on uniform laws — vacancies.

The governor shall appoint three commissioners, each of whom shall be a member of the bar of this state, in good standing, who shall constitute and be known as the commission on uniform state laws, and upon the death, resignation, or refusal to serve of any of the commissioners so appointed, the governor shall make an appointment to fill the vacancy so caused, such new appointment to be for the unexpired balance of the term of the original appointee.

[C24, 27, 31, 35, 39, §**65;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §5.1]

5.2 Tenure — compensation — expenses.

Said commissioners shall hold office for a term of four years, and until their successors are duly appointed, but nothing herein contained shall be construed to render a commissioner who has faithfully performed the duties of commissioner ineligible for reappointment. No member of said commission shall receive any compensation for services as a commissioner, but each commissioner shall be entitled to receive actual disbursements for expenses in performing the duties of the office.

[C24, 27, 31, 35, 39, §**66;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §5.2]

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5.3 Organization.

The commissioners shall meet at the state capitol as necessary and shall organize by the election of one of their number as chairperson and another as secretary, who shall hold their respective offices for a term of two years and until their successors are elected and qualified.

[C24, 27, 31, 35, 39, §**67;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §5.3]

2024 Acts, ch 1170, §81

5.4 Duties — reports.

The commissioners shall attend the meeting of the national conference of commissioners on uniform state laws, or arrange for the attendance of at least one of their number at the national conference, and both in and out of the national conference they shall do all in their power to promote uniformity in state laws, upon all subjects where uniformity is deemed desirable and practicable. The commission shall report to the legislative council of the general assembly, an account of its transactions, and its advice and recommendations for legislation. This report shall be printed for presentation to the council. The council shall submit the report to the speaker of the house and president of the senate who shall forward it to the appropriate committees of the general assembly for further study. The commission shall bring about as far as practicable the uniform judicial interpretation of all uniform laws and generally devise and recommend additional legislation or other or further course of action as shall tend to accomplish the purposes of this chapter.

[C24, 27, 31, 35, 39, §**68;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §5.4]

89 Acts, ch 296, §1

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SUBTITLE 3

EMINENT DOMAIN

CHAPTER 6

RESERVED

CHAPTER 6A

EMINENT DOMAIN LAW
(CONDEMNATION)

Referred to in §18B.1, 28F.11, 28J.9, 173.14, 306.19, 306B.4, 306C.17, 313A.10, 327G.17, 331.304, 346.27, 364.4, 389.3, 390.11, 403.5, 403.7, 403A.20, 455B.487

This chapter not enacted as a part of this
title; transferred from chapter 471 in Code 1993

6A.1 Exercise of power by state.
6A.2 On behalf of federal government.
6A.3 Conveyance by state to federal government.
6A.4 Right conferred.
6A.5 Right to purchase.
6A.6 Railways.
6A.7 Cemetery lands.
6A.8 Limitation on right-of-way.
6A.9 Additional purposes.
6A.10 Initiating railroad condemnation by railway corporation.
6A.11 Lands for water stations — how set aside.
6A.12 Access to water — overflow limited.
6A.13 Change in streams.
6A.14 Unlawful diversion prohibited.
6A.15 Reserved.
6A.16 Right to condemn abandoned right-of-way.
6A.17 Reserved.
6A.18 No double damages.
6A.19 Interpretative clause.
6A.20 Description of land furnished.
6A.21 Condemnation of agricultural land — definitions.
6A.22 Additional limitations on exercise of power — definitions.
6A.23 Exception for certain urban renewal areas. Repealed by own terms; 2006 Acts, 1st Ex, ch 1001, §4, 49.
6A.24 Judicial review of eminent domain authority.

6A.1 Exercise of power by state.

Proceedings may be instituted and maintained by the state of Iowa, or for the use and benefit thereof, for the condemnation of such private property as may be necessary for any public improvement which the general assembly has authorized to be undertaken by the state, and for which an available appropriation has been made. The executive council shall institute and maintain such proceedings in case authority to so do be not otherwise delegated.

[C73, §1271; C97, §2024; S13, §2024-d; C24, 27, 31, 35, 39, §**7803;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.1]

C93, §6A.1

Condemnation for state parks and connecting highways, §461A.7, 461A.8

6A.2 On behalf of federal government.

The executive council may institute and maintain such proceedings when private property is necessary for any use of the government of the United States.

[S13, §2024-a; C24, 27, 31, 35, 39, §**7804;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.2]

C93, §6A.2

Condemnation by federal government, §1.4

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6A.3 Conveyance by state to federal government.

When land or any easement therein is condemned by the state for the use and benefit of the United States, the governor, after the land has been finally acquired, shall have power to convey, to the United States, the easement or lands so acquired and all rights of the state therein.

[S13, §2024-b; C24, 27, 31, 35, 39, §**7805;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.3]

C93, §6A.3

6A.4 Right conferred.

The right to take private property for public use is hereby conferred:

1. *Counties.* Upon all counties for public purposes which are reasonable and necessary as an incident to the powers and duties conferred upon counties.

2. *Owners of land without a way to the land.* Upon the owner or lessee of lands, which have no public or private way to the lands, for the purpose of providing a public way which will connect with an existing public road.

a. The condemned public way shall not exceed forty feet in width when such lands are agricultural or have a single residence located on them. For all other uses, the condemned public way shall not exceed sixty-six feet.

b. The condemned public way shall be located on a division, subdivision or "forty" line, or immediately adjacent thereto, and along the line which is the nearest feasible route to an existing public road, or along a route established for a period of ten years or more by an easement of record or by use and travel to and from the property by the owner and the general public. The public way shall not interfere with buildings, orchards, or cemeteries.

c. When passing through enclosed lands, the public way shall be fenced on both sides by the condemner upon request of the owner of the condemned land. The condemner or the condemner's assignee shall provide easement for access to the owner of property severed by the condemnation. The public way shall be maintained by the condemner or the condemner's assignee, and shall not be considered any part of the primary or secondary road systems.

d. A public way condemned under this subsection shall not be considered an existing public road in subsequent condemnations to provide a public way for access to an existing public road.

3. *Owners of mineral lands.* Upon all owners, lessees, or possessors of land, for a railway right-of-way thereto not exceeding one hundred feet in width and located wherever necessary or practical, when such lands have no railway thereto and contain coal, stone, gravel, lead, or other minerals and such railway is necessary in order to reach and operate any mine, quarry, or gravel bed on said land and transport the products thereof to market. Such right-of-way shall not interfere with buildings, orchards, or cemeteries, and when passing through enclosed lands, fences shall be built and maintained on both sides thereof by the party condemning the land and by that party's assignees. The jury, in the assessment of damages, shall consider the fact that a railway is to be constructed thereon.

4. *Cemetery associations.* Upon any private cemetery or cemetery association which is incorporated under the laws of this state relating to corporations not for pecuniary profit, and having its cemetery located outside the limits of a city, for the purpose of acquiring necessary grounds for cemetery use or reasonable additions thereto. The right granted in this subsection shall not be exercised until the board of supervisors, of the county in which the land sought to be condemned is located, has, on written application and hearing, on such reasonable notice to all interested parties as it may fix, found that the land, describing it, sought to be condemned, is necessary for cemetery purposes. The association shall pay all costs attending such hearing.

5. *Subdistricts of soil and water conservation districts.* Upon a subdistrict of a soil and water conservation district for land or rights or interests in the land as reasonable and necessary to carry out the purposes of the subdistrict.

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6. *Cities.* Upon all cities for public purposes which are reasonable and necessary as an incident to the powers and duties conferred upon cities.

1. [S13, §2024-f; C24, 27, 31, 35, 39, §**7806;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §471.4; 81 Acts, ch 117, §1084]

2. [C97, §2028; S13, §2028; C24, 27, 31, 35, 39, §**7806;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §471.4]

3. [C97, §2028, 2031; S13, §2028; C24, 27, 31, 35, 39, §**7806;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §471.4]

4. [S13, §1644-a – e; C24, 27, 31, 35, 39, §**7806;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §471.4]

5. [C62, 66, 71, 73, 75, 77, 79, 81, S81, §471.4]

6. [R60, §1064; C73, §464, 470, 474; C97, §722, 880, 881; S13, §722, 729-b, 741-s; SS15, §741-d, 879-t, 880, 881; C24, 27, 31, 35, 39, §**6134, 6195 – 6197, 6740;** C46, §397.8, 403.1 – 403.3; C50, §391A.3, 397.8, 403.1 – 403.3, 420.51; C54, 62, 66, 71, 73, §368.37, 397.8; C75, 77, 79, 81, S81, §471.4]

83 Acts, ch 67, §1; 87 Acts, ch 23, §55

C93, §6A.4

2006 Acts, 1st Ex, ch 1001, §1, 49; 2008 Acts, ch 1032, §201

Referred to in §364.12A

6A.5 Right to purchase.

Whenever the power to condemn private property for a public use is granted to any officer, board, commission, or other official, or to any county, township, or municipality, such grant shall, unless otherwise declared, be construed as granting authority to the officer, board, or official body having jurisdiction over the matter, to acquire, at its fair market value, and from the parties having legal authority to convey, such right as would be acquired by condemnation.

[R60, §1317; C73, §1244, 1247; C97, §1999, 2002, 2014, 2029; S13, §1644-a; C24, 27, 31, 35, 39, §**7807;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.5]

C93, §6A.5

6A.6 Railways.

A railway corporation may acquire by condemnation property as necessary for the location, construction, and convenient use of a railway. The acquisition shall carry the right to use for the construction and repair of the railway and its appurtenances any earth, gravel, stone, timber, or other material, on or from the land taken.

[R60, §1314; C73, §1241; C97, §1995; S13, §1995; C24, 27, 31, 35, 39, §**7808;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.6]

83 Acts, ch 121, §9

C93, §6A.6

2009 Acts, ch 97, §1

6A.7 Cemetery lands.

No lands actually platted, used, and devoted to cemetery purposes shall be taken for any railway purpose without the consent of the proper officers or owners thereof.

[S13, §1995; C24, 27, 31, 35, 39, §**7809;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.7]

C93, §6A.7

6A.8 Limitation on right-of-way.

Land taken for railway right-of-way, otherwise than by consent of the owner, shall not exceed one hundred feet in width unless greater width is necessary for excavation, embankment, or depositing waste earth.

[R60, §1314; C73, §1241; C97, §1995; S13, §1995; C24, 27, 31, 35, 39, §**7810;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.8]

C93, §6A.8

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6A.9 Additional purposes.

The department of transportation or a railway corporation may, by condemnation or otherwise, acquire lands for the following additional purposes:

1. For necessary additional depot grounds or yards.
2. For constructing a track or tracks to any mine, quarry, gravel pit, manufacturing plant, warehouse, or mercantile establishment.
3. For additional or new right-of-way for constructing double track, reducing or straightening curves, changing grades, shortening or relocating portions of the line, and for excavations, embankments, or places for depositing waste earth.
4. For the preservation of abandoned railroad right-of-way for future railroad use.

[R60, §1314; C73, §1241, 1242; C97, §1995, 1996, 1998; S13, §1995, 1998; C24, 27, 31, 35, 39, §**7811;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.9]

83 Acts, ch 121, §10

C93, §6A.9

2009 Acts, ch 97, §2

6A.10 Initiating railroad condemnation by railway corporation.

A railway corporation shall apply to the department of transportation for permission to condemn. The railway corporation shall serve notice of the application and hearing and provide a copy of the legal description of the property to be condemned to the owner and any recordholders of liens and encumbrances on any land described in the application. The department may, after hearing, report to the clerk of the district court of the county in which the land is situated the description of the land sought to be condemned. The corporation may begin condemnation procedures in district court for the land described by the department.

[C97, §1998; S13, §1998; C24, 27, 31, 35, 39, §**7812;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.10; 81 Acts, ch 22, §22]

83 Acts, ch 121, §11

C93, §6A.10

93 Acts, ch 47, §17; 93 Acts, ch 87, §1; 2009 Acts, ch 97, §3

6A.11 Lands for water stations — how set aside.

Lands which are sought to be condemned for water stations, dams, or reservoirs, including all the overflowed lands, if any, shall, if requested by the owner, be set aside in a square or rectangular shape by the department of transportation or district court.

[C73, §1242; C97, §1996; C24, 27, 31, 35, 39, §**7813;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.11; 81 Acts, ch 22, §22]

83 Acts, ch 121, §12

C93, §6A.11

6A.12 Access to water — overflow limited.

An owner of land, which has in part been condemned for water stations, dams, or reservoirs, shall not be deprived, without the owner's consent, of access to the water, or the use thereof, in common with the company, on the owner's own land, nor, without the owner's consent, shall the owner's dwelling, outhouses, or orchards be overflowed, or otherwise injuriously affected by such condemnation.

[C73, §1242; C97, §1996; C24, 27, 31, 35, 39, §**7814;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.12]

C93, §6A.12

6A.13 Change in streams.

When a railway company would have the right to excavate a channel or ditch and thereby change and straighten the course of a stream or watercourse, which is too frequently crossed by such railway, and thereby protect the right-of-way and roadbed, or promote safety and

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convenience in the operation of the railway, it may, by condemnation or otherwise, acquire sufficient land on which to excavate such ditch or channel.

[C97, §2014; C24, 27, 31, 35, 39, §**7815;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.13]
C93, §6A.13
Referred to in §6A.14

6A.14 Unlawful diversion prohibited.

Nothing in section 6A.13 shall give such corporation the right to change the course of any stream or watercourse where such right does not otherwise exist, nor, without the owner's consent, to divert such stream or watercourse from any cultivated meadow or pasture land, when it only touches such lands at one point.

[C97, §2014; C24, 27, 31, 35, 39, §**7816;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.14]
C93, §6A.14

6A.15 Reserved.

6A.16 Right to condemn abandoned right-of-way.

Railroad right-of-way which has been abandoned by order of the proper authority may be condemned by a railway corporation or the department of transportation before or after the track materials have been removed. The procedure to condemn abandoned right-of-way shall be the same as for an original condemnation.

[C73, §1260; C97, §2015; C24, 27, 31, 35, 39, §**7818;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.16]
83 Acts, ch 121, §13
C93, §6A.16
2009 Acts, ch 97, §4
Referred to in §327G.78

6A.17 Reserved.

6A.18 No double damages.

Owners of abandoned right-of-way which was originally condemned for rail purposes shall not receive additional compensation unless the track materials were removed prior to the second condemnation.

[C73, §1261; C97, §2016; C24, 27, 31, 35, 39, §**7820;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.18]
83 Acts, ch 121, §14
C93, §6A.18

6A.19 Interpretative clause.

A grant in this chapter of right to take private property for a public use shall not be construed as limiting a like grant elsewhere in the Code for another and different use.

[C24, 27, 31, 35, 39, §**7821;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §471.19]
C93, §6A.19

6A.20 Description of land furnished.

Whenever any person, state department, or political subdivision takes title to land in fee simple for a public use by condemnation or by purchase in lieu of condemnation, the purchaser shall furnish to the owner of the land a legal description of the part taken and a legal description of the remainder which is compatible with the existing abstract description of the entire tract of land. For the purposes of this section a center line description is compatible only when it contains reference points which are a part of and tied to the abstract description.

[C71, 73, 75, 77, 79, 81, §471.20]
C93, §6A.20
Referred to in §306.42

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6A.21 Condemnation of agricultural land — definitions.

1. Except as otherwise provided, for purposes of this chapter and chapter 6B:

a. "Aboveground merchant line" means *"merchant line"* as defined in section 478.6A, subsection 1, excluding those merchant lines that are underground.

b. (1) *"Agricultural land"* means real property owned by a person in tracts of ten acres or more and not laid off into lots of less than ten acres or divided by streets and alleys into parcels of less than ten acres, and that has been used for the production of agricultural commodities during three out of the past five years. Such use of property includes but is not limited to the raising, harvesting, handling, drying, or storage of crops used for feed, food, seed, or fiber; the care or feeding of livestock; the handling or transportation of crops or livestock; the storage, treatment, or disposal of livestock manure; and the application of fertilizers, beneficial substances, pesticides, and herbicides on crops.

(2) *"Agricultural land"* includes land on which is located farm residences or outbuildings used for agricultural purposes and land on which is located facilities, structures, or equipment for agricultural purposes.

(3) *"Agricultural land"* includes land taken out of agricultural production for purposes of environmental protection or preservation.

c. "Private development purposes" means the construction of, or improvement related to, recreational trails, recreational development paid for primarily with private funds, aboveground merchant lines, housing and residential development, or commercial or industrial enterprise development.

d. "Public use" or *"public purpose"* or *"public improvement"* does not include the authority to condemn agricultural land for private development purposes unless the owner of the agricultural land consents to the condemnation.

2. The limitation on the definition of public use, public purpose, or public improvement does not apply to the establishment, relocation, or improvement of a road pursuant to chapter 306, or to the establishment of a railway under the supervision of the department of transportation as provided in section 327C.2, or to an airport as defined in section 328.1, or to land acquired in order to replace or mitigate land used in a road project when federal law requires replacement or mitigation. This limitation also does not apply to utilities, persons, companies, or corporations under the jurisdiction of the Iowa utilities commission or to any other utility conferred the right by statute to condemn private property or to otherwise exercise the power of eminent domain, except to the extent such purpose includes construction of aboveground merchant lines.

99 Acts, ch 171, §1, 41, 42; 2006 Acts, 1st Ex, ch 1001, §2, 49; 2017 Acts, ch 170, §55 – 57, 59, 60; 2023 Acts, ch 19, §2653; 2024 Acts, ch 1170, §369; 2025 Acts, ch 134, §1

Referred to in §6A.22

6A.22 Additional limitations on exercise of power — definitions.

1. In addition to the limitations in section 6A.21, the authority of an acquiring agency to condemn any private property through eminent domain may only be exercised for a public purpose, public use, or public improvement. However, if the owner of the property consents to the condemnation, the property may be condemned for any purpose.

2. *a. "Public use"*, *"public purpose"*, or *"public improvement"* means one or more of the following:

(1) The possession, occupation, and enjoyment of property by the general public or governmental entities.

(2) The acquisition of any interest in property necessary to the function of a public or private utility to the extent such purpose does not include construction of aboveground merchant lines, or necessary to the function of a common carrier or airport or airport system.

(3) Private use that is incidental to the public use of the property, provided that no property shall be condemned solely for the purpose of facilitating such incidental private use.

(4) The acquisition of property pursuant to chapter 455H.

(5) (a) The acquisition of property for redevelopment purposes and to eliminate slum or blighted conditions in that portion of an urban renewal area designated as a slum or blighted area if each parcel, or any improvements thereon, for which condemnation is

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sought is determined by the governing body of the municipality to be in a slum or blighted condition. However, for a project or acquisition plan adopted by the governing body of a municipality after due deliberation and public input, if seventy-five percent or more of the area included in the plan consists of property in a slum or blighted condition at the time the plan was established, the entire project or acquisition plan area is subject to condemnation by the municipality. The project or acquisition plan area shall only include the adjacent and contiguous parcels necessary for the completion of planned activities for a specific business or housing project. Before a municipality exercises its eminent domain authority to acquire properties in a project or acquisition plan area that are not in a slum or blighted condition, the municipality shall be required to adopt a resolution by a two-thirds majority to authorize the acquisition of such property by eminent domain. The resolution shall make a finding that includes at a minimum all of the following:

(i) The taking of such property is necessary to achieve the project or acquisition plan objectives.

(ii) The taking of property for the project or acquisition plan will eliminate or rehabilitate the slum and blighted conditions in the area.

(iii) If the specific project is for a business, the proposed project or acquisition plan will confer economic benefits upon the municipality.

(b) For purposes of this subparagraph (5):

(i) "*Blighted condition*" means the presence of a substantial number of slum or deteriorated structures; insanitary or unsafe conditions; excessive and uncorrected deterioration of site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; or the existence of conditions which endanger life or property by fire and other causes; or the existence of conditions which retard the provision of housing accommodations for low or moderate income families, or is a menace to the public health and safety in its present condition and use.

(ii) "*Slum condition*" means a condition conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, or detrimental to the public health and safety due to a predominance of buildings or improvements, whether residential or nonresidential, by reason of the following: by reason of dilapidation, deterioration that is excessive and uncorrected, age or obsolescence; by reason of inadequate provision for sanitation; by reason of high density of population and overcrowding; by reason of the existence of conditions which endanger life or property by fire and other causes; or by reason of any combination of such factors.

(iii) In no case shall land that is agricultural land be determined to be in a slum condition or blighted condition.

(iv) "*Project or acquisition plan*" means the planned activities of a municipality to rehabilitate or redevelop specific property in that portion of an urban renewal area designated as a slum or blighted area pursuant to chapter 403. The planned activities may include the sale and acquisition of property; demolition and removal of buildings and improvements; construction, repair, and rehabilitation of buildings or other improvements; and installation, construction, or reconstruction of streets and utilities.

(v) "*Economic benefits*" means the creation of new employment opportunities or the retention of employment opportunities.

b. Except as specifically included in the definition in paragraph "*a*", "*public use*" or "*public purpose*" or "*public improvement*" does not mean economic development activities resulting in increased tax revenues, increased employment opportunities, privately owned or privately funded housing and residential development, privately owned or privately funded commercial or industrial development, or the lease of publicly owned property to a private party.

c. Notwithstanding paragraph "*a*":

(1) (a) If private property is to be condemned for development or creation of a lake, only that number of acres justified as necessary for a surface drinking water source, and not otherwise acquired, may be condemned. In addition, the acquiring agency shall conduct a review of prudent and feasible alternatives to provision of a drinking water source prior to making a determination that such lake development or creation is reasonable and necessary.

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Development or creation of a lake as a surface drinking water source includes all of the following:

(i) Construction of the dam, including sites for suitable borrow material and the auxiliary spillway.

(ii) The water supply pool.

(iii) The sediment pool.

(iv) The flood control pool.

(v) The floodwater retarding pool.

(vi) The surrounding area upstream of the dam no higher in elevation than the top of the dam's elevation.

(vii) The appropriate setback distance required by state or federal laws and regulations to protect drinking water supply.

(b) For condemnation of property located in a county with a population of greater than nine thousand two hundred fifty but less than nine thousand three hundred, according to the 2010 federal decennial census, prior to making a determination that development or creation of a lake as a surface drinking water source is reasonable and necessary, the acquiring agency shall conduct a review of feasible alternatives to development or creation of a lake as a surface drinking water source. An acquiring agency shall not have the authority to condemn private property for the development or creation of a lake as a surface drinking water source if one or more feasible alternatives to provision of a drinking water source exist. An alternative that results in the physical expansion of an existing drinking water source is presumed to be a feasible alternative to development or creation of a lake as a surface drinking water source. An alternative that supplies drinking water by pipeline or other method of transportation or transmission from an existing source located within or outside this state at a reasonable cost is a feasible alternative to development or creation of a lake as a surface drinking water source. If private property is to be condemned for development or creation of a lake, only that number of acres justified as necessary for a surface drinking water source, and not otherwise acquired, may be condemned. Development or creation of a lake as a surface drinking water source includes all of the following:

(i) Construction of the dam, including sites for suitable borrow material and the auxiliary spillway.

(ii) The water supply pool.

(iii) The sediment pool.

(iv) The flood control pool.

(v) The floodwater retarding pool.

(vi) The surrounding area upstream of the dam no higher in elevation than the top of the dam's elevation.

(vii) The appropriate setback distance required by state or federal laws and regulations to protect drinking water supply.

(c) (i) For purposes of this subparagraph (1), *"number of acres justified as necessary for a surface drinking water source"* means according to guidelines of the United States natural resource conservation service and according to analyses of surface drinking water capacity needs conducted by one or more registered professional engineers.

(ii) For condemnation proceedings for which the application pursuant to section 6B.3 was filed after January 1, 2013, for condemnation of property located in a county with a population of greater than nine thousand two hundred fifty but less than nine thousand three hundred, according to the 2010 federal decennial census, which property sought to be condemned was in whole or in part described in a petition filed under section 6A.24, subsection 2, after January 1, 2013, but before January 1, 2014, regardless of whether the petitioner was determined by a court to not be a proper acquiring agency, *"number of acres justified as necessary for a surface drinking water source"*, as determined under subparagraph subdivision (i) shall not exceed the number of acres that would be necessary to provide the amount of drinking water to meet the needs of a population equal to the population of the county where the lake is to be developed or created, according to the most recent federal decennial census.

(2) The use of eminent domain authority to acquire private property in the unincorporated area of a county for use as an airport, airport system, or aviation facilities is prohibited,

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notwithstanding any provision of the law to the contrary, if the property to be condemned is located outside the geographic boundaries of the city or county operating the airport, airport system, or aviation facilities or outside the geographic boundaries of the member municipalities of the commission or authority. However, an acquiring agency may proceed with condemnation of property under these circumstances if the board of supervisors of the county where the property for which condemnation is sought is located holds a public hearing on the matter and subsequent to the hearing approves, by resolution, the condemnation action. This subparagraph does not apply if any of the following conditions is met:

(a) The property to be condemned is for an improvement to an existing airport, airport system, or aviation facilities if such improvement is required by federal law, regulation, or order or if such improvement is included in an airport layout plan approved by the federal aviation administration for the existing site of the airport, airport system, or aviation facilities.

(b) The property to be condemned has been zoned by a city or county for use as an airport, airport system, or aviation facilities.

(c) The property to be condemned is for a proposed airport, airport system, or aviation facilities that as of July 1, 2006, were designated in the federal aviation administration national plan for integrated airport services, and the property to be condemned is located within the county where at least one of the cities that will participate in operation of the proposed airport, airport system, or aviation facilities is located.

2006 Acts, 1st Ex, ch 1001, §3, 49; 2008 Acts, ch 1032, §201; 2015 Acts, ch 138, §151 – 155, 162; 2017 Acts, ch 170, §58 – 60; 2018 Acts, ch 1026, §4

Referred to in §6B.56A

6A.23 Exception for certain urban renewal areas. Repealed by own terms; 2006 Acts, 1st Ex, ch 1001, §4, 49.

6A.24 Judicial review of eminent domain authority.

1. An owner of property described in an application for condemnation may bring an action challenging the exercise of eminent domain authority or the condemnation proceedings. Such action shall be commenced within thirty days after service of notice of assessment pursuant to section 6B.8 by the filing of a petition in district court. Service of the original notice upon the acquiring agency shall be as required in the rules of civil procedure. In addition to the owner of the property, a contract purchaser of record of the property or a tenant occupying the property under a recorded lease shall also have standing to bring such action.

2. An acquiring agency that proposes to acquire property by eminent domain may file a petition in district court seeking a determination and declaration that its finding of public use, public purpose, or public improvement necessary to support the taking meets the definition of those terms. The action shall be commenced by the filing of a petition identifying all property owners whose property is proposed to be acquired, any contract purchaser of record of the property, and any tenant known to be occupying the property, and including a description of the properties proposed to be acquired and a statement of the public use, public purpose, or public improvement supporting the acquisition of the property by eminent domain. The original notice shall be served as required by the rules of civil procedure on each property owner named in the petition and on any contract purchaser of record of the property and on any tenant occupying the property under a recorded lease. Such action may be commenced by an acquiring agency at any time prior to the filing of an application for condemnation pursuant to section 6B.3.

3. For any action brought under this section, the burden of proof shall be on the acquiring agency to prove by a preponderance of the evidence that the finding of public use, public purpose, or public improvement meets the definition of those terms. If a property owner or a contract purchaser of record or a tenant occupying the property under a recorded lease

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prevails in an action brought under this section, the acquiring agency shall be required to pay the costs, including reasonable attorney fees, of the adverse party.

2006 Acts, 1st Ex, ch 1001, §5, 49

Referred to in §6A.22, 6B.3A

Manner of service, R.C.P. 1.302 – 1.315

CHAPTER 6B

PROCEDURE UNDER EMINENT DOMAIN

Referred to in §6A.21, 18B.1, 28F.11, 28J.9, 173.14, 297.6, 306.17, 306.19, 306.27, 306B.4, 306C.9, 306C.17, 313A.10, 327G.17, 327G.77, 331.303, 331.304, 331.321, 331.653, 346.27, 358C.12, 364.4, 364.8, 389.3, 390.11, 403.5, 403.7, 403A.20, 461A.75, 468.126, 468.128, 468.146, 468.366, 468.526, 476.23, 476A.7, 479.46, 479B.30, 543D.3, 589.27, 602.8102(66)

This chapter not enacted as a part of this title; transferred from chapter 472 in Code 1993

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6B.1 Definitions.

1. As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. For purposes of this chapter, an *"acquiring agency"* means the state of Iowa or any person or entity conferred the right by statute to condemn private property or to otherwise exercise the power of eminent domain. In the exercise of eminent domain power, the words *"applicant"* and *"condemner"* mean acquiring agency as defined in this subsection, unless the context clearly requires otherwise.

2000 Acts, ch 1148, §1; 2006 Acts, 1st Ex, ch 1001, §25, 47, 49

6B.1A Procedure provided.

The procedure for the condemnation of private property for works of internal improvement, and for other public projects, uses, or purposes, unless and except as otherwise provided by law, shall be in accordance with the provisions of this chapter. This chapter shall not apply to the dedication of property to an acquiring agency or to the voluntary negotiation and purchase of property by an acquiring agency.

[C24, 27, 31, 35, 39, §**7822;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.1]
C93, §6B.1
2000 Acts, ch 1179, §1, 30
C2001, §6B.1A

6B.2 By whom conducted.

1. Such proceedings shall be conducted:

a. By the attorney general when the damages are payable from the state treasury.

b. By the county attorney, when the damages are payable from funds disbursed by the county or by any township.

c. By the city attorney, when the damages are payable from funds disbursed by the city.

2. This section shall not be construed as prohibiting any other authorized representative from conducting such proceedings.

[C73, §1271; C97, §2024; S13, §2024-a, -d, -f; C24, 27, 31, 35, 39, §**7823;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.2]
C93, §6B.2
2008 Acts, ch 1032, §201; 2013 Acts, ch 57, §1
Referred to in §331.756(59)

6B.2A Notice of proposed public improvement.

1. An acquiring agency shall provide written notice of a public hearing to each owner and any contract purchaser of record of agricultural land that may be the subject of condemnation. The authority under this chapter is not conferred and condemnation proceedings shall not begin unless a good faith effort is made to mail and publish the notice as provided in this section on the owner and any contract purchaser of record of the property subject to condemnation. The notice shall be mailed by ordinary mail, not less than thirty days before the date the hearing is held, to the owner and any contract purchaser of record of each property or property interest at the owner's and contract purchaser's last known address as shown in the records of the county auditor not less than seven days nor more than fourteen days prior to the date of mailing. A change in ownership of any such property which is not reflected in the records of the county auditor during the period those records are searched as above provided shall not affect the validity of the notice or any condemnation proceeding commenced on the basis of such notice. The notice shall be given and the public hearing held before adoption of the ordinance, resolution, motion, or other declaration of intent to fund the final site-specific design for the public improvement, to make the final selection of the route or site location for the public improvement, or to acquire or condemn,

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if necessary, all or a portion of the property or an interest in the property for the public improvement. If the location of the public improvement is changed or expanded after the decision has been made to proceed with the public improvement, a notice shall be mailed by ordinary mail no less than thirty days before the adoption of the ordinance, resolution, motion, or other declaration of intent to proceed with a change in the location of the public improvement to the owner and any contract purchaser of record of the land to be acquired or condemned, if necessary, in the new location of the public improvement affected by the change. The mailed notice shall, at a minimum, include the following information:

a. The general nature of the public improvement.

b. A statement of the possibility that the acquiring agency may acquire part or all of the property or interest in the property by condemnation for the public improvement.

c. The process to be followed by the acquiring agency in making the decision to fund the final site-specific design for the public improvement, to make the final selection of the route or site location, or to acquire or condemn, if necessary, all or a portion of the property or an interest in the property for the public improvement.

d. The time and place of a public hearing at which an opportunity is provided for public input into the decision to fund the final site-specific design for the public improvement, to make the final selection of the route or site location, or to acquire or condemn, if necessary, all or a portion of the property or an interest in the property for the public improvement.

e. The name, address, and telephone number of the person designated by the acquiring agency as the person to contact regarding the public improvement.

f. A statement of rights of individual property owners with respect to the acquisition of their property and the availability of relocation benefits. The attorney general shall adopt by rule pursuant to chapter 17A a statement of rights which may be used in substantial form by any person required to provide the statement of rights as provided in this section.

2. The acquiring agency shall cause a notice to be published once in a newspaper of general circulation in the county or city where the agricultural land is located. The notice shall be published at least four but no more than twenty days before the public hearing is held as referred to in subsection 1. The published notice shall, at a minimum, include the following information:

a. The general nature of the public improvement.

b. A statement of the possibility that the acquiring agency may acquire part or all of the property or an interest in the property by condemnation for the public improvement.

c. The process to be followed by the acquiring agency in making the decision to fund the final site-specific design for the public improvement, to make the final selection of the route or site location, or to acquire or condemn, if necessary, all or a portion of the property or an interest in the property for the public improvement.

d. The time and place of a public hearing at which an opportunity is provided for public input into the decision to fund the final site-specific design for the public improvement, to make the final selection of the route or site location, or to acquire or condemn, if necessary, all or a portion of the property or an interest in the property for the public improvement.

e. The name, address, and telephone number of the contact person regarding the public improvement.

3. If the acquiring agency is a person required to obtain a franchise under chapter 478, compliance with section 478.2 shall satisfy the requirements of this section. If the acquiring agency is a person required to obtain a permit under chapter 479, compliance with section 479.5 shall satisfy the requirements of this section.

4. This section shall not apply to a condemnation of property by the state department of transportation or a county for right-of-way that is contiguous to an existing road right-of-way and necessary for the maintenance, safety improvement, repair, or upgrade of the existing road. Notwithstanding section 6B.2C, a condemnation of property by the state department of transportation pursuant to this subsection shall be approved by the director of transportation. For purposes of this subsection, *"upgrade"* means to bring a road or bridge up to currently acceptable standards, including improved geometrics, passing lanes, turning lanes, climbing lanes, and improved shoulders. *"Upgrade"* does not include expanding a highway from two lanes to four lanes.

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5. The time deadlines in this section do not apply during the existence of an emergency requiring the construction or repair of public improvements in situations where failure to immediately construct or repair would result in immediate danger to public health, safety, or welfare. The notices required in this section shall be provided to the owner as soon as practicable.

99 Acts, ch 171, §2, 42; 2000 Acts, ch 1178, §1; 2000 Acts, ch 1179, §2 – 4, 30; 2002 Acts, ch 1063, §1; 2015 Acts, ch 29, §114

Referred to in §6B.2D, 478.2, 478.6, 479.5, 479.7

6B.2B Acquisition negotiation.

The acquiring agency shall make a good faith effort to negotiate with the owner to purchase the private property or property interest before filing an application for condemnation or otherwise proceeding with the condemnation process. An acquiring agency shall not make an offer to purchase the property or property interest that is less than the fair market value the acquiring agency has established for the property or property interest pursuant to the appraisal required in section 6B.45 or less than the value determined under the acquiring agency's waiver procedure established pursuant to section 6B.54, subsection 2, for acquisition of property with a low fair market value. A purchase offer made by an acquiring agency shall include provisions for payment to the owner of expenses, including relocation expenses, expenses listed in section 6B.54, subsection 10, and other expenses required by law to be paid by an acquiring agency to a condemnee. However, in the alternative, the acquiring agency may make, and the owner may accept, a purchase offer from the acquiring agency that is an amount equal to one hundred thirty percent of the appraisal amount plus payment to the owner of expenses listed in section 6B.54, subsection 10, once those expenses have been determined. If the owner accepts such a purchase offer, the owner is barred from claiming payment from the acquiring agency for any other expenses allowed by law. An acquiring agency need not make an offer in excess of the amounts described in this section in order to satisfy the requirement to negotiate in good faith. The option to make an alternative purchase offer does not apply when property is being acquired for street and highway projects undertaken by the state, a county, or a city.

99 Acts, ch 171, §3, 42; 2000 Acts, ch 1179, §5, 6, 30; 2006 Acts, 1st Ex, ch 1001, §6, 49

Referred to in §6B.54

6B.2C Approval of the public improvement.

The authority to condemn is not conferred, and the condemnation proceedings shall not commence, unless the governing body for the acquiring agency approves a preliminary or final route or site location of the proposed public improvement, approves the use of condemnation, and finds that there is a reasonable expectation the applicant will be able to achieve its public purpose, comply with all applicable standards, and obtain the necessary permits.

2000 Acts, ch 1179, §7, 30; 2015 Acts, ch 138, §144, 148, 149

Referred to in §6B.2A

6B.2D Notice of intent to approve acquisition of property by eminent domain.

1. The acquiring agency shall send notice of a proposed resolution, motion, or other document authorizing acquisition of property by eminent domain to each property owner whose property is proposed to be acquired by eminent domain, to any contract purchaser of record of the property, and to any tenant known to be occupying the property at least fourteen days prior to the date of the meeting at which such proposed authorization will be considered for adoption by the acquiring agency. The notice shall include the date, time, and place of the meeting and a statement that the persons receiving the notice have a right to attend the meeting and to voice objection to the proposed acquisition of the property. The notice shall include a copy of the proposed resolution, motion, or other document authorizing acquisition by eminent domain. The notice shall also include the same statement of individual rights that is required by section 6B.2A.

2. This section shall not apply to the following:

a. Street and highway projects undertaken by the state, a county, or a city.

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b. Projects undertaken by a municipal utility.

c. Projects undertaken by a city enterprise providing services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, or solid waste disposal.

d. Projects undertaken by a county enterprise providing services described in section 331.461, subsection 2, paragraphs *"b"* and *"f"*.

2006 Acts, 1st Ex, ch 1001, §7, 49

6B.3 Application — recording — notice — time for appraisement — new proceedings.

1. The proceedings shall be instituted by a written application filed with the chief judge of the judicial district of the county in which the land sought to be condemned is located. The application shall set forth:

a. A description of all the property in the county affected or sought to be condemned, by its congressional numbers, in tracts not exceeding one-sixteenth of a section, or, if the land consists of lots, by the numbers of the lot and block, and plat designation.

b. A plat showing the location of the right-of-way or other property sought to be condemned with reference to such description.

c. The names of all record owners of the different tracts of land sought to be condemned, or otherwise affected by such proceedings, and of all record holders of liens and encumbrances on such lands; also the place of residence of all such persons so far as known to the applicant.

d. The purpose for which condemnation is sought.

e. A request for the appointment of a commission to appraise the damages.

f. If the damages are to be paid by the state and the land to be condemned is within an agricultural area as provided in chapter 352, a statement disclosing whether any of that land is classified as class I or class II land under the United States department of agriculture natural resources conservation service land capability classification system contained in the agriculture handbook number 210, 1961 edition and, if so classified, stating that the class I or class II land is reasonably necessary for the work of internal improvement for which condemnation is sought.

g. A showing of the minimum amount of land necessary to achieve the public purpose and the amount of land to be acquired by condemnation for the public improvement. Any land to be acquired by condemnation beyond the necessary minimum to complete the project shall be presumed not to be necessary for a public use or public purpose unless the applicant can show that a substantial need exists for the additional property to achieve the public use or public purpose, or that the land in question constitutes an uneconomical remnant that has little or no value or utility to the owner, or that the owner consents to the condemnation.

h. A statement indicating the efforts made by the applicant to negotiate in good faith with the owner to acquire the private property sought to be condemned.

2. *a.* The applicant shall mail a copy of the application by certified mail to the owner at the owner's last known address, to any contract purchaser of record of the property, to any tenant known to be occupying the property, and to any record lienholder or encumbrancer of the property at the lienholder's or encumbrancer's last known address. The applicant shall also cause the application to be published once in a newspaper of general circulation in the county, not less than four nor more than twenty days before the meeting of the compensation commission to assess the damages. Service of the application by publication shall be deemed complete on the day of publication.

b. In lieu of mailing and publishing the application, the applicant may cause the application to be served upon the owner, contract purchaser of record, tenant known to be occupying the property, record lienholders, and record encumbrancers of the property in the manner provided by the Iowa rules of civil procedure for the personal service of original notice. The application shall be mailed and published or served, as above provided, prior to or contemporaneously with the mailing and publication or service of the list of compensation commissioners as provided in section 6B.4.

3. *a.* The applicant shall promptly certify that its application for condemnation has been approved by the chief judge and shall file the original approved application with the county recorder in the manner required under section 6B.37.

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b. The county recorder shall file and index the application in the record of deeds and preserve the application as required by sections 6B.38 and 558.55. The filing and indexing constitute constructive notice to all parties that a proceeding to condemn the property is pending and that the applicant has the right to acquire the property from all owners, lienholders, and encumbrancers whose interests are of record at the time of the filing. After filing and indexing, the county recorder shall file a copy of the application with the office of secretary of state.

c. When indexed, the proceeding is considered pending so as to charge all persons not having an interest in the property with notice of its pendency, and while pending no interest can be acquired by the third parties in the property against the rights of the applicant.

d. If the appraisement of damages by the commission pursuant to section 6B.14 is not made within one hundred twenty days of indexing, the proceedings instituted under this section are terminated and all rights and interests of the applicant arising out of the application for condemnation terminate. The applicant may reinstitute a new condemnation proceeding at any time. The reinstituted proceedings are entirely new proceedings and not a revival of the terminated proceeding.

[R60, §1230; C73, §1247; C97, §2002; C24, 27, 31, 35, 39, §**7824;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.3; 82 Acts, ch 1245, §19]

84 Acts, ch 1065, §1, 2

C93, §6B.3

95 Acts, ch 216, §25; 99 Acts, ch 171, §4, 42; 2000 Acts, ch 1179, §8, 9, 30; 2006 Acts, 1st Ex, ch 1001, §8 – 10, 49; 2008 Acts, ch 1032, §201

Referred to in §6A.22, 6A.24, 6B.56, 6B.56A, 335.27

Manner of service, R.C.P. 1.302 – 1.315

6B.3A Challenge by owner.

An owner of property described in an application for condemnation may bring an action to challenge the exercise of eminent domain authority or the condemnation proceedings in the district court of the county in which the private property is situated as provided in section 6A.24.

2006 Acts, 1st Ex, ch 1001, §11, 49

6B.4 Commission to assess damages.

1. Annually the board of supervisors of a county shall appoint not less than twenty-eight residents of the county and the names of such persons shall be placed on a list and they shall be eligible to serve as members of a compensation commission. One-fourth of the persons appointed shall be owner-operators of agricultural property, one-fourth of the persons appointed shall be owners of city property, one-fourth shall be licensed real estate salespersons or real estate brokers, and one-fourth shall be persons having knowledge of property values in the county by reason of their occupation, such as bankers, auctioneers, property managers, property appraisers, and persons responsible for making loans on property.

2. *a.* The chief judge of the judicial district or the chief judge's designee shall select by lot six persons from the list, who shall constitute a compensation commission to assess the damages to all property to be taken by the applicant and located in the county, as follows:

(1) Two persons who are owner-operators of agricultural property when the property to be condemned is agricultural property.

(2) Two persons who are owners of city property when the property to be condemned is other than agricultural property.

(3) Two persons from each of the remaining two representative groups.

b. The chief judge or the judge's designee shall name a chairperson from the persons selected and may appoint such alternate members and chairpersons to the commission as are deemed necessary and appropriate under the circumstances. A person shall not be selected as a member or alternate member of the compensation commission if the person possesses any interest in the proceeding which would cause the person to render a biased decision. The applicant shall mail a copy of the list of commissioners and alternates appointed by

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the chief judge by certified mail to the property owner at the owner's last known address. The applicant shall also cause the list of commissioners and alternates to be published once in a newspaper of general circulation in the county, not less than four nor more than twenty days before the meeting of the compensation commission to assess the damages. Service of the list of commissioners and alternates by publication shall be deemed complete on the day of publication. In lieu of mailing and publishing the list of commissioners and alternates, the applicant may cause the list to be served upon the owner of the property in the manner provided by the Iowa rules of civil procedure for the personal service of original notice. The list of commissioners and alternates shall be mailed and published or served, as above provided, prior to or contemporaneously with service of the notice of assessment as provided in section 6B.8.

3. Written instructions for members of compensation commissions shall be prepared under the direction of the chief justice of the supreme court and distributed to the sheriff in each county. The sheriff shall transmit copies of the instructions to each member of a compensation commission, and such instructions shall be read aloud to each commission before it commences its duties.

[R60, §1317, 1318; C73, §1244, 1245; C97, §1999, 2029; C24, 27, 31, 35, 39, §**7825;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.4]

C93, §6B.4

99 Acts, ch 171, §5, 6, 42; 2000 Acts, ch 1032, §1; 2000 Acts, ch 1179, §10, 11, 30; 2006 Acts, 1st Ex, ch 1001, §47, 49; 2014 Acts, ch 1092, §2

Referred to in §6B.3, 306.28, 331.321, 479.46, 479B.30

6B.4A Review of applications by compensation commission. Repealed by 2006 Acts, 1st Ex, ch 1001, §48, 49.

6B.5 Challenges to commissioners — filling vacancies on commission.

1. Persons appointed by the chief judge to serve on the compensation commission are excused from the commission if they are removed for cause, stricken by a challenge pursuant to this section, unavailable to serve on the commission, or fail to act in their capacity as commissioners.

2. The applicant may challenge one commissioner without stating cause and the person or persons representing the fee ownership interest in the property may challenge one commissioner without stating cause. A challenge to the appointment of a commissioner shall be filed, in writing, with the sheriff not less than seven days prior to the meeting of the compensation commission, and shall be mailed to the other party by ordinary mail on the day of filing. An alternate commissioner may not be challenged without cause. A challenge filed less than seven days prior to the meeting of the commission shall have no effect.

3. If a person is excused from the commission, the sheriff shall select and notify, not less than twenty-four hours prior to the meeting, the alternate commissioners appointed for that condemnation proceeding, to complete the membership of the commission. Alternate commissioners selected and notified shall have the same qualifications as the person who is being replaced. If no alternates have been appointed, the chief judge of the judicial district shall appoint another person from the list, possessing the same qualifications as the person who is being replaced to complete the membership of the commission.

4. The sheriff shall notify alternate commissioners in the order directed by the chief judge, and the alternate commissioner first notified who is available to serve as a compensation commissioner shall serve in the place of the commissioner who was unable to serve or who was stricken from the panel.

5. If a person is excused from the commission, the applicant and the property owner may stipulate in writing to the selection and notification of a particular alternate having the same qualifications as the person who is being replaced, to complete the membership of the

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commission. Such stipulation shall be filed with the sheriff not less than seventy-two hours prior to the meeting of the commission.

[R60, §1319; C73, §1251; C97, §2006; C24, 27, 31, 35, 39, §**7826;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.5]

C93, §6B.5

2000 Acts, ch 1179, §12, 30

6B.6 Sheriff to coordinate meeting of commissioners and provide meeting place.

The sheriff of the county in which the property to be condemned is located shall coordinate the meeting of commissioners, shall arrange an appropriate meeting place for commissioners, shall assure that appointed commissioners receive the order of the court appointing them and directing their attendance at the meeting of commissioners, and shall report the unavailability or absence of appointed commissioners to the chief judge, to the applicant, and to the landowner.

2000 Acts, ch 1179, §13, 30

6B.7 Commissioners to qualify.

Before meeting to assess the damages for the taking, all commissioners shall qualify by filing with the sheriff a written oath that they will to the best of their ability faithfully and impartially assess damages and make a written report assessing the damages to the sheriff.

[C24, 27, 31, 35, 39, §**7828;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.7]

C93, §6B.7

99 Acts, ch 171, §8, 42; 2000 Acts, ch 1179, §14, 30

6B.8 Notice of assessment.

The applicant, or the owner or any lienholder or encumbrancer of any land described in the application, may, at any time after the appointment of the commissioners, have the damages to the lands of any such owner assessed by giving the other party, if a resident of this state, thirty days' notice, in writing. The notice shall specify the day and the hour when the compensation commission will meet, view the premises, and assess the damages. The notice shall be personally served upon all necessary parties in the same manner provided by the Iowa rules of civil procedure for the personal service of original notice.

[R60, §1318; C73, §1245; C97, §2000; C24, 27, 31, 35, 39, §**7829;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.8]

C93, §6B.8

99 Acts, ch 171, §9, 42; 2000 Acts, ch 1179, §15, 30; 2006 Acts, 1st Ex, ch 1001, §12, 49

Referred to in §6A.24, 6B.4, 6B.14

Manner of service, R.C.P. 1.302 – 1.315

6B.9 Form of notice — signature.

1. Said notice shall be in substantially the following form, with such changes therein as will render it applicable to the party giving and receiving the notice, and to the particular case pending, to wit:

> To ..... (here name each person whose land is to be taken or affected and each record lienholder or encumbrancer thereof) and all other persons, companies, or corporations having any interest in or owning any of the following described real estate:
>
> (Here describe the land as in the application.)
>
> You are hereby notified that ..... (here enter the name of the applicant) desires the condemnation of the following described land: (Here describe the particular land or portion thereof sought to be condemned, in such manner that it will be clearly identified.)
>
> That such condemnation is sought for the following purpose: (Here clearly specify the purpose.)

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That a commission has been appointed as provided by law for the purpose of appraising the damages which will be caused by said condemnation.

That said commissioners will, on the ..... day of ..... (month), ... (year), at ..... o'clock .....m., view said premises and proceed to appraise said damages, at which time you may appear before the commissioners if you care to do so.

.....

Applicant.

2. The notice may be signed by the applicant, by the applicant's attorney, or by any other authorized representative.

[R60, §1320; C73, §1247; C97, §2002; C24, 27, 31, 35, 39, §**7830;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.9]

C93, §6B.9

2000 Acts, ch 1058, §56; 2006 Acts, 1st Ex, ch 1001, §47, 49

6B.10 Reserved.

6B.11 Filing of notices and return of service.

Notices, immediately after the service thereof, shall, with proper return of service endorsed thereon or attached thereto, be filed with the sheriff. The sheriff shall at once cause the commissioners to be notified of the day and hour when they will be required to proceed with the appraisement. The notice to the commissioners shall also be published by the sheriff pursuant to section 331.305.

[C24, 27, 31, 35, 39, §**7832;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.11]

C93, §6B.11

99 Acts, ch 171, §10, 42

6B.12 Notice when residence unknown. Repealed by 2000 Acts, ch 1179, §29, 30.

6B.13 Service outside state. Repealed by 2000 Acts, ch 1179, §29, 30.

6B.14 Appraisement — report.

1. The commissioners shall, at the time fixed in the notices required under section 6B.8, view the land sought to be condemned and assess the damages which the owner will sustain by reason of the appropriation. The commission shall file its written report, signed by all commissioners, with the sheriff. At the request of the condemner or the condemnee, the commission shall divide the damages into parts to indicate the value of any dwelling, the value of the land and improvements other than a dwelling, and the value of any additional damages. The appraisement and return may be in parcels larger than forty acres belonging to one person and lying in one tract, unless the agent or attorney of the applicant, or the commissioners, have actual knowledge that the tract does not belong wholly to the person in whose name it appears of record; and in case of such knowledge, the appraisement shall be made of the different portions as they are known to be owned.

2. Prior to the meeting of the commission, the commission or a commissioner shall not communicate with the applicant, property owner, or tenant, or their agents, regarding the condemnation proceedings. The commissioners shall meet in open session to view the property and to receive evidence, but may deliberate in closed session. When deliberating in closed session, the meeting is closed to all persons who are not commissioners except for personnel from the sheriff's office if such personnel are requested by the commission. After deliberations commence, the commission and each commissioner are prohibited from communicating with any party to the proceeding. However, if the commission is deliberating in closed session, and after deliberations commence the commission requires further information from a party or a witness, the commission shall notify the property owner and the acquiring agency that they are allowed to attend the meeting at which such additional information shall be provided but only for that period of time during which the additional

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information is being provided. The property owner and the acquiring agency shall be given a reasonable opportunity to attend the meeting. The commission shall keep minutes of all its meetings showing the date, time, and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

3. In determining fair market value of property, the commissioners shall not consider only the assessed value assigned to such property for purposes of property taxation.

4. In assessing the damages the owner or tenant will sustain, the commissioners shall consider and make allowance for personal property which is damaged or destroyed or reduced in value.

5. An owner or tenant occupying land which is proposed to be acquired by condemnation shall be awarded a sum sufficient to remove such owner's or tenant's personal property from the land to be acquired, which sum shall represent reasonable costs of moving the personal property from the land to be acquired to a point no greater than fifty miles; but in any event, damages awarded under this section for moving shall not exceed five thousand dollars for each owner or tenant occupying land proposed to be condemned. An owner or tenant may apply for an award pursuant to this section only if all other damages provided by law have been awarded and such amount awarded is insufficient to pay the owner's or tenant's reasonable costs of moving.

[C73, §1249; C97, §2004, 2029; C24, 27, 31, 35, 39, §**7835;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.14]

C93, §6B.14

99 Acts, ch 171, §12, 42; 2000 Acts, ch 1179, §16, 17, 30; 2006 Acts, 1st Ex, ch 1001, §13, 14, 49; 2007 Acts, ch 22, §1; 2009 Acts, ch 133, §1; 2012 Acts, ch 1023, §1

Referred to in §6B.3, 316.2

6B.15 Guardianship.

In all cases where any interest in lands sought to be condemned is owned by a person who is under legal disability and has no guardian of the person's property, the applicant shall, prior to the filing of the application with the sheriff, apply to the district court for the appointment of a guardian of the property of such person.

[C24, 27, 31, 35, 39, §**7836;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.15]

C93, §6B.15

Referred to in §229.27

6B.16 Power of guardian.

If the owner of any lands is under guardianship, such guardian may, under the direction of the district court, or judge thereof, agree and settle with the applicant for all damages resulting from the taking of such lands, and give valid conveyances thereof.

[R60, §1316; C73, §1246; C97, §2001; C24, 27, 31, 35, 39, §**7837;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.16]

C93, §6B.16

6B.17 When appraisement final.

The appraisement of damages returned by the commissioners shall be final unless appealed from.

[C24, 27, 31, 35, 39, §**7838;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.17]

C93, §6B.17

6B.18 Notice of appraisement — appeal of award — notice of appeal.

1. After the appraisement of damages has been delivered to the sheriff by the compensation commission, the sheriff shall give written notice, by ordinary mail, to the condemner and the condemnee of the date on which the appraisement of damages was made, the amount of the appraisement, and that any interested party may, within thirty days from the date of mailing the notice of the appraisement of damages, appeal to the district

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court by filing notice of appeal with the district court of the county in which the real estate is located and by giving written notice to the sheriff that the appeal has been taken. The sheriff shall endorse the date of mailing of notice upon the original appraisement of damages.

2. An appeal of appraisement of damages is deemed to be perfected upon filing of a notice of appeal with the district court within thirty days from the date of mailing the notice of appraisement of damages. The notice of appeal shall be served on the adverse party, or the adverse party's agent or attorney, and any lienholder and encumbrancer of the property in the same manner as an original notice within thirty days from the date of filing the notice of appeal unless, for good cause shown, the court grants more than thirty days. If after reasonable diligence, the notice cannot be personally served, the court may prescribe an alternative method of service consistent with due process of law.

3. In case of condemnation proceedings instituted by the state department of transportation, when the owner appeals from the assessment made, such notice of appeal shall be served upon the attorney general or the chief highway engineer for the department.

4. When an appeal is taken, the sheriff shall at once file with the clerk of the district court a certified copy of as much of the assessment as applies to the part for which the appeal is taken.

[R60, §1317; C73, §1254; C97, §2009; S13, §2009; C24, 27, 31, 35, 39, §**7839;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.18]

C93, §6B.18

2002 Acts, ch 1063, §2; 2003 Acts, ch 44, §1; 2006 Acts, 1st Ex, ch 1001, §47, 49; 2023 Acts, ch 19, §2045, 2073

Referred to in §6B.34, 476.27, 589.27

6B.19 Service of notice — highway matters. Repealed by 2002 Acts, ch 1063, §15.

6B.20 Reserved.

6B.21 Appeals — how docketed and tried.

The appeal shall be docketed in the name of the person appealing and all other interested parties to the action shall be defendants. In the event the condemner and the condemnee appeal, the appeal shall be docketed in the name of the appellant which filed the application for condemnation and all other parties to the action shall be defendants. The appeal shall be tried as in an action by ordinary proceedings.

[R60, §1317; C73, §1254; C97, §2009; S13, §2009, 2024-h; C24, 27, 31, 35, 39, §**7841;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.21]

84 Acts, ch 1119, §1

C93, §6B.21

99 Acts, ch 171, §13, 42

Referred to in §476.27

6B.22 Pleadings on appeal.

A written petition shall be filed by the plaintiff within thirty days after perfection of the appeal, stating specifically the items of damage and the amount thereof. The court may for good cause shown grant additional time for the filing of the petition. The defendant shall file a written answer to plaintiff's petition, or such other pleadings as may be proper.

[C31, 35, §7841-c1; C39, §**7841.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.22]

C93, §6B.22

2002 Acts, ch 1063, §3

Referred to in §476.27

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6B.23 Question determined.

On the trial of the appeal, no judgment shall be rendered except for costs and allocation of interest earned pursuant to section 6B.25, but the amount of damages shall be ascertained and entered of record.

[C73, §1257; C97, §2011; C24, 27, 31, 35, 39, §**7842;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.23]

C93, §6B.23

2004 Acts, ch 1121, §1

Referred to in §6B.25, 476.27

6B.24 Reduction of damages — interest on increased award.

If the amount of damages awarded by the commissioners is decreased on appeal, the reduced amount shall be paid to the landowner. If the amount of damages awarded by the commissioners is increased on appeal, interest shall be paid from the date of the condemnation. Interest shall not be paid on any amount which was previously paid. Interest shall be calculated at an annual rate equal to the treasury constant maturity index published by the federal reserve in the H15 Report settled immediately before the date of the award.

[C73, §1259; C97, §2013; C24, 27, 31, 35, 39, §**7843;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.24]

C93, §6B.24

95 Acts, ch 135, §1; 2002 Acts, ch 1063, §4

6B.25 Right to take possession of lands — title — damages award.

1. *a.* Upon the filing of the commissioners' report with the sheriff, the applicant may deposit with the sheriff the amount assessed in favor of a claimant, and the applicant, except as otherwise provided, may take possession of the land condemned and proceed with the improvement. An appeal from the assessment does not affect the right, except as otherwise provided.

b. Prior to expiration of the time provided for appeal, the property owner may apply to the district court for release of that part of the damages deposited which the court finds proper. If there is not an appeal by any party, the property owner shall be entitled to the whole of the damages awarded.

c. Upon appeal from the commissioners' award of damages, the district court may direct that the part of the amount of damages deposited with the sheriff, as it finds just and proper, be paid to the claimant. If upon trial of the appeal a lesser amount is awarded, the difference between the amount so awarded and the amount paid shall be repaid by the person to whom it was paid and upon failure to make the repayment the party shall have judgment entered against the person who received the excess payment.

d. Title to the property or the interests in property passes to the applicant when damages have been finally determined and paid.

2. If an award of damages is appealed to district court, the amount deposited with the sheriff, if any, less the amount paid by the sheriff to the claimant, shall be transferred to the clerk of district court where the appeal was filed and the clerk shall deposit the money in an interest-bearing account. The district court in its judgment rendered pursuant to section 6B.23 shall award the interest earned on the account in proportion to the amount of damages ascertained and entered of record.

[R60, §1317; C73, §1244, 1255, 1256, 1272; C97, §1999, 2010, 2025, 2029; S13, §2024-e, -g, -h; C24, 27, 31, 35, 39, §**7844, 7847, 7848;** C46, 50, 54, 58, §472.25, 472.28, 472.29; C62, 66, 71, 73, 75, 77, 79, 81, §472.25]

84 Acts, ch 1065, §4

C93, §6B.25

2000 Acts, ch 1179, §18, 30; 2004 Acts, ch 1121, §2; 2019 Acts, ch 24, §104

Referred to in §6B.23, 6B.32, 6B.60, 306B.4, 306C.17

6B.26 Dispossession of landowner or injury to property — limitation.

1. A landowner shall not be dispossessed under condemnation proceedings of the landowner's residence, dwelling house, outbuildings if the residence or dwelling house is

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also acquired, orchard, or garden, until the damages thereto have been finally determined and paid. However, if the property described in this subsection is condemned for highway purposes by the state department of transportation, the condemning authority may take possession of the property either after the damages have been finally determined and paid or one hundred eighty days after the compensation commission has determined and filed its award, in which event all of the appraisement of damages shall be paid to the property owner before the dispossession can take place. This subsection shall not apply to condemnation proceedings for drainage or levee improvements, or for public school purposes. For the purposes of this subsection, *"outbuildings"* means structures and improvements located in proximity to the landowner's residence.

2. If it appears from the finding of the commissioners that the dwelling house, outhouse, orchard, or garden of the owner of any land taken will be overflowed or otherwise injuriously affected by any dam or reservoir to be constructed as authorized by this chapter, such dam shall not be erected until the question of such overflowing or other injury has been determined in favor of the corporation upon appeal.

[C24, 27, 31, 35, 39, §**7845;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.26]

C93, §6B.26

99 Acts, ch 171, §14, 42; 2006 Acts, 1st Ex, ch 1001, §47, 49

Referred to in §6B.32

6B.27 through 6B.29 Reserved.

6B.30 Additional deposit.

If, on the trial of the appeal, the damages awarded by the commissioners are increased, the condemner shall, if the condemner is already in possession of the property, make such additional deposit with the sheriff, as will, with the deposit already made, equal the entire damages allowed. If the condemner be not already in possession, the condemner shall deposit with the sheriff the entire damages awarded, before entering on, using, or controlling the premises.

[C73, §1258; C97, §2012; C24, 27, 31, 35, 39, §**7849;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.30]

C93, §6B.30

Referred to in §6B.32

6B.31 Payment by public authorities.

When damages, by reason of condemnation, are payable from public funds, the sheriff, or clerk of the district court, as the case may be, shall certify to the officer, board, or commission having power to audit claims for the purchase price of said lands, the amount legally payable to each claimant, and, separately, a detailed statement of the cost legally payable from such public funds. Said officer, board, or commission shall audit said claims, and the warrant-issuing officer shall issue warrants therefor on any funds appropriated therefor, or otherwise legally available for the payment of the same. Warrants shall be drawn in favor of each claimant to whom damages are payable. The warrant in payment of costs shall be issued in favor of the officer certifying thereto.

[C73, §1272; C97, §2025; S13, §2024-b, -e, -g; C24, 27, 31, 35, 39, §**7850;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.31]

C93, §6B.31

Referred to in §6B.32

6B.32 Removal of condemner.

The sheriff, upon being furnished with a copy of the assessment as determined on appeal, certified to by the clerk of the district court, may remove from said premises the condemner

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and all persons acting for or under the condemner, unless the amount of the assessment is forthwith paid or deposited as provided in sections 6B.25 through 6B.31.

[C73, §1258; C97, §2012; C24, 27, 31, 35, 39, §**7851;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.32]

C93, §6B.32

2020 Acts, ch 1063, §1

6B.33 Costs and attorney fees.

The acquiring agency shall pay all costs of the assessment made by the commissioners and reasonable attorney fees and costs, including the reasonable cost of one appraisal, incurred by the condemnee as determined by the commissioners if the award of the commissioners exceeds one hundred ten percent of the final offer of the applicant prior to condemnation. The condemnee shall submit an application for fees and costs prior to adjournment of the final meeting of the compensation commission held on the matter. The acquiring agency shall file with the sheriff an affidavit setting forth the most recent offer made to the person whose property is sought to be condemned. Members of such commissions shall receive a per diem of two hundred dollars and actual and necessary expenses incurred in the performance of their official duties. The acquiring agency shall reimburse the county sheriff for the per diem and expense amounts paid by the sheriff to the members. The acquiring agency shall reimburse the owner for the expenses the owner incurred for recording fees, penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering the property, and for similar expenses incidental to conveying the property to the acquiring agency. The acquiring agency shall also pay all costs occasioned by the appeal, including reasonable attorney fees and the reasonable cost incurred by the property owner for one appraisal to be taxed by the court, unless on the trial thereof the same or a lesser amount of damages is awarded than was allowed by the tribunal from which the appeal was taken.

[R60, §1317; C73, §1252; C97, §2007; C24, 27, 31, 35, 39, §**7852;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.33]

C93, §6B.33

99 Acts, ch 171, §15, 42; 2000 Acts, ch 1179, §19, 30; 2002 Acts, ch 1063, §5; 2006 Acts, 1st Ex, ch 1001, §15, 49

Referred to in §461A.75

6B.34 Refusal to pay final award.

Should the applicant decline, at any time after an appeal is taken as provided in section 6B.18, to take the property and pay the damages awarded, the applicant shall pay, in addition to the costs and damages actually suffered by the landowner, reasonable attorney fees to be taxed by the court.

[C97, §2011; C24, 27, 31, 35, 39, §**7853;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.34]

C93, §6B.34

6B.35 Sheriff to file record.

Thirty days after the date of mailing the notice of appraisement of damages, the sheriff shall file with the county recorder of the county in which the condemned land is situated, the following papers:

1. A certified copy of the application for condemnation.
2. All notices, together with all returns of service endorsed on the returns or attached to the returns.
3. The report of the commissioners.
4. All other papers filed with the sheriff in the proceedings.
5. A written statement by the sheriff of all money received in payment of damages, from whom received, to whom paid, and the amount paid to each claimant and reference to the

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application for condemnation by document reference or instrument number and the date the application was filed with the county recorder.

[C73, §1253; C97, §2008; C24, 27, 31, 35, 39, §**7854;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.35]

84 Acts, ch 1065, §5
C93, §6B.35
2001 Acts, ch 44, §1
Referred to in §6B.37, 6B.38

6B.36 Clerk to file record.

The clerk of the district court, in case an appeal is taken in condemnation proceedings, shall file with the county recorder:

1. A copy of the final judgment entry of the court showing the amount of damages determined on appeal.

2. A written statement by the clerk of all money received by the clerk in payment of damages, from whom received, to whom paid, and the amount paid to each claimant.

3. A copy of the description of the property condemned and the interest acquired in the property.

[C24, 27, 31, 35, 39, §**7855;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.36]

84 Acts, ch 1065, §6
C93, §6B.36
Referred to in §6B.37

6B.37 Form of record — certificate.

The papers described in sections 6B.35 and 6B.36 shall be securely fastened together, arranged in the order named in those sections, and be accompanied by a certificate of the officer filing the papers that the papers are true and correct copies of the original files in the proceedings and that the statements accompanying the papers are true.

[C24, 27, 31, 35, 39, §**7856;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.37]

91 Acts, ch 116, §3
C93, §6B.37
2014 Acts, ch 1092, §3
Referred to in §6B.3

6B.38 Record of proceedings — fee — effect.

1. The county recorder shall record the papers, statements, and certificate in the record of deeds and properly index them. The recorder may return the recorded instrument to the sender or dispose of that instrument if the sender does not wish to have the instrument returned. A document filed in the recorder's office before July 1, 1990, may be returned to the sender or disposed of if the sender does not wish to have the document returned and if there is an official copy of that document in the recorder's office.

2. The county recorder shall file a copy of the sheriff's statement required by section 6B.35, subsection 5, with the office of the secretary of state.

3. The sheriff or clerk, as the case may be, shall collect from the condemner such fee as the county recorder would have legal right to demand for making such record, and pay such fee to the recorder upon presenting the papers for record.

4. The said original papers, statements, and certificate, or the record thereof shall be presumptive evidence of title in the condemner, and shall constitute constructive notice of the right of such condemner to the lands condemned.

[C73, §1253; C97, §2008; C24, 27, 31, 35, 39, §**7857;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.38]

90 Acts, ch 1021, §3; 91 Acts, ch 116, §4
C93, §6B.38
99 Acts, ch 171, §16, 42; 2006 Acts, 1st Ex, ch 1001, §47, 49
Referred to in §6B.3, 6B.40, 331.602
Recorder fee, see §331.604

6B.39 Reserved.

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6B.40 Failure to record — liability.

Any sheriff, or clerk of the district court, as the case may be, who fails to present the required papers, statements, and certificate for record, and any recorder who fails to record the same as provided in section 6B.38 shall be liable for all damages caused by such failure.

[C24, 27, 31, 35, 39, §**7859;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §472.40]

C93, §6B.40

2014 Acts, ch 1092, §4

6B.41 Reserved.

6B.42 Eminent domain — payment to displaced persons.

1. *a.* The acquiring agency shall provide to the person, in addition to any other sums of money in payment of just compensation, the payments and assistance required by law, in accordance with chapter 316, as if the acquiring agency were a displacing agency under that chapter.

b. A person aggrieved by a determination made as to eligibility for relocation assistance, a payment, or the amount of the payment, upon application, may have the matter reviewed by the appropriate acquiring agency.

c. An acquiring agency subject to this section that proposes to displace a person shall inform the person of the person's right to receive relocation assistance and payments, and of an aggrieved person's right to appeal a determination as to assistance and payments.

2. *a.* A utility or railroad subject to section 327C.2, or chapters 476, 478, 479, 479A, and 479B, authorized by law to acquire property by condemnation, which acquires the property of a person or displaces a person for a program or project which has received or will receive federal financial assistance as defined in section 316.1, shall provide to the person, in addition to any other sums of money in payment of just compensation, the payments and assistance required by law, in accordance with chapter 316.

b. A person aggrieved by a determination made by a utility as to eligibility for relocation assistance, a payment, or the amount of the payment, upon application, may have the matter reviewed by the utilities commission.

c. A person aggrieved by a determination made by a railroad as to eligibility for relocation assistance, a payment, or the amount of the payment, upon application, may have the matter reviewed by the state department of transportation.

d. A utility or railroad subject to this section that proposes to displace a person shall inform the person of the person's right to receive relocation assistance and payments, and of an aggrieved person's right to appeal to the utilities commission or the state department of transportation.

[C71, 73, 75, 77, 79, 81, §472.42; 81 Acts, ch 22, §21, 22]

89 Acts, ch 20, §18

C93, §6B.42

95 Acts, ch 192, §1; 99 Acts, ch 171, §17, 42; 2006 Acts, 1st Ex, ch 1001, §16, 49; 2023 Acts, ch 19, §2654; 2024 Acts, ch 1170, §369

6B.43 Reserved.

6B.44 Taking property for highway — buildings and fences moved.

When real property or an interest therein is purchased or condemned for highway purposes and a fence or building is located on such property, the governmental agency shall be responsible for all costs incurred by the property owner in replacing or moving the fence or moving the building onto property owned by the landowner and abutting the property purchased or condemned for highway purposes, or the governmental agency may replace or move the fence or move the building. Such costs shall not constitute an additional element of damages which would permit unjust enrichment or a duplication of payments to any condemnee.

[C71, 73, 75, 77, 79, 81, §472.44]

C93, §6B.44

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6B.45 Mailing copy of appraisal.

1. When any real property or interest in real property is to be purchased, or in lieu thereof to be condemned, the acquiring agency or its agent shall submit to the person, corporation, or entity whose property or interest in the property is to be taken, by ordinary mail, at least ten days prior to the date upon which the acquiring agency or its agent contacts the property owner to commence negotiations, a copy of the appraisal in its entirety upon such real property or interest in such real property prepared for the acquiring agency or its agent, which shall include, at a minimum, an itemization of the appraised value of the real property or interest in the property, any buildings on the property, all other improvements including fences, severance damages, and loss of access. In determining fair market value of property, the acquiring agency shall not consider only the assessed value assigned to such property for purposes of property taxation. The appraisal sent to the condemnee shall be that appraisal upon which the condemnor will rely to establish an amount which the condemnor believes to be just compensation for the real property. All other appraisals made on the property as a result of the condemnation proceeding shall be made available to the condemnee upon request. In lieu of an appraisal, a utility or person under the jurisdiction of the utilities commission, or any other utility conferred the right by statute to condemn private property, shall provide in writing by certified mail to the owner of record thirty days prior to negotiations, the methods and factors used in arriving at an offered price for voluntary easements including the range of cash amount of each component. An acquiring agency may obtain a signed written waiver from the landowner to allow negotiations to commence prior to the expiration of the applicable waiting period for the commencement of negotiations.

2. Only the appraisal prepared under this section shall be forwarded to the compensation commission by the acquiring agency.

[C71, 73, 75, 77, 79, 81, §472.45]

C93, §6B.45

99 Acts, ch 171, §18, 42; 2000 Acts, ch 1179, §20, 30; 2006 Acts, 1st Ex, ch 1001, §17, 49; 2020 Acts, ch 1062, §94; 2023 Acts, ch 19, §2655; 2024 Acts, ch 1170, §369

Referred to in §6B.2B, 6B.54, 22.7(7), 427.2

6B.46 Special proceedings to condemn existing utility.

1. When any city has voted at an election to purchase, establish, erect, maintain and operate heating plants, waterworks, gasworks or electric light or power plants, or when it has voted to contract an indebtedness and issue bonds for such purposes, and in such city there exists any such utility, or incomplete parts thereof or more than one, not publicly owned, and the contract or franchise of the owner of the utility has expired or been surrendered, and the owner and the city cannot agree upon terms of purchase, it may, by resolution, proceed to acquire by condemnation any one or more of the utilities or incomplete parts thereof. When so acquired it may apply the proceeds of the bonds in payment therefor and in making extensions and improvements to such works or plants so acquired, but not more than one utility may be so acquired when the municipality is indebted in excess of the statutory limitation of indebtedness for such purposes for any such acquired property.

2. Upon the passage of the resolution as provided in subsection 1 and the presentation of a certified copy thereof to the supreme court while in session, or to the chief justice of the supreme court, the court or chief justice shall within five days appoint as a court of condemnation three district court judges from three judicial districts, one of whom shall be from the district in which the city is located, if not a resident of the city, and shall enter an order requiring the judges to attend as such court of condemnation at the county seat of the county in which the city is located within ten days. The district court judges shall attend and constitute a court of condemnation.

3. Said court when it meets to organize or at any time during the proceedings, which may be adjourned from time to time for any purpose, may fix the time for the appearance of any person that any party desires to have joined in the proceedings, and whom the court deems necessary. The time for appearance shall be sufficiently remote to serve notice upon the

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parties, but if the time for appearance occurs after the proceedings are begun, the proceedings may be reviewed by the court to give all parties a full opportunity to be heard.

4. Persons not voluntarily appearing, but having any right, title, or interest in or to the property which is the subject of condemnation, or any part thereof, including all leaseholders, mortgagees and trustees of bondholders, who are to be made parties to the proceedings shall be served with notice of the proceedings and the time and place of meeting of the court in the same manner and for the same length of time as for the service of original notice, either by personal service, or by service by publication, the time so set being the time at which the parties so served are required to appear, and actual personal service of the notice within or without the state shall supersede the necessity for publication.

5. The court of condemnation shall have power to summon and swear witnesses, take evidence, order the taking of depositions, require the production of any books or papers, and may appoint a shorthand reporter. It shall perform all the duties of commissioners in the condemnation of property. The duties and the method of procedure and condemnation, including provisions for appeal shall be except as otherwise specifically provided, as provided for the taking of private property for works of internal improvement. The clerk of the district court of the county where the city is located shall perform all of the duties required of the sheriff in the condemnation; and in case of a vacancy in the court, the vacancy shall be filled in the manner in which the original appointment was made. When necessary by reason of a vacancy, the court may review any evidence in its record.

6. The costs of the proceedings shall be the same and paid in the same manner as in proceedings in the district court, and the district court judges of the court of condemnation shall receive, while engaged in such service, their actual expenses, which expenses shall be taxed as costs in the case.

[C73, §474; C97, §722; S13, §722; C24, 27, 31, 35, 39, §**6135;** C46, 50, 54, 58, 62, 66, 71, §397.20; C73, 75, 77, 79, 81, §472.46]

C93, §6B.46

2006 Acts, 1st Ex, ch 1001, §47, 49

Time and manner of service, R.C.P. 1.302 – 1.315

Costs generally, chapter 625

6B.47 through 4B.51 Reserved.

6B.52 Renegotiation of damages.

Whenever property or an interest therein has been taken by condemnation or has been purchased for a public use and a settlement for construction or maintenance damages has been thereafter entered into pursuant to said condemnation or purchase, the owner shall have five years from the date of said settlement to renegotiate construction or maintenance damages not apparent at the time of said settlement. The condemner or purchaser shall give written notice to the owner of such right of renegotiation at the time said settlement is entered into.

[C73, 75, 77, 79, 81, §472.52]

C93, §6B.52

Referred to in §479.45, 479B.29

6B.53 Procedure for homesteading projects. Repealed by 2007 Acts, ch 54, §45.

6B.54 Acquisition policies for acquiring agencies.

For any public use, public purpose, or public improvement for which condemnation is sought, an acquiring agency shall, at a minimum, satisfy the following policies:

1. Every reasonable and good faith effort shall be made to acquire expeditiously real property by negotiation as provided in section 6B.2B.

2. Real property shall be appraised as required by section 6B.45 before the initiation of negotiations, and the owner or the owner's designated representative shall be given an opportunity to accompany at least one appraiser of the acquiring agency during an inspection of the property, except that an acquiring agency may prescribe a procedure to waive the appraisal in cases involving the acquisition of property with a low fair market value. In lieu

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of an appraisal, a utility or person under the jurisdiction of the utilities commission, or any other utility conferred the right by statute to condemn private property, shall provide in writing by certified mail to the owner of record thirty days before negotiations, the methods and factors used in arriving at an offered price for voluntary easements including the range of cash amount of each component.

3. Before the initiation of negotiations for real property, the acquiring agency shall establish an amount which it believes to be just compensation for the real property, and shall make a prompt offer to acquire the property for the full amount established by the agency. In no event shall the amount be less than the fair market value the acquiring agency has established for the property or property interest pursuant to the appraisal required in section 6B.45 or less than the value determined under the acquiring agency's waiver procedure established pursuant to subsection 2. A purchase offer made by an acquiring agency shall include provisions for payment to the owner of expenses, including relocation expenses, expenses listed in subsection 10, and other expenses required by law to be paid by an acquiring agency to a condemnee. However, in the alternative, the acquiring agency may make, and the owner may accept, a purchase offer from the acquiring agency that is an amount equal to one hundred thirty percent of the appraisal amount plus payment to the owner of expenses listed in subsection 10, once those expenses have been determined. If the owner accepts such a purchase offer, the owner is barred from claiming payment from the acquiring agency for any other expenses allowed by law. In the case of a utility or person under the jurisdiction of the utilities commission, or any other utility conferred the right by statute to condemn private property, the amount shall not be less than the amount indicated by the methods and factors used in arriving at an offered price for a voluntary easement. The option to make an alternative purchase offer does not apply when property is being acquired for street and highway projects undertaken by the state, a county, or a city.

4. The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move the person's business or farm operation without at least ninety days' written notice of the date by which the move is required.

5. If after damages have been finally determined and paid, an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term or for a period subject to termination on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

6. In no event shall the time of condemnation be advanced, or negotiations or condemnation and the deposit of funds in court for the use of the owner be deferred, or any other coercive action be taken to compel an agreement on the price to be paid for the property.

7. If an interest in real property is to be acquired by exercise of the power of eminent domain, formal condemnation proceedings shall be instituted. The acquiring agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of the owner's real property.

8. If the acquisition of only a portion of property would leave the owner with an uneconomical remnant, the acquiring agency shall offer to acquire that remnant. For the purposes of this chapter, an "*uneconomical remnant*" is a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, where the acquiring agency determines that the parcel has little or no value or utility to the owner.

9. A person whose real property is being acquired in accordance with this chapter, after the person has been fully informed of the person's right to receive just compensation for the property, may donate the property, any part of the property, any interest in the property, or any compensation paid for it as the person may determine.

10. *a.* As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is earlier, the acquiring agency shall reimburse the owner, to the extent the acquiring agency deems fair and reasonable, for expenses the owner necessarily incurred for all of the following:

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(1) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the acquiring agency.

(2) Penalty costs for full or partial prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property.

b. Payments and expenditures under this subsection are incident to and arise out of the program or project for which the acquisition activity takes place. Such payments and expenditures may be made from the funds made available for the program or project.

c. A person aggrieved by a determination as to the eligibility for or amount of a reimbursement may apply to have the matter reviewed by the acquiring agency or in accordance with section 316.9 if applicable.

11. An owner shall not be required to surrender possession of real property before the acquiring agency concerned pays the agreed purchase price.

12. After damages have been finally determined and paid, the acquiring agency may offer, and the owner may accept, an amount equal to thirty percent of the amount of damages plus payment to the owner of expenses listed in subsection 10, once those expenses have been determined. If the owner accepts such an offer, the owner is barred from claiming payment from the acquiring agency for any other expenses allowed by law. This subsection does not apply when property is being acquired for street and highway projects undertaken by the state, a county, or a city.

89 Acts, ch 20, §19
CS89, §472.54
C93, §6B.54
99 Acts, ch 171, §19, 20, 42; 2006 Acts, 1st Ex, ch 1001, §18, 49; 2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §2656; 2024 Acts, ch 1170, §369
Referred to in §6B.2B

6B.55 Buildings, structures, and improvements — policies for acquiring agencies.

For any public use, public purpose, or public improvement for which condemnation is sought, an acquiring agency shall at a minimum satisfy the following policies:

1. If an interest in real property is acquired, the acquiring agency shall acquire an equal interest in all buildings, structures, or other improvements located upon the real property which are required to be removed from the real property or which are determined to be adversely affected by the use to which the real property will be put.

2. For the purpose of determining the just compensation to be paid for any building, structure, or other improvement required to be acquired under this section, the building, structure, or other improvement shall be deemed to be a part of the real property to be acquired, notwithstanding the right or obligation of a tenant of the lands, as against the owner of any other interest in the real property, to remove the building, structure, or improvement at the expiration of the tenant's term. The fair market value which the building, structure, or improvement contributes to the fair market value of the real property to be acquired, or the fair market value of the building, structure, or improvement for removal from the real property, whichever is the greater, shall be paid to the owner of the building, structure, or improvement.

3. Payment for the building, structure, or improvement under this section shall not result in duplication of any payments otherwise authorized by state law. The payment shall not be made unless the owner of the land involved disclaims all interest in the improvements of the tenant. In consideration for any such payment, the tenant shall assign, transfer, and release all the tenant's right, title, and interest in and to the improvements. Nothing with regard to the above-mentioned acquisition of buildings, structures, or other improvements shall be construed to deprive the tenant of any rights to reject payment and to obtain payment for the property interests in accordance with other laws of this state.

89 Acts, ch 20, §20
CS89, §472.55
C93, §6B.55
99 Acts, ch 171, §21, 42; 2006 Acts, 1st Ex, ch 1001, §19, 49

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6B.56 Disposition of condemned property.

1. If all or a portion of real property condemned pursuant to this chapter is not used for the purpose stated in the application filed pursuant to section 6B.3 and the acquiring agency seeks to dispose of the unused real property, the acquiring agency shall first offer the unused real property for sale to the prior owner of the condemned property as provided in this section. If real property condemned pursuant to this chapter is used for the purpose stated in the application filed pursuant to section 6B.3 and the acquiring agency seeks to dispose of the real property by sale to a private person or entity within five years after acquisition of the property, the acquiring agency shall first offer the property for sale to the prior owner of the condemned property as provided in this section. For purposes of this section, the prior owner of the real property includes the successor in interest of the real property.

2. *a.* Before the real property described in subsection 1 may be offered for sale to the general public, the acquiring agency shall notify the prior owner of such real property in writing of the acquiring agency's intent to dispose of the real property, of the current appraised value of the real property to be offered for sale, and of the prior owner's right to purchase the real property to be offered for sale within sixty days from the date the notice is served at a price equal to the current appraised value of the real property to be offered for sale or the fair market value of the property to be offered for sale at the time it was acquired by the acquiring agency from the prior owner plus cleanup costs incurred by the acquiring agency for the property to be offered for sale, whichever is less. However, the current appraised value of the real property to be offered for sale shall be the purchase price to be paid by the previous owner if any other amount would result in a loss of federal funding for projects funded in whole or in part with federal funds. The notice sent by the acquiring agency as provided in this subsection shall be filed with the office of the recorder in the county in which the real property is located.

b. For purposes of this subsection, "*cleanup costs*" means costs incurred to abate a nuisance or a public nuisance as those terms are defined in chapters 657 and 657A and costs incurred to recycle and remediate land pursuant to chapter 455H.

3. If the prior owner elects to purchase the real property at the price established in subsection 2, before the expiration of the sixty-day period, the prior owner shall notify the acquiring agency in writing of this intention and file a copy of this notice with the office of the recorder in the county in which the real property is located.

4. The provisions of this section do not apply to the sale of unused right-of-way property as provided in chapter 306.

97 Acts, ch 149, §1; 2006 Acts, 1st Ex, ch 1001, §20 – 22, 49; 2008 Acts, ch 1032, §201; 2015 Acts, ch 138, §145, 146, 148, 150

Referred to in §6B.56A

6B.56A Disposition of condemned property — five-year time period.

1. When five years have elapsed since property was condemned and all or a portion of the property has not been used for the purpose stated in the application filed pursuant to section 6B.3, and the acquiring agency has not taken action to dispose of the unused property pursuant to section 6B.56, the acquiring agency shall, within sixty days, adopt a resolution reaffirming the purpose for which the unused property will be used or offering the unused property for sale to the prior owner at a price as provided in section 6B.56. However, if all or a portion of such property was condemned for the creation of a lake subject to the requirements of section 6A.22, subsection 2, paragraph "*c*", subparagraph (1), subparagraph division (b), the acquiring agency shall not adopt a resolution reaffirming the purpose for which the property was to be used and shall instead adopt a resolution offering the property for sale to the prior owner at a price as provided in section 6B.56. If the resolution adopted approves an offer of sale to the prior owner, the offer shall be made in writing and mailed by certified mail to the prior owner. The prior owner has one hundred eighty days after the offer is mailed to purchase the property from the acquiring agency.

2. If the acquiring agency has not adopted a resolution described in subsection 1 within the sixty-day time period, the prior owner may, in writing, petition the acquiring agency to offer the property for sale to the prior owner at a price as provided in section 6B.56. Within sixty

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days after receipt of such a petition, the acquiring agency shall adopt a resolution described in subsection 1. If the acquiring agency does not adopt such a resolution within sixty days after receipt of the petition, the acquiring agency is deemed to have offered the property for sale to the prior owner.

3. The acquiring agency shall give written notice to the owner of the right to purchase the property under this section at the time damages are paid to the owner.

4. This section does not apply to property acquired for street and highway projects undertaken by the state, a county, or a city.

2006 Acts, 1st Ex, ch 1001, §23, 49; 2015 Acts, ch 138, §147, 148, 150

6B.57 Procedural compliance.

If an acquiring agency makes a good faith effort to serve, send, or provide the notices or documents required under this chapter to the owner and any contract purchaser of private property that is or may be the subject of condemnation, or to any tenant known to be occupying such property if notices or documents are required to be served, sent, or provided to such a person, but fails to provide the notice or documents to the owner and any contract purchaser, or to any tenant known to be occupying the property if applicable, such failure shall not constitute grounds for invalidation of the condemnation proceeding if the chief judge of the judicial district determines that such failure can be corrected by delaying the condemnation proceedings to allow compliance with the requirement or such failure does not unreasonably prejudice the owner or any contract purchaser.

99 Acts, ch 171, §22, 42; 2000 Acts, ch 1179, §21, 30; 2006 Acts, 1st Ex, ch 1001, §24, 49

6B.58 Reserved.

6B.59 Sale of acquired property — reimbursement to landowner.

If an acquiring agency acquires property by condemnation, or by otherwise exercising the power of eminent domain, and that property is later sold by the acquiring agency for more than the acquisition price paid to the landowner, the acquiring agency shall pay to the landowner from whom the property was acquired the difference between the price at which it was acquired and the price at which it was sold by the acquiring agency less the cost of any improvements made to or benefiting the land by the acquiring agency. This section does not apply to property acquired by the state department of transportation.

99 Acts, ch 171, §24, 42; 2000 Acts, ch 1058, §1

6B.60 Rental charges prohibited.

Rent shall not be charged to a person in possession of the property and shall not accrue against the property owner until all or a portion of the compensation commission award has been paid to the condemnee pursuant to section 6B.25.

2006 Acts, 1st Ex, ch 1001, §26, 49

6B.61 Approval of local elected officials required.

1. Notwithstanding any provision of law to the contrary, any entity created by or on behalf of one or more political subdivisions and granted, by statute, eminent domain authority to acquire property shall not exercise such authority outside the jurisdictional limits of the political subdivisions participating in the entity at the time of such exercise of authority without first presenting the proposal to acquire such property by eminent domain to the board of supervisors of each county where the property is located and such proposal receives the approval, by resolution, of each applicable board of supervisors.

2. *a.* This section does not apply to an entity created by or on behalf of one or more political subdivisions if the entity is authorized by statute to act as a political subdivision and if this section would limit the ability of the entity to comply with requirements or limitations imposed by the Internal Revenue Code to preserve the tax exemption of interest payable on bonds or obligations of the entity acting as a political subdivision.

b. This section does not apply to a person issued a certificate of public convenience, use, and necessity under chapter 476A.

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c. This section does not apply to property condemned by or on behalf of a multistate entity created to provide drinking water that has received or is receiving federal funds, but only if such property is to be acquired for water transmission and service lines, pump stations, water storage tanks, meter houses and vaults, related appurtenances, or supporting utilities.

2006 Acts, 1st Ex, ch 1001, §27, 49; 2019 Acts, ch 24, §1

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SUBTITLE 4

EXECUTIVE BRANCH

CHAPTER 7

GOVERNOR AND LIEUTENANT GOVERNOR

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7.1 Office — secretary.

The governor shall keep the governor's office at the seat of government, in which shall be transacted the business of the executive department of the state. The governor shall keep a secretary at the office during the governor's absence.

[C73, §55; C97, §60; C24, 27, 31, 35, 39, §**78;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.1]

7.2 Journal.

The governor shall cause a journal to be kept in the executive office, in which a record shall be made of each official act as done, except if in cases of emergency an act is done away from the office, such entry shall be made as soon thereafter as may be. The governor shall cause a like military record to be kept of the acts done as commander in chief.

[C73, §56, 57; C97, §61; C24, 27, 31, 35, 39, §**79;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.2]

7.3 Counsel.

Whenever the governor is satisfied that an action or proceeding has been commenced which may affect the rights or interests of the state, the governor may employ counsel to protect such rights or interests; and when any civil action or proceeding has been or is about to be commenced by the proper officer in behalf of the state, the governor may employ additional counsel to assist in the cause.

[C51, §40; R60, §44; C73, §59; C97, §63; C24, 27, 31, 35, 39, §**80;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.3]

Employment by executive council, §13.7

7.4 Expenses.

The expenses thus incurred, and those caused in executing the laws, may be allowed by the governor and paid from the contingent fund.

[C51, §41; R60, §45; C73, §60; C97, §64; C24, 27, 31, 35, 39, §**81;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.4]

7.5 Highway construction patents.

The governor, whenever the governor deems such action to be in the interest of the public, shall have power to direct the attorney general to appear for and on behalf of any county, city

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or other municipality of this state or for and on behalf of any officer thereof or contractor therewith, whenever any such county, city or other municipality or officer or contractor is a party to any action or proceeding in any court wherein is involved the validity of any alleged patent on any matter or thing entering into highway, bridge, or culvert construction, or on any parts thereof, and may employ such legal assistance in addition to the attorney general as the governor may deem necessary and may pay for the same out of any fund in the state treasury not otherwise appropriated. Whenever the attorney general is so directed by the governor it shall be the attorney general's duty to comply therewith.

[S13, §64-a; C24, 27, 31, 35, 39, §**82;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.5]

Employment by executive council, §13.7

7.6 Reward for arrest.

1. Whenever the governor is satisfied that a crime has been committed within the state, punishable by imprisonment in the penitentiary for a term of ten years or more, and the person committing the same has not been arrested or has escaped from arrest or custody or the person's whereabouts is unknown, the governor may in the governor's discretion, offer a reward not exceeding five hundred dollars for the arrest and delivery to the proper authorities of such persons, which reward, upon the certificate of the governor that the same has been earned, shall be audited and paid by the state.

2. The reward shall be paid only upon the conviction of the person, and if appealed, only after a final decision of an appellate court has been rendered which affirms that conviction.

[R60, §57; C73, §58; C97, §62; C24, 27, 31, 35, 39, §**83;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.6]

7.7 Accounting.

All fees paid to the governor shall be turned over to the treasurer of state.

[SS15, §4-e; C24, 27, 31, 35, 39, §**84;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.7]

7.8 Salary — governor, lieutenant governor.

1. The salary of the governor shall be as fixed by the general assembly.

2. The salary, payment of expenses, and any per diem of the lieutenant governor shall be as fixed by the general assembly.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §7.8]

90 Acts, ch 1223, §8

7.9 Federal funds accepted.

The governor is authorized to accept for the state, the funds provided by any Act of Congress for the benefit of the state of Iowa, or its political subdivisions, provided there is no agency to accept and administer such funds, and the governor is authorized to administer or designate an agency to administer the funds until such time as an agency of the state is established for that purpose.

[C66, 71, 73, 75, 77, 79, 81, §7.9]

7.10 Emergency highway peace officers.

Whenever the governor is satisfied that a state of emergency exists, or is likely to exist, on the public streets or highways of this state, because of violations of chapter 321, the governor shall designate any employee or employees of this state as peace officers pursuant to section 801.4, subsection 11, paragraph *"j"*, until such time as the governor is satisfied the state of emergency is ended.

[C66, 71, 73, 75, 77, 79, 81, §7.10]

Referred to in §7.12

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7.11 Purpose.

Individuals so designated shall have the full duties and rights of peace officers under the Code, for the purpose of enforcing the motor vehicle laws and ordinances of this state, and shall be provided with an identifying badge and card.

[C66, 71, 73, 75, 77, 79, 81, §7.11]

Referred to in §7.12

7.12 Supervisor designated.

The governor, in exercising the power conferred by sections 7.10 and 7.11, may designate one employee or officer of the state to supervise all persons designated as peace officers hereunder, and they shall be fully responsible to that employee or officer for all acts performed pursuant to these sections.

[C66, 71, 73, 75, 77, 79, 81, §7.12]

7.13 Governor-elect expense fund.

There is hereby created as a permanent fund in the office of the treasurer of state a fund to be known as the governor-elect expense fund. For the purpose of establishing and maintaining said fund, for each biennium, there is hereby appropriated thereto from funds in the general fund not otherwise appropriated the sum of ten thousand dollars, or so much thereof as may be necessary, to pay for office space, supplies, postage, and secretarial and clerical salaries after the day of the election and before the day of the inauguration for a first term governor-elect. Any balance in said fund at the end of each biennium shall revert to the general fund. Said fund shall be subject at all times to the warrant of the director of the department of administrative services drawn upon written requisition of the governor-elect. In event of a contested election, no distribution of the fund will be made until such time as the general assembly certifies the results of the election.

[C66, 71, 73, 75, 77, 79, 81, §7.13]

2003 Acts, ch 145, §286

7.14 Disability of governor to act.

1. Whenever it appears that the governor is unable to discharge the duties of office for reason of disability pursuant to Article IV, section 17, Constitution of the State of Iowa, the person next in line of succession to the office of the governor, or the chief justice, may call a conference consisting of the person who is chief justice, the person who is director of mental health, and the person who is the dean of medicine at the state university of Iowa. Provided, if either the director or dean is not a physician duly licensed to practice medicine by this state the director or dean may assign a member of the director's or dean's staff so licensed to assist and advise on the conference. The three members of the conference shall within ten days after the conference is called examine the governor. Within seven days after the examination, or if upon attempting to examine the governor the members of the conference are unable to examine the governor because of circumstances beyond their control, they shall conduct a secret ballot and by unanimous vote may find that the governor is temporarily unable to discharge the duties of the office.

2. The finding of or failure to find a disability shall be immediately made public, and if the governor is found to be unable to discharge the duties of the office, the person next in line of succession to the office of governor shall be immediately notified. After receiving the notification that person may, under Article IV, sections 17 and 19, Constitution of the State of Iowa, become governor until the disability is removed.

3. Whenever a governor who is unable to discharge the duties of the office believes the disability to be removed, the governor may call a conference consisting of the three persons referred to as members of such a conference in subsection 1. The three members of the conference shall within ten days examine the governor. Within seven days after the examination they shall conduct a secret ballot and by unanimous vote may find the disability removed.

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4. The finding of or failure to find the disability removed shall be immediately made public.
[C66, 71, 73, 75, 77, 79, 81, §7.14]
91 Acts, ch 97, §2; 96 Acts, ch 1129, §2; 2017 Acts, ch 54, §4

7.15 Federal funds for highway safety.
The governor, in addition to other duties and responsibilities conferred by the Constitution and laws of this state, is hereby empowered to contract for the benefits available to this state under any Act of Congress for highway safety, law enforcement, or other related programs, and in so doing, to cooperate with federal and state agencies, private and public organizations, and with individuals, to effectuate the purposes of these enactments. The governor shall be responsible for and is hereby empowered to administer, either through the governor's office or through one or more state departments or agencies designated by the governor or any combination of the foregoing the highway safety, law enforcement and related programs of this state and those of its political subdivisions, all in accordance with said Acts and the Constitution of the State of Iowa, in implementation thereof.
[C71, 73, 75, 77, 79, 81, §7.15]
2006 Acts, ch 1010, §4
Department of public safety designated as state highway safety agency to receive federal funds; Executive Order No. 23, June 9, 1986

7.16 Vacancies filled at less than statutory salary.
The governor or other appointing authority may, when appointing or employing any person for which a salary is specifically provided by the appropriation bill, appoint a person to fill the vacancy at a lesser salary than that provided by the appropriation bill.
[C71, 73, 75, 77, 79, 81, §7.16]

7.17 Office of administrative rules coordinator.
The governor shall establish the office of the administrative rules coordinator, and appoint its staff, which shall be a part of the governor's office. The administrative rules coordinator shall receive all notices and rules adopted pursuant to chapter 17A and provide the governor with an opportunity to review and object to any rule as provided in chapter 17A.
[C79, 81, §7.17]
90 Acts, ch 1266, §28; 91 Acts, ch 258, §7; 2006 Acts, ch 1011, §1; 2010 Acts, ch 1031, §51

7.18 Model community projects.
1. As used in this section, unless the context otherwise suggests, "*community*" means a city, county, or any combination of cities and counties.
2. During any project, pilot project, or similar initiative undertaken by the governor or the executive branch which includes the designation of a model community in the state, the approval of all of the following entities must be obtained by a simple majority vote prior to the granting of an official model community designation and prior to any state financial support being disbursed to any person under the project, pilot project, or similar initiative:
a. The city council of any city included in a proposed model community.
b. The county board of supervisors of a county included in a proposed model community.
c. Each school board of a school district serving students in a proposed model community.
2001 Acts, ch 40, §1

7.19 Regulation of places and practices of worship — limitation.
Notwithstanding any provision of law to the contrary, the governor shall not close, place a mandate on, or otherwise regulate a place or practice of worship for any reason, including through the proclamation of a disaster emergency pursuant to chapter 29C or public health disaster pursuant to section 135.144. For the purposes of this section, *"place of worship"* means a building in which an active congregation is devoted to worship.
2026 Acts, ch 1184, §1
NEW section

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7.20 Executive order — use of vacant school property.

The governor shall issue an executive order requiring all state agencies to consider the leasing of a vacant facility or building which is appropriately located and which is owned by a public school corporation before a state agency leases, purchases, or constructs a facility or building. The state agency may lease a facility or building owned by a public school corporation with an option to purchase the facility or building in compliance with section 297.22. The lease shall provide that the public school corporation may terminate the lease if the corporation needs to use the facility or building for school purposes. The public school corporation shall notify the state agency at least thirty days before the termination of the lease.

[82 Acts, ch 1148, §1]
97 Acts, ch 184, §1

7.21 Reserved.

7.22 Exchange of offenders under treaty — consent by governor.

If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which the offenders are citizens or nationals, the governor or the governor's designee, on behalf of the state and subject to the terms of the treaty, may authorize the transfer or exchange of offenders.

83 Acts, ch 203, §13

CHAPTER 7A

OFFICIAL REPORTS AND MISCELLANEOUS PUBLICATIONS

Referred to in §8A.301, 8A.342, 10A.311, 455A.4, 505.33, 524.216, 533.114

7A.1	Official reports — preparation.	7A.11	Documents filed with the general assembly.
7A.2	Made to governor.	7A.11A	Reports to the general assembly.
7A.2A	Annual reports — financial information.	7A.12	Delay.
7A.3	Biennial reports — time covered and date of filing.	7A.13	Governor may grant extension.
7A.4	Annual reports — time covered and date of filing.	7A.14	Number of copies — style.
7A.5	Governor.	7A.15	through 7A.22 Reserved.
7A.6	Attorney general. Repealed by 2019 Acts, ch 163, §27.	7A.23	Price of departmental reports.
7A.7	Reserved.	7A.24	through 7A.26 Reserved.
7A.8	Superintendent of banking.	7A.27	Other necessary publications — when necessary to sell.
7A.9	State department of transportation.	7A.28	Governor may fix filing date.
7A.10	Utilities commission.	7A.29	Title pages — complimentary insertions.
		7A.30	Inventory of state property.

7A.1 Official reports — preparation.

1. State officials, boards, commissions, and heads of departments shall prepare and file written official reports, in simple language and in the most concise form consistent with clearness and comprehensiveness of matter, required by law or by the governor.

2. Before filing any report, the author shall carefully edit the report. The author shall strike from the report all minutes of proceedings, and all correspondence, petitions, orders, and other matter which can be briefly stated, or which is not important information concerning public affairs, and consolidate so far as practicable all statistical tables.

3. Any report failing to comply substantially with this section shall be returned to its author for correction, and until made so to comply shall not be printed.

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4. This section shall not be construed as depriving the director of the department of administrative services of the right to edit and revise the report.

[C24, 27, 31, 35, 39, §**244;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.1]

C93, §7A.1

98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §106; 2017 Acts, ch 29, §3

Referred to in §476.16

7A.2 Made to governor.

1. All official reports shall be made to the governor unless otherwise provided.

2. Reports after being filed with the governor and considered by the governor shall be delivered to the director of the department of administrative services.

[C24, 27, 31, 35, 39, §**245;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.2]

C93, §7A.2

98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §107

Departmental annual reports to governor and legislature, §7E.3, subsection 4

7A.2A Annual reports — financial information.

An annual report issued by a state official, board, commission, department, or independent agency that is required by law to be submitted to the general assembly shall include a financial information section pertaining to the topic of the report. The financial information shall include but is not limited to budget and actual revenue and expenditure information for the fiscal year covered by the annual report and for the previous fiscal year and may include budget information for future fiscal years. In addition to any narrative, the financial information shall be provided in graphic form utilizing a columnar format.

2003 Acts, ch 57, §1

7A.3 Biennial reports — time covered and date of filing.

1. Reports of the following officials and departments shall cover the biennial period ending June 30 in each even-numbered year, and shall be filed as soon as practicable after the end of the reporting period:

a. Treasurer of state as to the condition of the treasury.
b. Director of the department of education.
c. Director of health and human services.
d. Board of regents.
e. State historical society board of trustees.
f. Commission of libraries.
g. Director of the department of natural resources.
h. Adjutant general.

2. The officials and departments required by this section to file reports shall submit the reports on standardized forms furnished by the director of the department of management. All officials and agencies submitting reports shall consult with the director of the department of management and shall devise standardized report forms for submission to the governor and members of the general assembly.

[C73, §125; C97, §122; S13, §122; C24, 27, 31, 35, 39, §**246;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.3]

83 Acts, ch 96, §157, 159; 85 Acts, ch 212, §21; 86 Acts, ch 1245, §904; 91 Acts, ch 258, §16

C93, §7A.3

93 Acts, ch 48, §1; 94 Acts, ch 1107, §1; 98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2001 Acts, ch 129, §1; 2003 Acts, ch 145, §108 – 110; 2007 Acts, ch 115, §2; 2014 Acts, ch 1036, §1; 2021 Acts, ch 51, §1; 2022 Acts, ch 1032, §1; 2023 Acts, ch 19, §2; 2025 Acts, ch 79, §1

Referred to in §455B.105, 455E.11

7A.4 Annual reports — time covered and date of filing.

Reports of the following officials and departments shall cover the year ending December 31 of each year, and shall be filed as soon as practicable after said date:

1. Commissioner of insurance.
2. State geologist.

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3. Fire marshal.
4. College student aid commission.
5. Superintendent of credit unions.

[C24, 27, 31, 35, 39, §**247;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.4]
88 Acts, ch 1134, §13; 90 Acts, ch 1253, §122
C93, §7A.4
98 Acts, ch 1119, §7; 2004 Acts, ch 1082, §1; 2016 Acts, ch 1030, §1

7A.5 Governor.

The biennial report of the governor to the general assembly on reprieves, commutations, pardons, and remission of fines and forfeitures shall cover the two years ending with December 31 immediately preceding the convening of the general assembly in regular session, in odd-numbered years, and shall be filed as soon as practicable after said date.

[C24, 27, 31, 35, 39, §**248;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.5]
C93, §7A.5

7A.6 Attorney general. Repealed by 2019 Acts, ch 163, §27.

7A.7 Reserved.

7A.8 Superintendent of banking.

The annual report of the superintendent of banking shall cover the year ending June 30 of each year, and shall be filed as soon as practicable after said date and not later than December 31.

[C24, 27, 31, 35, 39, §**251;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.8]
91 Acts, ch 220, §1
C93, §7A.8
Annual report, §524.216

7A.9 State department of transportation.

The annual report of the state department of transportation shall cover the year ending June 30 and shall be filed not later than September 1 of each year.

[C24, 27, 31, 35, 39, §**252;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.9]
84 Acts, ch 1102, §1
C93, §7A.9

7A.10 Utilities commission.

The annual report of the utilities commission shall, as to all statistical data, cover the year ending December 31 preceding the filing of the report, and the proceedings of the utilities commission to date of filing the report each year. The report shall be filed on or before December 1. The utilities commission shall determine the manner in which the annual report shall be published.

[C24, 27, 31, 35, 39, §**253;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.10]
88 Acts, ch 1134, §14
C93, §7A.10
2024 Acts, ch 1170, §369
Referred to in §476.16

7A.11 Documents filed with the general assembly.

1. It is the intent of the general assembly that a department or official may notify the chief clerk of the house of representatives and the secretary of the senate of the availability of documents and materials other than those covered by subsection 2.

2. A department or official required to file a document with the general assembly shall only be required to send one copy of the document to each of the following:

a. The chief clerk of the house of representatives.
b. The secretary of the senate.
c. Each caucus or research staff director of the general assembly.

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3. The chief clerk of the house of representatives and the secretary of the senate shall transmit a list of the documents received, and a list of the documents and materials available to the general assembly to the legislative services agency, which shall maintain the lists, as well as a list of addresses where copies of the documents may be ordered. The legislative services agency shall periodically distribute copies of these lists to members of the general assembly. The chief clerk of the house of representatives and the secretary of the senate may transmit the actual documents received to the legislative services agency for temporary storage.

91 Acts, ch 47, §1
CS91, §17.11
C93, §7A.11
96 Acts, ch 1099, §5; 2003 Acts, ch 35, §44, 49

7A.11A Reports to the general assembly.

All reports required to be filed with the general assembly by a state department or agency shall be filed by delivering one copy in electronic format as prescribed by the secretary of the senate and the chief clerk of the house.

93 Acts, ch 178, §27; 2010 Acts, ch 1031, §24

7A.12 Delay.

Should the governor deem the delay in filing a report to be unreasonable the governor shall take such steps as will correct the delinquency.

[C24, 27, 31, 35, 39, §**255;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.12]
C93, §7A.12

7A.13 Governor may grant extension.

The governor shall have authority to grant an extension of time for the completion of any report or any portion thereof, but in the case of any delay deemed by the governor to be unnecessary or unreasonable the governor shall take whatever steps may be necessary to have the delayed report prepared for filing.

[C24, 27, 31, 35, 39, §**256;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.13]
C93, §7A.13

7A.14 Number of copies — style.

1. The annual and biennial reports shall be published, printed, and bound in such number as the director of the department of administrative services may order. The officials and heads of departments shall furnish the director with information necessary to determine the number of copies to be printed.

2. The reports shall be printed on good paper, in legible type with pages substantially six inches by nine inches in size. The reports may be divided for binding where one portion should receive larger distribution than another, or be issued in parts or sections for greater convenience.

[C73, §130; C97, §125; S13, §125; C24, 27, 31, 35, 39, §**257;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.14]
C93, §7A.14
98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §111; 2018 Acts, ch 1041, §1

7A.15 through 7A.22 Reserved.

7A.23 Price of departmental reports.

The director of the department of administrative services shall establish and fix a selling price for all state departmental reports and any other state publications the director may designate, which price per volume shall be the amount charged any person, other than public officials, who purchases the publication. The price shall cover the cost of printing and

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distribution. The director may distribute gratis to state or local public officials or offices, as the director deems necessary, copies of departmental annual reports.

[C35, §265-e1; C39, §**265.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.23]
84 Acts, ch 1067, §5
C93, §7A.23
98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §112

7A.24 through 7A.26 Reserved.

7A.27 Other necessary publications — when necessary to sell.

1. Other miscellaneous documents, reports, bulletins, books, and booklets may be published that are needed for the use of the various officials and departments of state, or are of value for the information of the general assembly or the public, in form and number most useful and convenient, to be determined by the director of the department of administrative services.

2. When such publications, paid for by public funds furnished by the state, contain reprints of statutes or rules, or both, they shall be sold and distributed at cost by the department ordering the publication if the cost per publication is one dollar or more, unless a central library or depository is established. Such publications shall be obtained from the director of the department of administrative services on requisition by the department ordering the publication, and the selling price, if any, shall be determined by the director of the department of administrative services by dividing the total cost of printing, paper, distribution, and binding by the number printed. The price shall be set at the nearest multiple of ten to the quotient thus obtained. Distribution of such publications shall be made by the director gratis to public officers, purchasers of licenses from state departments required by statute, and departments. Funds from the sale of such publications shall be deposited monthly in the general fund of the state, except the cost of distribution shall be deposited in the printing revolving fund established in section 8A.345. This section does not apply to the printed versions of the official legal publications listed in section 2A.5.

[C24, 27, 31, 35, 39, §**269;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.27]
C93, §7A.27
98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §113; 2005 Acts, ch 19, §8
Publication of parts of Code or administrative code, §2B.21
Publication of institution bulletins and reports, §218.46
Additional geological reports, §456.9

7A.28 Governor may fix filing date.

The governor shall have the right to fix a date for the completion of or filing of any copy or manuscript for any miscellaneous document or other publication, or for any portion of the manuscript, and to compel compliance with such orders the same as in the case of the official reports. The director of the department of administrative services shall report to the governor any failure to furnish manuscript or other delay affecting any publication.

[C24, 27, 31, 35, 39, §**270;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.28]
C93, §7A.28
98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §114

7A.29 Title pages — complimentary insertions.

The director of the department of administrative services shall provide the necessary printer's copy for a suitable title page for each publication requiring such title which shall contain the name of the author, but such title shall not have written or printed thereon or attached thereto the words "Compliments of" followed by the name of the author, nor any other words of similar import.

[C24, 27, 31, 35, 39, §**271;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §17.29]
C93, §7A.29
98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 145, §115

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7A.30 Inventory of state property.

1. Each state board, commission, department, and division of state government and each institution under the control of the department of health and human services, the Iowa department of corrections and the state board of regents and each division of the state department of transportation are responsible for keeping a written, detailed, up-to-date inventory of all real and personal property belonging to the state and under their charge, control, and management. The inventories shall be in the form prescribed by the director of the department of administrative services.

2. Inventories maintained in the files of each such agency of state government shall be open to public inspection and available for the information of the executive council and director of the department of administrative services.

[C46, 50, 54, 58, §17.30 – 17.32; C62, 66, 71, 73, 75, 77, 79, 81, §17.30]
83 Acts, ch 96, §157, 159; 85 Acts, ch 195, §4
C93, §7A.30
2003 Acts, ch 145, §286; 2023 Acts, ch 19, §3

CHAPTER 7B

JOB TRAINING PARTNERSHIP PROGRAM

Repealed by 2001 Acts, ch 61, §18

CHAPTER 7C

PRIVATE ACTIVITY BOND ALLOCATION ACT

7C.1	Short title.	7C.10	Resubmission of expired allocations.
7C.2	Declaration of intent.	7C.11	Priority allocations.
7C.3	Definitions.	7C.12	Authority and duties of the governor and governor's designee.
7C.4	Maximum amount of bonds.	7C.13	Qualified student loan bond issuer — open records and meetings — oversight.
7C.4A	Allocation of state ceiling.		
7C.5	Formula for allocation.		
7C.6	Application for allocation.		
7C.7	Certification of allocation.		
7C.8	State ceiling carryforwards.		
7C.9	Nonbusiness days.		

7C.1 Short title.

This chapter shall be known and may be cited as the "*Private Activity Bond Allocation Act*".

85 Acts, ch 225, §3
Referred to in §7C.12

7C.2 Declaration of intent.

It is the intention of the general assembly in enacting this chapter to:

1. Implement section 146 of the Internal Revenue Code by providing a different formula for allocating the state ceiling among the various governmental units which are authorized to issue private activity bonds under the laws of this state.

2. Maximize the availability of the state ceiling to the issuers of private activity bonds within the state and thereby maximize the economic benefit to the citizens of the state from the issuance of private activity bonds.

85 Acts, ch 225, §4; 87 Acts, ch 171, §1
Referred to in §7C.12

7C.3 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

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1. *"Allocation"* means that portion of the state ceiling which is allocated and certified to a political subdivision hereby or by the governor's designee pursuant to section 7C.8 with respect to an issue of bonds for a specific project or purpose.

2. *"Bond"* or *"private activity bond"* means a private activity bond as defined in section 141 of the Internal Revenue Code.

3. *"Carryforward project"* means a carryforward project or carryforward purpose as defined in section 146(f) of the Internal Revenue Code.

4. *"First-time farmer"* means a first-time farmer as defined in section 147(c) of the Internal Revenue Code.

5. *"Governor's designee"* means the person, department, or authority designated by the governor to administer this chapter.

6. *"Internal Revenue Code"* means the Internal Revenue Code as defined in section 422.3.

7. *"Political subdivision"* means a political subdivision, authority, or department of the state which is authorized under the laws of the state to issue private activity bonds.

8. *"Qualified mortgage bond"* means a qualified mortgage bond as defined in section 143(a) of the Internal Revenue Code.

9. *"Qualified residential rental project bond"* means a qualified residential rental project bond as defined in section 142(d) of the Internal Revenue Code.

10. *"Qualified small issue bond"* means a qualified small issue bond as defined in section 144(a) of the Internal Revenue Code.

11. *"Qualified student loan bond"* means a qualified student loan bond as defined in section 144(b) of the Internal Revenue Code.

12. *"State ceiling"* means the same as defined in section 146(d) of the Internal Revenue Code.

85 Acts, ch 225, §5; 87 Acts, ch 171, §2; 2005 Acts, ch 30, §1
Referred to in §7C.12

7C.4 Maximum amount of bonds.

The aggregate principal amount of bonds which are subject to section 146 of the Internal Revenue Code which may be issued by all political subdivisions during a calendar year shall not exceed the state ceiling for that calendar year, except as provided in section 7C.8.

85 Acts, ch 225, §6; 87 Acts, ch 171, §3
Referred to in §7C.12

7C.4A Allocation of state ceiling.

For each calendar year, the state ceiling shall be allocated among bonds issued for various purposes as follows:

1. *a.* Thirty percent of the state ceiling shall be allocated solely to the Iowa finance authority for any of the following purposes:

(1) Issuing qualified mortgage bonds.

(2) Reallocating the amount, or any portion thereof, to another qualified political subdivision for the purpose of issuing qualified mortgage bonds.

(3) Exchanging the allocation, or any portion thereof, for the authority to issue mortgage credit certificates by election under section 25(c) of the Internal Revenue Code.

(4) Issuing qualified residential rental project bonds.

b. However, at any time during the calendar year the director of the Iowa finance authority may determine that a lesser amount need be allocated to the Iowa finance authority and on that date this lesser amount shall be the amount allocated to the authority and the excess shall be allocated under subsection 7.

2. Twelve percent of the state ceiling shall be allocated to bonds issued to carry out programs established under chapters 260C, 260E, and 260F. However, at any time during the calendar year the director of the economic development authority may determine that a lesser amount need be allocated and on that date this lesser amount shall be the amount allocated for those programs and the excess shall be allocated under subsection 7.

3. Sixteen percent of the state ceiling shall be allocated to qualified student loan bonds. However, at any time during the calendar year the governor's designee, with the approval

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of the Iowa student loan liquidity corporation, may determine that a lesser amount need be allocated to qualified student loan bonds and on that date the lesser amount shall be the amount allocated for those bonds and the excess shall be allocated under subsection 7.

4. Twenty-one percent of the state ceiling shall be allocated to qualified small issue bonds issued for first-time farmers under chapter 16, subchapter VIII. However, at any time during the calendar year the governor's designee, with the approval of the Iowa finance authority, may determine that a lesser amount need be allocated to qualified small issue bonds for first-time farmers and on that date this lesser amount shall be the amount allocated for those bonds and the excess shall be allocated under subsection 7.

5. Eighteen percent of the state ceiling shall be allocated to bonds issued by political subdivisions to finance a qualified industry or industries for the manufacturing, processing, or assembly of agricultural or manufactured products even though the processed products may require further treatment before delivery to the ultimate consumer. A single project allocated a portion of the state ceiling pursuant to this subsection shall not receive an allocation in excess of ten million dollars in any calendar year.

6. During the period of January 1 through June 30, three percent of the state ceiling shall be reserved for private activity bonds issued by political subdivisions, the proceeds of which are used by the issuing political subdivisions.

7. *a.* The amount of the state ceiling which is not otherwise allocated under subsections 1 through 5, and after June 30, the amount of the state ceiling reserved under subsection 6 and not allocated, shall be allocated to all bonds requiring an allocation under section 146 of the Internal Revenue Code without priority for any type of bond over another, except as otherwise provided in sections 7C.5 and 7C.11. A single project allocated a portion of the state ceiling pursuant to this subsection shall not receive an allocation in excess of fifty million dollars in any calendar year.

b. The population of the state shall be determined in accordance with the Internal Revenue Code.

87 Acts, ch 171, §4; 90 Acts, ch 1011, §1; 91 Acts, ch 25, §1; 98 Acts, ch 1165, §1; 2005 Acts, ch 30, §2; 2008 Acts, ch 1024, §1, 2; 2008 Acts, ch 1032, §201; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 100, §18, 27; 2014 Acts, ch 1012, §8; 2014 Acts, ch 1080, §81, 98; 2023 Acts, ch 19, §2130

Referred to in §7C.5, 7C.6, 7C.12, 7C.13

7C.5 Formula for allocation.

Except as provided in section 7C.4A, subsections 1 through 5, the state ceiling shall be allocated among all political subdivisions on a statewide basis on the basis of the chronological orders of receipt by the governor's designee of the applications described in section 7C.6 with respect to a definitive issue of bonds, as determined by the day, hour, and minute time-stamped on the application immediately upon receipt by the governor's designee. However, for the period January 1 through June 30 of each year, allocations to bonds for which an amount of the state ceiling has been reserved pursuant to section 7C.4A, subsection 6, shall be made to the political subdivisions submitting the applications first from the reserved amount until the reserved amount has been fully allocated and then from the amount specified in section 7C.4A, subsection 7.

85 Acts, ch 225, §7; 87 Acts, ch 171, §5; 98 Acts, ch 1165, §2

Referred to in §7C.4A, 7C.12

7C.6 Application for allocation.

A political subdivision which proposes to issue bonds for a particular project or purpose for which an allocation of the state ceiling is required and has not already been made under section 7C.4A, subsections 1 through 5, must make an application for allocation before issuance of the bonds. The application may be made by the political subdivision or its representative, the beneficiary of the project or purpose, or by a person acting on behalf of the beneficiary. The application shall be submitted to the governor's designee, in the form prescribed by the governor's designee. The application shall contain, where appropriate, the following information:

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1. Name and mailing address of the political subdivision.
2. Name of the chief elected or appointed executive officer of the political subdivision.
3. If the project to be financed by the bonds is not to be owned by the political subdivision, the name or description and location by mailing address or other definitive description of the project for which the allocation is requested.
4. Name and mailing address of both the initial owner, beneficiary, or operator of the project and an appropriate person from whom information regarding the project or purpose can be obtained.
5. Date of adoption by the governing body of the political subdivision of any initial governmental act with respect to the bonds.
6. Amount of the state ceiling which the political subdivision is requesting be allocated to the bonds.
7. Other information which the governor's designee deems reasonably required to carry out the purposes of this chapter.

85 Acts, ch 225, §8; 87 Acts, ch 171, §6; 98 Acts, ch 1165, §3
Referred to in §7C.5, 7C.7, 7C.12

7C.7 Certification of allocation.

Upon the receipt of a completed application pursuant to section 7C.6, the governor's designee shall promptly certify to the political subdivision the amount of the state ceiling allocated to the bonds for the purpose or project with respect to which the application was submitted. The allocation shall remain valid for one hundred twenty days from the date the allocation was certified, subject to the following conditions:

1. If the bonds are issued and delivered for the purpose or project within the one-hundred-twenty-day period or the thirty-day extension period provided in subsection 2, the political subdivision or its representative shall within ten days following the issuance and delivery of the bonds or not later than June 30 of that year, if the bonds were issued and delivered on or before that date, file with the governor's designee, in the form or manner the governor's designee may prescribe, a notification of the date of issuance and the delivery of the bonds, and the actual principal amount of bonds issued and delivered. The filing of the notification shall be done by actual delivery or by posting in a United States post office depository with correct first class postage paid. If the actual principal amount of bonds issued and delivered is less than the amount of the allocation, the amount of the allocation is automatically reduced to the actual principal amount of the bonds issued and delivered.
2. If the political subdivision does not reasonably expect to issue and deliver the bonds within the one-hundred-twenty-day period and evidence of an executed, valid and binding agreement to purchase the bonds is obtained from an entity with the legal ability to purchase and this agreement is filed with the governor's designee, the one-hundred-twenty-day allocation period is automatically extended for an additional thirty days. The allocation period shall not be extended beyond that additional thirty days.
3. The allocation is no longer valid unless the bonds are issued and delivered prior to December 24 or in the case of bonds described in section 7C.11 are issued and delivered prior to December 31 of the calendar year in which the allocation is certified, except as provided in section 7C.8.

85 Acts, ch 225, §9; 87 Acts, ch 171, §7; 88 Acts, ch 1134, §2; 98 Acts, ch 1165, §4; 2008 Acts, ch 1024, §3
Referred to in §7C.9, 7C.10, 7C.12

7C.8 State ceiling carryforwards.

It is the intention of the general assembly that the maximum use be made of all carryforward provisions in the Internal Revenue Code. Therefore, if the aggregate principal amount of bonds, subject to section 146 of the Internal Revenue Code, issued by all political subdivisions in a calendar year is less than the state ceiling for that calendar year, a political subdivision may apply to the governor's designee for an allocation of a specified portion of the excess state ceiling to be applied to a specified carryforward project. The governor's designee shall determine the time and manner in which applications for an allocation of

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excess state ceiling shall be made for this purpose and may, in the designee's discretion, refuse any requests. However, the procedures for applications, the method of identifying, and the types permitted of carryforward projects shall comply with the carryforward provisions of the Internal Revenue Code and regulations promulgated under those provisions.

85 Acts, ch 225, §10; 87 Acts, ch 171, §8
Referred to in §7C.3, 7C.4, 7C.7, 7C.12

7C.9 Nonbusiness days.

If the expiration date of either the one-hundred-twenty-day period or the thirty-day extension period described in subsection 1 or 2 of section 7C.7 is a Saturday, Sunday, or any day on which the offices of the state or banking institutions in the state are authorized or required to close, the expiration date is extended to the first day thereafter which is not a Saturday, Sunday, or other previously described day.

85 Acts, ch 225, §11; 87 Acts, ch 171, §9; 2008 Acts, ch 1024, §4; 2012 Acts, ch 1017, §29
Referred to in §7C.12

7C.10 Resubmission of expired allocations.

If an allocation becomes no longer valid as provided in section 7C.7, the political subdivision may resubmit its application for the same project or purpose. The resubmitted application shall be treated as a new application and preference, priority, or prejudice shall not be given to the application or the political subdivision as a result of the prior application.

85 Acts, ch 225, §12; 87 Acts, ch 171, §10
Referred to in §7C.12

7C.11 Priority allocations.

Notwithstanding any other provision of this chapter, the governor's designee shall give priority in allocation of the state ceiling not yet allocated to bonds which must be issued and delivered on or prior to December 31 of the calendar year in order for the interest on the bonds to be exempt from federal income taxation. Applications for an allocation with respect to these bonds shall be accompanied by an opinion of a nationally recognized bond counsel to the effect that the bonds must be issued and delivered on or prior to December 31 in that calendar year in order for the interest on the bonds to be exempt from federal income taxation.

85 Acts, ch 225, §13; 87 Acts, ch 171, §11
Referred to in §7C.4A, 7C.7, 7C.12

7C.12 Authority and duties of the governor and governor's designee.

1. The governor shall designate a person, department, or authority to administer this chapter. The person, department, or authority so designated shall serve at the pleasure of the governor and shall be selected primarily for administrative ability and knowledge in the area of public finance.

2. In addition to the powers and duties specified in sections 7C.1 through 7C.11, the governor's designee:

a. Shall promulgate rules which are necessary or expedient to carry out the intent and purposes of this chapter.

b. Shall maintain records of all applications filed by political subdivisions pursuant to section 7C.6 and all bonds issued pursuant to these applications including, but not limited to, a daily accounting of the amount of the state ceiling available for allocation, the amount of the state ceiling which has been allocated but not used, and the names, addresses, and telephone numbers of those political subdivisions for whom an allocation has been approved or disapproved and the amount of the allocation approved or disapproved for the political subdivisions.

c. Shall report quarterly any reallocation of the amount of the state ceiling by the governor's designee in accordance with this chapter to the general assembly's standing committees on government oversight and the auditor of state. The report shall contain, at a minimum, the amount of each reallocation, the date of each reallocation, the name of the political subdivision and a description of all bonds issued pursuant to a reallocation, a

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brief explanation of the reason for the reallocation, and such other information as may be required by a standing committee on government oversight.

85 Acts, ch 225, §14; 87 Acts, ch 171, §12; 2008 Acts, ch 1132, §1; 2009 Acts, ch 86, §2; 2014 Acts, ch 1092, §5; 2021 Acts, ch 80, §1

7C.13 Qualified student loan bond issuer — open records and meetings — oversight.

1. *Condition of allocation.* As a condition of receiving the allocation of the state ceiling as provided in section 7C.4A, subsection 3, the qualified student loan bond issuer shall comply with the provisions of this section.

2. *Annual report and audit.* The qualified student loan bond issuer shall submit an annual report to the governor, general assembly, and the auditor of state by January 15 setting forth its operations and activities conducted and newly implemented in the previous fiscal year related to use of the allocation of the state ceiling in accordance with this chapter and the outlook for the future. The report shall describe how the operations and activities serve students and parents. The annual audit of the qualified student loan bond issuer shall be filed with the office of auditor of state.

3. *Open meetings for consideration of tax-exempt issuance.* The deliberations or meetings of the board of directors of the qualified student loan bond issuer that relate to the issuance of bonds in accordance with this chapter shall be conducted in accordance with chapter 21.

4. *Public hearing prior to issuance of tax-exempt bonds.* Prior to the issuance of tax-exempt bonds in accordance with this chapter, the board of directors of the qualified student loan bond issuer shall hold a public meeting after reasonable notice. The board shall give notice of the time, date, and place of the meeting, and its tentative agenda, in a manner reasonably calculated to apprise the public of that information and provide interested parties with an opportunity to submit or present data, views, or arguments related to the issuance of the bonds.

5. *Open records for consideration of tax-exempt bonds.* All of the following shall be subject to chapter 22:

a. Minutes of the meetings conducted in accordance with subsection 3.

b. The data and written views or arguments submitted in accordance with subsection 4.

c. Letters seeking approval from the governor for issuance of tax-exempt bonds in accordance with this chapter.

d. The published official statement of each tax-exempt bond issue authorized in accordance with this chapter.

6. *State superintendent of banking — review.*

a. The state superintendent of banking shall not serve on the board of directors of the qualified student loan bond issuer.

b. The superintendent of banking shall annually review the qualified student loan bond issuer's total assets, loan volume, and reserves. Additionally, the superintendent shall review the qualified student loan bond issuer's procedures to inform students, prior to the submission of an application to the qualified student loan bond issuer for a loan made by the qualified student loan bond issuer, about the advantages of loans available under Tit. IV of the federal Higher Education Act of 1965, as amended, for which the students may be eligible. The review shall verify that the qualified student loan bond issuer issued bonds in accordance with this chapter in conformance to the letter requesting approval of the governor as set forth in subsection 5. The superintendent shall submit the review to the general assembly by January 15.

7. *No state obligation for bonds.* The obligations of the qualified student loan bond issuer are not the obligations of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations, but are obligations of the qualified student loan bond issuer payable solely and only from the qualified student loan bond issuer's funds. The qualified student loan bond issuer shall not and cannot pledge the credit or taxing power of this state or any political subdivision of this state or make its debts payable out of any moneys except those of the qualified student loan bond issuer.

2008 Acts, ch 1132, §2; 2009 Acts, ch 41, §3

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CHAPTER 7D
EXECUTIVE COUNCIL

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7D.1 Membership.

1. The executive council shall consist of the:

a. Governor.

b. Secretary of state.

c. Auditor of state.

d. Treasurer of state.

e. Secretary of agriculture.

2. A majority shall constitute a quorum. No deputy shall act on the council for the deputy's principal.

[R60, §993; C73, §111; C97, §155; C24, 27, 31, 35, 39, §**276;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.1]

C93, §7D.1

2008 Acts, ch 1032, §201

7D.2 Secretary.

The executive council shall choose a secretary who shall hold office during its pleasure, and perform such duties as may be required by law or by the executive council.

[R60, §999; C73, §119, 120; C97, §156, 157; S13, §156, 157; C24, 27, 31, 35, 39, §**277;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.2]

C93, §7D.2

7D.3 Records kept.

The secretary shall keep a complete record of the proceedings of the executive council.

[C73, §119; C97, §156, 157; S13, §157; C24, 27, 31, 35, 39, §**278;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.3]

C93, §7D.3

7D.4 and 7D.5 Reserved.

7D.6 Report — official register.

1. The secretary shall, as soon as practicable after January 1 of each odd-numbered year, prepare a report of the proceedings of the executive council for the two preceding calendar years. The report shall include a statement of:

a. The official canvass of the votes cast at the last general election.

b. Other acts of the council that are of general interest.

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2. The report may be published in the Iowa official register as provided in section 2A.5.

[C73, §120; C97, §157; S13, §157; C24, 27, 31, 35, 39, §**284;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.6]

C93, §7D.6

2003 Acts, ch 35, §21, 48, 49; 2008 Acts, ch 1032, §201

7D.7 Reserved.

7D.8 Anticipation of revenues.

The executive council may anticipate the revenues for any year, when the current revenues for that year are insufficient to pay all warrants issued in that year, by causing state warrants, in an amount not exceeding the estimated state revenues for that year, and bearing interest at a rate not exceeding that permitted by chapter 74A, to be issued, advertised, and sold on sealed bids, and to the bidder offering the lowest interest rate. All bids and all records pertaining thereto shall be kept on file. The treasurer of state shall comply with the provisions of chapter 74.

[S13, §170-a; C24, 27, 31, 35, 39, §**287;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.8]

C93, §7D.8

Referred to in §74.1

7D.9 Compromise of claims.

The executive council, on a written report to it by the attorney general together with the attorney general's opinion as to the legal effect of the facts, may determine by resolution to be duly entered in its official records, the terms on which claims of doubtful equity or collectibility, and in favor of the state, may be compromised and settled with all or any of the parties thereto. Such terms may be withdrawn prior to acceptance, or in case the debtor fails to comply therewith within a reasonable time. The attorney general shall have full authority to execute all papers necessary to effect any such settlement.

[S13, §170-h; C24, 27, 31, 35, 39, §**288;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.9]

C93, §7D.9

Referred to in §123.37, 421.5

7D.10 Court costs.

If sufficient funds for court costs have not been appropriated to a state department, or if sufficient funds are not otherwise available for such purposes within the budget of a state department, upon authorization by the executive council there is appropriated from moneys in the general fund of the state not otherwise appropriated, an amount sufficient to pay expenses incurred, or costs taxed to the state, in any proceeding brought by or against any of the state departments or in which the state is a party or is interested. This section shall not be construed to authorize the payment of travel or other personal expenses of state officers or employees.

[S13, §170-i; C24, 27, 31, 35, 39, §**289;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.10]

C93, §7D.10

2011 Acts, ch 131, §10, 158

7D.10A Payment to livestock remediation fund.

If moneys are not sufficient to support the livestock remediation fund as provided in chapter 459, subchapter V, the executive council may authorize as an expense paid from the appropriations addressed in section 7D.29 the payment of an amount to the livestock remediation fund as provided under section 459.501, subsection 5. However, not more than a total of one million dollars shall be paid pursuant to this section to the livestock remediation fund at any time.

98 Acts, ch 1209, §1; 2011 Acts, ch 81, §11; 2011 Acts, ch 131, §11, 158

Referred to in §459.501

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7D.11 Report of unexpended balances.

All commissions, boards, officers, or persons placed in charge, by statute, of special work for which a specific appropriation of state funds has been made, shall, biennially, report to the executive council the progress of such special work, the balance on hand in such fund, a list of all unpaid bills, and the amount of each, then outstanding, with such other information as the council shall from time to time require.

[SS15, §170-q; C24, 27, 31, 35, 39, §**290;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.11]
C93, §7D.11
Referred to in §8.33

7D.12 Notice to transfer balance.

When said council is satisfied that the work for which such special fund was created has been completed or abandoned, it shall fix a day for hearing on the question whether the unexpended balance then on hand should be transferred to the general revenue fund of the state, and shall cause a ten days' notice of such hearing to be given such commission, board, officer, or person, at which hearing showing may be made why such unexpended balance should not be so transferred.

[SS15, §170-q; C24, 27, 31, 35, 39, §**291;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.12]
C93, §7D.12
Referred to in §8.33

7D.13 Order of transfer.

If after such hearing the council shall find that said special work has been completed or abandoned, and that there is no good reason why such transfer should not then be made, such findings shall be made a matter of record in the minutes of its proceedings, and the secretary of the council shall at once file a copy of such proceedings with the director of the department of administrative services.

[SS15, §170-q; C24, 27, 31, 35, 39, §**292;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.13]
C93, §7D.13
2003 Acts, ch 145, §286
Referred to in §8.33

7D.14 Duty to transfer.

The director of the department of administrative services shall, on receipt from the secretary of the council of a copy of such record, make such transfer.

[SS15, §170-q; C24, 27, 31, 35, 39, §**293;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.14]
C93, §7D.14
2003 Acts, ch 145, §286
Referred to in §8.33

7D.15 Public policy research foundation. Repealed by 2024 Acts, ch 1170, §368.

7D.16 Alcoholic beverages in state capitol or on complex grounds.

Notwithstanding any contrary provision of law prohibiting the use and consumption of alcoholic beverages in a public place, the executive council may authorize, by resolution, the temporary use and consumption of alcoholic beverages, as defined in section 123.3, in the state capitol or on the state capitol complex grounds, as if the state capitol or state capitol complex grounds were a private place. The authorization by resolution shall be limited to the use and consumption of alcoholic beverages as an accompaniment to food at a single award ceremony, social event, or other occasion deemed appropriate by the executive council. The authorization shall require that the person providing the food and alcoholic beverages possess an appropriate retail alcohol license in accordance with section 123.95. The secretary of the executive council shall inform the secretary of the legislative council and the director of the department of administrative services of the approval of any such resolution.

2009 Acts, ch 179, §101; 2022 Acts, ch 1099, §89, 102

7D.17 through 7D.28 Reserved.

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7D.29 Performance of duty — expense.

1. The executive council shall not employ others, or authorize any expense, for the purpose of performing any duty imposed upon the council when the duty may, without neglect of their usual duties, be performed by the members, or by their regular employees, but, subject to this limitation, the council may authorize the necessary expense to perform or cause to be performed any legal duty imposed on the council. The expenses authorized by the executive council in accordance with this section and the expenses authorized by the executive council in accordance with other statutory provisions referencing the appropriations addressed in this section shall be paid as follows:

a. From the appropriation made from the Iowa economic emergency fund in section 8.55 for purposes of paying such expenses.

b. To the extent the appropriation from the Iowa economic emergency fund described in paragraph *"a"* is insufficient to pay such expenses, there is appropriated from moneys in the general fund of the state not otherwise appropriated the amount necessary to fund that deficiency.

2. *a.* At least two weeks prior to the executive council's approval of a payment authorization under this section, the secretary of the executive council shall notify the legislative services agency that the authorization request will be considered by the executive council and shall provide background information justifying the request.

b. The notification requirement specified in paragraph *"a"* is not applicable to a request for the expenditure of disaster aid from the contingent fund created in section 29C.20 or to a request for the expenditure of disaster aid individual assistance grant funds pursuant to section 29C.20A.

3. The executive council shall receive requests from the department of health and human services relative to the purchase, storing, and distribution of vaccines and medication for prevention, prophylaxis, or treatment. Upon review and after compliance with subsection 2, the executive council may approve the request and may authorize payment of the necessary expense. The expense authorized by the executive council under this subsection shall be paid from the appropriations referred to in subsection 1.

[S13, §170-l, -n, -p; C24, 27, 31, 35, 39, §**306;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.29]

88 Acts, ch 1275, §30; 89 Acts, ch 315, §25

C93, §7D.29

2006 Acts, ch 1171, §7, 9; 2006 Acts, ch 1185, §54, 89; 2011 Acts, ch 131, §12, 158; 2016 Acts, ch 1028, §1; 2023 Acts, ch 19, §4

Referred to in §7D.10A, 7D.30, 8.55, 8A.321, 11.32, 15E.71, 29C.8, 29C.20, 96.13, 97C.13A, 135.143, 135.144, 163.3A, 459.501, 468.43, 602.10133

7D.30 Necessary record.

Before authorizing any expense in accordance with section 7D.29, the executive council shall, in each case, by resolution, entered upon its records, set forth the necessity for authorizing such expense, the special fitness of the one employed to perform such work, the definite rate of compensation or salary allowed, and the total amount of money that may be expended. Compensation or salary for personal services in such cases must be determined by unanimous vote of all members of the council.

[S13, §170-m, -n; C24, 27, 31, 35, 39, §**307;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.30]

C93, §7D.30

2011 Acts, ch 131, §13, 158

7D.31 Additional compensation and expenses.

Members of the executive council and its regular employees shall be paid no additional salary or compensation for special service, but shall receive their necessary traveling

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expenses, including subsistence, when absent from the seat of government on official business.

[S13, §170-o; C24, 27, 31, 35, 39, §**308;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §19.31] C93, §7D.31

7D.32 Reserved.

7D.33 State employee suggestion system. Repealed by 2003 Acts, ch 145, §291. See §8A.110.

7D.34 Energy conservation lease-purchase.

1. As used in this section:

a. "Energy conservation measure" means installation or modification of an installation in a building which is primarily intended to reduce energy consumption or allow the use of an alternative energy source, which may contain integral control and measurement devices.

b. "State agency" means a board, department, commission or authority of or acting on behalf of the state having the power to enter into contracts with or without the approval of the executive council to acquire property in its own name or in the name of the state. *"State agency"* does not mean the general assembly, the courts, the governor or a political subdivision of the state.

2. *a.* A state agency may, with the approval of the executive council, lease as lessee real and personal properties and facilities for use as or in connection with any energy conservation measure for which it may so acquire real and personal properties and facilities, upon the terms, conditions and considerations the official or officials having the authority with or without the approval of the executive council to commit the state agency to acquire real and personal property and facilities deem in the best interests of the state agency. A lease may include provisions for ultimate ownership by the state or by the state agency and may obligate the state agency to pay costs of maintenance, operation, insurance and taxes. The state agency shall pay the rentals and the additional costs from the annual appropriations for the state agency by the general assembly or from other funds legally available. The lessor of the properties or facilities may retain a security interest in them until title passes to the state or state agency. The security interest may be assigned or pledged by the lessor. In connection with the lease, the state agency may contract for a letter of credit, insurance or other security enhancement obligation with respect to its rental and other obligations and pay the cost from annual appropriations for such state agency by the general assembly or from other funds legally available. The security enhancement arrangement may contain customary terms and provisions, including reimbursement and acceleration if appropriate. This section is a complete and independent authorization and procedure for a state agency, with the approval of the executive council, to enter into a lease and related security enhancement arrangements and this section is not a qualification of any other powers which a state agency may possess, including those under chapter 262, and the authorization and powers granted under this section are not subject to the terms or requirements of any other provision of the Code.

b. Before a state agency seeks approval of the executive council for leasing real or personal properties or facilities for use as or in connection with any energy conservation measure, the state agency shall have a comprehensive engineering analysis done on a building in which it seeks to improve the energy efficiency by an engineering firm approved by the economic development authority through a competitive selection process and the engineering firm is subject to approval of the executive council. Provisions of this section shall only apply to energy conservation measures identified in the comprehensive engineering analysis.

c. Before the executive council gives its approval for a state agency to lease real and personal properties or facilities for use as or in connection with any energy conservation measure, the executive council shall in conjunction with the economic development authority and after review of the engineering analysis submitted by the state agency make a determination that the properties or facilities will result in energy cost savings to the state in

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an amount that results in the state recovering the cost of the properties or facilities within six years after the initial acquisition of the properties or facilities.

85 Acts, ch 55, §1
CS85, §19.34
C93, §7D.34
2009 Acts, ch 108, §1, 41; 2011 Acts, ch 118, §50, 89
Referred to in §12.28, 28J.9, 470.7

7D.35 Dispute resolution.

The executive council shall resolve any disputes transmitted to it by the economic development authority, the state building code commissioner, or both, arising under section 470.7.

89 Acts, ch 315, §26
CS89, §19.35
C93, §7D.35
2009 Acts, ch 108, §2, 41; 2011 Acts, ch 118, §50, 89

CHAPTER 7E

EXECUTIVE BRANCH ORGANIZATION AND RESPONSIBILITIES

7E.1 Policy — purposes.
7E.2 Offices, departments, and independent agencies.
7E.3 Heads of departments and independent agencies — powers and duties.
7E.4 Definitions and terminology for executive branch organization.
7E.5 Principal departments and primary responsibilities.
7E.5A Buildings and infrastructure — funding.
7E.5B Real property lease or purchase — notice.
7E.6 Compensation of members of boards, committees, commissions, and councils.
7E.7 Organizational structure of Iowa higher education loan authority. Repealed by 2024 Acts, ch 1043, §110.
7E.8 Members of boards, committees, commissions, and councils — disclosure requirements.

7E.1 Policy — purposes.

1. *Declaration of policy: three branches of government.* The separation of powers within state government among the legislative, the executive, and the judicial branches of the government is a traditional American concept. The legislative branch has the broad objective of determining policies and programs and review of program performance for programs previously authorized, the executive branch carries out the programs and policies, and the judicial branch has the responsibility for adjudicating any conflicts which might arise from the interpretation or application of the laws.

2. *Goals of executive branch organization.*

a. The governor, as the chief executive officer of the state, should be provided with the facilities and the authority to carry out the functions of the governor's office efficiently and effectively within the policy limits established by the legislature.

b. The administrative agencies which comprise the executive branch should be consolidated into a reasonable number of departments, consistent with executive capacity to administer effectively at all levels.

c. The executive branch shall be organized on a functional basis, so that programs can be coordinated.

d. Each agency in the executive branch should be assigned a name commensurate with the scope of its responsibilities, and should be integrated into one of the departments of the executive branch as closely as the goals of administrative integration and responsiveness to the legislature and citizenry permit.

3. *Goals of continuing reorganization.* Structural reorganization should be a continuing

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process through careful executive and legislative appraisal of the placement of proposed new programs and the coordination of existing programs in response to changing emphasis or public needs, and should be consistent with the following goals:

a. The organization of state government should assure its responsiveness to popular control. It is the goal of reorganization to improve legislative policymaking capability and to improve the administrative capability of the executive to carry out the policies.

b. The organization of state government should facilitate communication between citizens and government. It is the goal of reorganization, through coordination of related programs in function-oriented departments, to improve public understanding of government programs and policies and to improve the relationships between citizens and administrative agencies.

c. The organization of state government should assure efficient and effective administration of the policies established by the legislature. It is the goal of reorganization to promote efficiency by improving the management and coordination of state services and by eliminating overlapping activities.

86 Acts, ch 1245, §1

7E.2 Offices, departments, and independent agencies.

The constitutional and statutory offices, administrative departments, and independent agencies which comprise the executive branch of state government are structured as follows:

1. *Separate constitutional offices.* The elective constitutional and statutory officers who do not head operating departments each head a staff to be termed the *"office"* of the respective elective officer, but the office of the governor shall be known as the *"executive office"*.

2. *Principal administrative units.* The principal administrative unit of the executive branch is a *"department"* and there may be one or more *"independent agencies"*.

3. *Internal structure.*

a. The director of each department, subject to applicable statute, approval by the governor, and the provisions of subsection 4 of this section, may establish the internal structure within the office of the director so as to best suit the purposes of the department.

b. For field operations, departments may establish district or area offices which may cut across divisional lines of responsibility.

c. For their internal structure, all departments shall adhere to the following standard terms unless otherwise specified by law, and independent agencies are encouraged to review their internal structure and to adhere as much as possible to the following standard terms:

(1) The principal subunit of the department is the *"division"*. Each division shall be headed by an *"administrator"*.

(2) The principal subunit of the division is the *"bureau"*. Each bureau shall be headed by a *"chief"*.

(3) If further subdivision is necessary, bureaus may be divided into subunits which shall be known as *"sections"* and which shall be headed by *"supervisors"* and sections may be divided into subunits which shall be known as *"units"* and which shall be headed by *"unit managers"*.

4. *Internal organization and allocation of functions.* Subject to applicable law, the head of each department or independent agency shall, subject to the approval of the governor, establish the internal organization of the department or independent agency and allocate and reallocate duties and functions not assigned by law to an officer or any subunit of the department or independent agency to promote economic and efficient administration and operation of the department or independent agency.

5. *Attachment for limited purposes.* Any commission, board, or other unit attached under this section to a department or independent agency, or a specified division of one, shall be a distinct unit of that department, independent agency, or specified division. Any commission, board, or other unit so attached shall exercise its powers, duties, and functions as may be prescribed by law, including rulemaking, licensing and regulation, and operational planning within the area of program responsibility of the commission, board, or other unit independently of the head of the department or independent agency, but budgeting, program coordination, and related management functions shall be performed under the direction and

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supervision of the head of the department or independent agency, unless otherwise provided by law.

86 Acts, ch 1245, §2
Referred to in §8A.512A, 22.13A

7E.3 Heads of departments and independent agencies — powers and duties.

Each head of a department or independent agency shall, except as otherwise provided by law:

1. *Supervision.* Plan, direct, coordinate, and execute the functions vested in the department or independent agency.

2. *Budget.* Annually compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department or independent agency and each program, subprogram, and activity in the department or agency.

3. *Advisory bodies.* In addition to any boards, commissions, committees, or councils specifically created by law, establish and utilize other ad hoc advisory committees as determined necessary by the head of the department or independent agency. The department or independent agency shall establish appointment provisions, membership terms, operating guidelines, and any other operational requirements for committees established pursuant to this subsection. Members of committees under this general authority shall serve without compensation but may be reimbursed for actual expenses.

4. *Annual report.* Unless otherwise provided by law, submit a report in November of each year to the governor and the legislature on the operation of the department or independent agency during the fiscal year concluded on the preceding June 30, and projecting the goals and objectives of the department or independent agency as developed in the program budget report for the fiscal year under way. Any department or independent agency may issue such additional reports on its findings and recommendations as its operations require.

5. *Persons not lawfully present.* Unless expressly authorized by federal or state law, ensure that the public benefits administered by the department or independent agency are not provided to persons who are not lawfully present in the United States.

6. *Verification of United States citizenship and immigration status.* Use the e-verify system of the United States citizenship and immigration services to confirm the employment eligibility of newly hired employees. The head of the department or agency shall transmit the results of the e-verify system check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

86 Acts, ch 1245, §3; 2011 Acts, ch 122, §3, 5; 2017 Acts, ch 29, §4; 2024 Acts, ch 1170, §69; 2026 Acts, ch 1156, §10, 35
Referred to in §8A.111
Reports to general assembly, see also §7A.2A – 7A.11A
NEW subsection 6

7E.4 Definitions and terminology for executive branch organization.

In statutory references and administrative usage, the following terminology and definitions shall be used as guidelines for the terminology applicable to state governmental structure and organization to the extent practicable:

1. *"Authority"* means a body with independent power to issue and sell bonds.

2. *a. "Board"* means a policymaking or rulemaking body that has the power to hear contested cases.

b. "Board" includes a professional licensing board which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

3. *"Commission"* means a policymaking body that has rulemaking powers.

4. *"Committee"* means a part-time body appointed to study a specific problem and to

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recommend a solution or policy alternative with respect to that problem, and intended to terminate on the completion of its assignment.

5. *"Council"* means an advisory body appointed to function on a continuing basis for the study, and recommendation of solutions and policy alternatives, of the problems arising in a specified functional area of state government.

6. *"Department"* means a principal administrative agency within the executive branch of state government, but does not include independent agencies.

7. *"Division"*, *"bureau"*, *"section"*, and *"unit"* mean the subunits of a department, whether specifically created by law or created by the head of the department for the more economic and efficient administration and operation of the programs assigned to the department.

8. *"Head of the department"* means the elective officer, director, commissioner, or other official in charge of a department.

9. *"Independent agency"* is an administrative unit which, because of its unique operations, does not fit into the general pattern of operating departments.

86 Acts, ch 1245, §4; 88 Acts, ch 1278, §21; 2007 Acts, ch 10, §2, 3
Referred to in §8.76, 8A.101, 8F.2, 68B.2, 68B.3, 68B.6, 68B.35

7E.5 Principal departments and primary responsibilities.

1. The principal central departments of the executive branch as established by law are listed in this section for central reference purposes as follows:

a. The department of management, created in section 8.4, which has primary responsibility for coordination of state policy planning, management of interagency programs, economic reports, and program development.

b. The department of administrative services, created in section 8A.102, which has primary responsibility for the management and coordination of the major resources of state government.

c. The department of revenue, created in section 421.2, which has primary responsibility for revenue collection and revenue law compliance, the Iowa lottery, and alcoholic beverage control.

d. The department of inspections, appeals, and licensing, created in section 10A.102, which has primary responsibility for licensing, administering the laws relating to employment safety, labor standards, and workers' compensation, and coordinating the conducting of various inspections, investigations, appeals, hearings, and audits.

e. The department of agriculture and land stewardship, created in section 159.2, which has primary responsibility for encouraging, promoting, and advancing the interests of agriculture and allied industries. The secretary of agriculture is the director of the department of agriculture and land stewardship.

f. The department of insurance and financial services, created in section 546.2, which has primary responsibility for insurance and financial services functions.

g. The economic development authority, created in section 15.105, which has responsibility for ensuring that the economic development policies of the state are effectively and efficiently carried out, and for managing the state's interest in the areas of the arts, history, and other cultural matters.

h. The department of workforce development, created in section 84A.1, which has primary responsibility for administering the laws relating to unemployment compensation insurance, job placement and training, and related matters.

i. The department of health and human services, which has primary responsibility for services to individuals to promote the well-being and the social and economic development of the people of the state; for supervision of public health programs, promotion of public hygiene and sanitation, treatment and prevention of substance use disorder, and enforcement of related laws; for leadership and program management for programs which serve the older individuals of the state; and for services relating to Latino persons, women, persons with disabilities, community action agencies, criminal and juvenile justice planning, African Americans, deaf and hard-of-hearing persons, persons of Asian and Pacific Islander heritage, and Native Americans.

j. The department of education, created in section 256.1, which has primary responsibility

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for supervising public education at the elementary and secondary levels and for supervising the community colleges.

k. The department of corrections, created in section 904.102, which has primary responsibility for corrections administration, corrections institutions, prison industries, judicial district departments of correctional services, and the development, funding, and monitoring of community-based corrections programs.

l. The department of public safety, created in section 80.1, which has primary responsibility for statewide law enforcement and public safety programs that complement and supplement local law enforcement agencies and local inspection services.

m. The department of public defense, created in section 29.1, which has primary responsibility for state military forces.

n. The department of natural resources, created in section 455A.2, which has primary responsibility for state parks and forests, protecting the environment, and managing fish, wildlife, and land and water resources.

o. The state department of transportation, created in section 307.2, which has primary responsibility for development and regulation of highway, railway, and air transportation throughout the state, including public transit.

p. In the area of higher education, an agency headed by the state board of regents and including all the institutions administered by the state board of regents, which has primary responsibility for state involvement in higher education.

q. The department for the blind, created in chapter 216B, which has primary responsibility for services relating to blind persons.

r. The department of veterans affairs created in section 35A.4, which has primary responsibility for state veterans affairs.

s. The department of homeland security and emergency management, created in section 29C.5, which has primary responsibility for the administration of emergency planning matters, including emergency resource planning in this state, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities.

2. *a.* There is a civil rights commission, an Iowa ethics and campaign disclosure board, an Iowa utilities commission, and an Iowa law enforcement academy.

b. The listing of additional state agencies in this subsection is for reference purposes only and is not exhaustive.

3. The responsibilities listed for each department and agency in this section are generally descriptive of the department's or agency's duties, are not all-inclusive, and do not exclude duties and powers specifically prescribed for by statute, or delegated to, each department or agency.

86 Acts, ch 1245, §5; 88 Acts, ch 1277, §20, 21; 89 Acts, ch 83, §1; 90 Acts, ch 1180, §1; 92 Acts, ch 1139, §19; 92 Acts, ch 1140, §1, 2; 92 Acts, ch 1163, §1; 93 Acts, ch 48, §2; 93 Acts, ch 75, §1; 93 Acts, ch 163, §38; 96 Acts, ch 1186, §23; 98 Acts, ch 1017, §1; 2000 Acts, ch 1058, §2; 2000 Acts, ch 1141, §11, 19; 2002 Acts, ch 1050, §1; 2003 Acts, ch 145, §116 – 119; 2003 Acts, ch 178, §96, 121; 2003 Acts, ch 179, §142; 2005 Acts, ch 115, §1, 40; 2008 Acts, ch 1031, §7; 2008 Acts, ch 1184, §37; 2009 Acts, ch 23, §1; 2009 Acts, ch 41, §4; 2009 Acts, ch 108, §3, 41; 2011 Acts, ch 118, §54, 85, 89; 2013 Acts, ch 29, §1, 2; 2017 Acts, ch 54, §5; 2023 Acts, ch 19, §5, 1425, 2074, 2075, 2166, 2468, 2703, 2704, 2768; 2024 Acts, ch 1170, §121, 369

Referred to in §8.76, 8A.101, 8F.2, 22.13A, 199.1, 200.22, 204.2, 206.34, 214A.41

7E.5A Buildings and infrastructure — funding.

1. For each new vertical infrastructure project, the department in control of the vertical infrastructure shall identify and recommend to the general assembly funding sufficient to meet the projected maintenance, repair, and replacement needs of the vertical infrastructure.

2. A department shall, within its five-year capital budget request, identify specific instances where the failure to address deferred maintenance has had a negative impact on the department's ability to implement its mission and the proposed costs for annual routine and preventive maintenance based on an industry standard of one percent of the estimated

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replacement cost of the department's facilities. This subsection shall not apply to the state department of transportation.

3. A department requesting state moneys for a vertical infrastructure project shall actively pursue any federal funds for which the proposed project may be eligible and shall demonstrate such pursuit prior to receiving state moneys for the project. The department shall report the receipt of any such federal funds to the department of management and the legislative services agency in the manner described in section 8.23.

4. As used in this section, *"vertical infrastructure"* means the same as defined in section 8.57, subsection 3, paragraph *"c"*.

97 Acts, ch 215, §28; 2001 Acts, ch 185, §32; 2003 Acts, ch 35, §45, 49; 2012 Acts, ch 1021, §124

7E.5B Real property lease or purchase — notice.

In addition to any other provision of law, any purchase or lease of real property, other than on a temporary basis, when necessary in order to implement the programs of an authority or protect the investments of an authority, shall require prior written notice from the authority to the legislative services agency. The legislative services agency shall submit the notification to the government oversight standing committees of the general assembly. The notification shall include the information as described in section 8A.321, subsection 16.

2021 Acts, ch 92, §1

7E.6 Compensation of members of boards, committees, commissions, and councils.

1. *a.* Any position of membership on any board, committee, commission, or council in the executive branch of state government which is compensated by the payment of a per diem to the holder of that position under statutory law shall be compensated at the rate of fifty dollars per diem, notwithstanding any other law to the contrary.

b. Reimbursement of expenses to the holder of any position governed by this subsection shall be as provided in the applicable law.

c. In regard to any board, committee, commission, or council which has its name or organizational location altered after January 1, 1986, the statutory provision on the subject of per diem compensation which was applicable to it on January 1, 1986, shall continue to govern such agency and its successor agency, notwithstanding the change in name or organizational location.

2. Any position of membership on any board, committee, commission, or council in the state government which has a compensation level limited to expenses only is eligible to receive, in addition to such actual expense reimbursement, an additional expense allowance of fifty dollars per day if the holder of any such position applies for such additional expense allowance and the holder of the position has an income level of one hundred fifty percent or less of the United States poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services.

3. Any position of membership on the Iowa lottery commission created in section 99G.8 shall receive compensation of fifty dollars per day and expenses.

4. Any position of membership on the transportation commission shall be compensated at an annual rate of ten thousand dollars.

5. Any position of membership on the board of parole, the utilities commission, the employment appeal board, and the property assessment appeal board shall be compensated as otherwise provided in law.

6. All of the compensation provisions of this section are subject to the proper appropriations being made in the state budget legislation.

7. It is the intent of the general assembly that this section shall be the governing provision on the subject of the compensation of any position of membership on any board, committee, commission, or council in the state government and that the provisions of this section shall

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govern over any conflicting provision of law except provisions enacted subsequent to July 1, 1986, notwithstanding the provisions of section 4.7.

86 Acts, ch 1245, §2055; 89 Acts, ch 296, §2, 3; 89 Acts, ch 303, §15, 16; 88 Acts, ch 1277, §22; 2003 Acts, ch 35, §22, 49; 2003 Acts, ch 178, §97, 121; 2003 Acts, ch 179, §142; 2005 Acts, ch 150, §119; 2023 Acts, ch 19, §2155, 2293; 2024 Acts, ch 1170, §369

Referred to in §8A.203, 8A.375, 8A.705, 15.105, 15.116, 15.465, 15F.105, 16.2, 16.2C, 23.4, 29A.57, 35A.2, 42.5, 67.12, 68B.32, 80B.8, 84A.1A, 97B.8A, 97B.8B, 99G.8, 100B.1, 103.3, 103A.14, 123.11, 124.555, 135.11, 147.24, 159A.13, 161A.4A, 169.5, 173.8, 177.5, 179.2, 183A.10, 185.14, 185C.14, 203D.4, 216.4, 216A.113, 216B.2, 217.4, 217.19, 237.16, 249A.4B, 256.5, 256.5A, 256.149, 256.179, 256A.2, 257.30, 262.9, 267.3, 267A.3, 272C.3, 272C.7, 307A.5, 333A.3, 368.9, 384.14, 411.36, 418.6, 455A.5, 455A.6, 455A.17, 455B.133B, 455B.133C, 466B.48, 524.205, 533.107, 542.4, 542B.8, 543B.12, 543D.4, 544A.12, 544B.7, 544C.4, 602.1513, 602.10106, 679B.7, 904.106

7E.7 Organizational structure of Iowa higher education loan authority. Repealed by 2024 Acts, ch 1043, §110.

7E.8 Members of boards, committees, commissions, and councils — disclosure requirements.

A member of any board, committee, commission, or council who was subject to senate confirmation pursuant to section 2.32 shall disclose to the appointing authority for that board, committee, commission, or council if the member has filed subsequent to senate confirmation 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, §2

CHAPTER 7F

OFFICE FOR STATE-FEDERAL RELATIONS

7F.1 Office for state-federal relations.

7F.1 Office for state-federal relations.

1. *Purpose.* The purpose of this section is to establish, as an independent agency, an office for state-federal relations which will develop a nonpartisan state-federal relations program accessible to all three branches of state government.

2. *Definition.* As used in this section, unless the context otherwise requires, *"office"* means the office for state-federal relations established pursuant to this section.

3. *Office established.* A state-federal relations office is established as an independent agency. The office shall be attached to the office of the governor for administrative purposes and shall be administered by the director of the office who is appointed by the governor, subject to confirmation by the senate, and who serves at the pleasure of the governor. The office and its personnel are exempt from the merit system provisions of chapter 8A, subchapter IV.

4. *Office duties.* The office shall:

a. Coordinate the development of Iowa's state-federal relations efforts which shall include an annual state-federal program to be presented to Iowa's congressional delegation, the sponsorship of training sessions for state government officials, and the maintenance of a management information system.

b. Provide state government officials with greater access to current information on federal legislative and executive actions affecting state government.

c. Advocate federal policies and positions which benefit the state or are important to state government.

d. Monitor federal budget policies and assistance programs and assess their impact on the state.

e. Strengthen the working relationships between state government officials and Iowa's congressional delegation.

f. Improve the state's ability to establish key contacts with federal officials, officials from

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other states, organizations, business groups, and professional associations in order to share information and form cooperative agreements.

87 Acts, ch 233, §126; 2003 Acts, ch 145, §120; 2024 Acts, ch 1182, §169
Confirmation; see §2.32

CHAPTERS 7G to 7I

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CHAPTER 7J

CHARTER AGENCIES

Repealed pursuant to terms of former §7J.3;
2003 Acts, ch 178, §34, 36

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Repealed by 2009 Acts, ch 177, §46

CHAPTER 8

DEPARTMENT OF MANAGEMENT — BUDGET AND FINANCIAL CONTROL ACT

Referred to in §80B.14, 84A.1A, 99D.17, 123.11, 173.22A, 307.8, 307A.7, 313.4, 313.5, 324A.6, 476.10

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SUBCHAPTER I

GENERAL PROVISIONS

8.1 Title.

This chapter shall be known and may be cited as the *"Budget and Financial Control Act"*. [C35, §84-e1; C39, §**84.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.1]

8.2 Definitions.

When used in this chapter:

1. *"Appropriated receipts"* means receipts that have been appropriated by the general assembly.

2. *"Block grant"* means funds from the federal government awarded in broad program areas within which the state is given considerable latitude in determining how funds are used and for which the state develops its own plan for spending according to general federal guidelines. *"Block grant"* does not include education research grants.

3. *"Budget"* means the budget document required by this chapter to be transmitted to the general assembly.

4. *"Categorical grant"* means federal funds applied for and received by the state which are in the form of entitlements, formula grants, discretionary grants, open-ended entitlements, or another form that may be used only for specific, narrowly defined activities, except funds for student aid and assistance; grants, contracts, and cooperative agreements for research and training for which no appropriated matching funds are required; and reimbursements for services rendered.

5. *"Custodial funds"* means those funds from various deposits, taxes, or other means that are properly collected from, held for, and distributed to individuals, private organizations, and other governments as provided by law.

6. The terms *"department and establishment"* and *"department or establishment"* mean any executive department, commission, board, institution, bureau, office, or other agency of the state government, by whatever name called, that uses, expends, or receives any government funds, including the state department of transportation, except for funds that are required to match federal aid allotted to the state by the federal government for highway special purposes, but excluding the courts and the general assembly.

7. *"General fund"* means the general fund of the state established pursuant to section 444.21.

8. *"Government"* means the government of the state of Iowa.

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9. *"Government funds"* means all moneys appropriated by the general assembly, or moneys collected by or for the state, or a department or establishment of the state, pursuant to authority granted by law.

10. *"Private purpose trust funds"* means trust arrangements under which the principal and income benefit individuals, private organizations, or other governments. *"Private purpose trust funds"* does not include pension or other employee benefit trust funds or investment trust funds.

11. *"Special revenue fund"* means any and all government fees and other revenue receipts earmarked to finance a governmental agency to which a general fund appropriation is not made by the state.

12. *"Unencumbered balance"* means the unobligated balance of an appropriation after charging to the appropriation all unpaid liabilities for goods and services and all contracts or agreements payable from the appropriation.

[C35, §84-e2; C39, §**84.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.2; 81 Acts, ch 17, §1]

2020 Acts, ch 1063, §2; 2024 Acts, ch 1185, §1

Referred to in §8A.125, 8A.502, 10A.107, 10A.503, 10A.506, 10A.801, 10A.902, 16.81, 20.33, 22.3A, 29C.8, 35D.7, 35D.18, 68A.405A, 80B.15, 84A.5, 99D.22, 99E.5, 100B.4, 100C.9, 100D.7, 124.553, 124E.10, 124E.19, 135C.7, 135Q.2, 135Q.3, 135Q.4, 135R.3, 136C.10, 147A.6, 155A.40, 162.2B, 203.9, 203C.2, 215A.9, 222.92, 226.9B, 252B.4, 252B.5, 252B.23, 262.9, 272C.6, 321.491, 325A.5, 421.17, 423.2A, 475A.6, 477C.7, 505.7, 523A.501, 523A.502, 524.207, 533.111, 543D.22, 543E.20

8.3 Governor.

The governor of the state shall have:

1. Direct and effective financial supervision over all departments and establishments, and every state agency by whatever name now or hereafter called, including the same power and supervision over such private corporations, persons and organizations that may receive, pursuant to statute, any funds, either appropriated by, or collected for, the state, or any of its departments, boards, commissions, institutions, divisions and agencies.

2. The efficient and economical administration of all departments and establishments of the government.

3. The initiation and preparation of a balanced budget of any and all revenues and expenditures for each regular session of the general assembly.

[C35, §84-e3; C39, §**84.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.3]

2026 Acts, ch 1040, §3

Subsection 3 amended

8.3A Capital project planning and budgeting — governor's duties.

1. *Definitions.* For the purposes of this section:

a. "Capital project" means a project that consists of nonroutine repairs and replacements unrelated to new construction for which the cost is two hundred fifty thousand dollars or more, new construction, infrastructure or site development, equipment, or information technology, as defined in section 8.76. *"Capital project"* includes land acquisition and projects that extend the useful life of or change the functional use of a facility. *"Capital project"* does not include highway and right-of-way projects or airport capital projects undertaken by the state department of transportation and financed from dedicated funds or capital projects funded by nonstate grants, gifts, or contracts obtained at or through state universities, if the projects do not require a commitment of additional state resources for maintenance, operations, or staffing.

b. "Facility" means a distinct parcel of land or a building used by the state or a state agency for a specific purpose.

c. "State agency" means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

2. *Duties.* The governor shall:

a. Develop criteria for the evaluation of proposed capital projects which shall include but not be limited to the following:

(1) Fiscal impacts on costs and revenues.

(2) Health and safety effects.

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(3) Community economic effects.
(4) Environmental, aesthetic, and social effects.
(5) Amount of disruption and inconvenience caused by the capital project.
(6) Distributional effects.
(7) Feasibility, including public support and project readiness.
(8) Implications of deferring the project.
(9) Amount of uncertainty and risk.
(10) Effects on interjurisdictional relationships.
(11) Advantages accruing from relationships to other capital project proposals.
(12) Private sector contracting for construction, operation, or maintenance.

b. Make recommendations to the general assembly and the legislative capital projects committee regarding the funding and priorities of proposed capital projects.

c. Develop maintenance standards and guidelines for capital projects.

d. Review financing alternatives available to fund capital projects, including the evaluation of the advantages and disadvantages of bonding for all types of capital projects undertaken by all state agencies.

e. Monitor the debt of the state or a state agency.

3. *Division of project restricted.* A capital project shall not be divided into smaller projects in such a manner as to thwart the intent of this section to provide for the evaluation of a capital project whose cost cumulatively equals or exceeds two hundred fifty thousand dollars.

89 Acts, ch 298, §4; 2008 Acts, ch 1031, §74; 2024 Acts, ch 1185, §2
Referred to in §2.47A, 8.5

SUBCHAPTER II

DEPARTMENT OF MANAGEMENT

8.4 Department of management.

The department of management is created, which is directly attached to the office of the governor and under the general direction, supervision, and control of the governor. The office is in immediate charge of an officer to be known as "the director", who shall be appointed by the governor, subject to confirmation by the senate, and shall hold office at the governor's pleasure and shall receive a salary as set by the governor. The director may establish, abolish, and consolidate divisions within the department of management when necessary for the efficient performance of the various functions and duties of the department of management. Before entering upon the discharge of duties, the director shall take the constitutional oath of office.

[C24, §309, 311 – 316; C27, §309, 311, 313 – 316; C31, §309, 311, 314 – 316, 1063; C35, §84-e4; C39, §**84.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.4]

86 Acts, ch 1245, §103; 2024 Acts, ch 1185, §3
Referred to in §7E.5
Confirmation, §2.32

8.5 General powers and duties.

The director of the department of management shall have the power and authority to:

1. *Personnel.* Employ personnel as necessary for the performance of the duties and responsibilities assigned to the department of management.

2. *Compensation of employees.* Fix the compensation, with the approval of the governor, of any person employed by the director, provided that the total amount paid in salaries shall not exceed the appropriation made for that purpose.

3. *Discharge of employees.* Discharge any employee of the department of management.

4. *Miscellaneous duties.* Exercise and perform such other powers and duties as may be prescribed by law.

5. *Investigations.* Make such investigations of the organization, activities, and methods of procedure of the several departments and establishments as the director of the department of management may be called upon to make by the governor or general assembly.

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6. *Legislative assistance.*

a. Furnish to any committee of either house of the general assembly having jurisdiction over revenues or appropriations such assistance and information regarding the financial affairs of the government as the committee may request.

b. Develop and recommend legislative proposals deemed necessary for the continued efficiency of the department of management in performing information technology functions under subchapter XI, and review legislative proposals generated outside of the department which are related to matters within the department's purview.

7. *Rules.* Make such rules, subject to the approval of the governor, as may be necessary for effectively carrying on the work of the department of management. The director may, with the approval of the executive council, require any state official, agency, department, or commission, to require any applicant, registrant, filer, permit holder, or license holder, whether individual, partnership, trust, or corporation, to submit to said official, agency, department, or commission, the social security number or the tax number or both so assigned to said individual, partnership, trust, or corporation.

8. *Allotments.* Perform the necessary work involved in reviewing requests for allotments as are submitted to the governor for approval.

9. *Budget document.* Prepare the budget document and draft the legislation to make it effective.

10. *Taxation transparency and disclosure.* Exercise the powers and perform the duties and responsibilities of the director and the department as authorized or required under chapter 8G.

11. *General control.* Perform such other duties as may be required to effectively control the financial operations of the government as limited by this chapter.

12. *Capital project budgeting requests.* Compile annually all capital project budgeting requests of all state agencies, as those terms are defined in section 8.3A, and to consolidate the requests, with individual state agency priorities noted, into a report for submission with the budget documents by the governor pursuant to section 8.22. Any additional information regarding the capital project budgeting requests or priorities shall be compiled and submitted in the same report.

13. *Capital project planning and budgeting authority.* Call upon any state agency, as defined in section 8.3A, for assistance the director may require in performing the director's duties under subsection 12. All state agencies, upon the request of the director, shall assist the director and are authorized to make available to the director any existing studies, surveys, plans, data, and other materials in the possession of the state agencies which are relevant to the director's duties.

14. *State tort claims — risk management coordinator.* Designate a position within the department of management to serve as the executive branch's risk management coordinator.

a. The risk management coordinator shall have all of the following responsibilities:

(1) Coordinating and monitoring risk control policies and programs in the executive branch, including but not limited to coordination with the employees of departments who are responsible for the workers' compensation for state employees and management of state property.

(2) Consulting with the attorney general with respect to the risk control policies and programs and trends in claims and liability of the state under chapter 669.

(3) Coordinating the state's central data repository for claims and risk information.

b. The costs of salary, benefits, and support for the risk management coordinator shall be authorized by the state appeal board established in chapter 73A and shall be paid as claims for services furnished to the state under section 25.2.

15. *Salary model administrator.* Designate a position within the department of management to serve as the salary model administrator.

a. The salary model administrator shall work in conjunction with the legislative services agency to maintain the state's salary model used for analyzing, comparing, and projecting state employee salary and benefit information, including information relating to employees of the state board of regents.

b. The department of revenue, the department of administrative services, the institutions

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governed by the state board of regents pursuant to section 262.7, each judicial district's department of correctional services, and the state department of transportation shall provide salary data to the department of management and the legislative services agency to operate the state's salary model. The format and frequency of provision of the salary data shall be determined by the department of management and the legislative services agency.

c. The information shall be used in collective bargaining processes under chapter 20 and in calculating the funding needs contained within any annual salary adjustment legislation. A state employee organization as defined in section 20.3, subsection 4, may request information produced by the model, but the information provided shall not contain information attributable to individual employees.

16. *County and city bond issuance.* To annually prepare and file with the general assembly by January 1 a report specifying the updated population thresholds as adjusted under section 331.442, subsection 5, and section 384.26, subsection 5, and detailing the use of the bond issuance procedures under section 331.442, subsection 5, and section 384.26, subsection 5, including the usage of such procedures by counties and cities based on the population-based limitations and the amount of bonds issued for each such usage.

17. *Chief information officer.* Designate a position within the department of management to serve as the chief information officer for the department and supported entities, as defined in section 8.76, who shall be the sole chief information officer for the department and supported entities.

18. *Gubernatorial advice.* Provide advice to the governor, including advice related to information technology, as defined in section 8.76.

19. *Information technology consultation.* Consult with departments and establishments on issues related to information technology, as defined in section 8.76.

20. *Cybersecurity.* Exercise the sole authority in the executive branch of state government for convening cross-jurisdictional, multi-entity collaborations to address cybersecurity issues for supported entities, as defined in section 8.76.

21. *Designation of services — funding — customer council.*

a. Establish a process by which the department of management, in consultation with the department of administrative services, determines which services provided by the department of administrative services shall be funded by an appropriation and which services shall be funded by the governmental entity receiving the service.

b. Establish a process for determining whether the department of administrative services shall be the sole provider of a service for purposes of those services which the department of management determines under paragraph *"a"* are to be funded by the governmental entities receiving the service.

c. (1) Establish, by rule, a customer council responsible for overseeing the services provided solely by the department of administrative services. The rules adopted shall provide for all of the following:

(a) The method of appointment of members to the council by the governmental entities required to receive the services.

(b) The duties of the customer council which shall be as follows:

(i) Annual review and approval of the department of administrative services' business plan regarding services provided solely by the department of administrative services.

(ii) Annual review and approval of the procedure for resolving complaints concerning services provided by the department of administrative services.

(iii) Annual review and approval of the procedure for setting rates for the services provided solely by the department of administrative services.

(c) A process for receiving input from affected governmental entities as well as for a biennial review by the customer council of the determinations made by the department of management of which services are funded by an appropriation to the department of administrative services and which services are funded by the governmental entities receiving the service, including any recommendations as to whether the department of administrative services shall be the sole provider of a service funded by the governmental entities receiving the service. The department of management, in consultation with the department of

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administrative services, may change the determination of a service if the change is in the best interests of those governmental entities receiving the service.

(2) If a service to be provided may also be provided to the judicial branch or legislative branch, then the rules shall provide that the chief justice of the supreme court may appoint a member to the customer council, and the legislative council may appoint a member from the senate and a member from the house of representatives to the customer council, respectively, at their discretion.

22. *Annual report.* On an annual basis, the department of management shall prepare a report to the governor and the general assembly regarding the total spending on technology for the previous fiscal year, the total amount appropriated for the current fiscal year, and an estimate of the amount to be requested for the succeeding fiscal year for all supported entities, as defined in section 8.76. The report must include a five-year projection of technology cost savings, an accounting of the level of technology cost savings for the current fiscal year, and a comparison of the level of technology cost savings for the current fiscal year with that of the previous fiscal year. The department shall file the report as soon as possible after the close of a fiscal year, and by no later than the second Monday of January of each year.

23. *Other powers and duties.* Exercise and perform such other powers and duties as may be prescribed by law.

[C51, §50 – 58; R60, §71 – 79, 1967; C73, §66 – 74; C97, §89 – 97, 162; S13, §89, 162, 163-a, 170-e, -f; SS15, §170-r, -s, -t, -u; C24, §102 – 109, 391 – 407; C27, §102 – 109, 130-a1, 391 – 407; C31, §102 – 109, 130-a1, 391 – 397, 397-d1, 398 – 407; C35, §84-e5; C39, §**84.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.5]

2023 Acts, ch 71, §137, 154; 2024 Acts, ch 1094, §45; 2024 Acts, ch 1185, §4, 5, 82

Referred to in §2.47A, 8D.3

8.6 Specific powers and duties. Repealed by 2024 Acts, ch 1185, §83.

8.7 Reporting of gifts and bequests received. Transferred to §68B.22A; 2024 Acts, ch 1185, §85.

8.7A 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.

2013 Acts, ch 129, §11
C2014, §8B.7
2024 Acts, ch 1185, §85
C2025, §8.7A

8.8 Special olympics appropriation.

There is appropriated annually from the general fund of the state to the department of management one hundred thousand dollars for distribution to one or more organizations which administer special olympics programs benefiting the citizens of Iowa with disabilities.

94 Acts, ch 1199, §1; 99 Acts, ch 208, §15; 2005 Acts, ch 179, §5; 2013 Acts, ch 140, §7; 2024 Acts, ch 1185, §6

8.9 Grants enterprise management office.

1. The office of grants enterprise management is established in the department of management. The function of the office is to develop and administer a process to track and coordinate block grants and categorical grants. Staffing for the office of grants enterprise management shall be provided by a facilitator appointed by the director of the department of management. Additional staff may be hired, subject to the availability of funding.

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2. *a.* All grant applications submitted and grant moneys received by a department on behalf of the state shall be reported to the office of grants enterprise management. The office shall by January 31 of each year submit to the fiscal services division of the legislative services agency a written report listing all grants received during the previous calendar year with a value over one thousand dollars and the funding entity and purpose for each grant. However, the reports on grants filed by the state board of regents pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this subsection.

b. The office of grants enterprise management shall submit by July 1 and January 1 of each year to the general assembly's standing committees on government oversight a written report summarizing departmental compliance with the requirements of this subsection.

3. *a.* Once per month, the office of grants enterprise management shall notify by electronic mail the chairpersons and ranking members of the standing committees on appropriations of the senate and house of representatives, the chairperson and ranking member of the house of representatives appropriations subcommittee on federal and other funds, and the legislative services agency of all of the following:

(1) Each federal grant or loan of five million dollars or more that a department or establishment has applied for or received in the prior month. This subparagraph does not apply to the department of public defense or the state board of regents or its institutions.

(2) Each federal grant or loan requiring state matching moneys that a department or establishment has applied for or received in the prior month.

b. This subsection does not apply to block grants described in section 8.41.

2003 Acts, ch 99, §1; 2008 Acts, ch 1191, §26; 2010 Acts, ch 1069, §2; 2011 Acts, ch 34, §1; 2024 Acts, ch 1185, §7; 2026 Acts, ch 1200, §83
NEW subsection 3

8.10 Facilitator's duties.

The specific duties of the facilitator of the office of grants enterprise management may include the following:

1. Coordinate a grants network representing all state agencies to assist the grants enterprise management office in an advisory capacity.

2. Establish an automated information process database for grants applied for and received.

3. Monitor the federal register and other federal or state publications to identify funding opportunities.

2003 Acts, ch 99, §2; 2024 Acts, ch 1185, §8

8.11 Grant applications — minority impact statements. Repealed by 2026 Acts, ch 1186, §34.

8.12 Acceptance of funds.

The department of management 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 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 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.

2013 Acts, ch 129, §10
C2014, §8B.6
2024 Acts, ch 1185, §58, 85
C2025, §8.12

8.13 through 8.20 Reserved.

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SUBCHAPTER III

THE BUDGET

8.21 Budget transmitted.

1. Not later than February 1 of each regular session of the general assembly, the governor shall transmit to the general assembly a document to be known as a budget, setting forth the governor's financial program for the ensuing fiscal year and having the character and scope set forth in this subchapter.

2. If the governor is required to use a lesser amount in the budget process because of a later meeting of the state revenue estimating conference under section 8.22A, subsection 3, the governor shall transmit recommendations for a budget in conformance with that requirement within fourteen days of the later meeting of the state revenue estimating conference.

[SS15, §191-b; C24, 27, 31, §334; C35, §84-e14; C39, §**84.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.21]

86 Acts, ch 1245, §2015; 92 Acts, ch 1227, §1; 2001 Acts, 2nd Ex, ch 2, §4, 13; 2019 Acts, ch 24, §104; 2024 Acts, ch 1185, §9

Referred to in §8.27, 8.54, 8.57C, 257.8

8.22 Nature and contents of budget.

The budget shall consist of four parts, the nature and contents of which shall be as follows:

1. *Part I — Governor's budget message.* Part I shall consist of the governor's budget message, in which the governor shall set forth all of the following:

a. The governor's program for meeting all the expenditure needs of the government for the fiscal year, indicating the classes of funds, general or special, from which appropriations are to be made and the means through which the expenditures shall be financed. The governor's program shall include a single budget request for all capital projects proposed by the governor. The request shall include but is not limited to all of the following:

(1) The purpose and need for each capital project.

(2) A priority listing of capital projects.

(3) The costs of acquisition, lease, construction, renovation, or demolition of each capital project.

(4) The identification of the means and source of funding each capital project.

(5) The estimated operating costs of each capital project after completion.

(6) The estimated maintenance costs of each capital project after completion.

(7) The consequences of delaying or abandoning each capital project.

(8) Alternative approaches to meeting the purpose or need for each capital project.

(9) Alternative financing mechanisms.

(10) A cost-benefit analysis or economic impact of each capital project.

b. (1) Financial statements giving in summary form:

(a) The condition of the treasury at the end of the last completed fiscal year, the estimated condition of the treasury at the end of the year in progress, and the estimated condition of the treasury at the end of the following fiscal year if the governor's budget proposals are put into effect.

(b) Statements showing the bonded indebtedness of the government, debt authorized and unissued, debt redemption and interest requirements, and condition of the sinking funds, if any.

(c) A summary of appropriations recommended for the following fiscal year for each department and establishment and for the government as a whole, in comparison with the actual expenditures for the last completed fiscal year and the estimated expenditures for the year in progress.

(d) A summary of the revenue, estimated to be received by the government during the following fiscal year, classified according to sources, in comparison with the actual revenue received by the government during the last completed fiscal year and estimated income during the year in progress.

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(e) A statement of federal funds received in the form of block or categorical grants which were not included in the governor's budget for the previous fiscal year and a statement of anticipated block grants and categorical grants. The budget shall indicate how the federal funds will be used and the programs to which they will be allocated. The amount of government funds required to implement the programs to which the federal funds will apply shall also be indicated. The departments and establishments shall provide information to the director on the anticipated federal block grants and categorical grants to be received on or before November 1 of each year. The director shall use this information to develop an annual update of the statement of federal funds received which shall be provided to the general assembly.

(f) Other financial statements, data, and comments as in the governor's opinion are necessary or desirable in order to make known in all practicable detail the financial condition and operation of the government and the effect that the budget as proposed by the governor will have on the financial condition and operation.

(g) A separate report containing a complete list of all standing appropriations showing the amount or estimated amount of each appropriation and the purpose for which the appropriation is made.

(2) If the estimated revenues of the government for the ensuing fiscal year as set forth in the budget on the basis of existing laws, plus the estimated amounts in the treasury at the close of the year in progress, available for expenditure in the ensuing fiscal year are less than the aggregate recommended for the ensuing fiscal year as contained in the budget, the governor shall make recommendations to the general assembly in respect to the manner in which the deficit shall be met, whether by an increase in the state tax or the imposition of new taxes, increased rates on existing taxes, or otherwise, and if the aggregate of the estimated revenues, plus estimated balances in the treasury, is greater than the recommended appropriations for the ensuing fiscal year, the governor shall make recommendations in reference to the application of the surplus to the reduction of debt or otherwise, to the reduction in taxation, or to such other action as in the governor's opinion is in the interest of the public welfare.

c. Supplemental estimates for such appropriations as in the governor's judgment may be necessary on account of laws enacted after transmission of the budget, or as the governor deems otherwise in the public interest. The governor shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget. Whenever such supplemental estimates amount to an aggregate which, if they had been contained in the budget, would have required the governor to make a recommendation for the raising of additional revenue, the governor shall make such recommendation.

2. *Part II — Recommended appropriations.*

a. Part II shall present in detail for the ensuing fiscal year the governor's recommendations for appropriations to meet the expenditure needs of the government from each general class of funds, in comparison with actual expenditures for each of the purposes during the last completed fiscal year and estimated expenditures for the year in progress, classified by departments and establishments and indicating for each the appropriations recommended for:

(1) Meeting the cost of administration, operation, and maintenance of the departments and establishments.

(2) Appropriations for meeting the cost of land, public improvements, and other capital outlays in connection with the departments and establishments.

b. Each item of expenditure, actual or estimated, and appropriations recommended for administration, operation, and maintenance of each department or establishment shall be supported by detailed statements showing the actual and estimated expenditures and appropriations classified by objects according to a standard scheme of classification to be prescribed by the director.

3. *Part III — Appropriation bills.* Part III shall include a draft or drafts of appropriation bills having for their purpose to give legal sanction to the appropriations recommended to be made in parts I and II. The appropriation bills shall indicate the funds, general or special, from which the appropriations shall be paid, but the appropriations need not be in greater detail than to indicate the total appropriation to be made for:

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a. Administration, operation, and maintenance of each department and establishment for the fiscal year.

b. The cost of land, public improvements, and other capital outlays for each department and establishment, itemized by specific projects or classes of projects of the same general character.

4. *Part IV — Strategic plan.* Part IV shall include an explanation that correlates the budget with the enterprise priorities established pursuant to section 8E.205. The budget shall provide an explanation of appropriations recommended for the administration and maintenance of an agency as defined in section 8E.103 with the general evaluation of the agency in meeting enterprise priorities, including identifying goals that require legislation.

[SS15, §191-b; C24, 27, 31, §332, 333, 335; C35, §84-e15; C39, §**84.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.22; 81 Acts, ch 17, §2]

84 Acts, ch 1231, §2; 86 Acts, ch 1245, §2016; 89 Acts, ch 298, §6; 90 Acts, ch 1168, §5; 2001 Acts, ch 169, §1, 2; 2008 Acts, ch 1032, §201; 2024 Acts, ch 1082, §1; 2024 Acts, ch 1185, §10; 2026 Acts, ch 1040, §4

Referred to in §8.5, 8.22A, 8.27, 8.41, 8.54
Subsection 1, paragraph b, subparagraph (2) amended

8.22A Revenue estimating conference.

1. The state revenue estimating conference is created consisting of the governor or the governor's designee, the director of the legislative services agency or the director's designee, and a third member agreed to by the other two.

2. The conference shall meet as often as deemed necessary, but shall meet at least three times per year with at least one meeting taking place each year in March. The conference may use sources of information deemed appropriate. At each meeting, the conference shall agree to estimates for the current fiscal year and the following fiscal year for the general fund of the state, lottery revenues to be available for disbursement, and from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund. At the meeting taking place each year in March, in addition to agreeing to estimates for the current fiscal year and the following fiscal year, the conference shall agree to estimates for the fiscal year beginning July 1 of the following calendar year. Only an estimate for the following fiscal year agreed to by the conference pursuant to subsection 3, 4, or 5, shall be used for purposes of calculating the state general fund expenditure limitation under section 8.54, and any other estimate agreed to shall be considered a preliminary estimate that shall not be used for purposes of calculating the state general fund expenditure limitation.

3. By December 15 of each fiscal year the conference shall agree to a revenue estimate for the fiscal year beginning the following July 1. That estimate shall be used by the governor in the preparation of the budget message under section 8.22 and by the general assembly in the budget process. If the conference agrees to a different estimate at a later meeting which projects a greater amount of revenue than the initial estimate amount agreed to by December 15, the governor and the general assembly shall continue to use the initial estimate amount in the budget process for that fiscal year. However, if the conference agrees to a different estimate at a later meeting which projects a lesser amount of revenue than the initial estimate amount, the governor and the general assembly shall use the lesser amount in the budget process for that fiscal year. As used in this subsection, "*later meeting*" means only those later meetings which are held prior to the conclusion of the regular session of the general assembly and, if the general assembly holds an extraordinary session prior to the commencement of the fiscal year to which the estimate applies, those later meetings which are held before or during the extraordinary session.

4. At the meeting in which the conference agrees to the revenue estimate for the following fiscal year in accordance with the provisions of subsection 3, the conference shall agree to an estimate for tax refunds payable from that estimated revenue. The estimates required by this subsection shall be used in determining the adjusted revenue estimate under section 8.54.

5. At the meeting in which the conference agrees to the revenue estimate for the succeeding fiscal year in accordance with the provisions of subsection 3, the conference shall

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also agree to the following estimates which shall be used by the governor in preparation of the budget message under section 8.22 and the general assembly in the budget process for the succeeding fiscal year:

a. The amount of lottery revenues for the following fiscal year to be available for disbursement following the deductions made pursuant to section 99G.39, subsection 1.

b. The amount of revenue for the following fiscal year from gambling revenues and from interest earned on the cash reserve fund and the economic emergency fund to be deposited in the rebuild Iowa infrastructure fund under section 8.57, subsection 3, paragraph *"d"*.

c. The amount of accruals of those revenues collected by or due from entities other than the state on or before June 30 of the fiscal year but not remitted to the state until after June 30.

d. The amount of accrued lottery revenues collected on or before June 30 of the fiscal year but not transferred to the general fund of the state until after June 30.

86 Acts, ch 1245, §2045; 92 Acts, ch 1227, §2; 94 Acts, ch 1181, §4; 95 Acts, ch 214, §5; 96 Acts, ch 1218, §24; 2001 Acts, 2nd Ex, ch 2, §5, 13; 2003 Acts, ch 35, §23, 49; 2003 Acts, ch 178, §98, 121; 2003 Acts, ch 179, §142; 2004 Acts, ch 1175, §214, 287; 2011 Acts, ch 117, §1, 4; 2012 Acts, ch 1021, §125; 2015 Acts, ch 138, §10, 161, 162; 2024 Acts, ch 1185, §11

Referred to in §8.21, 8.54, 99G.39

8.23 Annual departmental estimates.

1. On or before October 1, prior to each regular session of the general assembly, all departments and establishments of the government shall transmit to the director of the department of management, in a format designated by the director, estimates of their expenditure requirements for the ensuing fiscal year, together with supporting data and explanations as called for by the director after consultation with the legislative services agency.

a. The estimates of expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

b. The budget estimates for an agency as defined in section 8E.103 shall be based on achieving goals contained in the enterprise priorities and the agency's strategic plan as provided for in chapter 8E. The estimates shall be accompanied by a description of the measurable and other results to be achieved by the agency. Performance measures shall be based on the goals developed pursuant to sections 8E.204, 8E.205, and 8E.208. The estimates shall be accompanied by an explanation of the manner in which appropriations requested for the administration and maintenance of the agency meet goals contained in the enterprise priorities and the agency's strategic plan, including identifying goals that require legislation.

c. If a department or establishment fails to submit estimates within the time specified, the legislative services agency shall use the amounts of the appropriations to the department or establishment for the fiscal year in process at the time the estimates are required to be submitted as the amounts for the department's or establishment's request in the documents submitted to the general assembly for the ensuing fiscal year and the governor shall cause estimates to be prepared for that department or establishment as in the governor's opinion are reasonable and proper.

d. The director shall designate standard budget request formats to each department or establishment of state government.

2. On or before November 15 all departments and establishments of government and the judicial branch shall transmit to the department of management and the legislative services agency estimates of their receipts and expenditure requirements from federal or other nonstate grants, receipts, and funds for the ensuing fiscal year. The transmittal shall include the names of the grantor and the grant or the source of the funds, the estimated amount of

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the funds, and the planned expenditures and use of the funds. The format of the transmittal shall be specified by the legislative services agency.

[S13, §163-a; SS15, §191-a; C24, 27, 31, §327, 328; C35, §84-e16; C39, §**84.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.23]

86 Acts, ch 1245, §2017; 90 Acts, ch 1252, §1; 90 Acts, ch 1263, §53; 91 Acts, ch 263, §31; 95 Acts, ch 214, §20; 98 Acts, ch 1047, §2; 2001 Acts, ch 169, §3; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 179, §88, 159; 2019 Acts, ch 89, §32, 33; 2024 Acts, ch 1082, §2; 2024 Acts, ch 1185, §12, 13

Referred to in §7E.5A, 8.26, 8.35A, 35A.10, 97B.4, 218.58, 237.14, 421.17, 455A.4, 602.1301

8.24 Annual estimate of income. Repealed by 2001 Acts, 2nd Ex, ch 2, §12, 13.

8.25 Tentative budget. Repealed by 2024 Acts, ch 1185, §83.

8.26 Hearings.

The governor shall make provision for public hearings on the estimates of expenditure requirements required by section 8.23, at which the governor may require the attendance of the heads and other officers of all departments, establishments, and other persons receiving or requesting the grant of government funds and the giving by them of such explanations and suggestions as they may be called upon to give or as they may desire to offer in respect to items of requested appropriations in which they are interested. The governor shall also extend invitations to the governor-elect and the director of the department of management to be present at such hearings and to participate in the hearings through the asking of questions or the expression of opinion in regard to the items of the estimates.

[C24, 27, 31, §331; C35, §84-e19; C39, §**84.19;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.26]

2024 Acts, ch 1185, §14

Referred to in §2A.4

8.27 Preparation of budget.

Following the inauguration, the governor shall proceed to the formulation of the budget provided for by sections 8.21 and 8.22.

[C35, §84-e20; C39, §**84.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.27]

8.28 Supplemental estimates. Repealed by 2024 Acts, ch 1185, §83. See §8.22(1)(c).

8.29 Regents universities — uniform accounting system.

The state board of regents, with the approval of the director of the department of management, shall establish a uniform budgeting and accounting system for the institutions of higher education under its control, and shall require each of the institutions of higher education to operate under the uniform system.

[C71, 73, 75, 77, 79, 81, §8.29]

92 Acts, ch 1246, §23; 2001 Acts, 2nd Ex, ch 2, §7, 13; 2024 Acts, ch 1185, §15

SUBCHAPTER IV

EXECUTION OF THE BUDGET

Referred to in §15H.9

8.30 Availability of appropriations.

The appropriations made are not available for expenditure until allotted as provided for in section 8.31. All appropriations are declared to be maximum and proportionate appropriations, the purpose being to make the appropriations payable in full in the amounts named if the estimated budget resources during the fiscal year for which the appropriations are made, are sufficient to pay all of the appropriations in full. The governor shall restrict

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allotments only to prevent an overdraft or deficit in any fiscal year for which appropriations are made.

[C35, §84-e23; C39, §**84.23;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.30]

86 Acts, ch 1245, §2019

8.31 Allotments of appropriations — exceptions — modifications.

1. *a.* Before an appropriation of any department or establishment becomes available, the department or establishment shall submit to the director of the department of management a requisition for allotment of the appropriation according to dates identified in the requisition during the fiscal year by which portions of the appropriation will be needed. The department or establishment shall submit the requisition by June 1, prior to the start of a fiscal year or by another date identified by the director. The requisition shall contain details of proposed expenditures as may be required by the director subject to review by the governor.

b. The director of the department of management shall approve the allotments subject to review by the governor, unless it is found that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, in which event such allotments may be modified to the extent the governor may deem necessary in order that there shall be no overdraft or deficit in the several funds of the state at the end of the fiscal year, and the director shall submit copies of the allotments thus approved or modified to the head of the department or establishment concerned, who shall set up such allotments on the books and be governed accordingly in the control of expenditures.

2. Allotments made in accordance with subsection 1 may be subsequently modified by the director of the department of management at the direction of the governor either upon the written request of the head of the department or establishment concerned, or in the event the governor finds that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, upon the governor's own initiative to the extent the governor may deem necessary in order that there shall be no overdraft or deficit in the several funds of the state at the end of the fiscal year; and the head of the department or establishment shall be given notice of a modification in the same way as in the case of original allotments.

3. The allotment requests of all departments and establishments collecting governmental fees and other revenue which supplement a state appropriation shall attach to the summary of requests a statement showing how much of the proposed allotments are to be financed from state appropriations, stores, and appropriated receipts.

4. The procedure to be employed in controlling the expenditures and receipts of the state fair board and the institutions under the state board of regents, whose collections are not deposited in the state treasury, is that outlined in section 8A.502, subsection 8.

5. If the governor determines that the estimated budget resources during the fiscal year are insufficient to pay all appropriations in full, the reductions shall be uniform and prorated between all departments and establishments upon the basis of their respective appropriations.

6. Allotments from appropriations for the foreign trade offices of the economic development authority, if the appropriations are described by line item in the authority's appropriation Act or another Act, may be made as is necessary to take advantage of the most favorable foreign currency exchange rates.

[C35, §84-e24; C39, §**84.24;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.31; 81 Acts, ch 18, §1]

86 Acts, ch 1245, §1972; 87 Acts, ch 115, §4; 89 Acts, ch 309, §6; 94 Acts, ch 1063, §1; 2003 Acts, ch 145, §121; 2003 Acts, ch 179, §89, 159; 2011 Acts, ch 118, §85, 89; 2024 Acts, ch 1185, §16

Referred to in §8.30, 8.32, 97B.7, 257.16, 260C.18D, 284.3A, 284.15, 425.50, 441.21A

8.32 Conditional availability of appropriations — applicability of chapter.

1. All appropriations made to any department or establishment of the government as receivable or collectable moneys available for expenditure by them under law, are declared to be in addition to such appropriated receipts, and such appropriations are to be available as and to the extent that such receipts are insufficient to meet the costs of administration,

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operation, maintenance, and public improvements of such departments or establishments, provided all of the following conditions are met:

a. Such receipts or collections are deposited in the state treasury as part of the general fund or special revenue funds in all cases, except those collections made by the state fair board, the institutions under the state board of regents, and the natural resource commission.

b. Appropriated receipts are not available for expenditures until allotted as provided in section 8.31.

c. The collection of appropriated receipts by the state fair board and the institutions under the state board of regents are deposited in a bank or banks duly designated and qualified as state depositories, in the name of the state of Iowa, for the use of such boards and institutions, and such funds are available only on the check of such boards or institutions depositing them, which are hereby authorized to withdraw such funds, but only after allotment by the governor as provided in section 8.31.

2. *a.* This chapter does not apply to endowment or private purpose trust funds or to gifts to institutions owned or controlled by the state or to the income from such endowment or private purpose trust funds, or to custodial funds belonging to students or inmates of state institutions.

b. This chapter shall not be construed to prohibit the state fair board from creating an emergency or sinking fund out of the receipts of the state fair and state appropriation for the purpose of taking care of any emergency that might arise beyond the control of the board of not to exceed three hundred thousand dollars.

c. This chapter shall not be construed to prohibit the state fair board from retaining an additional sum of not to exceed three hundred fifty thousand dollars to be used in carrying out the provisions of chapter 173.

[C35, §84-e25; C39, §**84.25;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.32]
86 Acts, ch 1244, §4; 2013 Acts, ch 30, §2; 2024 Acts, ch 1185, §17

8.33 Time limit on obligations — reversion.

1. No obligation of any kind shall be incurred or created subsequent to the last day of the fiscal year for which an appropriation is made, except when specific provision otherwise is made in the Act making the appropriation. On August 31, or as otherwise provided in an appropriation Act, following the close of each fiscal year, all unencumbered or unobligated balances of appropriations made for that fiscal term revert to the state treasury and to the credit of the funds from which the appropriations were made, except that capital expenditures for the purchase of land or the erection of buildings or new construction continue in force until the attainment of the object or the completion of the work for which the appropriations were made unless the Act making an appropriation for the capital expenditure contains a specific provision relating to a time limit for incurring an obligation or reversion of funds. This section does not repeal sections 7D.11 through 7D.14.

2. A payment of an obligation for goods and services shall not be charged to an appropriation subsequent to the last day of the fiscal year for which the appropriation is made unless the goods or services are received on or before the last day of the fiscal year, except that repair projects, purchase of specialized equipment and furnishings, and other contracts for services and capital expenditures for the purchase of land or the erection of

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buildings or new construction or remodeling, which were committed and in progress prior to the end of the fiscal year are excluded from this subsection.

[C35, §84-e26; C39, §**84.26;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.33]

83 Acts, ch 172, §1; 84 Acts, ch 1091, §1; 84 Acts, ch 1305, §17; 86 Acts, ch 1245, §2020; 86 Acts, ch 1246, §770; 89 Acts, ch 284, §2; 2019 Acts, ch 59, §2

Referred to in §2.12B, 8.55, 8.56, 8.57, 8.57B, 8.57C, 8.57D, 8.57E, 8.57F, 8.57G, 8.57H, 8.57I, 8.57J, 8.62, 8.90, 8.91, 8.92, 8A.123, 8A.204, 8A.321, 8A.328, 8A.330, 8A.431, 8A.432, 8A.434, 8A.435, 8A.436, 8A.437, 8A.438, 8A.457, 8A.460, 8A.502, 8A.708, 8D.14, 9.8, 9.13, 10A.507, 11.6, 12.51, 12.72, 12.79, 12.82, 12.88, 12.88A, 12.89, 12.91, 12A.6, 12I.4, 15.106A, 15.111, 15.231, 15.261, 15.262, 15.281, 15.313, 15.338, 15.371, 15.412, 15.421, 15.436, 15.517, 15E.311, 15E.363, 15F.107, 15F.204, 15F.205, 15F.404, 15G.104, 15H.5, 15H.10, 16.5, 16.40, 16.41, 16.45, 16.46, 16.47, 16.48, 16.49, 16.52, 16.57B, 16.134, 16.134A, 16.141, 16.153, 16.163, 16.181, 16.240, 25.2, 29C.17A, 29D.4, 34A.7A, 35A.5, 35A.16, 35D.18, 47.11, 80.42, 80.43, 80.44, 80.46, 80.47, 80.48, 80A.14, 80B.16, 80B.19, 80E.4, 84A.13, 84A.13A, 84A.20, 84A.21, 84E.3, 84F.1, 84F.2, 84G.4, 84J.3, 90A.10, 99D.9B, 99D.13, 99D.27A, 99D.27B, 99F.20, 100B.4, 100B.12, 100B.13, 100B.52, 100C.9, 100D.7, 123.183, 124.557, 124E.10, 135.25, 135.39A, 135.181, 135.190A, 135A.8, 136C.10, 142C.15, 144.13A, 144.46A, 147A.6, 159.21, 159A.7, 159A.16, 161A.80A, 161D.2, 161D.12, 161G.2, 162.2C, 163.3B, 165.18, 165B.2, 169A.13A, 170.3C, 173.22, 187.201, 190A.5, 190B.201, 216B.3, 217.25, 218.94, 222.92, 225A.7, 225D.2, 231.23, 231.80, 231E.4, 234.45, 234A.6, 249A.13, 249A.33, 249A.50, 249L.4, 249M.4, 252B.13A, 256.25, 256.34, 256.36, 256.39, 256.44, 256.87, 256.155, 256.189, 256.192, 256.198, 256.204, 256.205, 256.210, 256.212, 256.218, 256.222, 256.226, 256.228, 256.229, 256.230, 256.231, 256.232, 256I.11, 257.16A, 257.16C, 257.16D, 257.51, 260C.18A, 260H.2, 260I.2, 261B.8, 261E.13, 262.101, 279.51, 284.6A, 284.13, 284.14, 307.19, 307.20, 307.46, 312.2, 312A.2, 314.28, 321.34, 321G.7, 321I.8, 324A.6A, 327G.29, 327H.20A, 327J.2, 331.604, 418.10, 418.16, 426B.1, 452A.79A, 453A.2, 453A.35A, 453E.6, 455A.18, 455A.19, 455B.112A, 455B.133B, 455B.133C, 455B.183A, 455B.196, 455B.265A, 455C.12D, 455D.11C, 455D.15, 455E.11, 455H.401, 456A.17, 456A.21, 459.401, 459.501, 460.303, 461.31, 466.9, 466B.45, 466B.46, 476.10C, 476.46, 476.46A, 483A.3B, 502.601, 514I.11, 521J.12, 523C.24, 524.207, 533C.1002, 537.6203, 541A.7, 546.12, 553.19, 602.1302, 602.8108, 691.6, 692.2A, 692A.119, 714.16A, 714.16C, 714.23, 717F.9, 724.11, 904.117, 904.118, 904.118A, 904.303A, 904.311, 904.311A, 904.317, 904.321, 904.703, 904.706, 915.94, 915.95

8.34 Charging off unexpended appropriations.

Except as otherwise provided by law, the director of the department of administrative services shall transfer to the fund from which an appropriation was made, any unexpended or unencumbered balance of that appropriation remaining at the expiration of two months after the close of the fiscal term for which the appropriation was made. At the time the transfer is made on the books of the department of administrative services, the director shall certify that fact to the treasurer of state, who shall make corresponding entries on the books of the treasurer's office.

[C27, 31, §130-a1; C35, §84-a1; C39, §**84.27;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.34]

88 Acts, ch 1134, §3; 89 Acts, ch 284, §3; 2003 Acts, ch 145, §286

8.35 General supervisory control.

The governor and the director of the department of management and any officer of the department of management, when authorized by the governor, are hereby authorized to make such inquiries regarding the receipts, custody, and application of government funds, existing organization, activities, and methods of business of the departments and establishments, assignments of particular activities to particular services and regrouping of such services, as in the opinion of the governor, will enable the governor to make recommendations to the general assembly, and, within the scope of the powers possessed by the governor, to order action to be taken, having for their purpose to bring about increased economy and efficiency in the conduct of the affairs of government.

[C35, §84-e27; C39, §**84.28;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.35]

2020 Acts, ch 1063, §3; 2024 Acts, ch 1185, §18

8.35A Information to be given to legislative services agency.

1. By July 1, the director of the department of management, in conjunction with the director of the department of administrative services, shall provide a projected expenditure breakdown of each appropriation for the beginning fiscal year to the legislative services agency in the form and level of detail requested by the legislative services agency. By the fifteenth of each month, the director, in conjunction with the director of the department of administrative services, shall transmit to the legislative services agency a record for each appropriation of actual expenditures for the prior month of the fiscal year and the fiscal year to date in the form and level of detail as requested by the legislative services agency. By October 1, the director, in conjunction with the director of the department of administrative services, shall transmit the total record of an appropriation, including reversions and transfers for the prior fiscal year ending June 30, to the legislative services agency.

2. Commencing October 1, the director shall provide weekly budget data files in the form

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and level of detail requested by the legislative services agency reflecting finalized agency budget requests for the following fiscal year as submitted to the governor. The director shall transmit all agency requests in final form to the legislative services agency by November 15. Final budget records containing the governor's recommendation and final agency requests shall be transmitted to the legislative services agency by January 1 or no later than the date the governor's budget document is delivered to the printer. The governor's recommendation included on this record shall be considered confidential by the legislative services agency until it is made public by the governor. The legislative services agency shall use this data in the preparation of information for the legislative appropriation process.

3. The director shall communicate any changes or anticipated changes to the budgeting system or the accounting system in writing to the legislative services agency prior to implementation.

4. A government agency which receives government funds directly from the state or indirectly through a political subdivision as directed by statute and which is not a city, county, or school district is subject to this subsection. A government agency which is subject to this subsection shall submit a copy of its budget to the legislative services agency, identifying it as being submitted under this subsection, when the budget of that government agency has received approval from the governing head or body of that agency. The copy of the budget submitted to the legislative services agency shall be in the format designated by the department of management under section 8.23. The government agency shall also submit a statement identifying any funds available to the agency which are not included in the budget.

5. The department shall transmit the enterprise priorities and related information and an agency shall transmit its agency strategic plan, performance report, and related information as required by chapter 8E to the legislative services agency.

86 Acts, ch 1245, §2013; 89 Acts, ch 284, §4; 95 Acts, ch 214, §21; 2001 Acts, ch 169, §4; 2001 Acts, 2nd Ex, ch 2, §8, 13; 2003 Acts, ch 35, §45, 46, 49; 2003 Acts, ch 145, §286; 2019 Acts, ch 59, §3; 2024 Acts, ch 1082, §3; 2024 Acts, ch 1185, §19

Referred to in §602.1301

8.36 Fiscal year.

The fiscal year of the government shall commence on the first day of July and end on the thirtieth day of June. This fiscal year shall be used for purposes of making appropriations and of financial reporting and shall be uniformly adopted by all departments and establishments of the government. However, the department of workforce development may use the federal fiscal year instead of the fiscal year commencing on July 1.

[C35, §84-e28; C39, §**84.29;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.36; 81 Acts, ch 19, §1]

96 Acts, ch 1186, §23; 2017 Acts, ch 54, §6

Referred to in §455A.19, 904.706

8.36A Full-time equivalent positions.

1. For purposes of making appropriations and financial reports and as used in appropriations statutes, "*full-time equivalent position*" means a budgeting and monitoring unit that equates the aggregate of full-time positions, part-time positions, a vacancy and turnover factor, and other adjustments. One full-time equivalent position represents two thousand eighty working hours, which is the regular number of hours one full-time person works in one fiscal year. The number of full-time equivalent positions shall be calculated by totaling the regular number of hours that could be annually worked by persons in all authorized positions, reducing those hours by a vacancy and turnover factor and dividing that amount by two thousand eighty hours. In order to achieve the full-time equivalent position level, the number of filled positions may exceed the number of full-time equivalent positions during parts of the fiscal year to compensate for time periods when the number of filled positions is below the authorized number of full-time equivalent positions.

2. *a.* If a department or establishment has reached or anticipates reaching the full-time equivalent position level authorized for the department but determines that conversion of a contract position to a full-time equivalent position would result in cost savings while providing

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comparable or better services, the department or establishment may request the director of the department of management to approve the conversion and addition of the full-time equivalent position. The request shall be accompanied by evidence demonstrating how the cost savings and service quality will be achieved through the conversion. If approved by the director of the department of management, the department's or establishment's authorized full-time equivalent position level shall be increased accordingly and the revised level shall be reported to the fiscal committee of the legislative council and the legislative services agency.

b. A department or establishment shall not convert a full-time equivalent position authorized for the department or establishment to a contract position and shall not use appropriated moneys for such a contract position unless the department or establishment receives approval from the director of the department of management to convert the full-time equivalent position to a contract position. The director of the department of management shall not approve the conversion unless the department or establishment submits sufficient evidence that the conversion would result in cost savings while providing comparable or better services.

90 Acts, ch 1247, §1; 2003 Acts, ch 35, §46, 49; 2003 Acts, ch 145, §122; 2010 Acts, ch 1031, §59

Referred to in §455B.183C

8.37 Fiscal term. Repealed by 2001 Acts, 2nd Ex, ch 2, §12, 13.

8.38 Misuse of appropriations.

A state department, institution, or agency, or any board member, commissioner, director, manager, or other person connected with any such department, institution, or agency, shall not expend funds or approve claims in excess of the appropriations made thereto, nor expend funds for any purpose other than that for which the money was appropriated, except as otherwise provided by law. A violation of this section shall make any person committing or consenting to the violation liable to the state for the sum expended together with interest and costs, which shall be recoverable in an action to be instituted by the attorney general for the use of the state. The action may be brought in any county of the state.

[C35, §84-e29; C39, §**84.31;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.38]

2019 Acts, ch 59, §4

8.39 Use of appropriations — transfer.

1. Except as otherwise provided by law, an appropriation or any part of it shall not be used for any other purpose than that for which it was made. However, with the prior written consent and approval of the governor and the director of the department of management, the governing board or head of any state department, institution, or agency may, at any time during the fiscal year, make a whole or partial intradepartmental transfer of its unexpended appropriations for purposes within the scope of such department, institution, or agency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-tenth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made.

2. If the appropriation of a department, institution, or agency is insufficient to properly meet the legitimate expenses of the department, institution, or agency, the director of the department of management, with the approval of the governor, may make an interdepartmental transfer from any other department, institution, or agency of the state having an appropriation in excess of its needs, of sufficient moneys to meet that deficiency. Such transfer shall be to an appropriation made from the same funding source and within the same fiscal year. The amount of a transfer made from an appropriation under this subsection shall be limited to not more than one-tenth of one percent of the total of all appropriations made from the funding source of the transferred appropriation for the fiscal year in which the transfer is made. An interdepartmental transfer to an appropriation which is not an entitlement appropriation is not authorized when the general assembly is in

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regular session and, in addition, the sum of interdepartmental transfers in a fiscal year to an appropriation which is not an entitlement appropriation shall not exceed one hundred percent of the amount of the appropriation as enacted by the general assembly. For purposes of this subsection:

a. "Appropriation in excess of its needs" means the amount appropriated by the general assembly for a purpose is determined by the department, institution, or agency receiving the appropriation to be more than the amount necessary to carry out that purpose. An appropriation for an unspecified dollar amount, whether the appropriation is limited to be sufficient to carry out a particular purpose or is unlimited, shall not be considered an appropriation in excess of a department's, institution's, or agency's needs.

b. "Entitlement appropriation" means a line item appropriation to the state public defender for indigent defense or to the department of health and human services for foster care, state supplementary assistance, medical assistance, or for the family investment program.

3. The aggregate amount of intradepartmental and interdepartmental transfers made from all appropriations for a fiscal year pursuant to this section is limited to not more than five-tenths of one percent of the total amount of the appropriations made from the general fund of the state for the fiscal year. The aggregate amount of the intradepartmental and interdepartmental transfers made from an appropriation for a fiscal year is limited to fifty percent of the appropriation.

4. Prior to any transfer of funds pursuant to subsection 1 or 2 of this section or a transfer of an allocation from a subunit of a department which statutorily has independent budgeting authority, the director shall notify the chairpersons of the standing committees on appropriations of the senate and the house of representatives and the chairpersons of subcommittees of such committees of the proposed transfer. The notice from the director shall include information concerning the amount of the proposed transfer, the departments, institutions, or agencies affected by the proposed transfer and the reasons for the proposed transfer. Chairpersons notified shall be given at least two weeks to review and comment on the proposed transfer before the transfer of funds is made.

5. *a.* Any transfer made under the provisions of this section shall be reported to the legislative fiscal committee on a monthly basis. The report shall cover each calendar month and shall be due the tenth day of the following month. The report shall contain the following:

(1) The amount of each transfer.
(2) The date of each transfer.
(3) The departments and funds affected.
(4) A brief explanation of the reason for the transfer.
(5) Such other information as may be required by the committee.

b. A summary of all transfers made under the provisions of this section shall be included in the annual report of the legislative fiscal committee.

[C97, §187; SS15, §170-q; C24, 27, 31, §345; C35, §84-a3; C39, §**84.32;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.39]

86 Acts, ch 1245, §2022; 87 Acts, ch 115, §5; 94 Acts, ch 1181, §6; 94 Acts, ch 1199, §44; 2011 Acts, ch 117, §2 – 4; 2017 Acts, ch 54, §7; 2023 Acts, ch 19, §6; 2023 Acts, ch 64, §3; 2026 Acts, ch 1169, §1

Referred to in §8.55, 8.62, 16.57A, 24.24, 80.42, 125.44, 218.6, 249A.26, 261E.13, 284.13, 307.46, 313.5
Subsection 2 amended

8.39A Transfer of moneys or positions — changes in tables of organization — notification. Repealed by 2001 Acts, 2nd Ex, ch 2, §12, 13.

8.40 Penalty — removal — impeachment.

A refusal to perform any of the requirements of this chapter, or a refusal to perform a rule or requirement or request of the governor or the director of the department of management made pursuant to this chapter, by a board member, commissioner, director, manager, building committee, other officer or person connected with any institution, or other state department or establishment, subjects the offender to a penalty of two hundred fifty dollars, to be recovered in an action instituted in the district court of Polk county by the attorney

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general for the use of the state. If the offender is not an officer elected by vote of the people, the offense is sufficient cause for removal from office or dismissal from employment by the governor upon thirty days' notice in writing to the offender; and if the offender is an officer elected by vote of the people, the offense is sufficient cause to subject the offender to impeachment.

[S13, §163-a; C24, 27, 31, §330; C35, §84-e30; C39, §**84.33;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §8.40]

88 Acts, ch 1134, §4

8.41 Federal funds — deposit — block grant plans — affected political subdivisions.

1. Commencing with the fiscal year beginning July 1, 1981, federal funds received in the form of block grants shall be deposited in a special fund in the state treasury and are subject to appropriation by the general assembly upon a recommendation by the governor. In determining a general fund balance, the federal funds deposited in the special fund shall not be included, but shall remain segregated in the special fund until appropriated by the general assembly.

2. Federal funds deposited in the state treasury as provided in subsection 1 shall either be included as part of the governor's budget required by section 8.22 or shall be included in a separate recommendation made by the governor to the general assembly. If federal funds received in the form of block grants or categorical grants have not been included in the governor's budget for the current fiscal year because of time constraints or because a budget is not being submitted for the next fiscal year, the governor shall submit a supplemental statement to the general assembly listing the federal funds received and including the same information for the federal funds required by section 8.22, subsection 1, paragraph "*b*", subparagraph (1), subparagraph division (e), for the statement of federal funds in the governor's budget.

3. *a.* If, in any federal fiscal year, the federal government provides for a block grant which requires a new or revised program than was required in the prior fiscal year, each state agency required to administer the block grant program shall develop a block grant plan detailing program changes.

b. To the extent allowed by federal law, the block grant plan shall be developed in accordance with the following:

(1) The primary goal of the plan shall be to attain savings for taxpayers and to avoid shifting costs from the federal government to state and local governments.

(2) State agency planning meetings shall be held jointly with officials of the affected political subdivision and affected members of the public.

(3) The plan shall address proposed expenditures and accountability measures and shall be published so as to provide reasonable opportunity for public review and comment.

(4) (a) Preference shall be given to any existing service delivery system capable of delivering the required service. If an existing service delivery system is not used, the plan shall identify those existing delivery systems which were considered and the reasons those systems were rejected. This subparagraph division applies to any service delivered pursuant to a federal block grant, including but not limited to any of the following block grant areas: health, human services, education, employment, community and economic development, and criminal justice.

(b) If a service delivered pursuant to a federal block grant and implemented by a political subdivision was previously provided for by a categorical grant, the state agency shall allow the political subdivision adequate transition time to accommodate related changes in federal and state policy. Transition activities may include, but are not limited to, revision of the political subdivision's laws, budgets, and administrative procedures.

(c) The state agency shall allow the political subdivision the flexibility to implement a service in a manner so as to address identifiable needs within the context of meeting broad national objectives.

(5) State administrative costs shall not exceed the limits allowed for under the federal law enacting the block grant.

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(6) A federal mandate that is eliminated or waived for the state shall be eliminated or waived for a political subdivision.

(7) Federal block grants shall not be used to supplant existing funding efforts by the state.

c. The state agency shall send copies of the proposed block grant plan to the legislative fiscal committee and to the appropriate appropriations subcommittee chairpersons and ranking members of the general assembly. The plan and any program changes contained within the plan shall be adopted as rules in accordance with chapter 17A.

[81 Acts, ch 17, §3]

84 Acts, ch 1067, §4; 86 Acts, ch 1245, §2023; 96 Acts, ch 1105, §1; 2008 Acts, ch 1032, §201; 2009 Acts, ch 41, §263

Referred to in §8.9, 15.108, 256.10A, 256I.11, 904.118

8.41A Federal recovery and reinvestment fund. Repealed by 2015 Acts, ch 141, §36, 67, 68.

8.42 Payroll accrual account. Repealed by 2001 Acts, 2nd Ex, ch 2, §12, 13.

8.43 Salary adjustment fund. Repealed by 2024 Acts, ch 1185, §83.

8.44 Reporting additional funds received.

1. *a.* Upon receiving federal funds or any other funds from any public or private sources, except gifts or donations made to institutions for the personal use or for the benefit of members, patients, or inmates and receipts from the gift shop of merchandise manufactured by members, patients, or inmates, the state departments, agencies, boards, and institutions receiving the funds shall submit a written report within thirty days after receipt of the funds to the director of the department of management. The report shall state the source of the funds that supplement or replace state appropriations for institutional operations, the amount received, and the terms under which the funds are received.

b. Notwithstanding paragraph *"a"*, the state board of regents shall submit the written report required under paragraph *"a"* on a quarterly basis in the format specified by the director of the department of management.

2. All departments and establishments of government and the judicial branch shall notify the department of management and the legislative services agency of any change in the receipt of federal or other nonstate grants, receipts, and funds from the funding levels on which appropriations for the current or ensuing fiscal year were or are based. Changes which must be reported include but are not limited to any request, approval, award, or loss changes affecting federal or other nonstate grants, receipts, or funds. The notifications shall be made on a quarterly basis. The format of the notifications shall be specified by the legislative services agency.

[C71, 73, 75, 77, 79, 81, §8.44]

88 Acts, ch 1134, §7; 90 Acts, ch 1263, §54; 98 Acts, ch 1047, §3; 2003 Acts, ch 35, §45, 49; 2019 Acts, ch 24, §104; 2020 Acts, ch 1045, §1; 2021 Acts, ch 76, §1

Referred to in §8.9, 68B.22A

8.45 Purchase of real estate by state departments.

Purchases of real estate as provided by law may be made by a state department on written contracts providing for payment over a period of years but the obligations thereon shall not constitute a debt or charge against the state of Iowa nor against the funds of the department for which said purchases are made. Purchase payments shall be made from only capital funds appropriated for that purpose. All state-appropriated capital funds used for any one purchase contract shall be taken entirely from a single capital appropriation and shall be set aside for that purpose. In event of default, the only remedy of the seller shall be against the property itself in rem, pursuant to chapter 654. In no event shall a deficiency judgment be entered or enforced against the state or the department making the purchase. The provisions of chapter 656 prescribing how a real estate contract may be forfeited shall, in no event, be applicable. In a foreclosure proceeding pursuant to this section and chapter 654, the department making the purchase and the attorney general shall be the only defendants who need be named and such

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department and the attorney general may be served personally or by restricted certified mail. The department and the attorney general shall have thirty days from the date of completed service in which to appear.

[C71, 73, 75, 77, 79, 81, §8.45]

8.46 Lease-purchase — reporting.

1. For the purposes of this section, unless the context otherwise requires:

a. *"Installment acquisition"* includes, but is not limited to, an arrangement in which title of ownership passes when the first installment payment is made.

b. *"Lease-purchase arrangement"* includes, but is not limited to, an arrangement in which title of ownership passes when the final installment payment is made.

c. *"State agency"* means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

2. At least thirty days prior to entering into a contract involving a lease-purchase or installment acquisition arrangement in which any part or the total amount of the contract is at least fifty thousand dollars, a state agency shall notify the legislative services agency concerning the contract. The legislative services agency shall compile the notifications for submission to the legislative fiscal committee of the legislative council. The notification is required regardless of the source of payment for the lease-purchase or installment acquisition arrangement. The notification shall include all of the following information:

a. A description of the object of the lease-purchase or installment acquisition arrangement.

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 state agency 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.

3. The legislative fiscal committee shall report to the legislative council concerning the notifications it receives pursuant to this section.

4. A contract for construction by a private party of property to be lease-purchased by a state agency is a contract for a public improvement as defined in section 26.2 and is a lease-purchase arrangement for purposes of this section. If the estimated cost of the property to be lease-purchased that is renovated, repaired, or involves new construction exceeds the competitive bid threshold in section 26.3, the state agency shall comply with the competitive bidding requirements of section 26.3.

91 Acts, ch 268, §606; 95 Acts, ch 214, §2; 2003 Acts, ch 35, §45, 49; 2018 Acts, ch 1075, §1, 12, 13; 2018 Acts, ch 1172, §71, 72; 2019 Acts, ch 59, §5

Referred to in §12.28

8.47 Service contracts.

1. The department of administrative services, in cooperation with the office of attorney general and the department of management, shall adopt uniform terms and conditions for service contracts executed by a department or establishment benefiting from service contracts. The terms and conditions shall include but are not limited to all of the following:

a. The amount or basis for paying consideration to the party based on the party's performance under the service contract.

b. Methods to effectively oversee the party's compliance with the service contract by the department or establishment receiving the services during performance, including the delivery of invoices itemizing work performed under the service contract prior to payment.

c. Methods to effectively review performance of a service contract, including but not limited to performance measurements developed pursuant to chapter 8E.

2. Departments or establishments, with the approval of the department of management acting in cooperation with the office of attorney general and the department of administrative

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services, may adopt special terms and conditions for use by the departments or establishments in their service contracts.

3. The state board of regents shall establish terms and conditions for service contracts executed by institutions governed by the state board of regents.

4. This section does not apply to service contracts or other agreements for services by the department of public defense that are funded with at least seventy-five percent federal moneys. The department of public defense shall establish terms and conditions for service contracts and other agreements for services that comply with this section to the greatest extent possible.

2001 Acts, ch 169, §5; 2002 Acts, ch 1117, §1, 23; 2003 Acts, ch 145, §123, 124
Government accountability and service contracts, see chapter 8F

8.48 Local budgets — forms and procedures.

1. The director of the department of management shall consult with all state officers and agencies which receive reports and forms from county officers, in order to devise standardized reports and forms which will permit computer processing of the information submitted by county officers, and prescribe forms on which each municipality, at the time of preparing estimates required under section 24.3, shall be required to compile in parallel columns all of the following data and estimates for immediate availability to any taxpayer upon request:

a. For the immediate prior fiscal year, revenue from all sources, other than revenue received from property taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund the unencumbered cash balance thereof at the beginning and end of the year, the amount received by property taxation allocated to each fund, and the amount of actual expenditure for each fund.

b. For the current fiscal year, actual and estimated revenue, from all sources, other than revenue received from property taxation, and separately stated as to each such source, allocated to each of the several funds, and for each fund the actual unencumbered cash balance available at the beginning of the year, the amount to be received from property taxation allocated to each fund, and the amount of actual and estimated expenditures, whichever is applicable.

c. For the proposed budget year, an estimate of revenue from all sources, other than revenue to be received from property taxation, separately stated as to each such source, to be allocated to each of the several funds, and for each fund the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amount proposed to be received from property taxation allocated to each fund, and the amount proposed to be expended during the year plus the amount of cash reserve, based on actual experience of prior years, which shall be the necessary cash reserve of the budget adopted exclusive of capital outlay items. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated or actual unencumbered balances at the beginning of the year and less the estimated income from all sources other than property taxation shall equal the amount to be received from property taxes, and such amount shall be shown on the proposed budget estimate.

2. To ensure uniformity, accuracy, and efficiency in the preparation of budget estimates by municipalities subject to chapter 24, the director shall prescribe the procedures to be used and instruct the appropriate officials of the various municipalities on implementation of the procedures.

2024 Acts, ch 1185, §20

8.49 and 8.50 Reserved.

8.51 Political subdivisions — fiscal year — unexpended funds.

1. The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30. For the purpose of this section, the term "*political subdivision*" includes school districts.

2. Each department that provides state funding to a political subdivision of the state

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shall annually review the statutory and regulatory requirements applicable to the political subdivision's receipt of the funding. The purpose of the review is to identify any barrier in statute or departmental rule or policy that would prevent recovery of any such state funding provided to a political subdivision that remains unencumbered or unobligated and the political subdivision no longer complies with requirements to receive the state funding. If an identified barrier exists in state law, the department shall propose legislation to the governor and general assembly to remove the barrier. If an identified barrier is in departmental rule or policy, the department shall amend the rule or policy to remove the barrier.

[C75, 77, 79, 81, §8.51]
2011 Acts, ch 122, §37, 38

8.52 Planning responsibility.

The department of management shall:

1. Provide coordination of state planning, performance measurement, and management of interagency programs of the state, and recommend policies to the governor and the general assembly.
2. Maintain and make available demographic and other information useful for state and local planning.
3. Prepare and submit economic reports appraising the economic condition, growth, and development of the state.
4. Analyze the quality and quantity of services required for the orderly growth of the state, taking into consideration the relationship of activities, capabilities, and future plans of private enterprise, the local, state, and federal governments, and regional units established under state or federal legislation, and shall make recommendations to the governor and the general assembly for the establishment and improvement of such services.
5. Inquire into methods of planning, performance measurement, and program development and the conduct of affairs of state government; prescribe adequate systems of records for planning, performance measurement, and programming; establish standards for effective planning, performance measurement, and programming in consultation with affected state agencies; and exercise all other powers necessary in discharging the powers and duties of this chapter.
6. Administer the accountable government Act as provided in chapter 8E.

86 Acts, ch 1245, §106; 2001 Acts, ch 169, §6, 7

8.53 GAAP deficit — GAAP implementation. Repealed by 2024 Acts, ch 1185, §83.

8.54 General fund expenditure limitation.

1. For the purposes of section 8.22A, this section, and sections 8.55 through 8.57:

a. "Adjusted revenue estimate" means the appropriate revenue estimate for the general fund for the following fiscal year as determined by the revenue estimating conference under section 8.22A, subsection 3, adjusted by subtracting estimated tax refunds payable from that estimated revenue and as determined by the conference, adding any new revenues which may be considered to be eligible for deposit in the general fund.

b. "New revenues" means moneys which are received by the state due to increased tax rates and fees or newly created taxes and fees over and above those moneys which are received due to state taxes and fees which are in effect as of January 1 following the December state revenue estimating conference. *"New revenues"* also includes moneys received by the general fund of the state due to new transfers over and above those moneys received by the general fund of the state due to transfers which are in effect as of January 1 following the December state revenue estimating conference. The department of management shall obtain concurrence from the revenue estimating conference on the eligibility of transfers to the general fund of the state which are to be considered as new revenue in determining the state general fund expenditure limitation.

2. There is created a state general fund expenditure limitation for each fiscal year calculated as provided in this section. An expenditure limitation shall be used for the portion of the budget process commencing on the date the revenue estimating conference agrees to

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a revenue estimate for the following fiscal year in accordance with section 8.22A, subsection 3, and ending with the governor's final approval or disapproval of the appropriations bills applicable to that fiscal year that were passed prior to July 1 of that fiscal year in a regular or extraordinary legislative session.

3. Except as otherwise provided in this section, the state general fund expenditure limitation for a fiscal year shall be ninety-nine percent of the adjusted revenue estimate.

4. The state general fund expenditure limitation amount provided for in this section shall be used by the governor in the preparation of the budget under section 8.22 and approval of the budget and by the general assembly in the budget process. If a source for new revenues is proposed, the budget revenue projection used for that new revenue source for the period beginning on the effective date of the new revenue source and ending in the fiscal year in which the source is included in the revenue base shall be an amount determined by subtracting estimated tax refunds payable from the projected revenue from that new revenue source, multiplied by ninety-five percent. If a new revenue source is established and implemented, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include ninety-five percent of the estimated revenue from the new revenue source.

5. *a.* For fiscal years in which it is anticipated that the distribution of moneys from the Iowa economic emergency fund in accordance with section 8.55, subsection 2, will result in moneys being transferred to the general fund of the state, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys anticipated to be so transferred.

b. (1) For fiscal years in which it is anticipated that moneys will be transferred from the taxpayer relief fund to the general fund of the state in accordance with section 8.57E, subsection 2, paragraph *"b"*, the original state general fund expenditure limitation amount provided for in subsection 3 shall not be readjusted to include the amount of moneys anticipated to be so transferred. This subparagraph is repealed July 1, 2027.

(2) For the fiscal year beginning July 1, 2027, and each fiscal year thereafter, in which it is anticipated that moneys will be transferred from the taxpayer relief fund to the general fund of the state in accordance with section 8.57E, subsection 2, paragraph *"b"*, the original state general fund expenditure limitation amount provided for in subsection 3 shall be readjusted to include the amount of moneys anticipated to be so transferred.

(3) This paragraph is repealed July 1, 2029.

6. The scope of the expenditure limitation under subsection 3 shall not encompass federal funds, donations, constitutionally dedicated moneys, and moneys in expenditures from state retirement system moneys.

7. The governor shall transmit to the general assembly, in accordance with section 8.21, a budget which does not exceed the state general fund expenditure limitation. The general assembly shall pass a budget which does not exceed the state general fund expenditure limitation. The governor shall not transmit a budget with recommended appropriations in excess of the state general fund expenditure limitation and the general assembly shall not pass a budget with appropriations in excess of the state general fund expenditure limitation. The governor shall not approve or disapprove appropriation bills or items of appropriation bills passed by the general assembly in a manner that would cause the final budget approved by the governor to exceed the state general fund expenditure limitation. In complying with the requirements of this subsection, the governor and the general assembly shall not rely on any anticipated reversion of appropriations in order to meet the state general fund expenditure limitation.

92 Acts, ch 1227, §4; 92 Acts, 2nd Ex, ch 1001, §228; 94 Acts, ch 1181, §1, 5; 2001 Acts, 2nd Ex, ch 2, §10, 11, 13; 2004 Acts, ch 1175, §215, 287; 2011 Acts, ch 123, §28, 32; 2022 Acts, ch 1002, §64; 2024 Acts, ch 1094, §62; 2026 Acts, ch 1003, §17, 21

Referred to in §8.22A, 8.57E, 9.8, 80.43, 99F.20, 521J.12, 546.12

For the fiscal year beginning July 1, 2027, expenditure limitation to be reduced by $125,000,000; 2026 Acts, ch 1115, §167

Subsection 5, paragraph b amended

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SUBCHAPTER V

SPECIAL PURPOSE FUNDS

8.55 Iowa economic emergency fund.

1. The Iowa economic emergency fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. The maximum balance of the fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows:

a. The difference between the actual net revenue for the general fund of the state for the fiscal year and the adjusted revenue estimate for the fiscal year shall be transferred to the taxpayer relief fund created in section 8.57E.

b. The remainder of the excess, if any, shall be transferred to the general fund of the state.

3. *a.* Except as provided in paragraphs *"b"*, *"c"*, *"d"*, and *"f"*, the moneys in the Iowa economic emergency fund shall only be used pursuant to an appropriation made by the general assembly. An appropriation shall only be made for the fiscal year in which the appropriation is made. The moneys shall only be appropriated by the general assembly for emergency expenditures.

b. Moneys in the fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

c. There is appropriated from the Iowa economic emergency fund to the general fund of the state for the fiscal year in which moneys in the fund were used for cash flow purposes, for the purposes of reducing or preventing any overdraft on or deficit in the general fund of the state, the amount from the Iowa economic emergency fund that was used for cash flow purposes pursuant to paragraph *"b"* and that was not returned to the Iowa economic emergency fund by June 30 of the fiscal year. The appropriation in this paragraph shall not exceed one percent of the adjusted revenue estimate for the fiscal year for which the appropriation is made and is contingent upon all of the following having occurred:

(1) Prior to an appropriation being made pursuant to this paragraph, the balance of the general fund of the state at the end of the fiscal year for which the appropriation is made is negative.

(2) The governor issues an official proclamation and notifies the legislative fiscal committee and the legislative services agency that the balance of the general fund is negative and that an appropriation made pursuant to this paragraph brings the general fund of the state into balance.

d. There is appropriated from the Iowa economic emergency fund to the executive council an amount sufficient to pay the expenses authorized by the executive council, as addressed in section 7D.29.

e. If an appropriation is made pursuant to paragraph *"c"* for a fiscal year, there is appropriated from the general fund of the state to the Iowa economic emergency fund for the following fiscal year, the amount of the appropriation made pursuant to paragraph *"c"*.

f. (1) It is the intent of the general assembly for this paragraph to enable the executive branch to react to disasters impacting this state, including the ability to protect citizens, safeguard property, ensure safety, and provide for economic stability during disaster emergencies.

(2) For the fiscal year beginning July 1, 2025, and each fiscal year thereafter, there is appropriated from the Iowa economic emergency fund to the department of management ten percent of the maximum balance of the Iowa economic emergency fund as calculated for the immediately preceding fiscal year, to be used for disaster response, disaster recovery activities, or disaster aid to citizens. For purposes of this subparagraph, *"disaster response, disaster recovery activities, or disaster aid to citizens"* includes any of the following:

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(a) Disaster aid provided to businesses engaged in disaster recovery as described in section 15.111, and housing businesses engaged in disaster recovery housing projects as defined in section 15.354, subsection 6.

(b) Disaster recovery housing assistance provided under chapter 16, subchapter VII, part 6.

(c) Support for programs under chapter 29C, including support for the director of the department of homeland security and emergency management in executing the director's powers and duties under section 29C.8.

(d) Support for any other program through which disaster response, recovery activities, or aid is effected, provided the program is not inconsistent with the intent set forth in this paragraph.

(3) The department of management's disbursements of moneys appropriated to the department under this paragraph are contingent upon all of the following:

(a) The issuance of a proclamation of disaster emergency by the governor under section 29C.6, which proclamation covers the disaster for which the moneys will be used.

(b) The disbursement occurs at the direction of the governor, with the approval of the executive council, pursuant to section 29C.6, subsection 18.

(4) Subject to the approval of the governor, the department of management may provide for an interdepartmental transfer of moneys appropriated in this paragraph to another department or establishment for the purposes specified in this paragraph, subject to the notification and reporting requirements set forth in section 8.39, subsections 4 and 5, but notwithstanding the other limitations and requirements of section 8.39. Disbursements by the department of management under this paragraph to another department or establishment shall not be counted in calculating the aggregate amount of intradepartmental and interdepartmental transfers under section 8.39, subsection 3.

(5) Moneys appropriated in this paragraph shall not supplant other appropriated moneys.

(6) (a) Notwithstanding section 8.33, moneys disbursed by the department of management under this paragraph to another department or establishment shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year, at which time the moneys shall revert to the Iowa economic emergency fund.

(b) Moneys not disbursed as described in subparagraph division (a) shall revert to the Iowa economic emergency fund at the close of the fiscal year for which the moneys were appropriated, as required under section 8.33.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the Iowa economic emergency fund shall be credited to the rebuild Iowa infrastructure fund.

84 Acts, ch 1305, §21; 92 Acts, ch 1227, §5; 94 Acts, ch 1181, §8; 95 Acts, ch 214, §13; 2001 Acts, 2nd Ex, ch 6, §27, 28, 37; 2002 Acts, ch 1169, §1; 2002 Acts, ch 1175, §73; 2002 Acts, 2nd Ex, ch 1001, §25, 26, 33, 52; 2003 Acts, ch 35, §45, 49; 2003 Acts, ch 179, §29, 30, 40; 2004 Acts, ch 1175, §216; 2005 Acts, ch 179, §24, 25; 2006 Acts, ch 1173, §1, 3; 2011 Acts, ch 123, §29, 32; 2011 Acts, ch 131, §14, 15, 158; 2012 Acts, ch 1021, §1; 2016 Acts, ch 1011, §1; 2018 Acts, ch 1028, §10, 13; 2018 Acts, ch 1161, §47, 53, 55 – 57; 2024 Acts, ch 1185, §21; 2025 Acts, ch 28, §81, 82; 2025 Acts, ch 136, §134

Referred to in §7D.29, 8.54, 8.58, 29C.6

For the fiscal year beginning July 1, 2028, $125,000,000 of excess moneys under subsection 2 to be transferred to taxpayer relief fund; 2026 Acts, ch 1115, §168

8.56 Cash reserve fund.

1. A cash reserve fund is created in the state treasury. The cash reserve fund shall be separate from the general fund of the state and shall not be considered part of the general fund of the state. The moneys in the cash reserve fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the cash reserve fund shall be credited to the rebuild Iowa infrastructure fund created in section 8.57. Moneys in the cash reserve fund may be used for cash flow

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purposes during a fiscal year provided that any moneys so allocated are returned to the cash reserve fund by the end of that fiscal year.

2. The maximum balance of the cash reserve fund is the amount equal to the cash reserve goal percentage, as defined in section 8.57, multiplied by the adjusted revenue estimate for the general fund of the state for the current fiscal year.

3. The moneys in the cash reserve fund shall only be used pursuant to an appropriation made by the general assembly. An appropriation shall be made in accordance with subsection 4 only for the fiscal year in which the appropriation is made. The moneys shall only be appropriated by the general assembly for nonrecurring emergency expenditures and shall not be appropriated for payment of any collective bargaining agreement or arbitrator's decision negotiated or awarded under chapter 20.

4. *a.* Except as provided in subsection 1, an appropriation shall not be made from the cash reserve fund unless the appropriation is in accordance with all of the following:

(1) The appropriation is contained in a bill or joint resolution in which the appropriation is the only subject matter of the bill or joint resolution.

(2) The bill or joint resolution states the reasons the appropriation is necessary.

b. In addition to the requirements of paragraph *"a"*, an appropriation shall not be made from the cash reserve fund which would cause the fund's balance to be less than three and three-fourths percent of the adjusted revenue estimate for the year for which the appropriation is made unless the bill or joint resolution is approved by vote of at least three-fifths of the members of both chambers of the general assembly and is signed by the governor.

92 Acts, ch 1227, §6; 94 Acts, ch 1181, §9; 95 Acts, ch 214, §14; 2001 Acts, 2nd Ex, ch 6, §29 – 31; 2002 Acts, 2nd Ex, ch 1001, §27, 33; 2003 Acts, ch 179, §40; 2024 Acts, ch 1185, §22
Referred to in §8.54, 8.62

8.57 Surplus transferred to cash reserve fund and Iowa economic emergency fund — rebuild Iowa infrastructure fund created.

1. *a.* The *"cash reserve goal percentage"* for fiscal years beginning on or after July 1, 2004, is seven and one-half percent of the adjusted revenue estimate. For each fiscal year in which the transfer of the surplus existing in the general fund of the state at the conclusion of the prior fiscal year pursuant to paragraph *"b"* was not sufficient for the cash reserve fund to reach the cash reserve goal percentage for the current fiscal year, there is transferred from the general fund of the state an amount to be determined as follows:

(1) If the balance of the cash reserve fund in the current fiscal year is not more than six and one-half percent of the adjusted revenue estimate for the current fiscal year, the amount of the transfer under this paragraph is one percent of the adjusted revenue estimate for the current fiscal year.

(2) If the balance of the cash reserve fund in the current fiscal year is more than six and one-half percent but less than seven and one-half percent of the adjusted revenue estimate for that fiscal year, the amount of the transfer under this paragraph is the amount necessary for the cash reserve fund to reach seven and one-half percent of the adjusted revenue estimate for the current fiscal year.

(3) The moneys transferred under this paragraph shall be credited in equal and proportionate amounts in each quarter of the current fiscal year.

b. The surplus existing in the general fund of the state at the conclusion of the fiscal year is transferred to the cash reserve fund, not to exceed the amount necessary for the cash reserve fund to reach the cash reserve goal percentage for the succeeding fiscal year. As used in this paragraph, *"surplus"* means the excess of revenues and other financing sources over expenditures and other financing uses for the general fund of the state in a fiscal year.

2. To the extent that moneys transferred under subsection 1 exceed the amounts necessary for the cash reserve fund to reach its maximum balance, the moneys shall be transferred to the Iowa economic emergency fund.

3. *a.* A rebuild Iowa infrastructure fund is created under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. The rebuild Iowa

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infrastructure fund shall be separate from the general fund of the state and the balance in the rebuild Iowa infrastructure fund shall not be considered part of the balance of the general fund of the state.

b. Moneys in the rebuild Iowa infrastructure fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the rebuild Iowa infrastructure fund shall be credited to the fund. Moneys in the rebuild Iowa infrastructure fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

c. Moneys in the rebuild Iowa infrastructure fund in a fiscal year shall be used as directed by the general assembly for public vertical infrastructure projects. For the purposes of this subsection, *"vertical infrastructure"* includes only land acquisition and construction; major renovation and major repair of buildings; routine, recurring maintenance; all appurtenant structures; utilities; site development; recreational trails; renewable fuel infrastructure programs; and debt service payments on academic revenue bonds issued in accordance with chapter 262A for capital projects at board of regents institutions. *"Vertical infrastructure"* does not include operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

d. (1) (a) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter until the principal and interest on all bonds issued by the treasurer of state pursuant to section 12.87 are paid, as determined by the treasurer of state, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the first fifty-five million dollars shall be deposited in the revenue bonds debt service fund created in section 12.89, and the next three million seven hundred fifty thousand dollars shall be deposited in the revenue bonds federal subsidy holdback fund created in section 12.89A.

(b) (i) For each fiscal year of the period beginning July 1, 2020, and ending June 30, 2039, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next fifteen million dollars shall be deposited in the water quality infrastructure fund created in section 8.57B.

(ii) Notwithstanding subparagraph subdivision (i), this subparagraph division (b) is repealed on one of the following dates, whichever is earlier:

(A) On July 1 following the enactment date that the tax rate for the sales tax imposed upon the retail sales price of tangible personal property and the furnishing of enumerated services sold in this state in effect on July 1, 2016, is increased.

(B) On July 1, 2039.

(c) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next sixty-three million seven hundred fifty thousand dollars shall be deposited in the Iowa skilled worker and job creation fund created in section 8.57J.

(d) (i) For the fiscal year beginning July 1, 2023, and for each fiscal year thereafter through the fiscal year beginning July 1, 2027, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next five million dollars shall be deposited in the levee improvement fund created in section 8.57D.

(ii) This subparagraph division is repealed July 1, 2028.

(e) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next two million two hundred fifty thousand dollars shall be deposited in the general fund of the state.

(f) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, the remaining wagering tax receipts received pursuant to sections 99D.17 and 99F.11 not otherwise deposited under this paragraph *"d"* shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this subsection.

(2) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, if the total amount of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, and to be deposited pursuant to subparagraph (1), subparagraph division (a), is less than the total amount of moneys directed to be deposited in the revenue bonds debt service fund and the revenue bonds federal subsidy holdback fund in the fiscal year pursuant to subparagraph (1), subparagraph division (a), the difference shall be paid from moneys deposited in the beer

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and liquor control fund created in section 123.17 in the manner provided in section 123.17, subsection 3.

e. Annually, on or before January 15 of each year, a state agency that received an appropriation from the rebuild Iowa infrastructure fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

f. Annually, on or before December 31 of each year, a recipient of moneys from the rebuild Iowa infrastructure fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

92 Acts, ch 1227, §7; 92 Acts, 2nd Ex, ch 1001, §229, 230; 94 Acts, ch 1181, §10,11; 95 Acts, ch 209, §11, 12; 95 Acts, ch 214, §15, 16; 96 Acts, ch 1218, §25, 26, 71; 2000 Acts, ch 1225, §30, 38, 39; 2001 Acts, ch 185, §33, 49; 2002 Acts, 2nd Ex, ch 1001, §28, 29, 33, 52; 2003 Acts, ch 178, §99, 121; 2003 Acts, ch 179, §31, 40, 90, 142, 159; 2003 Acts, 1st Ex, ch 2, §91, 209; 2004 Acts, ch 1101, §100, 102; 2004 Acts, ch 1170, §3; 2004 Acts, ch 1175, §321; 2006 Acts, ch 1173, §2, 3; 2006 Acts, ch 1179, §33; 2007 Acts, ch 22, §114, 116; 2007 Acts, ch 219, §27; 2008 Acts, ch 1134, §37; 2008 Acts, ch 1179, §37; 2009 Acts, ch 173, §26, 36; 2009 Acts, ch 179, §29; 2009 Acts, ch 182, §100; 2009 Acts, ch 184, §29; 2010 Acts, ch 1184, §75, 76; 2011 Acts, ch 25, §1; 2011 Acts, ch 133, §18, 19, 50; 2012 Acts, ch 1021, §2; 2012 Acts, ch 1140, §21; 2013 Acts, ch 142, §29, 30; 2014 Acts, ch 1026, §143; 2014 Acts, ch 1136, §15, 16; 2015 Acts, ch 141, §31, 67, 68; 2017 Acts, ch 173, §16; 2018 Acts, ch 1001, §1, 2; 2018 Acts, ch 1169, §18 – 20; 2019 Acts, ch 132, §47, 52; 2021 Acts, ch 143, §33, 34; 2023 Acts, ch 163, §1, 10; 2024 Acts, ch 1185, §23 – 30; 2025 Acts, ch 167, §3, 4

Referred to in §7E.5A, 8.22A, 8.54, 8.56, 8.57A, 8.57B, 8.57D, 8.58, 12.72, 12.82, 12.87, 12.89, 12.89A, 12E.12, 15.261, 15.262, 16.193, 99D.17, 99D.27B, 99F.4A, 99F.10, 99F.11, 99G.39, 123.17, 260G.6, 324A.6A

For temporary exceptions to appropriations contained in this section, see appropriations and other noncodified enactments in annual Acts of the general assembly

8.57A Environment first fund.

1. An environment first fund is created under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the environment first fund shall be credited to the rebuild Iowa infrastructure fund.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for the protection, conservation, enhancement, or improvement of natural resources or the environment.

4. A severance tax account is created in the environment first fund. Moneys in the account in a fiscal year shall be used as appropriated by the general assembly for purposes of supporting water quality projects.

5. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter, the sum of forty-two million dollars to the environment first fund, notwithstanding section 8.57, subsection 3, paragraph "c".

6. Annually, on or before January 15 of each year, a state agency that received an appropriation from the environment first fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the

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amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2000 Acts, ch 1225, §22; 2006 Acts, ch 1179, §34; 2007 Acts, ch 215, §8; 2007 Acts, ch 219, §28; 2008 Acts, ch 1179, §38; 2010 Acts, ch 1184, §77; 2011 Acts, ch 133, §20, 50; 2012 Acts, ch 1021, §126; 2024 Acts, ch 1185, §31; 2026 Acts, ch 1040, §5; 2026 Acts, ch 1141, §1

Referred to in §458A.28
NEW subsection 4
Former subsection 4, paragraphs b and c stricken and former subsection 4, paragraph a redesignated as subsection 5
Former subsection 5 renumbered as 6

8.57B Water quality infrastructure fund — creation — appropriations.

1. A water quality infrastructure fund is created within the division of soil conservation and water quality of the department of agriculture and land stewardship. The fund shall consist of moneys deposited in the fund pursuant to section 8.57, subsection 3, paragraph "*d*", subparagraph (1), subparagraph division (b), moneys transferred to the fund pursuant to section 423G.6, and appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law.

2. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

3. Moneys in the fund are appropriated to the division of soil conservation and water quality of the department of agriculture and land stewardship for the exclusive purpose of supporting water quality agriculture infrastructure programs created in section 466B.43.

4. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2018 Acts, ch 1001, §3; 2019 Acts, ch 59, §6; 2024 Acts, ch 1185, §32

Referred to in §8.57, 423G.6

8.57C Technology reinvestment fund.

1. A technology reinvestment fund is created under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

2. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for the acquisition of computer hardware and software, software development, telecommunications equipment, and maintenance and lease agreements associated with technology components and for the purchase of equipment intended to provide an uninterruptible power supply.

3. *a.* The department of management shall prioritize proposed projects based on all of the following considerations:

(1) Whether the project aligns with the state's strategic priorities.

(2) Whether the project promotes or introduces new technology or significantly improves an existing system.

(3) Whether the project is feasible and whether the department or establishment has established readiness for the project to proceed, including a clear assessment of timelines, budgets, and measurable outcomes.

(4) Whether the project includes a clear change management strategy to support user adoption and aligns with lean enterprise principles to maximize value, minimize waste, and ensure continuous improvement.

(5) Whether the project provides a positive return on investment, considering both financial returns and nonfinancial benefits such as improved public safety, education, or health care.

(6) Whether the project results in infrastructure that is scalable across the state enterprise.

(7) Whether the department or establishment has identified how the completed project will be sustained beyond the initial funding period.

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(8) Whether the project improves access to governmental services, particularly in rural communities.

(9) Whether the project involves an infrastructure project as opposed to maintenance or standard upgrades of existing technology.

b. The department of management shall provide a prioritized list of proposed projects for funding to the governor, who shall use the list in developing a budgetary recommendation for the general assembly pursuant to section 8.21 for the fiscal year beginning July 1, 2027, and for each fiscal year thereafter.

c. Notwithstanding section 8.33, moneys in the technology reinvestment fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends two years after the end of the fiscal year for which the appropriation was made. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from this fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2006 Acts, ch 1179, §23; 2007 Acts, ch 219, §30; 2008 Acts, ch 1179, §40; 2009 Acts, ch 184, §30; 2010 Acts, ch 1184, §78; 2011 Acts, ch 133, §21, 22, 50; 2012 Acts, ch 1021, §127; 2012 Acts, ch 1140, §22; 2013 Acts, ch 142, §31; 2015 Acts, ch 139, §12 – 14; 2016 Acts, ch 1133, §20; 2017 Acts, ch 173, §17, 18; 2018 Acts, ch 1162, §14, 15; 2019 Acts, ch 137, §11, 12; 2020 Acts, ch 1120, §12, 13; 2021 Acts, ch 167, §10; 2022 Acts, ch 1150, §13, 14; 2023 Acts, ch 118, §8, 9; 2024 Acts, ch 1155, §11, 12; 2024 Acts, ch 1185, §33 – 35; 2025 Acts, ch 167, §11; 2026 Acts, ch 1163, §7; 2026 Acts, ch 1169, §2

For future amendments to subsections 2 and 4, effective July 1, 2027, see 2026 Acts, ch 1169, §2, 21
See Code editor's note on simple harmonization at the beginning of this Code volume
Subsection 3 amended

8.57D Levee improvement fund — creation — appropriations.

1. A levee improvement fund is created within the department of homeland security and emergency management created pursuant to section 29C.5 which shall be under the control of that department.

2. The levee improvement fund shall consist of moneys deposited in the fund pursuant to section 8.57, subsection 3, paragraph *"d"*, subparagraph (1), subparagraph division (d); appropriations made to the fund; and transfers of interest, earnings, and moneys from other funds as provided by law.

3. The levee improvement fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

4. *a.* Moneys in the levee improvement fund are appropriated to the department of homeland security and emergency management for the exclusive purpose of supporting all of the following:

(1) The office of levee safety, including to conduct a statewide analysis of the condition of the state's levees as provided in section 418A.4.

(2) The flood mitigation board, including to award cost-share moneys to levee districts pursuant to the levee improvement program as provided in section 418A.5.

b. Not more than five percent of moneys in the levee improvement fund shall be available to defray expenses incurred in administering chapter 418A by the department, including the office of levee safety and flood mitigation board.

5. *a.* Notwithstanding section 8.33, moneys in the levee improvement fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for the expenditure for the purposes designated.

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b. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

6. This section is repealed July 1, 2028.

2023 Acts, ch 163, §2, 10; 2024 Acts, ch 1185, §36
Referred to in §8.57

8.57E Taxpayer relief fund.

1. A taxpayer relief fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

2. *a.* Except as otherwise provided in this section, moneys in the taxpayer relief fund shall only be used pursuant to appropriations or transfers made by the general assembly for tax relief or reductions in income tax rates.

b. (1) For the fiscal year beginning July 1, 2024, and for each fiscal year thereafter, if the actual net revenue for the general fund of the state for the fiscal year is less than the net general fund appropriation for the fiscal year, there is transferred from the taxpayer relief fund to the general fund of the state an amount equal to fifty percent of the difference or the remaining balance of the taxpayer relief fund, whichever is lower.

(2) (a) For the fiscal year beginning July 1, 2027, the transfer pursuant to this paragraph shall not exceed fifty percent of the difference between the adjusted revenue estimate, as defined in section 8.54, for the fiscal year and the net general fund appropriation for the fiscal year.

(b) For the fiscal year beginning July 1, 2028, the transfer pursuant to this paragraph shall not exceed fifty percent of the difference between the adjusted revenue estimate, as defined in section 8.54, for the fiscal year and the net general fund appropriation for the fiscal year.

(3) For purposes of this paragraph, "*net general fund appropriation*" means the total appropriations from the general fund of the state enacted by the general assembly and approved by the governor or otherwise provided by law for the fiscal year, minus reversions to the general fund of the state.

(4) This paragraph is repealed July 1, 2029.

3. Moneys in the taxpayer relief fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the taxpayer relief fund shall be credited to the fund.

2011 Acts, ch 123, §30; 2011 Acts, ch 131, §50, 158; 2013 Acts, ch 123, §41, 45, 46; 2018 Acts, ch 1161, §48, 53; 2022 Acts, ch 1002, §65; 2024 Acts, ch 1094, §63; 2024 Acts, ch 1185, §37; 2026 Acts, ch 1003, §18, 21
Referred to in §8.54, 8.55, 458A.28
Subsection 2, paragraph b, NEW subparagraph (2) and former subparagraphs (2) and (3) renumbered as (3) and (4)

8.57F State bond repayment fund.

1. *a.* The state bond repayment fund is created. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The moneys credited to the fund are not subject to section 8.33 and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

b. Moneys in the fund shall only be used for the defeasance or redemption of outstanding obligations issued by the state or an authority of the state that have debt service paid by a dedicated revenue source and for payment of costs relating to the defeasance or redemption.

c. Moneys in the fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

2. The moneys credited to the fund for the fiscal year beginning July 1, 2013, are appropriated to the treasurer of state to defease or redeem the following bonds and to pay the costs relating to the defeasance or redemption, to the extent the bonds can be defeased

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or redeemed and costs paid within the amount appropriated. The bonds shall be defeased or redeemed in the following order of priority:

a. In conjunction with the Iowa finance authority, the prison infrastructure revenue bonds issued pursuant to section 16.177.

b. The Iowa jobs program bonds issued pursuant to section 12.87, subsection 1, paragraph *"b"*, subparagraph (3), on which the interest is subject to federal income tax.

c. The school infrastructure program bonds issued pursuant to sections 12.81 through 12.86.

3. Any bonds listed in subsection 2 that are not defeased or redeemed in accordance with this section shall continue to be payable from their original payment source.

2013 Acts, ch 143, §2, 4; 2019 Acts, ch 46, §1; 2024 Acts, ch 1185, §38

8.57G Iowa coronavirus fiscal recovery fund.

1. An Iowa coronavirus fiscal recovery fund is created in the state treasury under the authority of the office of the governor. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The fund shall consist of moneys received by the state from the coronavirus state fiscal recovery fund pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2, and any other moneys appropriated to or deposited in the fund.

2. Moneys in the fund are appropriated to the office of the governor to be used, expended, granted, or transferred as determined by the governor for any of the following purposes:

a. To respond to the public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.

b. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the state that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work.

c. For the provision of government services to the extent of the reduction in state revenue due to the COVID-19 public health emergency relative to revenues collected in the fiscal year beginning July 1, 2018.

d. To make necessary investments in water, sewer, or broadband infrastructure.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. This section is repealed July 1, 2027.

2021 Acts, ch 172, §24, 29; 2024 Acts, ch 1185, §39

8.57H Iowa coronavirus capital projects fund.

1. An Iowa coronavirus capital projects fund is created in the state treasury under the authority of the office of the governor. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. The fund shall consist of moneys received by the state from the coronavirus capital projects fund pursuant to the American Rescue Plan Act of 2021, Pub. L. No. 117-2, and any other moneys appropriated to or deposited in the fund.

2. Moneys in the fund are appropriated to the office of the governor to be used, expended, granted, or transferred as determined by the governor to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency with respect to COVID-19.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. This section is repealed July 1, 2027.

2021 Acts, ch 172, §25, 29; 2024 Acts, ch 1185, §40

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8.57I Sports wagering receipts fund.

1. A sports wagering receipts fund is created in the state treasury under the authority of the department of management. The fund shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds or sources as provided by law. The sports wagering receipts fund shall be separate from the general fund of the state and the balance in the sports wagering receipts fund shall not be considered part of the balance of the general fund of the state.

2. Moneys in the sports wagering receipts fund are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the sports wagering receipts fund shall be credited to the fund. Moneys in the sports wagering receipts fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year.

3. *a.* Moneys in the sports wagering receipts fund in a fiscal year shall be used as directed by the general assembly.

b. For the fiscal year beginning July 1, 2025, and each fiscal year thereafter, there is appropriated from the sports wagering receipts fund to the public safety equipment fund created in section 80.48 eight million dollars. Subsections 5 and 6 do not apply to moneys appropriated under this paragraph.

c. (1) For the fiscal year beginning July 1, 2026, and each fiscal year thereafter, there is appropriated from the sports wagering receipts fund to the department of health and human services one million dollars to provide a grant to the Iowa healthiest state initiative to support the double up food bucks program to make fresh fruits and vegetables sold at farmers markets, grocery stores, and other participating locations accessible to individuals and families who reside in this state and receive assistance through the federal supplemental nutrition assistance program.

(2) A grant recipient that receives funding pursuant to this paragraph shall provide at least a dollar-for-dollar match of the grant assistance.

(3) Subsections 5 and 6 do not apply to moneys appropriated under this paragraph.

4. For the fiscal year beginning July 1, 2026, and for each fiscal year thereafter, an amount necessary to bring the unencumbered and unobligated balance in the length of service award program grant fund created in section 100B.52 to one million five hundred thousand dollars as of July 1 of the fiscal year shall be transferred from the sports wagering receipts fund to the length of service award program grant fund. Moneys received from the sports wagering receipts fund pursuant to this subsection are not subject to the reporting requirements provided in subsection 5 or 6. This subsection is repealed July 1, 2030.

5. Annually, on or before January 15 of each year, a state agency that received an appropriation from the sports wagering receipts fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

6. Annually, on or before December 31 of each year, a recipient of moneys from the sports wagering receipts fund for any purpose shall report to the state agency to which the moneys are appropriated the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2024 Acts, ch 1185, §41; 2025 Acts, ch 160, §1, 2, 8; 2026 Acts, ch 1200, §7
Referred to in §15E.311, 99E.6, 99F.11
Subsection 3, NEW paragraph c

8.57J Iowa skilled worker and job creation fund.

1. An Iowa skilled worker and job creation fund is created in the state treasury. The fund

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shall consist of appropriations made to the fund, moneys transferred to the fund, and moneys deposited in the fund as provided by law.

2. The Iowa skilled worker and job creation fund shall be separate from the general fund of the state and the balance in the Iowa skilled worker and job creation fund shall not be considered part of the balance of the general fund of the state. Moneys in the fund may be used for cash flow purposes during a fiscal year provided that any moneys so allocated are returned to the fund by the end of that fiscal year. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure in subsequent fiscal years.

2013 Acts, ch 141, §31
C2014, §8.75
2024 Acts, ch 1185, §44, 85
C2025, §8.57J
Referred to in §8.57

8.58 Exemption from automatic application.

1. To the extent that moneys transferred under section 8.57 do not result in moneys being credited to the general fund of the state under section 8.55, subsection 2, moneys transferred under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, taxpayer relief fund, state bond repayment fund, Iowa coronavirus fiscal recovery fund, Iowa coronavirus capital projects fund, sports wagering receipts fund, and Iowa skilled worker and job creation fund shall not be considered in the application of any formula, index, or other statutory triggering mechanism which would affect appropriations, payments, or taxation rates, contrary provisions of law notwithstanding.

2. To the extent that moneys transferred under section 8.57 do not result in moneys being credited to the general fund of the state under section 8.55, subsection 2, moneys transferred under section 8.57 and moneys contained in the cash reserve fund, rebuild Iowa infrastructure fund, environment first fund, Iowa economic emergency fund, taxpayer relief fund, state bond repayment fund, Iowa coronavirus fiscal recovery fund, Iowa coronavirus capital projects fund, sports wagering receipts fund, and Iowa skilled worker and job creation fund shall not be considered by an arbitrator or in negotiations under chapter 20.

92 Acts, ch 1227, §8; 95 Acts, ch 214, §17; 2000 Acts, ch 1225, §23; 2011 Acts, ch 123, §31; 2013 Acts, ch 143, §3, 4; 2018 Acts, ch 1161, §49, 53; 2021 Acts, ch 172, §26, 29; 2024 Acts, ch 1185, §42
For future repeal of 2021 amendment to this section on July 1, 2027, see 2021 Acts, ch 172, §28; 2024 Acts, ch 1185, §81

SUBCHAPTER VI

APPROPRIATIONS FREEZE — USE OF DESIGNATED MONEYS

8.59 Appropriations freeze. Repealed by 2024 Acts, ch 1185, §83.

8.60 Use of designated moneys. Repealed by 2024 Acts, ch 1185, §83.

8.61 Trust fund information. Repealed by 2024 Acts, ch 1185, §83.

SUBCHAPTER VII

USE OF REVERSIONS — INNOVATIONS FUND

8.62 Use of reversions.

1. For the purposes of this section, "*operational appropriation*" means an appropriation from the general fund of the state providing for salary, support, administrative expenses, or other personnel-related costs.

2. Notwithstanding the provisions of section 8.33 or any other provision of law to the

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contrary, if on June 30 of a fiscal year, a balance of an operational appropriation remains unexpended or unencumbered, not more than fifty percent of the balance may be encumbered by the agency to which the appropriation was made and used as provided in this section and the remaining balance shall be deposited in the cash reserve fund created in section 8.56. Moneys encumbered under this section shall only be used by the agency during the succeeding fiscal year for internet-based employee training, technology enhancement, or purchases of goods and services from Iowa prison industries. Unused moneys encumbered under this section shall be deposited in the cash reserve fund on June 30 of the succeeding fiscal year.

3. On or before June 30 of the fiscal year following the fiscal year in which funds were encumbered under this section, an agency encumbering funds under this section shall report to the joint appropriations subcommittee which recommends funding for the agency, the legislative services agency, the department of management, and the legislative fiscal committee of the legislative council detailing how the moneys were expended. Moneys shall not be encumbered under this section from an appropriation which received a transfer from another appropriation pursuant to section 8.39.

94 Acts, ch 1181, §2; 96 Acts, ch 1219, §1; 99 Acts, ch 182, §1, 2; 2003 Acts, ch 35, §45, 49; 2010 Acts, ch 1031, §60

8.63 Innovations fund. Repealed by 2009 Acts, ch 170, §48, 50.

SUBCHAPTER VIII

LOCAL GOVERNMENT INNOVATION COMMISSION AND FUND AND CENTER FOR GOVERNING EXCELLENCE

8.64 through 8.68 Repealed by 2009 Acts, ch 170, §46, 50.

8.69 Tim Shields center for governing excellence in Iowa. Repealed by 2009 Acts, ch 170, §48, 50.

SUBCHAPTER IX

OFFICE OF LEAN ENTERPRISE AND CHANGE MANAGEMENT

8.70 Lean enterprise and change management office.

1. For purposes of this section:

a. "Change management" means the application of a structured approach to the transition of an organization and its workforce from a current state to a future state to achieve expected benefits. *"Change management"* includes preparing and supporting employees, establishing the necessary steps for change, and monitoring activities to ensure successful implementation.

b. "Lean" means a business-oriented system for organizing and managing product development, operations, suppliers, and customer relations to create precise customer value, expressed as providing goods and services with higher quality and fewer defects and errors, with less human effort, less space, less capital, and less time than more traditional systems.

2. The office of lean enterprise and change management is established in the department of management. The function of the office is to ensure implementation of lean tools and change management as components of a performance management system for all executive branch agencies. Staffing for the office shall be provided by an administrator appointed by the director of the department of management.

3. The duties of the office may include the following:

a. Create a standardized approach to change that achieves expected benefits and organizational goals.

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b. Create strategic and tactical approaches for lean implementation, including integration into state governance and operational systems.

c. Lead and develop state government's capacity to implement lean and change management tools and structures, including design and development of instructional materials as needed with the goal of integrating continuous improvement and change management into the organizational culture.

d. (1) Create demand for lean and change management tools and initiatives in departments and establishments.

(2) Communicate with agency directors, boards, commissions, and senior management to create interest and organizational will to implement lean and change management tools and enterprises to improve agency results.

(3) Provide direction and advice to department heads and senior management to plan and implement departmental lean and change management programs.

(4) Direct and review plans for leadership and assist with identifying and selecting process improvement projects of key importance to agency goals, programs, and missions.

e. Continuously evaluate organizational performance in meeting objectives, identify and structure the direction that change management and lean implementation should take to provide greatest effectiveness, and justify critical and far-reaching changes.

f. (1) Lead the collection and reporting of data and learning related to lean and change management accomplishments.

(2) Widely disseminate lean and change management results and learning with Iowans, stakeholders, and other members of the public to demonstrate the benefits and return on investment.

g. (1) Evaluate the effect of unforeseen developments on plans and programs and present to agency directors, boards, commissions, and senior management suggested changes in overall direction.

(2) Provide input related to proposals regarding new or revised legislation, regulations, and related changes which have a direct impact over the implementation.

h. Lead the development of alliances and partnerships with the business community, associations, consultants, and other stakeholders to enhance external support and advance the implementation of lean and change management tools and enterprises in state government.

i. Lead relations with the general assembly and staff to build support for and understanding of lean and change management work in state government.

2009 Acts, ch 13, §1; 2024 Acts, ch 1185, §43

8.71 through 8.74 Reserved.

SUBCHAPTER X

IOWA SKILLED WORKER AND JOB CREATION FUND

8.75 Iowa skilled worker and job creation fund. Transferred to §8.57J; 2024 Acts, ch 1185, §85.

SUBCHAPTER XI

INFORMATION TECHNOLOGY

Referred to in §8.5, 427.1(40)(a)

8.76 Definitions.

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

1. *"Broadband"* means a high-speed, high-capacity electronic transmission medium, including fixed wireless and mobile wireless mediums, that can carry data signals from

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independent network sources by establishing different bandwidth channels and that is commonly used to deliver internet services to the public.

2. *"Broadband infrastructure"* means the physical infrastructure used for the transmission of data that provides broadband services. *"Broadband infrastructure"* does not include land, buildings, structures, improvements, or equipment not directly used in the transmission of data via broadband.

3. *"Communications service provider"* means a service provider that provides broadband service.

4. *"Crop operation"* means the same as defined in section 717A.1.

5. *"Department"* means the department of management.

6. *"Director"* means the director of the department of management.

7. *"Facilitate"* means a communication service provider's ability to provide broadband service at or above the download and upload speeds specified in the definition of targeted service area in this section to a home, farm, school, or business within a commercially reasonable time and at a commercially reasonable price upon request by a consumer.

8. *"Information technology"* means computing and electronics applications used to process and distribute information in digital and other forms and includes information technology devices, information technology services, infrastructure services, broadband and broadband infrastructure, and value-added services.

9. *"Information technology device"* means equipment or associated software, including programs, languages, procedures, or associated documentation, used in operating the equipment which is designed for utilizing information stored in an electronic format. *"Information technology device"* includes but is not limited to computer systems, computer networks, and equipment used for input, output, processing, storage, display, scanning, and printing.

10. *"Information technology services"* means services designed to do any of the following:

a. Provide functions, maintenance, and support of information technology devices.

b. Provide services including but not limited to any of the following:

(1) Computer systems application development and maintenance.
(2) Systems integration and interoperability.
(3) Operating systems maintenance and design.
(4) Computer systems programming.
(5) Computer systems software support.
(6) Planning and security relating to information technology devices.
(7) Data management consultation.
(8) Information technology education and consulting.
(9) Information technology planning and policies.
(10) Establishment of local area network and workstation management policies.

11. *"Information technology staff"* includes any employees performing information technology services, including but not limited to department or establishment employees in information technology classifications, contractors, temporary workers, and any other employees providing information technology services.

12. *"Infrastructure services"* includes all of the following:

a. Data centers used to support mainframe and other computers and their associated components including servers, information networks, storage systems, redundant or backup power systems, redundant data communications connections, environmental controls, and security devices.

b. Servers, mainframes, or other centralized processing systems.

c. Storage systems, including but not limited to disk, tape, optical, and other structured repositories for storing digital information.

d. Computer networks commonly referred to as local area networks.

e. Network services, including equipment and software which support local area networks, campus area networks, wide area networks, and metro area networks. Network services also include data network services such as routers, switches, firewalls, virtual private networks, intrusion detection systems, access control, internet protocol load balancers, event logging and correlation, and content caching. Network services also include

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cybersecurity support and information technology support for the public broadcasting division of the department of education. *"Network services"* does not extend to control of the federally licensed television airwaves.

f. Groupware applications used to facilitate collaboration, communication, and workflow, including electronic mail, directory services, calendaring and scheduling, and imaging systems.

g. Information technology help desk services.

h. Cyber security functions and equipment.

i. Digital printing and printing procurement services.

j. Data warehouses, including services that assist in managing and locating digital information.

k. Disaster recovery technology and services.

l. Cloud computing solutions including but not limited to solutions based on software as a service, platform as a service, and infrastructure as a service.

m. Other similar or related services as determined by the director.

13. *"Supported entity"* 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, *"supported entity"* 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.

e. The state board of regents and institutions operated under its authority.

14. *"Targeted service area"* means any of the following:

a. A United States census bureau census block located in this state, including any crop operation located within the census block, or other geographic unit the department sets by rule, within which no communications service provider offers or facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds. As used in this subsection:

(1) *"Tier 1"* means a maximum download speed of less than twenty-five megabits per second and a maximum upload speed of less than three megabits per second.

(2) *"Tier 2"* means a minimum download speed of greater than or equal to twenty-five megabits per second but less than fifty megabits per second.

(3) *"Tier 3"* means a minimum download speed of greater than or equal to fifty megabits per second but less than eighty megabits per second.

b. Any geographic area, as the department sets by rule, that is materially underserved by broadband service such that tier 1, tier 2, and tier 3 download and upload speeds are not meaningfully available. The department's power to determine the geographic area by rule under this paragraph includes the power to define and interpret policies as to whether a geographic area is materially underserved and broadband service is meaningfully available.

15. *"Underserved area"* means any portion of a targeted service area within which no communications service provider facilitates broadband service meeting the tier 1 download and upload speeds specified in the definition of targeted service area in this section.

16. *"Value-added services"* means services that offer or provide unique, special, or enhanced value, benefits, or features to the customer or user including but not limited to services in which information technology is specially designed, modified, or adapted to meet the special or requested needs of the user or customer; services involving the delivery, provision, or transmission of information or data that require or involve additional processing, formatting, enhancement, compilation, or security; services that provide the customer or user with enhanced accessibility, security, or convenience; research and development services; and services that are provided to support technological or statutory requirements imposed on supported entities and other governmental entities, businesses, and the public.

2013 Acts, ch 129, §5
C2014, §8B.1

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2015 Acts, ch 120, §26, 27; 2018 Acts, ch 1123, §1, 7; 2019 Acts, ch 159, §2 – 4; 2020 Acts, ch 1078, §1, 17; 2021 Acts, ch 47, §1, 5, 6; 2024 Acts, ch 1185, §46 – 56, 85
C2025, §8.76
2025 Acts, ch 30, §1
Referred to in §8.3A, 8.5, 8.85, 15E.167, 422.7(10)(b), 422.35, 427.1(40)(a), 427.1(40)(b), 427.1(40)(f), 524.901

8.77 Information technology services — chief information officer powers and duties — responsibilities.

1. *Powers and duties of the chief information officer.* The powers and duties of the chief information officer as it relates to information technology services include but are not limited to all of the following:

a. Approving information technology for use by supported entities and other governmental entities.

b. Directing, developing, and implementing policies, procedures, and organization measures designed to ensure the efficient administration of information technology.

c. Implementing the strategic information technology plan.

d. Prescribing and adopting information technology policies, procedures, and rules that are binding on all supported entities and that represent best practices for other governmental entities in the state that are not supported entities.

e. Developing and implementing a business continuity plan, as the director determines is appropriate, to be used if a disruption occurs in the provision of information technology to supported entities and other governmental entities.

f. Prescribing policies and adopting rules relating to cybersecurity, geospatial systems, application development, and information technology and procurement, including but not limited to system design and systems integration, and interoperability, which are binding on all supported entities except as otherwise provided in this subchapter, and which represent best practices for other governmental entities in the state that are not supported entities. The department shall implement information technology policies as established pursuant to this subchapter that are applicable to information technology procurements for supported entities.

g. Providing continuous monitoring through a security operations center for supported entities, which the department may also make available to other governmental entities.

h. Establishing an enterprise strategic and project management function for oversight of all information technology-related projects and resources of supported entities that require prior approval by rule.

i. (1) Developing and maintaining security policies and systems to ensure the integrity of the state's information resources and to prevent the disclosure of confidential records. The department shall ensure that the security policies and systems be consistent with the state's data transparency efforts by developing and implementing policies and systems for the sharing of data and information by supported entities.

(2) Establishing statewide policies, to include periodic review and compliance measures, for information technology security to maximize the functionality, security, and interoperability of the state's distributed information technology assets, including but not limited to communications and encryption technologies.

(3) Requiring all information technology security services, solutions, hardware, and software purchased or used by a supported entity to be subject to approval by the department in accordance with security policies.

j. Developing and implementing effective and efficient strategies for the use and provision of information technology for supported entities and other governmental entities.

k. Coordinating and managing the acquisition of information technology goods and services by supported entities in furtherance of the purposes of this subchapter. The department shall institute procedures to ensure effective and efficient compliance with the applicable policies established pursuant to this subchapter.

l. Selecting the chief information security officer in consultation with the director, and selecting other information technology staff deemed necessary for the administration of the department's information technology functions as provided in this chapter.

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m. Determining and implementing statewide efforts to standardize data elements, determine data ownership assignments, and implement the sharing of data.

n. Requiring that a supported entity provide such information as is necessary to establish and maintain an inventory of information technology used by supported entities. A supported entity shall provide such information to the department in a timely manner, in a form and containing information as determined by the department.

o. Requiring supported entities to provide the full details of the entity's information technology and operational requirements upon request, report information technology security incidents to the department in a timely manner, provide comprehensive information concerning the information technology security employed by the entity to protect the entity's information technology, and forecast the parameters of the entity's projected future information technology security needs and capabilities.

p. Charging reasonable fees, costs, expenses, charges, or other amounts to an agency, governmental entity, public official, or person or entity related to the provision, sale, use, or utilization of, or cost sharing with respect to, information technology and any intellectual property interests related thereto; research and development; proprietary hardware, software, and applications; and information technology architecture and design. The department may enter into nondisclosure agreements and take any other legal action reasonably necessary to secure a right to an interest in information technology development by or on behalf of the state of Iowa and to protect the state of Iowa's proprietary information technology and intellectual property interests. The provisions of chapter 23A relating to noncompetition by state agencies and political subdivisions with private enterprise do not apply to department activities authorized under this paragraph.

q. Charging reasonable fees, costs, expenses, charges, or other amounts to an agency, governmental entity, public official, or other person or entity to or for whom information technology or other services have been provided by or on behalf of, or otherwise made available through, the department.

r. Providing, selling, leasing, licensing, transferring, or otherwise conveying or disposing of information technology, or any intellectual property or other rights with respect thereto, to agencies, governmental entities, public officials, or other persons or entities.

s. Entering into partnerships, contracts, leases, or other agreements with public and private entities for the evaluation and development of information technology pilot projects.

t. Initiating and supporting the development of electronic commerce, electronic government, and internet applications across supported entities and in cooperation with other governmental entities. The department shall foster joint development of electronic commerce and electronic government involving the public and private sectors, develop customer surveys and citizen outreach and education programs and material, and provide for citizen input regarding the state's electronic commerce and electronic government applications.

u. Working with all governmental entities in an effort to achieve information technology goals.

v. Developing systems and methodologies to review, evaluate, and prioritize information technology projects.

w. Streamlining, consolidating, and coordinating the access to and availability of broadband and broadband infrastructure throughout the state, including but not limited to facilitating public-private partnerships, ensuring that all departments' and establishments' broadband and broadband infrastructure policies are aligned, resolving issues that arise with regard to implementation efforts, and collecting data and developing metrics or policies against which the data may be measured and evaluated regarding broadband infrastructure installation and deployment.

x. Administering the broadband grant program pursuant to section 8.91, and providing technical assistance to communications service providers related to grant applications under section 8.91.

y. Coordinating the fiberoptic network conduit installation program established in section 8.86.

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2. *Responsibilities.* The responsibilities of the chief information officer as it relates to information technology services include all of the following:

a. Promote, integrate, and support information technology in all business aspects of state government.

b. Provide for server systems, including mainframe and other server operations, desktop support, and applications integration.

c. Provide applications development, support, and training, and advice and assistance in developing and supporting business applications throughout state government.

3. *Information technology charges.* The department shall render a statement to an agency, governmental entity, public official, or other person or entity to or for whom information technology, value-added services, or other items or services have been provided by or on behalf of, or otherwise made available through, the department. Such an agency, governmental entity, public official, or other person or entity shall pay an amount indicated on such statement in a manner determined by the department.

4. *Exclusion.* The department of public defense is not required to obtain any information technology services pursuant to this subchapter where such services involve or impact interconnections with federal networks and systems.

2013 Acts, ch 129, §18; 2013 Acts, ch 140, §51
C2014, §8B.21
2018 Acts, ch 1026, §5; 2024 Acts, ch 1185, §65 – 67, 85
C2025, §8.77
Referred to in §23A.2

8.78 Background checks.

An applicant for employment with the department, or an applicant for employment with a supported entity for a position as information technology staff, may be subject to a background investigation by the department. The background investigation may include, without limitation, a work history, financial review, request for criminal history data, and national criminal history check through the federal bureau of investigation. In addition, a contractor, vendor, employee, or any other individual performing work for the department, or an individual on the information technology staff of a supported entity, may be subject to a national criminal history check through the federal bureau of investigation at least once every five years, including, without limitation, any time the department or supported entity has reason to believe an individual has been convicted of a crime. The department may request the national criminal history check and, if requested, shall provide the individual's fingerprints to the department of public safety for submission through the state criminal history repository to the federal bureau of investigation. The individual shall authorize release of the results of the national criminal history check to the department and the applicable supported entity. The department shall pay the actual cost of the fingerprinting and national criminal history check, if any, unless otherwise agreed as part of a contract between the department or supported entity and a vendor or contractor performing work for the department or supported entity. The results of a criminal history check conducted pursuant to this section shall not be considered a public record under chapter 22.

2018 Acts, ch 1123, §2, 7
C2019, §8B.4A
2024 Acts, ch 1185, §57, 85
C2025, §8.78
2026 Acts, ch 1169, §3
Section amended

8.79 Targeted service areas — determination — criteria.

1. The determination of whether a communications service provider facilitates broadband service meeting the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area shall be determined or ascertained by reference to broadband availability maps or data sources that are identified by the department by rule. The department shall periodically make renewed determinations of whether a

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communications service provider facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area, which shall, to the extent updated maps and data sources are available at the time, include making such determinations prior to each round of grant applications solicited by the department pursuant to section 8.91. The department is not required to make renewed determinations of whether a communications service provider facilitates broadband service at or above the tier 1, tier 2, or tier 3 download and upload speeds specified in the definition of targeted service area more frequently than once in any calendar year.

2. The department shall establish procedures to allow challenges to the department's finding on whether an area meets the definition of targeted service area.

3. All findings and determinations made pursuant to this section shall exclude mobile wireless or satellite data, capabilities, and delivery mediums.

2015 Acts, ch 120, §31
C2016, §8B.10
2019 Acts, ch 159, §5; 2020 Acts, ch 1078, §4, 5, 17; 2021 Acts, ch 47, §2, 5, 6; 2024 Acts, ch 1185, §59, 85
C2025, §8.79

8.80 Services to governmental entities and nonprofit organizations.

1. The director shall enter into agreements with supported entities, and may enter into agreements with any other governmental entity, including a local governmental entity or entity created pursuant to chapter 28E, or with a nonprofit organization, to furnish services and facilities of the department to the applicable governmental entity or nonprofit organization under this subchapter. The agreement must 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, and also includes the Iowa state association of counties, the Iowa league of cities, and the Iowa association of school boards.

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 subchapter without the consent of the state board of regents.

2013 Acts, ch 129, §14
C2014, §8B.12
2024 Acts, ch 1185, §61, 85
C2025, §8.80

8.81 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 subchapter. 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 appropriated receipts 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

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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.

2013 Acts, ch 129, §16
C2014, §8B.15
2024 Acts, ch 1185, §63, 85
C2025, §8.81
Referred to in §8.89, 8.92

8.82 Department debts and liabilities — appropriation request.

If a service provided by the department and funded from an internal service fund established under section 8.92 ceases to be provided and insufficient funds remain in the 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.

2013 Acts, ch 129, §17
C2014, §8B.16
2024 Acts, ch 1185, §64, 85
C2025, §8.82

8.83 Digital government.

1. The department is responsible for initiating and supporting the development of electronic commerce, electronic government, mobile applications, and internet applications across supported entities and in cooperation with other governmental entities.

2. In developing the concept of digital government, the department shall do all of the following:

a. Establish policies, consistent with other state law, for the implementation of electronic commerce, including policies for the technical implementation of electronic signatures pursuant to chapter 554D, electronic currency, and other items associated with electronic commerce.

b. Establish guidelines for the appearance and functioning of applications.

c. Establish policies for the integration of electronic data across state agencies.

d. Foster joint development of electronic commerce and electronic government involving the public and private sectors.

e. Develop customer surveys and citizen outreach and education programs and material, and provide for citizen input regarding the state's electronic commerce and electronic government applications.

f. Assist supported entities in converting printed government materials to electronic materials which can be accessed through an internet searchable database.

g. Encourage supported entities to utilize duplex printing and a print on demand strategy to reduce printing costs, publication overruns, excessive inventory, and obsolete printed materials.

2013 Acts, ch 129, §19
C2014, §8B.22
2024 Acts, ch 1185, §68, 85
C2025, §8.83

8.84 Information technology policies.

1. The department shall develop and adopt information technology policies applicable to the procurement of information technology by all supported entities. Such policies, unless waived by the department, apply to all information technology procurements for supported entities.

2. The office of the governor or the office of an elective constitutional or statutory officer shall consult with the department prior to procuring information technology and consider the information technology policies adopted by the department, and provide a written report to the department relating to the office's decision regarding such acquisitions.

2013 Acts, ch 129, §20

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C2014, §8B.23
2024 Acts, ch 1185, §69, 85
C2025, §8.84

8.85 Procurement of information technology.

1. Policies established by the department, unless waived by the department, apply to all information technology procurements for supported entities.

2. The department shall institute procedures to ensure effective and efficient compliance with policies established by the department.

3. The department shall develop policies and procedures that apply to all information technology goods and services acquisitions, and shall ensure the compliance of all supported entities. The department shall also be the sole provider of information technology goods and services for supported entities, the sole authority in state government for the procurement of information technology goods and services for supported entities, the sole authority in state government for the establishment of master agreements for information technology goods and services, and the sole authority in state government for determining whether any particular procurement is an information technology procurement.

4. The department, by rule, may implement a prequalification procedure for contractors with which the department has entered or intends to enter into agreements regarding the procurement of information technology.

5. Notwithstanding the provisions governing purchasing as provided in chapter 8A, subchapter III, the department may procure information technology as provided in this section. The department may cooperate with other governmental entities in the procurement of information technology in an effort to make such procurements in a cost-effective, efficient manner as provided in this section. The department, as deemed appropriate and cost effective, may procure information technology using any of the following methods:

a. Cooperative procurement agreement. The department may enter into a cooperative procurement agreement with another governmental entity relating to the procurement of information technology, whether such information technology is for the use of the department or other governmental entities. The cooperative procurement agreement must clearly specify the purpose of the agreement and the method by which such purpose will be accomplished. Any power exercised under such agreement shall not exceed the power granted to any party to the agreement.

b. Negotiated contract. The department may enter into an agreement for the purchase of information technology if any of the following apply:

(1) The contract price, terms, and conditions are pursuant to the current federal supply contract, and the purchase order adequately identifies the federal supply contract under which the procurement is to be made.

(2) The contract price, terms, and conditions are no less favorable than the contractor's current federal supply contract price, terms, and conditions; the contractor has indicated in writing a willingness to extend such price, terms, and conditions to the department; and the purchase order adequately identifies the contract relied upon.

(3) The contract is with a vendor who has a current exclusive or nonexclusive price agreement with the state for the information technology to be procured, and such information technology meets the same standards and specifications as the items to be procured and all of the following apply:

(a) The quantity purchased does not exceed the quantity which may be purchased under the applicable price agreement.

(b) The purchase order adequately identifies the price agreement relied upon.

c. Contracts let by another entity. The department may contract for information technology by leveraging an existing, competitively procured contract established by any other governmental entity or cooperative purchasing organization.

d. Reverse auction.

(1) The department may enter into an agreement for the purchase of information technology utilizing a reverse auction process. Such process shall result in the purchase of information technology from the vendor submitting the lowest responsible bid amount

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for the information technology to be acquired. The department, in establishing a reverse auction process, shall do all of the following:

(a) Determine the specifications and requirements of the information technology to be acquired.

(b) Identify and provide notice to potential vendors concerning the proposed acquisition.

(c) Establish prequalification requirements to be met by a vendor to be eligible to participate in the reverse auction.

(d) Conduct the reverse auction in a manner as deemed appropriate by the department and consistent with rules adopted by the department.

(2) Prior to conducting a reverse auction, the department shall establish a threshold amount which shall be the maximum amount that the department is willing to pay for the information technology to be acquired.

(3) The department shall enter into an agreement with a vendor who is the lowest responsible bidder which meets the specifications or description of the information technology to be procured, or the department may reject all bids and begin the process again. In determining the lowest responsible bidder, the department may consider various factors including but not limited to the past performance of the vendor relative to quality of product or service, the past experience of the department in relation to the product or service, the relative quality of products or services, the proposed terms of delivery, and the best interest of the state.

e. Competitive bidding. The department may enter into an agreement for the procurement or acquisition of information technology in the same manner as provided under chapter 8A, subchapter III, for the purchasing of service. The department may also contract for the purchase of information technology goods or services using a competitive bidding process that includes a vendor selection process that focuses on realized, efficiency-based competition models.

f. Other agreement. In addition to the competitive bidding procedure provided for under paragraph *"e"*, the department may enter into an agreement for the purchase, disposal, or other disposition of information technology in the same manner and subject to the same limitations as otherwise provided in this subchapter.

6. *a.* The department shall, when feasible, prioritize the procurement of cloud computing solutions and other information technology and related services that are not hosted on premises by the state. The department may contract for multiple cloud computing solutions. The ownership of state data stored within cloud computing solutions shall remain with the state.

b. The department shall make reasonable efforts to ensure the portability of state data stored within cloud computing solutions. The department shall develop contractual terms and conditions for cloud computing solutions to ensure the confidentiality, integrity, and availability of state data and to maximize cybersecurity protections.

c. For purposes of this subsection, *"cloud computing solutions"* means the same as described in section 8.76, subsection 12, paragraph *"l"*.

7. The department shall adopt rules pursuant to chapter 17A to implement the procurement methods and procedures provided for in subsections 2 through 6.

8. The department may establish and collect administrative fees associated with purchases made from department information technology agreements. The department may retain fees collected under this subsection in a fund created pursuant to section 8.92.

2013 Acts, ch 129, §21
C2014, §8B.24
2024 Acts, ch 1185, §70, 85
C2025, §8.85
2025 Acts, ch 30, §2
Referred to in §8.92

8.86 Fiberoptic network conduit installation program.

1. For purposes of this section:

a. *"Fiberoptic network conduit"* means a pipe, vault, or duct used to enclose fiberoptic

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cable facilities buried alongside a roadway or surface mounted on a bridge, overpass, or other facility where placement below ground is impossible or impractical. *"Fiberoptic network conduit"* does not include electronics or cable.

b. *"Public funding"* does not include a tax exemption authorized under section 427.1, subsection 40.

c. *"Where such conduit does not exist"* means that private or publicly owned fiberoptic cable is not currently within a linear range of five hundred feet or less in any one direction.

2. The department shall lead and coordinate a program to provide for the installation of fiberoptic network conduit where such conduit does not exist. The director shall consult and coordinate with applicable agencies and entities, including public utilities as defined in section 476.1, the state department of transportation, the economic development authority, county boards of supervisors, municipal governing bodies, the farm-to-market review board, county conservation boards, and the boards, commissions, or agencies in control of state parks, as determined appropriate to ensure that the opportunity is provided to lay or install fiberoptic network conduit wherever a state-funded construction project involves trenching, boring, a bridge, a roadway, or opening of the ground, or alongside any state-owned infrastructure.

3. Contingent upon the provision of funding for such purposes by the general assembly, the department may contract with a nongovernmental third party to manage, lease, install, or otherwise provide fiberoptic network conduit access for projects described in this section. This section does not require coordination with or approval from the department pursuant to this program or installation of fiberoptic conduit as required by this section for construction projects not using public funding.

2015 Acts, ch 120, §33
C2016, §8B.25
2021 Acts, ch 171, §21; 2024 Acts, ch 1185, §71, 85
C2025, §8.86
Referred to in §8.77, 8.91

8.87 Broadband permitting process — expeditious response.

Notwithstanding any other provision to the contrary and in compliance with applicable federal laws and regulations, a political subdivision vested with permitting authority shall approve, approve with modification, or disapprove nonwireless, broadband-related permits within sixty business days following the submission of the necessary application requirements. In the event that no action is taken during the sixty-day period, the application shall be deemed approved.

2015 Acts, ch 120, §34
C2016, §8B.26
2024 Acts, ch 1185, §85
C2025, §8.87

8.88 IowAccess — office duties and responsibilities.

1. *IowAccess.* The department shall establish IowAccess as a service to the citizens of this state that is the gateway for one-stop electronic access to government information and transactions, whether federal, state, or local. Except as provided in this section, IowAccess shall be a state-funded service providing access to government information and transactions. The department, in establishing the fees for value-added services, shall consider the reasonable cost of creating and organizing such government information through IowAccess.

2. *Duties.* The department shall do all of the following:

a. Establish rates to be charged for access to and for value-added services performed through IowAccess.

b. Approve and establish the priority of projects associated with IowAccess. The determination may also include requirements concerning funding for a project proposed by a political subdivision of the state or an association, the membership of which is comprised

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solely of political subdivisions of the state. Prior to approving a project proposed by a political subdivision, the department shall verify that all of the following conditions are met:

(1) The proposed project provides a benefit to the state.

(2) The proposed project, once completed, can be shared with and used by other political subdivisions of the state, as appropriate.

(3) The state retains ownership of any final product or is granted a permanent license to the use of the product.

c. Establish expected outcomes and effects of the use of IowAccess and determine the manner in which such outcomes are to be measured and evaluated.

d. Establish the IowAccess total budget request and ensure that such request reflects the priorities and goals of IowAccess as established by the department.

e. Advocate for access to government information and services through IowAccess and for data privacy protection, information ethics, accuracy, and security in IowAccess programs and services.

f. Receive status and operations reports associated with IowAccess.

3. *Data purchasing.* This section shall not be construed to impair the right of a person to contract to purchase information or data from the Iowa court information system or any other governmental entity. This section shall not be construed to affect a data purchase agreement or contract in existence on April 25, 2000.

2013 Acts, ch 129, §22
C2014, §8B.31
2024 Acts, ch 1185, §72 – 75, 85
C2025, §8.88

8.89 Financial transactions.

1. Moneys paid to a supported entity from persons who complete an electronic financial transaction with the entity by accessing IowAccess shall be transferred to the treasurer of state for deposit in the general fund of the state, unless the disposition of the moneys is specifically provided for under other law. The moneys may include all of the following:

a. Fees required to obtain an electronic public record as provided in section 22.3A.

b. Fees required to process an application or file a document, including but not limited to fees required to obtain a license issued by a licensing authority.

c. Moneys owed to a governmental entity by a person accessing IowAccess in order to satisfy a liability arising from the operation of law, including the payment of assessments, taxes, fines, and civil penalties.

2. Moneys transferred using IowAccess may include amounts owed by a governmental entity to a person accessing IowAccess in order to satisfy a liability of the governmental entity. The moneys may include the payment of tax refunds, and the disbursement of support payments as defined in section 252D.16 or 598.1 as required for orders issued pursuant to section 252B.14.

3. In addition to other forms of payment, credit cards shall be accepted in payment for moneys owed to or fees imposed by a governmental entity in the same manner as provided in section 8.81.

2013 Acts, ch 129, §23
C2014, §8B.32
2024 Acts, ch 1185, §76, 85
C2025, §8.89
Referred to in §12C.1, 12C.4

8.90 IowAccess revolving fund.

1. An IowAccess revolving fund is created in the state treasury. The revolving fund shall be administered by the department and shall consist of moneys collected by the department as fees, moneys appropriated by the general assembly, and any other moneys obtained or accepted by the department for deposit in the revolving fund. The proceeds of the revolving fund are appropriated to and shall be used by the department to maintain, develop, operate, and expand IowAccess consistent with this subchapter.

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2. The department shall submit an annual report not later than January 31 to the general assembly of the activities funded by and expenditures made from the revolving fund during the preceding fiscal year. Section 8.33 does not apply to any moneys in the revolving fund, and, notwithstanding section 12C.7, subsection 2, earnings or interest on moneys deposited in the revolving fund shall be credited to the revolving fund.

2013 Acts, ch 129, §24
C2014, §8B.33
2018 Acts, ch 1123, §3, 7; 2024 Acts, ch 1185, §77, 85
C2025, §8.90
See annual Iowa Acts for provisions relating to the transfer of a portion of the fees collected for furnishing a certified abstract of a vehicle operating record in a fiscal year to the IowAccess revolving fund

8.91 Empower rural Iowa — broadband grants — fund.

1. The department shall administer a broadband grant program designed to reduce or eliminate unserved and underserved areas in the state, leveraging federal funds and public and private partnerships where possible, by awarding grants to communications service providers that reduce or eliminate targeted service areas by installing broadband infrastructure that facilitates broadband service in accordance with the following:

a. The broadband infrastructure facilitates broadband service that provides a minimum download speed of one hundred megabits per second and a minimum upload speed of one hundred megabits per second in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area.

b. The broadband infrastructure facilitates broadband service that provides a minimum download speed of one hundred megabits per second and a minimum upload speed of one hundred megabits per second in a targeted service area within which no communications service provider offers or facilitates broadband service that provides any of the following:

(1) Download speeds less than or equal to the tier 2 download speed specified in the definition of targeted service area.

(2) Download speeds less than or equal to the tier 3 download speed specified in the definition of targeted service area.

2. *a.* An empower rural Iowa broadband grant fund is established in the state treasury under the authority of the department. The fund shall consist of moneys available to and obtained or accepted by the department. Moneys in the fund are appropriated to the department to be used for the grant program, including for broadband mapping and the administration and operation of the grant program, and for the fiberoptic network conduit installation program established in section 8.86.

b. The department shall use moneys in the fund to provide grants to communications service providers pursuant to this section and to lead and coordinate the fiberoptic network conduit installation program pursuant to section 8.86. The department may use not more than two and one-half percent of the moneys in the fund at the beginning of the fiscal year to pay the costs and expenses associated with the administration and operation of the grant program and the fiberoptic network conduit installation program. The department shall use moneys in the fund to leverage available federal moneys if possible.

c. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until three years following the last day of the fiscal year in which the funds were originally appropriated.

d. Notwithstanding paragraph "*c*" or any provision to the contrary, moneys in the fund that have been awarded but not paid to a communications service provider shall not revert but shall remain available to the department for purposes of administering the award in a manner consistent with the terms and conditions of any corresponding contract or grant agreement governing the administration of the award.

3. Communications service providers may apply to the department for a grant pursuant to this section for the installation of broadband infrastructure that facilitates broadband

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service in targeted service areas. The department shall make available a public internet site identifying all publicly available information contained in the applications and any results of performance testing conducted after the project is completed. The department shall devote one full-time equivalent position to evaluate applications submitted under this section and provide technical assistance to communications service providers in completing applications for federal funds, or any other funds from any public or private sources, related to improving broadband infrastructure.

4. *a.* The department shall award grants on a competitive basis for the installation of broadband infrastructure that facilitates broadband service as provided in subsection 3 in targeted service areas after considering the following:

(1) The relative need for broadband infrastructure in the area and the existing broadband service speeds, including whether the project serves a rural area or areas.

(2) The applicant's total proposed budget for the project, including all of the following:

(a) The amount or percentage of local or federal matching funds, if any, and any funding obligations shared between public and private entities.

(b) The percentage of funding provided directly from the applicant, including whether the applicant requested from the department an amount less than the maximum amount the department could award pursuant to subsection 5 and, if so, the percentage of the project cost that the applicant is requesting.

(3) The relative download and upload speeds of proposed projects for all applicants.

(4) The specific product attributes resulting from the proposed project, including technologies that provide higher qualities of service, such as service levels, latency, and other service attributes as determined by the department.

(5) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

(6) The proportion of proposed projects that will result in the installation of broadband infrastructure in a targeted service area within which the only broadband service available provides the tier 1 download and upload speeds specified in the definition of targeted service area.

(7) Other factors the department deems relevant.

b. In considering the factors listed in paragraph *"a"* for awarding grants pursuant to this section, the department shall afford the greatest weight to the factors described in paragraph *"a"*, subparagraphs (1) through (3), and subparagraph (6).

5. The total amount of the grants the department awards from the empower rural Iowa broadband grant fund pursuant to this section shall not exceed any of the following amounts:

a. Seventy-five percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area.

b. Fifty percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download speeds less than or equal to the tier 2 download speeds specified in the definition of targeted service area.

c. Thirty-five percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download speeds less than or equal to the tier 3 download speed specified in the definition of targeted service area.

6. Notwithstanding subsections 3 and 5, communications service providers may apply to the department for a grant pursuant to this section for the installation of broadband infrastructure that facilitates broadband service providing a minimum download speed of one hundred megabits per second and a minimum upload speed of twenty megabits per second in targeted service areas pursuant to this subsection. The department shall make

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available a public internet site identifying all publicly available information contained in the applications and any results of performance testing conducted after the project is completed.

a. The department shall award grants under this subsection on a competitive basis after considering the factors provided in subsection 4 and affording weight to the factors pursuant to subsection 4, paragraph *"b"*.

b. The total amount of the grants the department shall award pursuant to this subsection shall not exceed fifty percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area.

7. Notwithstanding subsections 5 and 6, at least twenty percent of the total amount of the grants the department awards from the empower rural Iowa broadband grant fund pursuant to this section shall be allocated to projects that will result in the installation of broadband infrastructure in difficult to serve targeted service areas within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area. For purposes of this subsection, a targeted service area is difficult to serve if the soil conditions, topography, or other local conditions make the installation of broadband infrastructure in the targeted service area more time-consuming or labor-intensive compared to other areas of the state.

8. The department shall provide public notice regarding the application process and receipt of funding.

9. The department may adopt rules pursuant to chapter 17A interpreting this subchapter or necessary for administering this subchapter, including but not limited to rules relating to the broadband grant program process, management, and measurements as deemed necessary by the department.

10. The department shall adopt rules establishing procedures to allow aggrieved applicants an opportunity to challenge the department's award of grants under this section.

2015 Acts, ch 120, §32
C2016, §8B.11
2019 Acts, ch 159, §6 – 11; 2020 Acts, ch 1078, §6 – 12, 17, 18; 2021 Acts, ch 47, §3, 5, 6; 2022 Acts, ch 1021, §1; 2024 Acts, ch 1185, §60, 85
C2025, §8.91
Referred to in §8.77, 8.79

8.92 Department internal service funds — information technology.

1. The department may establish and maintain internal service funds in accordance with generally accepted accounting principles for activities of the department which are primarily funded from billings to governmental entities for services rendered by the department under this subchapter. The establishment of an internal service fund is subject to the approval of the director 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 department 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 8.81, fees collected under section 8.85, and any other moneys obtained or accepted by the department under this subchapter, including but not limited to gifts, loans, donations, grants, and contributions, which are designated to support the activities of the individual internal service funds in accordance with this subchapter.

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 pursuant to and consistent with this subchapter. 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

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using proceeds from gifts, loans, donations, grants, and contributions in conformance with any conditions, directions, limitations, or instructions attached or related thereto.

4. *a.* (1) Section 8.33 does not apply to any moneys in internal service funds established pursuant to this section.

(2) This paragraph does not apply to moneys annually appropriated to the department by the general assembly in an Act of the general assembly. Such moneys shall be subject to reversion as otherwise provided by law.

b. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in these funds shall be credited to these funds.

5. The department shall submit an annual report not later than October 1 to the general assembly of the activities funded by and expenditures made from an internal service fund established pursuant to this section during the preceding fiscal year.

2013 Acts, ch 129, §15
C2014, §8B.13
2014 Acts, ch 1036, §13; 2024 Acts, ch 1185, §62, 85
C2025, §8.92
Referred to in §8.82, 8.85, 8.93

8.93 Cybersecurity.

1. It is the intent of the general assembly that state and local governmental entities work collaboratively in a whole-of-state approach to protect against cybersecurity risks and threats to information systems owned or operated by, or on behalf of, state and local governmental entities. State and local governmental entities shall take steps to modernize their approach to cybersecurity, including by adopting cybersecurity best practices wherever possible.

2. A state or local governmental entity that complies with chapter 554G by implementing a cybersecurity program, as described in chapter 554G, shall be deemed a covered entity, as defined in section 554G.1.

3. The department shall establish a cybersecurity reporting function for local governments. The cybersecurity reporting function must include but is not limited to all of the following capabilities:

a. A hotline available continuously for local government reporting of cybersecurity incidents resulting in system outages or data breaches.

b. A method for the reporting of local government cybersecurity protections including the presence of multifactor authentication, event logging, use of data encryption at rest and in transit, the ability to reconstitute systems in the event of data loss, use of the ".gov" internet domain, and related cybersecurity practices.

4. The department is authorized to provide support to all state and local governmental entities in furtherance of this section, in accordance with fee schedules established by the department. The department may retain fees collected under this subsection in a fund created under section 8.92.

5. The department is authorized to establish a grant program to support local governments and political subdivisions of the state in addressing cybersecurity for information systems owned or operated by, or on behalf of, state, local, or tribal governments. Contingent on a specific appropriation by the general assembly, the department may award grants to local governments and political subdivisions of the state under the program for such purposes. The department may establish criteria for grant program priorities, as well as policies and procedures relating to the program.

2024 Acts, ch 1185, §45

8.94 Contracts — prohibited terms.

Provisions included in a contract entered into pursuant to this subchapter that impose terms or conditions prohibited by this section are void as contrary to public policy. Such a contract shall be interpreted and enforced as if the contract did not include the prohibited terms or conditions. Prohibited terms and conditions include all of the following:

1. A provision requiring the department or a supported entity to defend, indemnify, hold

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harmless another person, or otherwise assume the debt or liability of another person in violation of Article VII, section 1, of the Constitution of the State of Iowa.

2. A provision that seeks to impose a term that is unknown to the department or supported entity at the time of signing the contract or that can be unilaterally changed by an entity other than the department or a supported entity.

3. A provision that violates chapter 13 by not allowing the department or a supported entity to participate in its own defense through representation by the attorney general.

4. A provision that grants to a person other than the attorney general the authority to convey to a court or litigant the state's consent to any settlement of a suit involving the contract when such settlement could impose liability on the state.

5. A provision that specifies that the contract is governed by the laws of a foreign state or nation.

6. A provision that claims blanket confidentiality of the contract's terms.

7. A provision that claims that payment terms, including but not limited to cost proposals or other pricing information, of the contract are confidential.

8. A provision that authorizes or requires a venue for litigation other than an appropriate state or federal court sitting in Iowa.

9. A provision that requires the department or a supported entity to pay attorney fees, court costs, or other litigation expenses in the event of a contractual dispute.

10. A provision that imposes on the department or a supported entity binding arbitration or any other binding extrajudicial dispute resolution process in which the final resolution is not determined by the state.

11. A provision that waives the department's or a supported entity's right to a jury trial.

12. A provision that obligates the department or a supported entity to pay late payment charges not consistent with section 8A.514, interest greater than allowed under section 8A.514 or other applicable law, or any cancellation charges, as such charges constitute pledges of the state's credit.

13. A provision that obligates the department or a supported entity to pay a tax.

14. A provision that imposes a prior notice obligation on the department or a supported entity as a condition for the automatic renewal of a software license. The department or a supported entity may provide notice of its intent to terminate a software license at any time before the renewal date established in the contract.

15. A provision that obligates the department or a supported entity to accept risk of loss before the receipt of items or goods.

16. A provision that obligates the department or a supported entity to have commercial insurance.

17. A provision that obligates the department or a supported entity to grant to a nongovernmental entity full or partial ownership of intellectual property developed pursuant to the contract when the intellectual property is developed in whole or in part using federal funding.

18. A provision that limits the time in which the department or a supported entity may bring a legal claim under the contract to a period shorter than that provided in Iowa law.

19. A boilerplate provision included in transactional documents received by the department or a supported entity that seeks to alter the terms of the contract or to impose new terms in the contract.

2026 Acts, ch 1169, §4, 22
Similar provisions for agency procurement contracts, see §8A.311C
Section applies to contracts entered into or renewed on or after July 1, 2026; 2026 Acts, ch 1169, §22
NEW section

8.95 Contracts — required terms.

All of the following provisions shall be deemed to be included in a contract entered into by the department or a supported entity under this subchapter:

1. *Governing law.* The contract shall be governed by the laws of the state of Iowa, without giving effect to any conflicts of law principles of Iowa law that may require the application of another jurisdiction's law.

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2. *Venue.* Any litigation commenced in connection with the contract shall be brought and maintained in an appropriate state or federal court sitting in Iowa.

3. *State data.* *"State data"* means all data, records, information, or content, in any form, that is provided by a state governmental entity to a vendor or that is collected, generated, or otherwise obtained by the vendor in the course of providing a good or service to the state governmental entity. *"State data"* does not include aggregated or deidentified data collected by the vendor and used exclusively for the vendor's internal purposes directly related to evaluating or improving system performance, ensuring reliability, evaluating product functionality, conducting system analytics, projecting needs through capacity planning, ensuring license compliance, or evaluating security. State data shall at all times remain the sole and exclusive property of the state, and the vendor shall use state data only as necessary to provide the contracted services to the state. Upon request, the vendor shall provide the state, at no cost, a current copy of all state data in a commercially reasonable and state-acceptable digital format that enables the state to readily use, transfer, or migrate the state data. Except to the extent retention of state data is required by law, grant, or other governmental requirement, the vendor shall, after confirming that the state has received a copy of the state data, permanently delete all state data within a commercially reasonable period of time after the conclusion or termination of the contract. At all times, including any post-contract period in which state data is retained due to record retention obligations, the vendor shall protect state data in accordance with current state data protection policies.

2026 Acts, ch 1169, §5, 22
Similar provisions for agency procurement contracts, see §8A.311D
Section applies to contracts entered into or renewed on or after July 1, 2026; 2026 Acts, ch 1169, §22
NEW section

8.96 Contracts — limitation of liability — prohibited terms.

Notwithstanding section 8A.311, subsection 22, and rules adopted pursuant to that subsection, the director may include a contractual limitation of vendor liability in information technology goods and services contracts. A contractual limitation of vendor liability must take into consideration the public interest and the mitigation of risks associated with the use of information technology goods or services. Any portion of a contractual limitation of vendor liability that includes a repudiation of all liability for cybersecurity incidents or a limitation on the vendor's liability for intentional torts, criminal acts, fraudulent conduct, intentional or willful misconduct, gross negligence, death, bodily injury, damage to real or personal property, intellectual property violations, liquidated damages, compliance with applicable laws, violations of confidential information obligations, or contractual obligations of the vendor pertaining to indemnification shall be void as a matter of law as contrary to public policy. A contractual limit of vendor liability that does not apply equally to the contracted parties or that limits a vendor's liability to less than the contract value inclusive of all possible extensions is void as a matter of law as contrary to public policy.

2026 Acts, ch 1169, §6, 22
Section applies to contracts entered into or renewed on or after July 1, 2026; 2026 Acts, ch 1169, §22
NEW section

8.97 Confidentiality of communications with chief information security officer.

In the interest of facilitating communication between the chief information security officer and other entities concerning security incidents and security breaches, all such communications and any documents generated based in whole or in part on such communications are confidential. Notwithstanding chapter 22 or any other provision of law to the contrary, the department shall not release such communications pursuant to state open records laws, and such communications shall not be received into evidence, subject to discovery, or otherwise used in a trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the state or a political subdivision of the state, unless the communications are subject to a protective order that prohibits further disclosure of such communications and requires any court filings of such communications to be made under seal. It is the intent of the general assembly that these prohibitions and restrictions also apply to federal courts, regulatory bodies, and other authorities and for purposes of

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federal open records laws, to the extent allowed by federal law and court rules. The chief information security officer shall not release such communications other than for any of the following purposes:

1. Identifying a cybersecurity threat, including the source of the cybersecurity threat, or a security vulnerability, and then only to government officials for purposes of addressing the threat.

2. Responding to, or otherwise preventing or mitigating, a specific threat of death, serious bodily harm, or serious economic harm.

3. Responding to, investigating, prosecuting, or otherwise preventing or mitigating a serious threat to a minor, including sexual exploitation and threats to physical safety.

4. Preventing, investigating, disrupting, or prosecuting an offense under state or federal law.

5. Providing a confidential cybersecurity briefing to the governor or a member of the general assembly.

2026 Acts, ch 1169, §7
NEW section

8.98 Criminal justice information.

1. The department is authorized to maintain an integrated information system that enables automated data sharing among the executive branch, judicial branch, and local agencies.

2. The department is designated as the Iowa statistical analysis center for the purpose of coordinating with data resource agencies to provide data and analytical information to federal, state, and local governments. Notwithstanding any other provision of state law to the contrary, unless prohibited by federal law or regulation, the department shall be granted access, for purposes of research and evaluation, to all of the data listed in this subsection, except that intelligence data and peace officer investigative reports maintained by the department of public safety shall not be considered data for the purposes of this section. The department of management and any record, data, or information obtained by the department under this subsection is subject to the federal and state confidentiality laws and rules, including as described in chapter 22, applicable to the original record, data, or information, and to the original custodian of the record, data, or information. Authorized access under this subsection includes but is not limited to all of the following:

a. Juvenile court records and all other information maintained under sections 232.147 through 232.151.

b. Child abuse information under sections 235A.15 through 235A.19.

c. Dependent adult abuse records maintained under chapter 235B.

d. Criminal history data maintained under chapter 692.

e. Sex offender registry information maintained under chapter 692A.

f. Presentence investigation reports maintained under section 901.4.

g. Corrections records maintained under sections 904.601 and 904.602.

h. Community-based correctional program records maintained under chapter 904.

i. Parole records maintained under chapter 906.

j. Deferred judgment, deferred or suspended sentence, and probation records maintained under chapter 907.

k. Violation of parole or probation records maintained under chapter 908.

l. Fine and victim restitution records maintained under chapters 909 and 910.

m. Child welfare records maintained under chapter 235.

3. The department is authorized to provide data analysis and reporting on issues that may affect the state's correctional population and various subgroups of the population. This reporting may include the review of filed, public legislative bills, joint resolutions, and amendments, and compiling criminal justice data for completion of correctional impact statements under section 2.56, minority impact statements, and an annual prison population forecast.

4. The department is authorized to maintain a multiagency information system to track the progress of juveniles and adults who have been charged with a criminal offense in the

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court system through various state and local agencies and programs. This system must utilize existing databases, including the Iowa court information system, the Iowa corrections offender network, the child welfare information system of the department of health and human services, the federally mandated national adoption and foster care information system, and other state and local databases pertaining to juveniles and to adults who have been charged with a criminal offense in the court system, to the extent practicable.

5. The multiagency information system is authorized to count and track decision points for juveniles in the juvenile justice system and minors in the child welfare system, evaluate the experiences of the juveniles and minors, and evaluate the success of the services provided. The system is also authorized to count and track decision points for adults who have been charged with a criminal offense in the court system, including but not limited to dismissed charges, convictions, deferred judgments, and sentence information.

6. If the department has insufficient moneys or resources to implement this section, the department is authorized to determine which portion of this section may be implemented, if any, and the remainder of this section shall not apply.

2026 Acts, ch 1169, §8
Referred to in §232.147, 232.149, 232.149A
NEW section

8.99 Confidentiality of data.

1. For purposes of chapter 22, the department shall not be deemed to be the lawful custodian of records the department maintains for another department or establishment under this subchapter, to the extent the records in question are held by the department as an automated data processing unit of government or held by the department solely for storage for another department or establishment. Such records include but are not limited to all of the following:

a. Electronic messaging system data.

b. Mainframe data.

c. Storage solutions or other electronic information, such as on-premises server data storage and cloud data storage.

2. If the department receives a request pursuant to chapter 22 for records over which the department has determined it is not the lawful custodian, the department shall deny the request and inform the requester to seek the information from the lawful custodian as provided in chapter 22. The department's determination that it is not the lawful custodian of records is presumed valid. The presumption may be rebutted by clear and convincing evidence to the contrary.

3. The department shall provide assistance to the lawful custodian of records held by the department so that the lawful custodian can comply with the production obligations of chapter 22.

4. If the department receives a subpoena in an administrative, civil, or criminal case for records for which the department is not the lawful custodian, the department shall notify the lawful custodian and the attorney general's office and cooperate in any efforts to resist the subpoena.

2026 Acts, ch 1169, §9
NEW section

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CHAPTER 8A

DEPARTMENT OF ADMINISTRATIVE SERVICES

Referred to in §476.10B

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SUBCHAPTER I

ADMINISTRATION

PART 1

GENERAL PROVISIONS

8A.101 Definitions.

As used in this chapter, 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; 2024 Acts, ch 1185, §88

Referred to in §15.106E, 16.5E, 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

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

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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. 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.
8. 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.
9. Install a records system for the keeping of records which are necessary for a proper audit and effective operation of the department.
10. Determine which risk exposures shall be self-insured or assumed by the state with respect to loss and loss exposures of state government.
11. 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.
12. Examine and develop best practices for the efficient operation of government and encourage state agencies to adopt and implement these practices.
13. 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; 2024 Acts, ch 1185, §89

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

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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

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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

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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 administration and promotion of equal opportunity in state contracts and services under section 19B.7.

8. An unpaid warrants report as required under section 25.2, subsection 3, paragraph *"b"*.

9. 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; 2026 Acts, ch 1186, §1

Referred to in §15.108

Subsection 7 stricken and former subsections 8-10 renumbered as 7 – 9

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 §8.5(21).

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, 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.

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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; 2024 Acts, ch 1185, §90

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 appropriated 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; 2024 Acts, ch 1185, §91

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

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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 rule.

93 Acts, ch 48, §17
CS93, §256.50
2011 Acts, ch 132, §44, 106; 2023 Acts, ch 19, §1363, 1382
C2024, §8A.201
2024 Acts, ch 1170, §122

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. Establish and administer a statewide continuing education program for librarians and trustees.

f. 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.

g. 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.

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

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

j. Establish and administer standards for public libraries.

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k. 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.

l. 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
2025 Acts, ch 79, §2, 3
Referred to in §8A.209

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 provide advice and recommendations on the adoption of rules under chapter 17A by the department for carrying out the responsibilities of the department as it relates to library services duties of the department.

4. The commission shall advise the department and the state librarian concerning the library services duties of the department.

93 Acts, ch 48, §19
CS93, §256.52

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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

2024 Acts, ch 1043, §1; 2024 Acts, ch 1170, §123

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. 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.

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

2023 Acts, ch 19, §1360; 2025 Acts, ch 79, §4

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

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 department adopts.

b. Maintain, as an integral part of the law library, reports of various boards and agencies; copies of journals of the senate and house of representatives; electronic access to bills and other information relating to current or proposed legislation; and electronic access to the Iowa administrative bulletin and Iowa administrative 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 department.

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

2024 Acts, ch 1169, §2; 2024 Acts, ch 1170, §124

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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 department 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
2024 Acts, ch 1170, §125

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

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 interlibrary loan 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 department. The department shall adopt rules governing the allocation of moneys 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 moneys under this subchapter if it is in compliance with the department'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 "*g*".

(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 "*j*".

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

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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
2024 Acts, ch 1170, §126; 2025 Acts, ch 79, §5
Referred to in §8A.202

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

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

8A.212 through 8A.220 Reserved.

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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

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

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

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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
Referred to in §8A.202, 331.381

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, and 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

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2011 Acts, ch 132, §62, 106; 2023 Acts, ch 19, §1381, 1382
C2024, §8A.232
2024 Acts, ch 1043, §2
Referred to in §331.381

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

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

8A.235 through 8A.300 Reserved.

SUBCHAPTER III

PHYSICAL RESOURCES

Referred to in §8.85, 12E.8, 35A.10, 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.

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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

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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.

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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.

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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.

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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 §8.96, 8A.311A, 8A.317, 8A.321, 8A.708, 15.106B, 216B.3, 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.

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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

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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 director 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
2024 Acts, ch 1043, §3
Referred to in §26.9, 26.16
Preferences, see §8A.311

8A.311C State purchasing contracts — prohibited terms.

The provisions set forth in this section are void as a matter of law as contrary to public policy if included in a contract for the procurement of goods or services entered into by the department or any other state agency pursuant to this part. A state agency's contract that includes any of the following provisions shall be interpreted as if the contract did not include the void provision:

1. A provision that requires the state or its agencies to defend, indemnify, hold harmless another person, or otherwise assume the debt or liability of another person in violation of Article VII, section 1, of the Constitution of the State of Iowa.

2. A provision that seeks to impose vendor terms that are unknown at the time of signing the contract or can be unilaterally changed by the vendor.

3. A provision that violates chapter 13 by not allowing a state agency to participate in its own defense through representation by the attorney general.

4. A provision that grants to any person other than the attorney general the authority

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to convey to a court or litigant the state's consent to any settlement of a suit involving the contract when such settlement could impose liability on the state.

5. A provision that specifies that the contract is governed by the laws of a foreign state or nation.

6. A provision that claims blanket confidentiality of the contract's terms.

7. A provision that claims that payment terms, including but not limited to cost proposals or other pricing information, of the contract are confidential.

8. A provision that authorizes or requires a venue for litigation other than an appropriate state or federal court sitting in Iowa.

9. A provision that requires a state agency to pay attorney fees, court costs, or other litigation expenses in the event of a contractual dispute.

10. A provision that imposes on the state or its agencies binding arbitration or another binding extrajudicial dispute resolution process in which the final resolution is not determined by the state.

11. A provision that waives a state agency's right to a jury trial.

12. A provision that obligates a state agency to pay a late payment charge not consistent with section 8A.514, interest greater than allowed under section 8A.514 or other applicable law, or any cancellation charge, as such charges constitute pledges of the state's credit.

13. A provision that obligates a state agency to pay a tax.

14. A provision that imposes a prior notice obligation on a state agency as a condition for the automatic renewal of a software license. A state agency may provide notice of its intent to terminate a software license at any time before the renewal date established in the contract.

15. A provision that obligates a state agency to accept risk of loss before the receipt of items or goods.

16. A provision that obligates a state agency to have commercial insurance.

17. A provision that obligates a state agency to grant a contractor full or partial ownership of intellectual property developed pursuant to a state agency contract when the intellectual property is developed in whole or in part using federal funding.

18. A provision that limits the time in which the state or its agencies may bring a legal claim under the contract to a period shorter than that provided by Iowa law.

19. A boilerplate provision included in a vendor's transactional documents, including but not limited to ordering documents and quotations, that seeks to alter the terms of a state agency's contract or to impose new terms in the contract.

2026 Acts, ch 1042, §1, 4
Referred to in §8A.311E
Similar provisions for information technology contracts, §8.94
Section applies to contracts entered into or renewed on or after July 1, 2026; 2026 Acts, ch 1042, §4
NEW section

8A.311D State purchasing contracts — required terms.

All of the following provisions shall be deemed to be included in a state agency vendor contract:

1. *Governing law.* The contract shall be governed by the laws of the state of Iowa, without giving effect to any conflict of laws principles of Iowa law that may require the application of another jurisdiction's law.

2. *Venue.* Any litigation commenced in connection with the contract shall be brought and maintained in an appropriate state or federal court sitting in Iowa.

2026 Acts, ch 1042, §2, 4
Referred to in §8A.311E
Similar provisions for information technology contracts, §8.95
Section applies to contracts entered into or renewed on or after July 1, 2026; 2026 Acts, ch 1042, §4
NEW section

8A.311E State purchasing contracts — waiver.

If the director determines that a necessary good or service is impossible to procure due to a requirement of section 8A.311C or 8A.311D, the director may waive the requirement to the extent necessary to obtain the good or service. A state agency requesting a waiver shall, at a minimum, provide sufficient evidence showing that the state will suffer an interruption in

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business operations or other irreparable harm if the state agency cannot procure the good or service, and that the state agency has exhausted all reasonable steps to prevent such harm, including attempting to procure substitute goods or services. The director may require the submission of additional evidence at the director's discretion. A waiver must be as narrow as possible to allow the procurement of the necessary good or service.

2026 Acts, ch 1042, §3, 4
Section applies to contracts entered into or renewed on or after July 1, 2026; 2026 Acts, ch 1042, §4
NEW section

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

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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, 307.21

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

1. Notwithstanding any requirements under section 8A.315 related to the purchase of

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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,

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"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, 262.25B, 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.

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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

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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

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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

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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:

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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

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. *a.* 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.

b. 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 paragraph 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.

c. A request to hold a public outdoor event on the capitol complex must be submitted to the department by completing an application on the department's internet site. The director shall notify the applicant of approval or denial of the request by a letter to the event sponsor or a memorandum of understanding signed by the director and the event sponsor that specifies the conditions under which the event will take place. The director shall not approve or deny a request based on the number of events an applicant has held or requested to hold on the capitol complex. It is the intent of the general assembly that this paragraph shall not be interpreted as an infringement on the rights guaranteed by Article I, section 20, of the Constitution of the State of Iowa.

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; 2026 Acts, ch 1028, §1, 3

Subsection 3 amended

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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

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

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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

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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, 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

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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; see §2.42, 2A.5, 2A.6, and chapter 2B

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

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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.

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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

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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

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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

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

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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
Other provisions relating to charges and expenses, see §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

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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.

d. For rental or leasing of passenger vehicles operating using an internal combustion engine powered by diesel fuel, that the passenger vehicle's manufacturer expressly states that the engine is capable of being powered by biodiesel blended fuel classified as B-20 or higher.

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; 2026 Acts, ch 1028, §2, 4
Referred to in §8A.362
Subsection 2, paragraph d applies to contracts issued or renewed under this section on or after July 1, 2026; 2026 Acts, ch 1028, §4
Subsection 2, NEW paragraph d

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

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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,

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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 4A.13, 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

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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

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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, 10A.104, 10A.304, 10A.601, 10A.801, 13.13, 13.34, 15.106C, 15H.5, 16.6, 20.8, 20.18, 35A.8, 47.8, 55.1, 55.4, 68B.32, 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, 152.11, 153.33, 157.7, 217.23, 218.10, 252B.27, 256.103, 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 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

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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

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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

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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; 2026 Acts, ch 1186, §2

Referred to in §432.13
Subsection 1, paragraph d amended

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

Referred to in §16.2A

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:

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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, and the treasurer of state.
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; 2024 Acts, ch 1170, §127

Referred to in §42.1, 68B.32, 123.9, 505.4, 507.4, 507.5
Equal opportunity and special appointments, §19B.2

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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.

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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

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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, 8A.461, 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

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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 employment appeal board. The hearing shall be conducted in accordance with the rules of the employment appeal 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 employment appeal 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 employment appeal 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 employment appeal board and the Iowa administrative procedure Act, chapter 17A. If the employment appeal 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 employment appeal board may provide other appropriate remedies. Decisions by the employment appeal 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; 2024 Acts, ch 1170, §128, 129

Referred to in §20.6, 235A.15

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

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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
Election and official misconduct, see 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
Prohibited actions and reprisals relating to public employees, see §70A.28, 70A.29

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.

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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

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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

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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

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

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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

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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
Similar provision, see §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

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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

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

Mode of payment, see §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 Appointed state officers — salary ranges.

1. Unless otherwise provided by law, the governor shall establish a salary for nonelected persons appointed by the governor within the executive branch of state government. In establishing a salary for a person holding a position enumerated in subsection 3 within the range provided, the governor may consider, among other items, the experience of the person in the position, changes in the duties of the position, the incumbent's performance of assigned duties, and subordinates' salaries. However, the attorney general shall establish the salary of the consumer advocate, the chief justice of the supreme court shall establish the salary of the state court administrator, the ethics and campaign disclosure board shall establish the salary of the executive director, the Iowa public information board shall establish the salary of the executive director, the board of regents shall establish the salary of the executive director, and the Iowa public broadcasting board shall establish the salary of the administrator of the public broadcasting division of the department of education, each within the salary range provided in subsection 3.

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2. A person whose salary is established pursuant to this section and who is a full-time, year-round employee of the state shall not receive any other remuneration from the state or from any other source for the performance of that person's duties unless the additional remuneration is first approved by the governor or authorized by law. However, this subsection does not apply to reimbursement for necessary travel and expenses incurred in the performance of duties or fringe benefits normally provided to employees of the state.

3. *a.* The annual salary ranges for appointed state officers as specified in paragraphs *"b"*, *"c"*, and *"d"*, are effective for the fiscal year beginning July 1, 2024, effective for the pay period beginning June 21, 2024, and for subsequent fiscal years. The governor or other person designated in subsection 1 shall determine the salary to be paid to the person indicated at a rate within the applicable salary range from moneys appropriated by the general assembly for that purpose.

b. The following are range one positions: chairperson and members of the employment appeal board of the department of inspections, appeals, and licensing; director of the department for the blind; executive director of the ethics and campaign disclosure board; executive director of the Iowa public information board; and chairperson, vice chairperson, and members of the board of parole. Range one positions shall be paid in a range set in accordance with pay grade thirty-two of the pay plans published by the department of administrative services pursuant to section 8A.413, subsection 3.

c. The following are range two positions: workers' compensation commissioner, director of the law enforcement academy, consumer advocate, director of the Iowa office of civil rights, and administrator of the public broadcasting division of the department of education. Range two positions shall be paid in a range set in accordance with pay grade thirty-eight of the pay plans published by the department of administrative services pursuant to section 8A.413, subsection 3.

d. The following are range three positions: superintendent of banking of the department of insurance and financial services, superintendent of credit unions of the department of insurance and financial services, chairperson and members of the utilities commission, executive director of the Iowa telecommunications and technology commission, executive director of the state board of regents, lottery administrator of the department of revenue, labor commissioner, state public defender, and state court administrator. Range three positions shall be paid in a range set in accordance with pay grade forty-three of the pay plans published by the department of administrative services pursuant to section 8A.413, subsection 3.

2024 Acts, ch 1170, §369; 2024 Acts, ch 1182, §157, 168
Referred to in §8D.4, 68B.32, 99G.5, 216.3, 216B.3A, 256.81, 475A.3, 524.201, 533.104, 904A.6

8A.462 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.

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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 revenue funds, as defined in section 8.2, of the state government. 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 appropriated receipts to the respective appropriations and special revenue 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

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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; 2024 Acts, ch 1185, §92, 93

Referred to in §8.31, 8A.111, 218.85

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.

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

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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

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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

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

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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 §8.94, 8A.311C, 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,

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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

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.

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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

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

8A.604 Commission purpose.

The commission shall adopt government information policies, standards, and guidelines to do all of the following:

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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

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

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 at the call of the chairperson.

2003 Acts, ch 92, §9
CS2003, §305.6
2023 Acts, ch 19, §1399
C2024, §8A.606
2024 Acts, ch 1170, §82

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

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.

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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

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.

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(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

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

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2008 Acts, ch 1184, §35; 2023 Acts, ch 19, §1395, 1399
C2024, §8A.610

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

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

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

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

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

8A.616 Iowa historical records advisory board established. Repealed by 2024 Acts, ch 1170, §368.

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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 sites. 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, in consultation with the state historic preservation officer, 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; 2024 Acts, ch 1182, §170, 171
Referred to in §427.16

8A.703 State historical society of Iowa — board of trustees.

1. A state historical society board of trustees is established consisting of seven members selected as follows:

a. Two 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 five members from the state at large, considering but not requiring geographical diversity, at least one 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.

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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

2024 Acts, ch 1170, §130

Referred to in §103A.41

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

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

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

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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

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.

f. 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.

g. Serve as a state level review body for grant proposals submitted to the national historical publications and records commission.

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.

4. The state historical society board of trustees may:

a. Serve in an advisory capacity to the state records commission, the state archives and records program, and other statewide archival or records agencies.

b. Seek moneys 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.

[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]

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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
2024 Acts, ch 1170, §131, 132
Additional board duties, see §103A.41 and §103A.45

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

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

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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

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

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.

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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,

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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

CHAPTER 8B

INFORMATION TECHNOLOGY

Provisions of chapter repealed or transferred to chapter 8, subchapters II and XI, by 2024 Acts, ch 1185, §83, 85

CHAPTER 8C

IOWA CELL SITING ACT

Chapter repealed July 1, 2035; see §8C.9

8C.1 Short title.
8C.2 Definitions.
8C.3 Uniform rules and limitations — applications.
8C.4 Uniform rules — new tower applications.
8C.5 Uniform rules for certain changes.
8C.6 Use of public lands for towers and transmission equipment.
8C.7 Utility poles.
8C.7A Uniform rules for small wireless facilities — permit approval.
8C.7B Small wireless facilities — violation and removal.
8C.7C Height limitations.
8C.8 Application and construction.
8C.9 Repeal.

8C.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Cell Siting Act"*.

2015 Acts, ch 120, §1, 10

8C.2 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Applicant"* means any person engaged in the business of providing wireless

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telecommunications services or the wireless telecommunications infrastructure required for wireless telecommunications services and who submits an application.

2. *"Application"* means a request submitted by an applicant to an authority to construct a new tower, for the initial placement of transmission equipment on a wireless support structure, for the modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station, or any other request to construct or place transmission equipment that does not meet the definition of an eligible facilities request.

3. *"Authority"*, used as a noun, means a state, county, or city governing body, board, agency, office, or commission authorized by law to make legislative, quasi-judicial, or administrative decisions relative to an application. *"Authority"* does not include any of the following:

a. State courts having jurisdiction over land use, planning, or zoning decisions made by an authority.

b. The utilities commission.

c. Any entities, including municipally owned utilities established under or governed by Title IX, subtitle 4 of the Code, that do not have zoning or permitting jurisdiction.

4. *a.* *"Base station"* means a structure or equipment at a fixed location that enables wireless communications licensed by the federal communications commission or authorized wireless communications between user equipment and a communications network.

b. *"Base station"* does not mean a tower or equipment associated with a tower.

c. *"Base station"* includes but is not limited to equipment associated with wireless communications services such as private, broadcast, and public safety services and unlicensed wireless services and fixed wireless services such as microwave backhaul.

d. *"Base station"* includes but is not limited to radio transceivers, antennas, coaxial or fiberoptic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

e. *"Base station"* includes a structure other than a tower that, at the time the relevant application is filed with the state or local government, supports or houses equipment described in this subsection that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

f. *"Base station"* does not include any structure that at the time the relevant application is filed with the state or local government does not support or house equipment described in this subsection.

5. *"Collocation"* means the mounting or installation of additional transmission equipment on a support structure already in use for the purpose of transmitting or receiving radio frequency signals for communications purposes.

6. *"Electric utility"* means any owner or operator of electric transmission or distribution facilities subject to the regulation and enforcement activities of the Iowa utilities commission relating to safety standards.

7. *"Eligible facilities request"* means a request for modification of an existing tower or base station that does not substantially change the physical dimensions of the tower or base station and involves collocation of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.

8. *"Existing tower"* or *"existing base station"* means a tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. *"Existing tower"* includes a tower that was not reviewed and approved because it was not in a zoned area when it was built and lawfully constructed.

9. *"Initial placement or installation"* means the first time transmission equipment is placed or installed on a wireless support structure.

10. *"Micro wireless facility"* means a small wireless facility with dimensions no larger than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

11. *a.* *"Site"*, in relation to a tower that is not in the public right-of-way, means the current

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boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

b. *"Site"*, in relation to support structures other than towers, means an area in proximity to the structure and to other transmission equipment already deployed on the ground.

12. *a.* *"Small wireless facility"* means a wireless facility that meets the following requirements:

(1) Each antenna is no more than six cubic feet in volume.

(2) (a) All other equipment associated with the small wireless facility is cumulatively no more than twenty-eight cubic feet in volume.

(b) For purposes of this subparagraph, volume shall be measured by the external displacement of the primary equipment enclosure, not the internal volume of such enclosure. An associated electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery backup power systems, grounding equipment, power transfer switch, cutoff switch, cable, conduit, and any equipment that is concealed from public view within or behind an existing structure or concealment may be located outside of the primary equipment enclosure and shall not be included in the calculation of the equipment volume.

b. *"Small wireless facility"* includes a micro wireless facility as defined in subsection 10.

c. *"Small wireless facility"* does not include any structure that supports or houses equipment described in this subsection.

13. *"Substantial change"* means a change in the existing support structure which results in one or more of the following:

a. (1) Increase in the height of a tower, other than a tower in the public right-of-way, by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater.

(2) Increase in the height of existing support structures, other than a tower in subparagraph (1), by more than ten percent or more than ten feet, whichever is greater.

(3) Height shall be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops. Otherwise, height shall be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act, Pub. L. No. 112-96, Tit. VI.

b. (1) Addition of an appurtenance to the body of the tower, other than a tower in the public right-of-way, that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

(2) Addition of an appurtenance to an existing support structure, other than a tower under subparagraph (1), that would protrude from the edge of the structure by more than six feet.

c. (1) Installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.

(2) Installation of any new equipment cabinets on the ground if there are no preexisting ground cabinets associated with the tower in the public right-of-way or base station.

(3) Installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with a tower in the public right-of-way or base station.

d. Excavation or deployment outside the current site.

e. Defeat of concealment elements of the existing support structure.

f. Noncompliance with conditions associated with the siting approval of the construction or modification of the existing support structure or base station equipment, except if the change is noncompliant only in a manner that does not exceed the thresholds identified in paragraphs *"a"* through *"d"*.

14. *"Tower"* means a structure built for the sole or primary purpose of supporting an antenna and the associated facilities authorized or licensed by the federal communications commission. *"Tower"* includes structures constructed for wireless communications services, including but not limited to private, broadcast, and public safety services and unlicensed

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wireless services and fixed wireless services, such as microwave backhaul, and the associated site.

15. *"Transmission equipment"* means equipment that facilitates transmission for a wireless communications service licensed or authorized by the federal communications commission, including but not limited to radio transceivers, antennas, coaxial or fiberoptic cable, and regular and backup power supply. *"Transmission equipment"* includes equipment associated with wireless communications services, including but not limited to private, broadcast, and public safety services, such as wireless local area network services and services utilizing a set of specifications developed by the institute of electrical and electronics engineers for interface between a wireless client and a base station or between two wireless clients, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul.

16. *"Utility pole"* means a pole or similar structure owned or utilized in whole or in part by a public utility, municipality, wireless service provider, or electric utility that is designed specifically for and used to carry lines, cable, transmission equipment, or wires for telephone, wireless service, cable television, or electricity service, or for lighting, the vertical portion of support structures for traffic control signals or devices, signage, information kiosks, or other similar functions.

17. *"Wireless facility"* means equipment at a fixed location that enables the transmission of wireless communications or information of any kind between user equipment and a communications network, except that *"wireless facility"* does not include coaxial or fiberoptic cable that is not immediately adjacent to, or directly associated with, a particular antenna.

18. *"Wireless service"* means any fixed or mobile service using licensed or unlicensed wireless spectrum and provided using a wireless facility.

19. *"Wireless service provider"* means a provider of wireless service.

20. *"Wireless support structure"* means a structure that exists at the time an application is submitted and is capable of supporting the attachment or installation of transmission equipment in compliance with applicable codes, including but not limited to water towers, buildings, and other structures, whether within or outside the public right-of-way. *"Wireless support structure"* does not include a tower or existing base station.

2015 Acts, ch 120, §2, 10; 2017 Acts, ch 112, §1, 2; 2023 Acts, ch 19, §2657; 2024 Acts, ch 1170, §369

Referred to in §427A.1, 716.11

8C.3 Uniform rules and limitations — applications.

In order to ensure uniformity across this state with respect to the consideration of every application, and notwithstanding any other provision to the contrary, an authority shall not do any of the following:

1. Require an applicant to submit information about, or evaluate an applicant's business decisions with respect to, the applicant's designed service, customer demand for service, or quality of the applicant's service to or from a particular area or site, but may require propagation maps solely for the purpose of identifying the location of the coverage or capacity gap or need for applications for new towers in an area zoned residential.

2. *a.* Evaluate an application based on the availability of other potential locations for the placement or construction of a tower or transmission equipment.

b. Require the applicant to establish other options for collocation instead of the construction of a new tower or modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or existing base station.

c. Notwithstanding paragraph *"b"*, an authority shall require an applicant applying for the construction of a new tower to provide an explanation regarding the reason for choosing the proposed location and the reason the applicant did not choose collocation. The explanation shall include a sworn statement from an individual who has responsibility over placement of the tower attesting that collocation within the area determined by the applicant to meet the applicant's radio frequency engineering requirements for the placement of a site would not result in the same mobile service functionality, coverage, and capacity, is technically infeasible, or is economically burdensome to the applicant.

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3. Dictate the type of transmission equipment or technology to be used by the applicant or discriminate between different types of infrastructure or technology.

4. *a.* Require the removal of existing towers, base stations, or transmission equipment, wherever located, as a condition to approval of an application.

b. Notwithstanding paragraph *"a"*, the authority may adopt reasonable rules regarding removal of abandoned towers or transmission equipment.

5. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures, for radio frequency emissions from transmission equipment that are categorically excluded under the federal communications commission's rules for radio frequency emissions pursuant to 47 C.F.R. §1.1307(b)(1).

6. Establish or enforce regulations or procedures for radio frequency signal strength or the adequacy of service quality.

7. Reject an application, in whole or in part, based on perceived or alleged environmental effects of radio frequency emissions, as provided in 47 U.S.C. §332(c)(7)(B)(iv).

8. Prohibit the placement of emergency power systems that comply with federal and state environmental requirements.

9. Charge an application fee, consulting fee, or other fee associated with the submission, review, processing, or approval of an application, unless the fee charged is in compliance with this section. Fees imposed by an authority or by a third-party entity providing review or technical consultation to the authority shall be based on actual, direct, and reasonable administrative costs incurred for the review, processing, and approval of an application. In no case shall total charges and fees exceed five hundred dollars for an eligible facilities request or three thousand dollars for an application for a new tower, for the initial placement or installation of transmission equipment on a wireless support structure, for a modification of an existing tower or existing base station that constitutes a substantial change to an existing tower or base station, or any other application to construct or place transmission equipment that does not constitute an eligible facilities request. An authority or any third-party entity shall not include within its charges any travel expenses incurred in the review of an application for more than one trip to the authority's jurisdiction, and an applicant shall not be required to pay or reimburse an authority for consultant or other third-party fees based on a contingency-based or result-based arrangement.

10. Impose surety requirements, including bonds, escrow deposits, letters of credit, or any other type of financial surety, to ensure that abandoned or unused towers or transmission equipment can be removed, unless requirements are competitively neutral, nondiscriminatory, reasonable in amount, and commensurate with the historical record for local facilities and structures that are abandoned.

11. Condition the approval of an application on the applicant's agreement to provide space on or near the tower, base station, or wireless support structure for authority or local governmental or nongovernmental services at less than the market rate for such space or to provide other services via the structure or facilities at less than the market rate for such services.

12. Limit the duration of the approval of an application, except that construction of the approved structure or facilities shall be commenced within two years of final approval, including the disposition of any appeals, and diligently pursued to completion.

13. Discriminate on the basis of the ownership, including ownership by the authority, of any property, structure, or tower when promulgating rules or procedures for siting wireless facilities or for evaluating applications.

2015 Acts, ch 120, §3, 10; 2019 Acts, ch 10, §1, 2
Referred to in §8C.4, 8C.5

8C.4 Uniform rules — new tower applications.

1. An authority may exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries with regard to the siting of new towers, subject to the provisions of this chapter and federal law.

2. An applicant that proposes to construct a new tower within the jurisdiction of an authority that has adopted planning and zoning regulations shall submit the necessary

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copies and attachments of the application to the appropriate authority and comply with applicable local ordinances concerning land use and the appropriate permitting processes.

3. All records, documents, and electronic data in the possession or custody of authority personnel are subject to chapter 22. Disclosure of such records shall be consistent with applicable state law.

4. An authority, within one hundred fifty calendar days of receiving an application to construct a new tower, unless another date is specified in a written agreement between the authority and the applicant, shall comply with the following provisions:

a. Review the application for conformity with applicable local zoning regulations, building permit requirements, and consistency with this chapter. An application is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, specifying the deficiencies in the application which, if cured, would make the application complete. The authority's timeframe to review the application is tolled beginning the date the notice is sent. The authority's timeframe of one hundred fifty days for review of the application begins running again when the applicant cures the specified deficiencies. Following the applicant's supplemental submission, the authority has ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice that specified deficiencies in the application. The authority's timeframe of one hundred fifty days to review the application is tolled in the case of second or subsequent notices in conformance with this paragraph. The authority shall not include deficiencies in a second or subsequent notice that were not delineated in the original notice. The authority's timeframe for review does not toll if the authority requests information regarding any of the considerations an authority may not consider as described in section 8C.3.

b. Make its final decision to approve or disapprove the application.

c. Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application to construct a new tower within the timeframe for review specified under subsection 4, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmative disapproval of an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

2015 Acts, ch 120, §4, 10

8C.5 Uniform rules for certain changes.

1. An authority may exercise zoning, land use, planning, and permitting authority within the authority's territorial boundaries with regard to an application for initial placement or installation of transmission equipment on wireless support structures, for modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, subject to the provisions of this chapter and federal law.

2. An applicant that proposes an initial placement or installation of transmission equipment on wireless support structures, a modification of an existing tower or existing base station that constitutes a substantial change, or a request for construction or placement of transmission equipment that does not constitute an eligible facilities request, within the jurisdiction of an authority that has adopted planning and zoning ordinances, rules, or regulations shall submit the necessary copies and attachments of the application to the authority and comply with such applicable local ordinances, rules, or regulations concerning land use and zoning and the appropriate local permitting processes.

3. All records, including but not limited to documents and electronic data, in the possession or custody of authority personnel are subject to chapter 22. Disclosure of such records shall be consistent with applicable state law.

4. An authority, within ninety calendar days of receiving an application pursuant to subsection 2, unless another date is specified in a written agreement between the authority and the applicant, shall comply with the following provisions:

a. Review the application for conformity with applicable local zoning ordinances, rules, or regulations, building permit requirements, and consistency with this chapter. An application

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is deemed to be complete unless the authority notifies the applicant in writing, within thirty calendar days of submission of the application, specifying the deficiencies in the application which, if cured, would make the application complete. The authority's timeframe for review is tolled beginning the date the notice is sent. The authority's ninety-day timeframe for review of the application begins running again when the applicant cures the specified deficiencies. Following the applicant's supplemental submission, the authority has ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice that specified deficiencies. The authority's ninety-day timeframe to review the application is tolled in the case of second or subsequent notices in conformance with this paragraph. The authority shall not include deficiencies in a second or subsequent notice that were not delineated in the original notice. The authority's ninety-day timeframe for review does not toll if the authority requests information regarding any of the considerations an authority may not consider as described in section 8C.3.

b. Make its final decision to approve or disapprove the application.

c. Advise the applicant in writing of its final decision.

5. If the authority fails to act on an application for an initial placement or installation of transmission equipment on wireless support structures, for a modification of an existing tower or existing base station that constitutes a substantial change, or for a request for construction or placement of transmission equipment that does not constitute an eligible facilities request within the review period specified under subsection 4, the application shall be deemed approved.

6. A party aggrieved by the final action of an authority, either by its affirmative disapproval of an application under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction.

2015 Acts, ch 120, §5, 10

8C.6 Use of public lands for towers and transmission equipment.

1. In accordance with other applicable laws, when entering into a lease with an applicant for the applicant's use of public lands, an authority shall offer the market rate value for use of that land. The term of the lease shall be for at least twenty years, but all or a portion of the land may be subject to release for public purposes after fifteen years.

2. *a.* If the authority and the applicant cannot agree on the market rate for lease of the public land and cannot agree on the process to derive the market rate, the appraisals of a three-person panel of appraisers shall determine the market rate. Each party will appoint one appraiser and the two appointed appraisers shall select a third appraiser. Each appraiser shall independently appraise the appropriate market rate for lease of the land. The market rate shall be set at the median value between the highest and lowest market rates determined by the three independent appraisers. However, if the median between the appraisals of the appraisers appointed by each party is greater than or less than ten percent of the appraisal of the appraiser selected by the two appraisers, then the appraisal of the appraiser selected by the two appraisers shall determine the rate for the lease. Each appraiser shall send a copy of the appraisal to the authority and the applicant. The authority shall use the appraisal process under this paragraph to determine the lease rate for purposes of this subsection.

b. An authority shall approve or reject the lease rate as determined by the appraisal process pursuant to paragraph "*a*" within fifteen days following completion and receipt of the appraisals obtained pursuant to paragraph "*a*". The authority's failure to reject the lease rate as determined by the appraisal process within fifteen days constitutes approval of the lease rate determined pursuant to paragraph "*a*" as the market rate value for the use of the land for purposes of the lease between the authority and the applicant.

c. The authority and applicant shall conclude the appraisal process within one hundred fifty calendar days from the date the applicant first offered a proposed lease rate to the authority.

d. If using the three-person panel, each party shall bear the cost of its own appointed appraiser and equally share the cost of the third appraiser.

2015 Acts, ch 120, §6, 10

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8C.7 Utility poles.

Notwithstanding any provision to the contrary, an authority shall not mandate, require, or regulate the installation, location, or use of transmission equipment on a utility pole.

2015 Acts, ch 120, §7, 10

8C.7A Uniform rules for small wireless facilities — permit approval.

1. *a.* Except as provided in this section, an authority shall not prohibit or restrict the siting of a small wireless facility.

b. For purposes of this section, *"siting"* means the mounting, installation, maintenance, modification, operation, or replacement of a small wireless facility on or adjacent to any of the following:

(1) An existing tower, utility pole, wireless support structure, or other existing structure.

(2) A new utility pole of a similar height and appearance as an existing utility pole and which is located within a five-hundred-foot radius of the existing utility pole.

(3) A replacement utility pole of a similar height and appearance as an existing utility pole and which is located within a five-hundred-foot radius of the existing utility pole.

2. *a.* An authority that has adopted planning and zoning regulations shall authorize the siting of a small wireless facility within its jurisdiction and shall not require a person to obtain a special or conditional land use permit for any of the following:

(1) For siting the small wireless facility in a public right-of-way or on an authority structure located outside of a public right-of-way to the extent that such structure is already in use as a wireless support structure by supporting non-authority communications equipment that involve external attachments, provided that such structure is not listed on the national register of historic places.

(2) For siting the small wireless facility on an existing tower, utility pole, or wireless support structure, regardless of the location, except for on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 15.459.

b. A small wireless facility may be classified as a special or conditional land use where such small wireless facility is not sited in a manner as provided in paragraph *"a"*.

c. A person may install a new utility pole or wireless support structure in a public right-of-way subject to the provisions of this section. An authority may reasonably limit the number of new utility poles or wireless support structures, consistent with the protection of public health, safety, and welfare, and provided that such limitation does not have the effect of prohibiting or significantly impairing a wireless service provider's ability to provide wireless service within the area of a proposed new structure. However, an authority may require a person to obtain a special or conditional land use permit to install a new utility pole or wireless support structure for the siting of a small wireless facility on property zoned and used exclusively for single-family residential use or within a previously designated area of historical significance pursuant to section 15.459.

3. *a.* (1) An authority may require a person to obtain a building, electrical, or public right-of-way use permit for the siting of a small wireless facility to the extent that such permit is of general applicability and does not deny access to site the small wireless facility in a public right-of-way. Notwithstanding this paragraph, an authority shall not require a person to obtain a permit for the routine maintenance of a previously approved small wireless facility or the replacement of a previously approved small wireless facility with a facility of substantially similar height, weight, and wind and structural loading, provided, however, that an authority may require a person to obtain a permit to work in a public right-of-way or on an authority structure located outside of a public right-of-way with the same terms and conditions provided for other commercial projects or uses in the public right-of-way or on the authority structure.

(2) (a) Except as provided in subparagraph divisions (b) and (c), an authority shall not impose any fee or require any application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility that is suspended on operator-owned cables or lines that are strung between existing utility poles in compliance with national safety codes.

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(b) An authority that has adopted a municipal or county code on or before July 1, 2017, which requires an application or permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility may continue the application or permit requirement subsequent to July 1, 2017.

(c) (i) An authority may require a single-use right-of-way permit for the installation, placement, operation, maintenance, or replacement of a micro wireless facility if any of the following conditions apply:

(A) The work is contained within a highway lane or requires the closure of a highway lane.

(B) The work disturbs the pavement, shoulder, ditch, or operation of a highway.

(C) The work involves placement of a micro wireless facility on a limited access right-of-way.

(D) The work requires any specific precautions to ensure the safety of the traveling public or the protection or operation of public infrastructure and such work was not authorized in, or will not be conducted in, the same time, place, or manner that is consistent with the approved terms of the existing permit for the facility or structure upon which the micro wireless facility is attached.

(ii) For purposes of this subparagraph division, *"highway"* means the same as defined in section 325A.1.

b. An authority shall not require a person to apply for or enter into an individual license, franchise, or other agreement with the authority or any other entity for the siting of a small wireless facility on a utility pole located in a public right-of-way. However, an authority may, through the conditions set forth in a permit obtained pursuant to this subsection, do any of the following:

(1) Establish nondiscriminatory, competitively neutral and commercially reasonable rates, terms, and conditions for such siting, which rates, terms, and conditions shall comply with the federal pole attachment requirements provided in 47 U.S.C. §224 and any regulations promulgated thereunder.

(2) Require compliance with the Iowa electrical safety code, the national electrical safety code, applicable fire safety codes, and any building code or similar code of general applicability for the protection of the public health, safety, or welfare that was adopted by an authority prior to the filing of the application.

(3) Require that a small wireless facility reasonably match the aesthetics of an existing utility pole or wireless support structure that incorporates decorative elements.

(4) Require compliance with section 306.46, subsection 1, and section 306.47.

(5) Require that after the construction of a small wireless facility or new utility pole is completed in accordance with all conditions under which the permit is granted, which conditions shall be consistent with this section, the owner of the small wireless facility or new utility pole, or the owner's successor in interest, shall maintain the small wireless facility or new utility pole at the expense of the owner or successor and if the authority subsequently undertakes any maintenance, public improvement project, or reconstruction of authority property or equipment which requires the modification, relocation, or reconstruction of the small wireless facility or new utility pole, such work and the costs thereof shall be the responsibility of the owner or successor. If the project necessitating the modification, relocation, or reconstruction of the small wireless facility or new utility pole is for a private commercial purpose, the authority may require the owner or successor to modify, relocate, or reconstruct the small wireless facility or new utility pole upon prepayment of the costs of such work by the private commercial entity whose project facilitates the need for such work. For purposes of this subparagraph, *"new utility pole"* means a new utility pole installed by a wireless service provider pursuant to this section solely for use as a wireless support structure and that is owned by the wireless service provider.

c. Beginning with applications filed on or after September 1, 2017, an authority shall accept an application for, process, and issue a permit under this subsection as follows:

(1) An applicant shall not be required to provide more information or pay a higher application fee, consulting fee, or other fee associated with the processing or issuance of a permit than the amount charged to a telecommunications service provider that is not

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a wireless service provider. The total amount of fees for processing or issuing a permit, including any fees charged by third parties, shall not exceed five hundred dollars for an application addressing no more than five small wireless facilities, and an additional fifty dollars for each small wireless facility addressed in an application in excess of five small wireless facilities. An applicant shall not be required to pay any additional fees or perform any services relating to the acceptance, processing, or issuance of a permit, nor provide any services unrelated to the siting of the small wireless facility or of a new, replacement, or modified utility pole on which a small wireless facility is sited. For purposes of this subparagraph, engineering and structural review are deemed to be related to the permitting of a small wireless facility. The total amount of fees shall be adjusted every five years to reflect any increases or decreases in the consumer price index, rounded to the nearest five dollars.

(2) An authority shall approve or deny a permit application within ninety days following the submission of a completed application. Except as provided herein, an application shall be deemed approved if the authority fails to approve or deny the application within ninety days following the submission of a completed application. This period of time for the processing of an application may be extended upon mutual written agreement between the authority and the applicant. An applicant may address up to twenty-five small wireless facilities in a single application, provided, however, that a single application may only address small wireless facilities within a single two-mile radius consisting of substantially similar equipment to be placed on substantially similar types of wireless support structures or utility poles. In rendering a decision on an application addressing more than one small wireless facility, an authority may approve the application as to certain individual small wireless facilities while denying it as to others. An authority's denial of an individual small wireless facility or subset of small wireless facilities within an application is not a basis to deny the application as a whole. If an authority receives applications for the approval of more than seventy-five small wireless facilities within a single seven-day period, whether from a single applicant or from multiple applicants, the authority may notify an applicant submitting any additional siting applications during that seven-day period that the authority is invoking its right to an automatic thirty-day extension for any additional siting application submitted during that seven-day period.

(3) (a) An authority may only deny a completed application if any of the following apply:

(i) The application fails to include reasonable information required by the authority and in accordance with this subsection.

(ii) The application does not comply with the Iowa electrical safety code, the national electrical safety code, applicable fire safety codes, or any building code or similar code of general applicability for the protection of the public health, safety, or welfare that was adopted by an authority prior to the filing of the application.

(iii) The application would result in the authority being noncompliant with the federal Americans With Disabilities Act of 1990.

(iv) (A) A licensed engineer selected by the applicant or the authority certifies that siting the small wireless facility as proposed would compromise the structural safety of, or preclude the essential purpose of, the utility pole or wireless support structure in the public right-of-way on which it is proposed to be sited and any of the following conditions apply:

(I) The applicant fails to redesign the small wireless facility in a manner determined necessary by the engineer to make the existing utility pole or wireless support structure structurally sound for the siting of the small wireless facility.

(II) The applicant fails to modify the utility pole or wireless support structure to make the structure structurally sound for the siting of the small wireless facility.

(III) The applicant fails to replace the utility pole or wireless support structure with a utility pole or wireless support structure that is structurally sound for the siting of the small wireless facility.

(IV) The applicant fails to propose an alternative location for the siting of the small wireless facility.

(B) If an applicant chooses to modify or replace a utility pole or wireless support structure to make the structure structurally sound for the siting of a small wireless facility, the applicant

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shall pay or advance to the authority the costs of modifying or replacing the utility pole or wireless support structure with a utility pole or wireless support structure that would safely support the small wireless facility and preserve the essential purpose of the utility pole or wireless support structure.

(v) The application seeks approval of a new small wireless facility, utility pole, or wireless support structure that would impair, interfere with, or preclude the safe and effective use of facilities already located in the public right-of-way for pedestrian, vehicular, utility, or other authority public right-of-way purposes.

(vi) The application seeks approval for the siting of a small wireless facility outside the public right-of-way that would impair, interfere with, or preclude the safe and effective use of an authority structure or property for a public purpose.

(vii) The application seeks approval for the siting of a small wireless facility on a wireless support structure used exclusively for emergency communications equipment.

(viii) The application seeks approval for the siting of a small wireless facility on a utility pole that is the vertical portion of a support structure for a traffic control signal or device, and the authority determines that the utility pole lacks sufficient space or load capacity for the proposed siting or the small wireless facility cannot be sited on the utility pole without impairing the public health, safety, or welfare.

(b) An authority denying an application shall document the basis for the denial, including the specific code provisions or standards on which the denial is based, and provide the applicant with such documentation on or before the date the application is denied.

(c) An applicant whose application is denied shall have an opportunity to cure any deficiencies identified by the authority as the basis for the denial and to submit a revised application within thirty days following the date of denial without paying an additional fee. The authority shall approve or deny a revised application within thirty days following submission. The authority shall not identify any deficiencies in a second or subsequent denial that were not identified in the original denial.

(4) An authority shall not limit the duration of a permit issued for the siting of a small wireless facility in a public right-of-way pursuant to this subsection, and shall not limit the duration of a permit issued for the siting of a small wireless facility on an authority structure located outside of a public right-of-way to any period less than ten years, with one automatic five-year renewal, provided, however, that the owner of the small wireless facility may terminate the permit upon providing ninety days' notice to the authority. The construction of a small wireless facility permitted pursuant to this subsection shall commence no later than two years following the date that the permit is issued, or two years after any appeals are exhausted.

(5) An authority shall not impose a moratorium on the processing or issuance of permits under this subsection.

(6) An authority shall process and issue permits on a nondiscriminatory basis. An authority shall receive an application for, process, and issue a permit for the siting of a small wireless facility in a manner substantially comparable to the permitting of other applicants within the jurisdiction of the authority, and may not impose discriminatory licensing standards for persons siting small wireless facilities.

4. The annual recurring rate charged by an authority for the siting of a small wireless facility on an authority utility pole shall not exceed the rate computed by the federal communications commission for telecommunications pole attachments in 47 C.F.R. §1.1409(e)(2).

5. *a.* An authority shall authorize the siting of a small wireless facility on an authority structure located outside of a public right-of-way to the same extent the authority authorizes access to such structures for other non-authority communications equipment that involve external attachments, and may authorize the siting even if the authority has not previously permitted such access.

b. A siting authorized under this subsection shall be subject to reasonable rates, terms, and conditions as provided in one or more agreements between the authority and the wireless service provider. Notwithstanding chapter 480A, the annual recurring rate for such siting as charged by an authority shall not exceed the lesser of the following:

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(1) The amount charged for a similar commercial project or use to occupy a similar area of space on similarly situated property.

(2) The projected cost to the authority resulting from the siting.

6. A party aggrieved by the final action of an authority, either by its affirmative action on a permit, term or condition, or rate under the provisions of this section or by its inaction, may bring an action for review in any court of competent jurisdiction, except that if the final action of the authority was the denial of a conditional or special use permit pursuant to this section, the party must first seek review under section 335.13 or 414.10, as applicable.

7. This section only addresses an authority's approval of zoning and building permits and the rates for the use of public rights-of-way and authority structures. This section shall not modify the rights and obligations of a nonauthority owner of a utility pole or a municipal utility that owns a utility pole, under 47 C.F.R. §1.1401 et seq., and the Iowa electrical safety code.

2017 Acts, ch 112, §3; 2017 Acts, ch 170, §22; 2018 Acts, ch 1026, §6; 2023 Acts, ch 64, §4
Referred to in §8C.7C

8C.7B Small wireless facilities — violation and removal.

1. A public utility that owns or controls a utility pole on which a small wireless facility is sited in alleged violation of this chapter or the Iowa electrical safety code shall notify the owner of the small wireless facility of the alleged violation, in writing or by any other method agreed upon by the parties in writing. The notice shall include the following information:

a. The address and location where the alleged violation occurred.

b. A description of the alleged violation.

c. Suggested corrective action.

2. Upon the receipt of notice of an alleged violation, the recipient of such notice shall respond to the public utility within sixty days in writing or by any other method agreed upon by the parties in writing. The response shall include the following information:

a. A statement disclosing whether or not the recipient of the notice is the owner of the small wireless facility at issue.

b. A statement disclosing that the owner disputes that the alleged violation has occurred, if applicable.

c. A plan for corrective action if the owner does not dispute that the violation has occurred.

d. A statement disclosing whether the violation has been corrected, if the owner does not dispute that the violation has occurred.

3. The owner of a small wireless facility in alleged violation of this chapter or the Iowa electrical safety code shall correct the alleged violation within one hundred eighty days after receiving notice of the violation unless, for good cause shown, a delay for taking corrective action is appropriate or if the parties otherwise agree in writing to extend the time required to take corrective action. Good cause for a delay in corrective action shall include but is not limited to a dispute over whether the recipient of the notice is the owner of the small wireless facility at issue, a dispute over whether the alleged violation has occurred, or if taking corrective action within the required time frame is not possible due to circumstances which are beyond the control of the owner of the small wireless facility. The public utility and owner of the small wireless facility shall cooperate in determining an efficient and cost-effective solution to correct an alleged violation.

4. *a.* Notwithstanding subsections 1 through 3, in the event of an emergency, an authority or public utility shall contact the owner of the small wireless facility at issue and provide the owner with a reasonable opportunity, given the nature of the emergency, to alleviate such emergency or participate with the authority or public utility to make any repairs necessary to alleviate such emergency. If the owner of the small wireless facility does not respond in a timely manner, as determined by the authority or public utility given the nature of the emergency, the authority or public utility may remove or make alterations to the small wireless facility as necessary to ensure public safety.

b. For purposes of this subsection, "*emergency*" means exigent and extraordinary circumstances under which the physical or electrical failure of a utility pole, wireless support

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structure, or small wireless facility threatens imminent physical harm to persons or there is a substantial likelihood of imminent and significant harm to property.

5. If the parties cannot resolve a dispute after following the procedures provided in this section, any party may file an action concerning an alleged violation under this section in the district court for the county in which the violation is alleged to have occurred, for any appropriate remedy, including the removal of a small wireless facility deemed by the court to be in violation of this chapter or the Iowa electrical safety code. However, this section shall not preclude a party from bringing an action pursuant to the Iowa electrical safety code or 47 C.F.R. §1.1401 et seq., or the application of a dispute resolution process set forth in an applicable pole attachment agreement between the parties.

6. Nothing in this section shall be deemed to limit the ability of a public utility and the owner of a small wireless facility to voluntarily enter into a pole attachment agreement that establishes different terms for the siting of a small wireless facility or the resolution of a dispute regarding such a facility.

2017 Acts, ch 112, §4

8C.7C Height limitations.

1. A new, replacement, or modified utility pole or wireless support structure installed in a public right-of-way located within the city limits of an incorporated city for the purpose of siting a wireless facility, including a small wireless facility under the provisions of this chapter shall not exceed the greater of ten feet in height above the tallest utility pole existing on or before July 1, 2017, located within five hundred feet of the new, replacement, or modified utility pole in the same public right-of-way, or forty feet in height above ground level. Except as provided in section 8C.7A, subsection 2, paragraph *"c"*, an authority shall not require a special or conditional use permit for the installation of a utility pole or wireless support structure that complies with the height limitations of this subsection.

2. Notwithstanding subsection 1, a person may construct, modify, or maintain a utility pole or wireless support structure along, across, and under a public right-of-way in excess of the size limits provided in subsection 1, to the extent permitted by the authority's applicable zoning regulations.

3. A person shall comply with nondiscriminatory undergrounding requirements that prohibit wireless service providers from installing structures in a public right-of-way without prior zoning approval in areas designated as an underground district pursuant to a resolution or ordinance adopted by an authority prior to the date the application is filed or in areas zoned and used for single-family residential use, provided that such requirements shall not prohibit the replacement of existing structures.

4. Nothing in this section shall be deemed to limit the ability of a public utility to install a utility pole for the purposes of electric utility transmission or distribution within a public right-of-way subject to an authority's planning and zoning regulations.

2017 Acts, ch 112, §5

8C.8 Application and construction.

This chapter shall not be construed as:

1. Prohibiting an airport, aviation authority, or municipality from administering and enforcing airport zoning pursuant to the provisions of chapter 329 for the protection of navigable airspace.

2. Infringing upon the jurisdiction of a commission, as defined in section 15.445, to approve or deny applications for proposed alterations to exterior features within an area designated as an area of historical significance.

3. Infringing upon the jurisdiction of a city or county, or any other entity authorized by statute, to approve or deny applications for proposed alterations to exterior features of designated local historic landmarks.

2015 Acts, ch 120, §8, 10

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8C.9 Repeal.

This chapter is repealed July 1, 2035.

2015 Acts, ch 120, §9, 10; 2017 Acts, ch 112, §6; 2020 Acts, ch 1026, §1, 2; 2024 Acts, ch 1102, §1

CHAPTER 8D

IOWA COMMUNICATIONS NETWORK

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8D.1 Purpose.

It is the intent of the general assembly that communications of state government be coordinated to effect maximum practical consolidation and joint use of communications services.

[C71, 73, §8A.1; C75, 77, 79, 81, §18.132]

83 Acts, ch 126, §3; 94 Acts, ch 1184, §29

C95, §8D.1

8D.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Commission"* means the Iowa telecommunications and technology commission established in section 8D.3.

2. *"Director"* means the executive director appointed pursuant to section 8D.4.

3. *"Network"* means the Iowa or state communications network.

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

5. *a. "Public agency"* means a state agency, an institution under the control of the board of regents, the judicial branch as provided in section 8D.13, subsection 14, a school corporation, a city library, a county library as provided in chapter 336, an agency of the federal government, or a United States post office which receives a federal grant for pilot and demonstration projects.

b. For the purposes of this chapter, *"public agency"* also includes any homeland security or defense facility or disaster response agency established by the director of the department of homeland security and emergency management or the governor or any facility connected with a security or defense system or disaster response as required by the director of the department of homeland security and emergency management or the governor.

6. *"State communications"* refers to the transmission of voice, data, video, the written word, or other visual signals by electronic means but does not include radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems under the public broadcasting division of the department

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of education, or the department of transportation distributed data processing and mobile radio network.

[C71, 73, §8A.2; C75, 77, 79, 81, §18.133]

83 Acts, ch 126, §4, 5; 86 Acts, ch 1245, §308, 2049; 87 Acts, ch 211, §1; 89 Acts, ch 319, §31; 93 Acts, ch 48, §8; 94 Acts, ch 1184, §3, 4, 29

C95, §8D.2

98 Acts, ch 1047, §4; 2001 Acts, ch 158, §1; 2002 Acts, ch 1065, §1; 2003 Acts, ch 44, §2; 2003 Acts, ch 179, §157; 2005 Acts, ch 179, §51; 2011 Acts, ch 132, §36, 106; 2013 Acts, ch 29, §4; 2017 Acts, ch 52, §1; 2023 Acts, ch 19, §2769

Referred to in §8D.9, 8D.13

8D.3 Iowa telecommunications and technology commission — members — duties.

1. *Commission established.* A telecommunications and technology commission is established with the sole authority to supervise the management, development, and operation of the network and ensure that all components of the network are technically compatible. The management, development, and operation of the network shall not be subject to the jurisdiction or control of any other state agency. However, the commission is subject to the general operations practices and procedures which are generally applicable to other state agencies.

a. The commission shall ensure that the network operates in an efficient and responsible manner consistent with the provisions of this chapter for the purpose of providing the best economic service attainable to the network users consistent with the state's financial capacity.

b. The commission shall ensure that educational users and the use, design, and implementation for educational applications be given the highest priority concerning use of the network.

c. The commission shall provide for the centralized, coordinated use and control of the network.

2. *Members — meetings.*

a. The commission is composed of five voting members appointed by the governor and subject to confirmation by the senate. Voting members of the commission shall not serve in any manner or be employed by an authorized user of the network or by an entity seeking to do or doing business with the network.

(1) The governor shall appoint a voting member as the chairperson of the commission from the five voting members, subject to confirmation by the senate.

(2) Voting members of the commission shall serve six-year staggered terms as designated by the governor and appointments to the commission are subject to the requirements of sections 4A.12 and 69.19. Vacancies shall be filled by the governor for the duration of the unexpired term.

(3) The salary of the voting members of the commission shall be twelve thousand dollars per year, except that the salary of the chairperson shall be seventeen thousand dollars per year. Voting members of the commission shall also be reimbursed for all actual and necessary expenses incurred in the performance of duties as members. The benefits and salary paid to the voting members of the commission shall be adjusted annually equal to the average of the annual pay adjustments, expense reimbursements, and related benefits provided under collective bargaining agreements negotiated pursuant to chapter 20.

b. The auditor of state or the auditor's designee and the chief information officer designated pursuant to section 8.5 or the chief information officer's designee shall serve as nonvoting, ex officio members of the commission.

c. Meetings of the commission shall be held at the call of the chairperson of the commission.

3. *Duties.* The commission shall do all of the following:

a. Enter into agreements pursuant to chapter 28E as necessary and appropriate for the purposes of the commission. However, the commission shall not enter into an agreement with an unauthorized user or any other person pursuant to chapter 28E for the purpose of providing such user or person access to the network.

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b. Provide advice and recommendations to the director for the adoption of rules as provided in section 8D.4.

c. Establish an appeal process for review by the commission of a scheduling conflict decision, including a scheduling conflict involving an educational user, or the establishment of a fee associated with the network upon the request of a person affected by such decision or fee. A determination made by the commission pursuant to this paragraph shall be final.

d. Provide advice and recommendations to the director for the review and adoption of rules proposed and submitted by an authorized user group.

e. (1) Develop and issue for response all requests for proposals for any construction, installation, repair, maintenance, or equipment and parts necessary for the network. In preparing the request for proposals, the commission shall do all of the following:

(a) Review existing requests for proposals related to the network.

(b) Consider and evaluate all competing technologies which could be used in any construction, installation, repair, or maintenance project.

(c) Allow flexibility for proposals to be submitted in response to a request for proposals issued by the commission such that any qualified provider may submit a bid on a site-by-site basis, or on a merged area or defined geographic area basis, or both, and by permitting proposals to be submitted for use of competing or alternative technologies in each defined area.

(d) Ensure that rural communities have access to comparable services to the services provided in urban areas resulting from any plans to construct, install, repair, or maintain any part of the network.

(2) In determining which proposal to recommend to the general assembly to accept, consider what is in the long-term best interests of the citizens of the state and the network, and utilize, if possible, the provision of services with existing service providers consistent with those best interests. In determining what is in the long-term best interests of the citizens of the state and the network, the commission, at a minimum, shall consider the cost to taxpayers of the state.

f. Include in the commission's annual report related to the network the actual income and expenses for the network for the preceding fiscal year and estimates for income and expenses for the network for the two-year fiscal period that includes the fiscal year during which the report is submitted. The report shall include the amount of any general fund appropriations to be requested, any recommendations of the commission related to changes in the system, and other items as deemed appropriate by the commission. The report shall also include a list of contracts in excess of one million dollars entered into by the commission during the preceding fiscal year, including any contract entered into pursuant to section 8D.11 or 8D.13 or any other authority of the commission.

g. Review existing maintenance contracts and past contracts to determine vendor capability to perform the obligations under such contracts. The commission shall report to the general assembly prior to January 1 of each year as to the performance of all vendors under each contract and shall make recommendations concerning continued funding for the contracts.

h. Pursue available opportunities to cooperate and coordinate with the federal government for the use and potential expansion of the network and for the financing of any such expansion.

i. Evaluate existing and projected rates for use of the system and ensure that rates are sufficient to pay for the operation of the system excluding the cost of construction and lease costs for Parts I, II, and III. The commission shall establish all hourly rates to be charged to all authorized users for the use of the network and shall consider all costs of the network in establishing the rates. A fee established by the commission to be charged to a hospital licensed pursuant to chapter 135B, a physician clinic, or the federal government shall be at an appropriate rate so that, at a minimum, there is no state subsidy related to the costs of the connection or use of the network related to such user.

j. Make recommendations to the general assembly, as deemed appropriate by the commission, concerning the operation of the network.

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k. Provide necessary telecommunications cabling to provide state communications.

94 Acts, ch 1184, §5; 95 Acts, ch 210, §1; 96 Acts, ch 1200, §1; 99 Acts, ch 207, §8; 2000 Acts, ch 1141, §12, 19; 2003 Acts, ch 145, §286; 2005 Acts, ch 178, §39; 2006 Acts, ch 1126, §1; 2007 Acts, ch 116, §1; 2008 Acts, ch 1031, §78; 2011 Acts, ch 25, §5; 2015 Acts, ch 120, §35, 36; 2020 Acts, ch 1063, §4; 2022 Acts, ch 1153, §24, 27, 28; 2024 Acts, ch 1004, §1; 2024 Acts, ch 1170, §133; 2024 Acts, ch 1185, §94

Referred to in §8D.2, 8D.8
Confirmation, see §2.32

8D.4 Executive director appointed.

1. The governor shall appoint an executive director of the commission, subject to confirmation by the senate. Such individual shall not serve as a member of the commission. The executive director shall serve at the pleasure of the governor. The executive director shall be selected primarily for administrative ability and knowledge in the field, without regard to political affiliation. The governor shall establish the salary of the executive director within the applicable salary range as established by section 8A.461. The salary and support of the executive director shall be paid from moneys deposited in the Iowa communications network fund.

2. The director shall adopt rules pursuant to chapter 17A for the implementation and administration of the duties of the commission. The director, in consultation with the department of administrative services, shall also adopt and provide for standard communications procedures and policies relating to the use of the network which recognize, at a minimum, the need for reliable communications services. The director shall review and approve for adoption rules as proposed and submitted by an authorized user group necessary for the authorized user group's access and use of the network. The director may refuse to approve and adopt a proposed rule, and upon such refusal, shall return the proposed rule to the respective authorized user group proposing the rule with a statement indicating the director's reason for refusing to approve and adopt the rule.

94 Acts, ch 1184, §6; 2003 Acts, ch 145, §126; 2013 Acts, ch 129, §25; 2015 Acts, ch 120, §37; 2015 Acts, ch 138, §11, 161, 162; 2024 Acts, ch 1170, §134; 2024 Acts, ch 1182, §158, 168

Referred to in §8D.2, 8D.3
Confirmation, see §2.32

8D.5 Education telecommunications council established — regional councils established. Repealed by 2019 Acts, ch 6, §3.

8D.6 Advisory committees.

The commission may establish and abolish advisory committees as necessary representing authorized users of the network and providing other expertise needed to assist the commission in performing its duties.

94 Acts, ch 1184, §8; 2006 Acts, ch 1126, §2, 3

8D.7 Telecommunications advisory committee. Repealed by 2006 Acts, ch 1126, §5.

8D.8 Scheduling for authorized users.

An authorized user is responsible for all scheduling of the use of the authorized user's facility. A person who disputes a scheduling decision of such user may petition the commission for a review of such decision pursuant to section 8D.3, subsection 3, paragraph "c".

94 Acts, ch 1184, §10; 2019 Acts, ch 6, §1

8D.9 Certification of use — network use by certain authorized users.

1. A private or public agency, other than a state agency, local school district or nonpublic school, city library, county library, judicial branch, judicial district department of correctional services, agency of the federal government, a hospital or physician clinic, or a post office authorized to be offered access pursuant to this chapter as of May 18, 1994, shall certify to the commission no later than July 1, 1994, that the agency is a part of or intends to become

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a part of the network. Upon receiving such certification from an agency not a part of the network on May 18, 1994, the commission shall provide for the connection of such agency as soon as practical. An agency which does not certify to the commission that the agency is a part of or intends to become a part of the network as required by this subsection shall be prohibited from using the network.

2. *a.* A private or public agency, other than an institution under the control of the state board of regents, a private college or university, or a nonpublic school, which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

(1) The costs to the authorized user for services provided on the network are not competitive with the same services provided by another provider.

(2) The authorized user is under contract with another provider for such services, provided the contract was entered into prior to April 1, 1994. The agency shall use the network for video, data, and voice requirements which are not provided pursuant to such contract.

(3) The authorized user has entered into an agreement with the commission to become part of the network prior to June 1, 1994, which does not provide for use of the network for all video, data, and voice requirements of the agency. The commission may enter into an agreement described in this subparagraph upon a determination that the use of the network for all video, data, and voice requirements of the agency would not be in the best interests of the agency.

b. A private or public agency, other than an institution under the control of the state board of regents, a private college or university, or a nonpublic school, shall petition the commission for a waiver of the requirement to use the network as provided in paragraph *"a"*, if the agency determines that paragraph *"a"*, subparagraph (1) or (2), applies. The director shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph *"a"*, subparagraph (1) or (2), applies. An authorized user found by the commission to be under contract for such services as provided in paragraph *"a"*, subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph *"a"*, subparagraph (1), applies. A waiver approved by the commission may be for a period as requested by the private or public agency of up to three years.

c. An institution under the control of the state board of regents, a private college or university, or a nonpublic school which certifies to the commission pursuant to subsection 1 that it is a part of or intends to become a part of the network may use the network for its video, data, or voice requirements as determined by the regents institution, private college or university, or nonpublic school.

3. A facility that is considered a public agency pursuant to section 8D.2, subsection 5, paragraph *"b"*, shall be authorized to access the Iowa communications network strictly for homeland security communication purposes and disaster communication purposes. Any utilization of the network that is not related to communications concerning homeland security or a disaster, as defined in section 29C.2, is expressly prohibited. Access under this subsection shall be available only if a state of disaster emergency is proclaimed by the governor pursuant to section 29C.6 or a homeland security or disaster event occurs requiring connection of disparate communications systems between public agencies to provide for a multiagency or multijurisdictional response. Access shall continue only for the period of time the homeland security or disaster event exists. For purposes of this subsection, disaster communication purposes includes training and exercising for a disaster if public notice of the training and exercising session is posted on the internet site of the department of homeland security and emergency management. A scheduled and noticed training and exercising session shall not exceed five days. Interpretation and application of the provisions of this subsection shall be strictly construed.

4. A community college receiving federal funding to conduct first responder training and testing regarding homeland security first responder communication and technology-related

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research and development projects shall be authorized to utilize the network for testing purposes.

94 Acts, ch 1184, §11; 98 Acts, ch 1047, §5; 2001 Acts, ch 158, §2; 2003 Acts, ch 44, §3; 2004 Acts, ch 1175, §194; 2005 Acts, ch 179, §52; 2011 Acts, ch 93, §1; 2011 Acts, ch 132, §37, 106; 2013 Acts, ch 29, §5; 2013 Acts, ch 90, §257; 2020 Acts, ch 1045, §2, 3; 2024 Acts, ch 1170, §135

8D.10 Report of savings by state agencies. Repealed by 2014 Acts, ch 1036, §18.

8D.11 Powers — facilities — leases.

1. *a.* The commission may purchase, lease, and improve property, equipment, and services for telecommunications for public and private agencies and may dispose of property and equipment when not necessary for its purposes. The commission may enter into a contract for the purchase, lease, or improvement of property, equipment, or services for telecommunications pursuant to this subsection in an amount not greater than the contract limitation amount without prior authorization by a constitutional majority of each house of the general assembly, approval by the legislative council if the general assembly is not in session, or the approval of the executive council as provided pursuant to paragraph *"b"*. A contract entered into under this subsection for an amount exceeding the contract limitation amount shall require prior authorization or approval by the general assembly, the legislative council, or the executive council as provided in this subsection. The commission shall not issue any bonding or other long-term financing arrangements as defined in section 12.30, subsection 1, paragraph *"b"*. Real or personal property to be purchased by the commission through the use of a financing agreement shall be done in accordance with the provisions of section 12.28, provided, however, that the commission may purchase property, equipment, or services for telecommunications pursuant to a financing agreement in an amount not greater than the contract limitation amount without prior authorization by a constitutional majority of each house of the general assembly, approval by the legislative council if the general assembly is not in session, or the approval of the executive council as provided pursuant to paragraph *"b"*. A contract entered into under this subsection for an amount exceeding the contract limitation amount shall require prior authorization or approval by the general assembly, the legislative council, or the executive council as provided in this subsection.

b. Approval by the executive council as provided under paragraph *"a"* shall only be permitted if the contract for which the commission is seeking approval is necessary as the result of circumstances constituting a natural disaster or a threat to homeland security.

c. For purposes of this subsection, *"contract limitation amount"* means two million dollars. However, beginning July 1, 2008, and on each succeeding July 1, the director shall adjust the contract limitation amount to be applicable for the twelve-month period commencing on September 1 of the year in which the adjustment is made. The new contract limitation amount shall be published annually as a notice in the Iowa administrative bulletin prior to September 1. The adjusted contract limitation amount shall be calculated by applying the percentage change in the consumer price index for all urban consumers for the most recent available twelve-month period published in the federal register by the United States department of labor, bureau of labor statistics, to the existing contract limitation amount as an increase or decrease, rounded to the nearest dollar. The calculation and publication of the contract limitation amount by the director are exempt from the provisions of chapter 17A.

2. The commission also shall not provide or resell communications services to entities other than public and private agencies. The public or private agency shall not provide communication services of the network to another entity unless otherwise authorized pursuant to this chapter. The commission may arrange for joint use of available services and facilities, and may enter into leases and agreements with private and public agencies with respect to the Iowa communications network, and public agencies are authorized to enter into leases and agreements with respect to the network for their use and operation. Rentals and other amounts due under the agreements or leases entered into pursuant to this section by a state agency are payable from funds annually appropriated by the general assembly or from other funds legally available. Other public agencies may pay the rental costs and other

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amounts due under an agreement or lease from their annual budgeted funds or other funds legally available or to become available.

3. This section comprises a complete and independent authorization and procedure for a public agency, with the approval of the commission, to enter into a lease or agreement and this section is not a qualification of any other powers which a public agency may possess and the authorizations and powers granted under this section are not subject to the terms, requirements, or limitations of any other provisions of law, except that the commission must comply with the provisions of section 12.28 when entering into financing agreements for the purchase of real or personal property. All moneys received by the commission from agreements and leases entered into pursuant to this section with private and public agencies shall be deposited in the Iowa communications network fund.

4. A political subdivision receiving communications services from the state as of April 1, 1986, may continue to do so but communications services shall not be provided or resold to additional political subdivisions other than a school corporation, a city library, and a county library as provided in chapter 336. The rates charged to the political subdivision shall be the same as the rates charged to state agencies.

5. Pursuant to an agreement between the commission and an authorized user, the commission may provide billing services on behalf of the authorized user and charge another entity that receives services from the authorized user pursuant to the network if all of the following conditions are satisfied:

a. The services provided by the authorized user to the other entity must be consistent with the mission of the authorized user.

b. The services provided by the authorized user to the other entity must be consistent with the requirements and limitations in subsection 2.

86 Acts, ch 1245, §309
C87, §18.134
87 Acts, ch 233, §131; 89 Acts, ch 319, §32; 93 Acts, ch 48, §9; 94 Acts, ch 1184, §13, 29
C95, §8D.11
96 Acts, ch 1177, §1; 2001 Acts, ch 158, §3; 2007 Acts, ch 116, §2; 2011 Acts, ch 132, §38, 106; 2021 Acts, ch 84, §1
Referred to in §8D.3, 8D.14

8D.11A Proprietary interests.

The commission may charge a negotiated fee, to recover a share of the costs related to the research and development, initial production, and derivative products of its proprietary software and hardware, telecommunications architecture design, and proprietary technology applications developed to support authorized users, to private vendors and to other political entities and subdivisions, including but not limited to states, territories, protectorates, and foreign countries. The commission may enter into nondisclosure agreements to protect the state of Iowa's proprietary interests. The provisions of chapter 23A relating to noncompetition by state agencies and political subdivisions with private enterprise shall not apply to commission activities authorized under this section.

2001 Acts, ch 22, §1
Referred to in §23A.2

8D.12 Disposition of network — approval of general assembly and governor.

Notwithstanding any provision to the contrary, the commission or the department of administrative services shall not sell, lease, or otherwise dispose of the network without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor.

94 Acts, ch 1184, §14; 2003 Acts, ch 145, §286

8D.13 Iowa communications network.

1. Moneys in the Iowa communications network fund are appropriated to the Iowa telecommunications and technology commission for purposes of providing financing for the procurement, operation, and maintenance of the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of the educational

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telecommunications system consisting of Part I, Part II, and Part III, and other public and private agencies.

2. For purposes of this section, unless the context otherwise requires:

a. "Part I" means the communications connections between central switching and institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the regional switching centers for the remainder of the network.

b. "Part II" means the communications connections between the regional switching centers and the secondary switching centers.

c. "Part III" means the communications connection between the secondary switching centers and the agencies defined in section 8D.2, subsections 4 and 5, excluding state agencies, institutions under the control of the board of regents, nonprofit institutions of higher education eligible for tuition grants, and the judicial branch, judicial district departments of correctional services, hospitals and physician clinics, agencies of the federal government, and post offices.

3. The financing for the procurement costs for the entirety of Part I except for the communications connections between central switching and institutions under the control of the board of regents, and nonprofit institutions of higher education eligible for tuition grants, and for the video, data, and voice capacity for state agencies and for Part II and Part III, shall be provided by the state. The financing for the procurement and maintenance costs for Part III shall be provided by the state. A local school board, governing authority of a nonpublic school, or an area education agency board may elect to provide one hundred percent of the financing for the procurement and maintenance costs for Part III to become part of the network. The basis for the amount of state financing is one hundred percent of a single interactive audio and interactive video connection for Part III, and such data and voice capacity as is necessary. If a school board, governing authority of a nonpublic school, or area education agency board elects to provide one hundred percent of the financing for the leasing costs for Part III, the school district or area education agency may become part of the network as soon as the network can reasonably connect the district or agency. A local school board, governing authority of a nonpublic school, or an area education agency board may also elect not to become part of the network. Construction of Part III, related to a school board, governing authority of a nonpublic school, or area education agency board which provides one hundred percent of the financing for the leasing costs for Part III, may proceed as determined by the commission and consistent with the purpose of this chapter.

4. The commission shall develop the requests for proposals that are needed for the Iowa communications network with sufficient capacity to serve the video, data, and voice requirements of state agencies and for educational telecommunications applications. The commission shall develop a request for proposals for each of the systems that will make up the network. The commission may develop a request for proposals for each definitive component of the network or the commission may provide in the request for proposals for each such system that separate contracts may be entered into for each definitive component covered by the request for proposals. The requests for proposals may be for the purchase, lease-purchase, or lease of the component parts of the network consistent with the provisions of this chapter, may require maintenance costs to be identified, and the resulting contract may provide for maintenance for parts of the network. The master contract may provide for electronic classrooms, satellite equipment, receiving equipment, studio and production equipment, and other associated equipment as required.

5. *a.* The state shall lease all fiberoptic cable facilities or facilities with sufficient capacity as determined by the commission for Part III connections, for the judicial branch, judicial district departments of correctional services, and state agency connections for which state funding is provided. In determining the capacity to be provided, the commission shall consult with the authorized users associated with the Part III connections, the judicial branch, the judicial district departments of correctional services, and state agencies associated with connections for which state funding is provided. Such facilities shall be leased from qualified providers. The state shall not own such facilities, except for those facilities owned by the state as of January 1, 1994.

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b. The lease provisions of this subsection do not apply to a school district which elects to provide one hundred percent of the financing for the district's connection.

6. It is the intent of the general assembly that during the implementation of Parts I and II of the system, the department of administrative services shall employ a consultant to report to it on the impact of changing technology on the potential cost and capabilities of the system. It is also the intent of the general assembly that the department of education shall study new techniques in distant teaching. These reports shall be made available to the general assembly.

7. The commission shall be responsible for the network design and shall be responsible for the implementation of each component of the network as it is incorporated into the network. The final design selected shall optimize the routing for all users in order to assure maximum utilization by all agencies of the state. Efficiencies achieved in the implementation of the network shall be used to fund further implementation and enhancement of the network, and shall be considered part of the operational cost of the network. The commission shall be responsible for all management, operations, control switching, diagnostics, and maintenance functions of network operations as provided in this chapter. The performance of these duties is intended to provide optimal utilization of the facilities, and the assurance that future growth requirements will be provided for, and that sufficient network capacity will be available to meet the needs of all users.

8. The procurement and maintenance of electronic equipment including, but not limited to, master receiver antenna systems, studio and production equipment, and broadcast system components shall be provided for under the commission's contracts. The Iowa public broadcasting board and other educational entities within the state have the option to use their existing or replacement resources and agreements in the operation and maintenance of these systems.

9. In addition to the other evaluation criteria specified in the request for proposals issued pursuant to this section, the commission, in evaluating proposals, shall base up to two percent of the total possible points on the public benefit that can be derived from a given proposal due to the increased private telecommunications capacity available to Iowa citizens located in rural Iowa. For purposes of this subsection, an area of the state is considered rural if it is not part of a federally designated standard metropolitan statistical area.

10. The fees charged for use of the network and state communications shall be based on the ongoing expenses of the network and of providing state communications. For the services rendered to state agencies by the commission, the commission shall prepare a statement of services rendered and the agencies shall pay in a manner consistent with procedures established by the department of administrative services.

11. The commission, on its own or as recommended by an advisory committee of the commission and approved by the commission, shall permit a fee to be charged by a receiving site to the originator of the communication provided on the network. The fee charged shall be for the purpose of recovering the operating costs of a receiving site. The fee charged shall be reduced by an amount received by the receiving site pursuant to a state appropriation for such costs, or federal assistance received for such costs. Fees established under this subsection shall be paid by the originator of the communication directly to the receiving site. In the event that an entity requests a receiving site location in a video classroom facility which is authorized by, but not funded by, the originator of the communication, the requesting entity shall be directly billed by the video classroom facility for operating costs relating to the communication. For purposes of this section, *"operating costs"* include the costs associated with the management or coordination, operations, utilities, classroom, equipment, maintenance, and other costs directly related to providing the receiving site.

12. Access to the network shall be offered to the judicial district departments of correctional services established in section 904.104A, provided that such departments contribute an amount consistent with their share of use for the part of the system in which the departments participate, as determined by the commission.

13. Access shall be offered to hospitals licensed pursuant to chapter 135B and physician clinics for diagnostic, clinical, consultative, data, and educational services for the purpose of developing a comprehensive, statewide telemedicine network, to an agency of the federal government, and to a post office defined as a public agency pursuant to section 8D.2,

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subsection 5. A hospital, physician clinic, an agency of the federal government, or a post office defined as a public agency pursuant to section 8D.2, subsection 5, shall be responsible for all costs associated with becoming a part of the network.

14. Access shall be offered to the judicial branch provided that the judicial branch contributes an amount consistent with the judicial branch's share of use for the part of the network in which the judicial branch participates, as determined by the commission.

15. Notwithstanding chapter 476, the provisions of chapter 476 shall not apply to a public utility in furnishing a telecommunications service or facility to the commission for the Iowa communications network or to any authorized user of the Iowa communications network for such authorized user's connection to the network.

16. Access to the network shall be offered to the department of public safety and the department of public defense for the purpose of establishing and operating a shared data-only network providing law enforcement, emergency management, disaster service, emergency warning, and other emergency information dissemination services to federal, state, and local law enforcement agencies as provided in sections 80.5 and 80.9B, and local emergency management offices established under the authority of sections 29C.9 and 29C.10.

17. Access shall be offered to the Iowa hospital association only for the purposes of collection, maintenance, and dissemination of health and financial data for hospitals and for hospital education services. The Iowa hospital association shall be responsible for all costs associated with becoming part of the network, as determined by the commission.

89 Acts, ch 319, §33
CS89, §18.136
90 Acts, ch 1266, §35; 90 Acts, ch 1272, §34; 92 Acts, ch 1246, §24; 93 Acts, ch 179, §16; 94 Acts, ch 1184, §15 – 20, 29
C95, §8D.13
95 Acts, ch 20, §1; 96 Acts, ch 1034, §1; 96 Acts, ch 1218, §27; 97 Acts, ch 210, §17; 98 Acts, ch 1047, §6 – 8; 2003 Acts, ch 145, §286; 2004 Acts, ch 1175, §323; 2005 Acts, ch 178, §40; 2008 Acts, ch 1031, §96; 2008 Acts, ch 1188, §26; 2010 Acts, ch 1189, §29; 2010 Acts, ch 1193, §102; 2019 Acts, ch 6, §2; 2019 Acts, ch 24, §96; 2020 Acts, ch 1063, §5; 2024 Acts, ch 1182, §45
Referred to in §8D.2, 8D.3, 8D.14
See Iowa Acts for provisions relating to appropriations for network costs in a given year

8D.14 Iowa communications network fund.

There is created in the office of the treasurer of state a fund to be known as the Iowa communications network fund under the control of the Iowa telecommunications and technology commission. There shall be deposited into the Iowa communications network fund proceeds from bonds issued for purposes of projects authorized pursuant to section 8D.13, funds received from leases pursuant to section 8D.11, and other moneys by law credited to or designated by a person for deposit into the fund. Amounts deposited into the fund are appropriated to and for the use of the commission. Notwithstanding section 12C.7, interest earned on amounts deposited in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys deposited into and appropriated from the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

89 Acts, ch 319, §34
CS89, §18.137
90 Acts, ch 1266, §36; 91 Acts, ch 264, §610; 94 Acts, ch 1184, §21, 29
C95, §8D.14
95 Acts, ch 210, §7; 2006 Acts, ch 1126, §4; 2016 Acts, ch 1073, §1

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CHAPTER 8E

STATE GOVERNMENT ACCOUNTABILITY (ACCOUNTABLE GOVERNMENT ACT)

Referred to in §8.23, 8.35A, 8.47, 8.52

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SUBCHAPTER I

GENERAL PROVISIONS

8E.101 Title.

This chapter shall be known and may be cited as the *"Accountable Government Act"*.

2001 Acts, ch 169, §8

8E.102 Purposes.

This chapter is intended to create mechanisms to most effectively and efficiently respond to the needs of Iowans and continuously improve state government performance, including by doing all of the following:

1. Allocating human and material resources available to state government to maximize measurable results for Iowans.
2. Improving decision making at all levels of state government.
3. Enhancing state government's relationship with citizens and taxpayers by providing for the greatest possible accountability of the government to the public.

2001 Acts, ch 169, §9

8E.103 Definitions.

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

1. *"Agency"* means all departments or boards within the executive branch, excluding agencies associated with elected officials.
2. *"Department"* means the department of management.

2001 Acts, ch 169, §10; 2004 Acts, ch 1082, §11; 2023 Acts, ch 19, §2707; 2024 Acts, ch 1082, §4

Referred to in §8.22, 8.23

8E.104 Administration.

The department shall oversee the administration of this chapter and shall adopt rules, guidance, and guidelines as necessary in order to administer this chapter. However, the state board of regents shall oversee and implement the provisions of this chapter for institutions governed under chapter 262. For purposes of this chapter, where records and data are specifically required to support enterprise-wide initiatives, planning or policy development, cross-agency collaboration, or performance or risk assessments, each agency shall share

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records or data with the department notwithstanding any other provision of law restricting or limiting such sharing. To the extent records obtained by the department pursuant to this chapter are otherwise confidential under law, the department shall maintain the confidentiality of the records and shall only release statistical information derived from the records, and shall be subject to the same penalties as the lawful custodian of the information, records, or data for unlawful dissemination of the information, records, or data.

2001 Acts, ch 169, §11; 2024 Acts, ch 1082, §5

Referred to in §546.13

8E.105 Chapter evaluation. Repealed by 2024 Acts, ch 1082, §14.

8E.106 through 8E.200 Reserved.

SUBCHAPTER II

STRATEGIC PLANNING AND PERFORMANCE MEASUREMENT

8E.201 Agency duties and powers.

Each agency shall administer the application of this chapter to the agency in cooperation with the department. Each agency shall measure and monitor operations and progress toward achieving goals which relate to programs administered by the agency pursuant to the enterprise priorities, the agency strategic plan, and the agency operational plan.

2001 Acts, ch 169, §13; 2024 Acts, ch 1082, §6

8E.202 Access.

The department and each agency shall provide for the widest possible dissemination of and access to agency strategic plans, agency operational plans, data, and reports, while assuring adequate protections are in place to safeguard sensitive and confidential information and data. This section does not require the department or an agency to publicly release information which is classified as a confidential record under law.

2001 Acts, ch 169, §14; 2011 Acts, ch 106, §2, 3, 17; 2024 Acts, ch 1082, §7

8E.203 Strategic plan — purposes. Repealed by 2024 Acts, ch 1082, §14.

8E.204 Agency strategic plans.

1. Each agency shall adopt an agency strategic plan aligned with the enterprise priorities where possible. Plans must follow a format and include elements as determined by the department in consultation with agencies. The purposes of agency strategic plans are to promote long-term and broad thinking, focus on results for Iowans, and facilitate implementation of enterprise priorities.

2. Each agency shall adopt and revise a strategic plan which includes input from customers and stakeholders following an opportunity for broad public participation in strategic planning. The agency developing or revising a strategic plan shall include input from state employees, including written and oral comments. Upon adoption of the agency's strategic plan, the agency shall provide the department with a copy of the agency strategic plan and make the strategic plan available to all agency employees. All agency strategic plans shall be available to the public.

3. An agency shall conduct an annual review of its agency strategic plan. Revisions in the strategic plan may be prompted by a reexamination of enterprise or agency priorities or the need to redirect state resources based on new circumstances, including events or trends.

2001 Acts, ch 169, §16; 2024 Acts, ch 1082, §8

Referred to in §8.23, 225A.3, 234A.2

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8E.205 Enterprise priorities.

The enterprise priorities, as established annually by the governor, shall serve as a launch point for developing and updating agency strategic plans and identifying the major areas of focus in achieving the governor's vision for the state of Iowa.

2001 Acts, ch 169, §17; 2024 Acts, ch 1082, §9

Referred to in §8.22, 8.23

8E.206 Agency strategic plans. Repealed by 2024 Acts, ch 1082, §14.

8E.207 Agency operational plans.

Each agency shall develop a plan to guide its day-to-day operations. The plan must outline the agency's organizational structure, the general duties of its organizational subunits, and metrics and measures used to monitor operations, as well as highlight initiatives and targets related to agency strategic plan goals or other improvement goals. Agencies shall update operational plans annually.

2001 Acts, ch 169, §19; 2024 Acts, ch 1082, §10

8E.208 Metrics and measures.

1. Each agency shall identify, collect, and maintain data for metrics and measures critical to monitoring and assessing the performance of the agency's operations.

2. Measurement is essential to monitoring operations and ensuring adequate accountability over public resources. Each agency shall have adequate control procedures in place, and be able to assess whether those control procedures are operating effectively, to determine that agencies are receiving or providing services of adequate quality, public resources are being used effectively and efficiently, and public resources are being used for appropriate and meaningful activities.

2001 Acts, ch 169, §20; 2006 Acts, ch 1153, §6, 9; 2020 Acts, ch 1062, §94; 2024 Acts, ch 1082, §11; 2025 Acts, ch 30, §3

Referred to in §8.23

8E.209 Records and data.

Each agency is responsible for classifying records and data to facilitate safeguarding its own information and making that information available to appropriate audiences. The department may review any records and data an agency collects, creates, and maintains for purposes of monitoring the agency's operations and assessing performance. Upon the department's request, an agency shall provide the department with and routinely update such records and data that support enterprise-wide initiatives, planning or policy development, cross-agency collaboration, or performance or risk assessments. Data must be as granular as possible and include key dates and characteristics critical to monitoring and assessing performance and facilitating insights. Each agency shall provide data in a format required by the department and update the data on a schedule appropriate for the data.

2001 Acts, ch 169, §21; 2003 Acts, ch 35, §45, 49; 2024 Acts, ch 1082, §12; 2025 Acts, ch 30, §4

Referred to in §546.13

8E.210 Reporting.

1. Each agency shall prepare reports highlighting progress in meeting goals based on measures and targets outlined in its agency strategic plan and operational plan using data.

2. Reporting required under this section shall be used to improve performance, improve strategic planning and policy decision making, better allocate human and material resources, recognize superior performance, and inform Iowans about their return from investment in state government.

2001 Acts, ch 169, §22; 2024 Acts, ch 1082, §13

8E.211 through 8E.300 Reserved.

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SUBCHAPTER III

INVESTMENT DECISIONS

8E.301 Scope.

The department, in cooperation with agencies, shall establish methodologies for use in making major investment decisions, including methodologies based on return on investment and cost-benefit analysis. The department and agencies may also utilize these methodologies to review current investment decisions. The department shall establish procedures for implementing the methodologies, requiring independent verification and validation of investment results, and providing reports to the governor and the legislative services agency regarding the implementation.

2001 Acts, ch 169, §23; 2003 Acts, ch 35, §45, 49

Public funds investment standards, see §12B.10

CHAPTER 8F

GOVERNMENT ACCOUNTABILITY — SERVICE CONTRACTS

Uniform terms and conditions for service contracts; see §8.47

8F.1 Purpose.
8F.2 Definitions.
8F.3 Contractual requirements.
8F.4 Reporting requirements.
8F.5 Enforcement.

8F.1 Purpose.

This chapter is intended to create mechanisms to most effectively and efficiently monitor the utilization of public moneys by providing the greatest possible accountability for the expenditure of public moneys.

2006 Acts, ch 1153, §1, 9

8F.2 Definitions.

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

1. *"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"* does not mean the Iowa public employees' retirement system created under chapter 97B, the public broadcasting division of the department of education created under section 256.81, the statewide fire and police retirement system created under chapter 411, or an agricultural commodity promotion board subject to a producer referendum.

2. *"Compensation"* means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an officer, employee, or other person plus the value of benefits including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacations, holidays, and sick leave, severance payments, retirement benefits, and deferred compensation.

3. *"Intergovernmental entity"* means any separate organization established in accordance with chapter 28E or established by any other agreement between an agency and any other governmental entity, whether federal, state, or local, and any department, division, unit, or subdivision thereof. *"Intergovernmental entity"* does not include an organization established or agreement made in accordance with chapter 28E between state agencies.

4. *"Oversight agency"* means an agency that contracts with and disburses state or federal moneys to a recipient entity.

5. *"Private agency"* means an individual or any form of business organization, including a nonprofit organization, authorized under the laws of this state or any other state or under the laws of any foreign jurisdiction.

6. *"Recipient entity"* means an intergovernmental entity or a private agency that enters

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into a service contract with an oversight agency to provide services which will be paid for with local governmental, state, or federal moneys.

7. *"Service"* or *"services"* means work performed for an oversight agency or for its client.

8. *a. "Service contract"* means a contract for a service or services when the predominant factor, thrust, and purpose of the contract as reasonably stated is for the provision of services. When there is a contract for goods and services and the predominant factor, thrust, and purpose of the contract as reasonably stated is for the provision or rendering of services with goods incidentally involved, a service contract exists. *"Service contract"* includes grants when the predominant factor, thrust, and purpose of the contract formalizing the grant is for the provision of services. For purposes of this chapter, a service contract only exists when an individual service contract or a series of service contracts entered into between an oversight agency and a recipient entity exceeds five hundred thousand dollars or when the grant or contract together with other grants or contracts awarded to the recipient entity by the oversight agency during the oversight agency's fiscal year exceeds five hundred thousand dollars in the aggregate.

b. "Service contract" does not mean any of the following:

(1) A contract that involves services related to transportation or the construction, reconstruction, improvement, repair, or maintenance of the transportation system.

(2) A contract that is subject to competitive bidding for the construction, reconstruction, improvement, or repair of a public building or public improvement.

(3) A contract concerning an entity that has contracted with the state and is licensed and regulated by the insurance division of the department of insurance and financial services.

(4) A contract with a federally insured financial institution that is subject to mandatory periodic examinations by a state or federal regulator.

(5) Any allocation of state or federal moneys by the department of education to subrecipients on a formula or noncompetitive basis.

(6) A contract for vendor services.

(7) A contract for a court-appointed attorney.

(8) A contract for services provided from resources made available under Tit. XVIII, XIX, or XXI of the federal Social Security Act.

(9) A contract with outside counsel or special counsel executed by the executive council pursuant to section 13.3 or 13.7.

(10) A contract concerning the public safety peace officers' retirement system created under chapter 97A, the judicial retirement system governed by chapter 602, article 9, or the deferred compensation plan established by the executive council pursuant to section 509A.12.

(11) A contract for services provided for the operation, construction, or maintenance of a public or city utility, combined public or city utility, or a city enterprise as defined by section 384.24.

(12) A contract for dual party relay service required by section 477C.3 or for the equipment distribution program established under the authority of section 477C.4.

(13) A contract for services provided by a person subject to regulation under Title XIII of the Code.

9. *"Vendor services"* means services or goods provided by a vendor that are required for the conduct of a state or federal program for an organization's own use or for the use of beneficiaries of the state or federal program and which are ancillary to the operation of the state or federal program under a service contract and not otherwise subject to compliance requirements of the state or federal program. For purposes of this subsection, *"vendor"* means a dealer, distributor, merchant, or other seller which provides goods and services within normal business operations, provides similar goods or services to many different purchasers, and operates in a competitive environment.

2006 Acts, ch 1153, §2, 9; 2006 Acts, ch 1182, §68; 2007 Acts, ch 10, §5; 2008 Acts, ch 1031, §9; 2012 Acts, ch 1023, §2; 2023 Acts, ch 19, §2708

8F.3 Contractual requirements.

1. As a condition of entering into a service contract with an oversight agency, a recipient

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entity shall certify that the recipient has the following information available for inspection by the oversight agency and the legislative services agency:

a. Information documenting the legal status of the recipient entity, such as agreements establishing the entity pursuant to chapter 28E or other intergovernmental agreements, articles of incorporation, bylaws, or any other information related to the establishment or status of the entity. In addition, the information shall indicate whether the recipient entity is exempt from federal income taxes under section 501(c), of the Internal Revenue Code.

b. Information regarding the training and education received by the members of the governing body of the recipient entity relating to the duties and legal responsibilities of the governing body.

c. Information regarding the procedures used by the governing body of the recipient entity to do all of the following:

(1) Review the performance of management employees and establish the compensation of those employees.

(2) Review the recipient entity's internal controls relating to accounting processes and procedures.

(3) Review the recipient entity's compliance with the laws, rules, regulations, and contractual agreements applicable to its operations.

(4) Information regarding adopted ethical and professional standards of operation for the governing body and employees of the recipient entity and information concerning the implementation of these standards and the training of employees and members of the governing body on the standards. The standards shall include but not be limited to a nepotism policy which shall provide, at a minimum, for disclosure of familial relationships among employees and between employees and members of the governing body, and policies regarding conflicts of interest, standards of responsibility and obedience to law, fairness, and honesty.

d. Information regarding any policies adopted by the governing body of the recipient entity that prohibit taking adverse employment action against employees of the recipient entity who disclose information about a service contract to the oversight agency, the auditor of state, the office of the attorney general, or the office of ombudsman and that state whether those policies are substantially similar to the protection provided to state employees under section 70A.28. The information provided shall state whether employees of the recipient entity are informed on a regular basis of their rights to disclose information to the oversight agency, the office of ombudsman, the auditor of state, or the office of the attorney general and the telephone numbers of those organizations.

2. The certification required by this section shall be signed by an officer and director of the recipient entity, two directors of the recipient entity, or the sole proprietor of the recipient entity, whichever is applicable, and shall state that the recipient entity is in full compliance with all laws, rules, regulations, and contractual agreements applicable to the recipient entity and the requirements of this chapter.

3. Prior to entering into a service contract with a recipient entity, the oversight agency shall determine whether the recipient entity can reasonably be expected to comply with the requirements of the service contract. If the oversight entity is unable to determine whether the recipient entity can reasonably be expected to comply with the requirements of the service contract, the oversight entity shall request such information from the recipient entity as described in subsection 1 to make a determination. If the oversight agency determines from the information provided that the recipient entity cannot reasonably be expected to comply with the requirements of the service contract, the oversight agency shall not enter into the service contract.

2006 Acts, ch 1153, §3, 9; 2007 Acts, ch 22, §113, 116; 2007 Acts, ch 126, §2; 2013 Acts, ch 10, §26

Referred to in §8F.4

8F.4 Reporting requirements.

1. *a.* As a condition of continuing to receive state or federal moneys through an oversight agency for a service contract, a recipient entity shall file an annual report with the oversight

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agency and with the legislative services agency within ten months following the end of the recipient entity's fiscal year.

b. However, the annual report shall not be required to be filed under any of the following circumstances:

(1) The recipient entity reports information otherwise required to be included in an annual report described in subsection 2 to the oversight agency pursuant to federal or state statutes or rules. The information otherwise required to be reported to the oversight agency shall be filed with the legislative services agency.

(2) The recipient entity is recognized by the Internal Revenue Code as a nonprofit organization or entity and provides a copy of the internal revenue service form 990 for all fiscal years in which service contract revenues are reported.

2. The annual report required to be filed pursuant to this section shall contain the following:

a. Financial information relative to the expenditure of state and federal moneys for the prior year pursuant to the service contract. The financial information shall include but is not limited to budget and actual revenue and expenditure information for the year covered.

b. Financial information relating to service contracts with the oversight agency during the preceding year, including the costs by category to provide the contracted services.

c. Reportable conditions in internal control or material noncompliance with provisions of laws, rules, regulations, or contractual agreements included in external audit reports of the recipient entity covering the preceding year.

d. Corrective action taken or planned by the recipient entity in response to reportable conditions in internal control or material noncompliance with laws, rules, regulations, or contractual agreements included in external audit reports covering the preceding year.

e. Any changes in the information submitted in accordance with section 8F.3.

f. A certification signed by an officer and director of the recipient entity, two directors of the recipient entity, or the sole proprietor of the recipient entity, whichever is applicable, stating the annual report is accurate and the recipient entity is in full compliance with all laws, rules, regulations, and contractual agreements applicable to the recipient entity and the requirements of this chapter.

3. A recipient entity shall be required to submit such information as requested by the oversight agency or the legislative services agency relating to the entity's expenditure of state and federal moneys.

2006 Acts, ch 1153, §4, 9

8F.5 Enforcement.

Any service contract awarded to a recipient entity shall provide that the oversight agency may terminate the service contract if the recipient entity, during the duration of the contract, fails to comply with the requirements of this chapter. In addition, the service contract shall provide a mechanism for the forfeiture and recovery of state or federal funds expended by a recipient entity in violation of the laws applicable to the expenditure of the money or the requirements of the service contract and this chapter.

2006 Acts, ch 1153, §5, 9

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CHAPTER 8G

TAXATION TRANSPARENCY AND DISCLOSURE

Referred to in §8.5

SUBCHAPTER I

TAXPAYER TRANSPARENCY ACT

8G.1 Intent — findings.
8G.2 Short title.
8G.3 Definitions.
8G.4 Searchable budget database internet site created.
8G.5 Internet site updates.
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SUBCHAPTER II

TAXATION DISCLOSURE ACT

8G.10 Intent — findings.
8G.11 Short title.
8G.12 Tax rate database.
8G.13 Updating database.

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SUBCHAPTER I

TAXPAYER TRANSPARENCY ACT

8G.1 Intent — findings.

The general assembly finds that taxpayers should be able to easily access the details on how the state is spending their tax dollars and the performance results achieved for those expenditures. Therefore, it is the intent of the general assembly to direct the department of management to create and maintain a searchable budget database and internet site detailing where tax dollars are expended, the purposes for which tax dollars are expended, and the results achieved for all taxpayer investments in state government.

2011 Acts, ch 122, §41

8G.2 Short title.

This subchapter shall be known as and may be cited as the *"Taxpayer Transparency Act"*.

2011 Acts, ch 122, §42

8G.3 Definitions.

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

1. *"Agency"* means a state department, office, board, commission, bureau, division, institution, or public institution of higher education. *"Agency"* includes individual state agencies and programs, as well as those programs and activities that are administered by or involve more than one agency. *"Agency"* includes all elective offices in the executive branch of government and the general assembly. *"Agency"* includes the judicial branch of state government.

2. *"Director"* means the director of the department of management.

3. *a.* *"Entity"* or *"recipients"* means any of the following:

(1) A corporation.
(2) An association.
(3) An employee union.
(4) A limited liability company.
(5) A limited liability partnership.
(6) Any other legal business entity, including nonprofit entities.
(7) A grant recipient.
(8) Contractors.
(9) A county, city, school district, or other local government entity.

b. *"Entity"* or *"recipients"* does not include an individual recipient of state assistance, an employee, or a student. The department of management shall define by rule adopted pursuant to chapter 17A the meaning of the term *"individual recipient of state assistance"*.

4. *"Funding action or expenditure"* includes details on the type of spending that is provided including but not limited to grants, contracts, and appropriations. *"Funding action*

or expenditure" includes tax exemptions or credits. Where possible, an electronic link to the actual grants or contracts shall be provided. An electronic link shall be in a format that is a searchable document.

5. *"Funding source"* means the state account or fund from which the expenditure is appropriated. *"Funding source"* does not include federal moneys or grants received by an agency.

6. *"Searchable internet site"* means an internet site that allows the public at no cost to search and compile the information identified in section 8G.4 and that provides such information in a format capable of being downloaded from the site to personal computers.

7. *"State audit or report"* shall include any audit or report issued by the auditor of state, department of management, legislative services agency, legislative committee, or executive body relating to the entity or recipient of state funds, the budget program or activity, or agency.

8. *"Tax exemption or credit"* means an exclusion from the operation or collection of a tax imposed in this state. Tax exemption or credit includes tax credits, exemptions, deductions, and rebates. *"Tax exemption or credit"* also includes sales tax refunds if such refunds are applied for and granted as a form of financial assistance, including but not limited to the refunds allowed in sections 15.507 and 423.4.

9. *"Taxing jurisdiction"* means a political subdivision of the state with the authority to levy taxes. Taxing jurisdiction includes but is not limited to a city, a county, a school district, and a township.

2011 Acts, ch 122, §43; 2025 Acts, ch 136, §27, 59

8G.4 Searchable budget database internet site created.

1. By January 1, 2013, the director shall develop and make publicly available a database internet site for searching, accessing, and processing data, including the data required in this section, for the most recent state budget. The internet site shall be developed in such a way that the information can be provided to other software applications, including internet software applications, in a manner and format that allows such software applications to access and interpret the data using the internal programming of the software applications. In gathering or receiving information from agencies, the director shall make a good-faith effort to minimize the costs and disruptions to other agencies and their computer systems of providing such information.

2. The searchable internet site developed pursuant to this section shall allow the public at no cost to search and compile the information provided pursuant to this subsection. Each state agency, except the institutions under the state board of regents, shall provide the following:

a. Name of the entity or recipient of state funds.

b. Amount of state funds expended.

c. Funding or expending agency.

d. Funding source.

e. Budget program or activity of the expenditure.

f. Descriptive purpose for the funding action or expenditure.

g. Expected performance outcome for the funding action or expenditure, to the extent that such information is available and can be provided.

h. Past performance outcomes achieved for the funding action or expenditure, to the extent that such information is available and can be provided.

i. State audit or report relating to the entity or recipient of state funds or the budget program or activity or agency.

j. Any other relevant information specified by the director.

3. For purposes of complying with this section, the institutions under the state board of regents, for each budgeted department, program, or activity, shall provide the following:

a. The funding source and the amount of state funds received by the institutions.

b. The amount of state funds expended by the institutions.

c. The names of the entities or recipients receiving state funds from the institutions.

d. The amounts paid to the entities or recipients named in paragraph "*c*".

e. A description of the department, program, or activity involved, including, to the extent

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practicable, the descriptive purpose and expected performance outcome of each budget program or activity.

f. Past performance outcomes of the budget program or activity.

g. State audit or report relating to the budget program or activity.

h. Other information as the institutions may deem appropriate for a budget program or activity.

4. *a.* In providing information pursuant to this section on tax exemptions or credits, the department of revenue shall do the following:

(1) Provide aggregate information for those tax exemptions or credits that are claimed by individual taxpayers.

(2) Provide the information described in subsection 2 for those tax exemptions or credits that are awarded by an agency.

(3) Adhere to all applicable confidentiality provisions to the extent possible while complying with the requirements of this section.

b. An agency awarding tax exemptions or credits shall provide to the department of revenue any information the department may request regarding such exemptions or credits.

5. In addition to the information to be provided pursuant to subsection 2, there shall be provided on the searchable internet site all of the following:

a. A listing and description of awarded tax credits claimed for the individual income tax, corporate income tax, franchise tax, and insurance premiums tax. An awarded tax credit is a tax credit allowed and claimed through a state-authorized program. For each category of tax the internet site shall list each of the awarded tax credits applicable to it, the total amount of that tax credit claimed, and the number of taxpayers claiming the tax credit.

b. The estimated cost to the state of each of the twenty sales tax exemptions that account for the largest dollar amount share of sales tax exemptions under section 423.3. The estimated cost to the state shall include the amount of exempt sales by business type for each county. This paragraph does not apply to the tax exemptions pursuant to section 423.3, subsections 2, 31, 39, 58, 73, and 85.

c. The information to be provided pursuant to subsection 2 shall also be provided for entities or recipients of the awarded tax credits or exemptions described in this subsection.

6. This section does not apply to local governments.

2011 Acts, ch 122, §44
Referred to in §8G.3, 422.20, 422.72

8G.5 Internet site updates.

1. Effective July 1, 2013, the internet site shall be updated regularly as new data and information become available, but shall be updated no less frequently than annually within sixty days following the close of the state fiscal year. In addition, the director may update the internet site as new data becomes available. All agencies shall provide to the director data that is required to be included on the internet site not later than sixty days following the close of the state fiscal year. The director shall provide guidance to agency heads or the governing body of an agency to ensure compliance with this section.

2. By January 1, 2014, the director shall add data for the previous budgets to the internet site. Data for previous fiscal years may be added as it becomes available and as time permits. The director shall ensure that all data added to the internet site remain accessible to the public for a minimum of ten years.

2011 Acts, ch 122, §45

8G.6 Noncompliance.

The director shall not be considered in compliance with this subchapter if the data required for the internet site is not available in a searchable manner and capable of being compiled or if the public is redirected to other government internet sites unless each of those sites displays information from all agencies and each category of information required can be searched electronically by field in a single search.

2011 Acts, ch 122, §46

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8G.7 through 8G.9 Reserved.

SUBCHAPTER II

TAXATION DISCLOSURE ACT

8G.10 Intent — findings.

The general assembly finds that increasing the ease of public access to state and local tax rates, particularly where the rates are currently available from disparate government sources and are difficult for the public to collect and efficiently aggregate, significantly contributes to governmental accountability, public participation, and the understanding of the cost of government services. Therefore, it is the intent of the general assembly to direct the department of management, in consultation with the department of revenue, to create and maintain a searchable database and internet site of each tax rate for all taxing jurisdictions in the state to make citizen access to state and local tax rates as open, transparent, and publicly accessible as is feasible.

2011 Acts, ch 122, §47

8G.11 Short title.

This subchapter shall be known and cited as the *"Taxation Disclosure Act"*.

2011 Acts, ch 122, §48

8G.12 Tax rate database.

1. *Searchable tax rate database.* By January 1, 2012, the department of management, in consultation with the department of revenue, shall make publicly available on an internet site a searchable database of all tax rates in the state for each taxing jurisdiction. The information shall include all applicable tax types imposed in the taxing jurisdiction and shall be organized, presented, and accessible, to the extent possible, by county, city, and physical address for each residency or business. Individual tax levies shall be further specified within each tax rate.

2. *Geographical tax rate map.* In addition to searching for tax rates in the manner described in subsection 1, searches shall be accommodated by a geographical tax rate map of the state that is capable of being displayed with a level of specificity corresponding to each taxing jurisdiction.

2011 Acts, ch 122, §49

Referred to in §8G.13

8G.13 Updating database.

To facilitate the department of management's efforts in creating and maintaining a searchable database of the taxes identified in section 8G.12, subsection 1, for all taxing jurisdictions in the state, each taxing jurisdiction may annually be required to report its tax rates to the department of management or the department of revenue and shall report any changes to its tax rates within thirty days of the change.

2011 Acts, ch 122, §50; 2011 Acts, ch 131, §51, 158

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CHAPTER 9
SECRETARY OF STATE

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SUBCHAPTER I
GENERAL PROVISIONS

9.1 Duties — records.

The secretary of state shall keep the secretary of state's office at the seat of government, and perform all duties required by law; the secretary shall have charge of and keep all the Acts and resolutions of the territorial legislature and of the general assembly of the state, the enrolled copies of the Constitutions of the state, and all bonds, books, records, maps, registers, and papers which are now or may hereafter be deposited to be kept in the secretary of state's office, including all books, records, papers, and property pertaining to the state land office.

[C51, §43; R60, §59; C73, §61; C97, §66; C24, 27, 31, 35, 39, §**85;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.1]

Designated as state commissioner of elections, §47.1
Duties relating to filing of federal liens; see §331.609

9.2 Records relating to cities.

The secretary of state shall receive and preserve in the secretary's office all papers transmitted to the secretary in relation to city development, including incorporation, discontinuance, or boundary adjustment; and shall keep an alphabetical list of cities in a book provided for that purpose, in which shall be entered the name of the city, the county in which situated, and the date of incorporation, discontinuance, or boundary adjustment.

[R60, §1046; C73, §65; C97, §67; C24, 27, 31, 35, 39, §**86;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.2]

9.2A Records relating to condemnation.

The secretary of state shall receive and preserve in the secretary's office all papers transmitted to the secretary in relation to condemnation and shall keep an alphabetical list of acquiring agencies in a book provided for that purpose, in which shall be entered the name of the acquiring agency, the county in which the real property is located, and the date the condemnation application was filed.

99 Acts, ch 171, §25, 42

9.3 Commissions.

All commissions issued by the governor shall be countersigned by the secretary, who shall register each commission in a book to be kept for that purpose, specifying the office, name

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of officer, date of commission, and tenure of office, and forthwith forward to the directors of the departments of management and of administrative services copies of the registration.

[C51, §44; R60, §60; C73, §62; C97, §68; S13, §68; C24, 27, 31, 35, 39, §**87;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.3]

88 Acts, ch 1134, §8; 2003 Acts, ch 145, §127

9.4 Fees.

The secretary of state shall collect all fees directed by law to be collected by the secretary of state, including a fee to be determined by the secretary of state by rule adopted pursuant to chapter 17A for a copy of any law or record.

[C51, §2524; R60, §4133; C73, §3756; C97, §85; C24, 27, 31, 35, 39, §**88;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.4; 81 Acts, ch 21, §1]

93 Acts, ch 143, §1; 2021 Acts, ch 142, §30

9.4A Technology modernization fund. Repealed by its own terms; 2017 Acts, ch 170, §23; 2022 Acts, ch 1140, §29.

9.5 Salary.

The salary of the secretary of state shall be as fixed by the general assembly.

[C31, 35, §88-c1; C39, §**88.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §9.5]

9.6 Iowa official register. Repealed by 2003 Acts, ch 35, §47 – 49. See §2A.5.

9.7 Access to corporation records.

The secretary of state shall offer to county recorders electronic access to corporation records. The secretary of state shall adopt rules providing for the electronic access and for the dissemination of the information by the county recorders.

91 Acts, ch 211, §1

9.8 Address confidentiality program revolving fund.

1. An address confidentiality program revolving fund is created in the state treasury. The fund shall consist of moneys collected by the clerk of the district court for deposit in the fund pursuant to section 602.8108, subsection 6, and transfers of interest, earnings, and moneys from other funds as provided by law. The moneys in the fund are subject to appropriation to the office of the secretary of state by the general assembly. The office of the secretary of state shall administer the fund. The office of the secretary of state shall provide an annual report to the department of management and the legislative services agency on expenditures from the fund in a format as determined by the department of management in consultation with the legislative services agency.

2. To meet cash flow needs for the address confidentiality program established in chapter 9E, the office of secretary of state may temporarily use funds from the general fund of the state to pay expenses in excess of moneys available in the revolving fund for purposes of the program if those additional expenditures can be fully reimbursed with moneys collected pursuant to section 602.8108, subsection 6, and the office of the secretary of state reimburses the general fund of the state and ensures that all moneys are repaid in full by the close of the fiscal year. Because any general fund moneys used shall be fully reimbursed, such temporary use of funds from the general fund of the state shall not constitute an appropriation for purposes of calculating the state general fund expenditure limitation pursuant to section 8.54.

3. Section 8.33 does not apply to any moneys transferred, credited, or appropriated to the revolving fund.

2015 Acts, ch 96, §1; 2015 Acts, ch 141, §34, 35, 67, 68

Referred to in §602.8108

9.9 and 9.10 Reserved.

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SUBCHAPTER II

EXTRA FILING SERVICES

Referred to in §486A.105A, 488.206A, 489.122A, 490.120A, 491.5A, 499.44A, 501.105A, 501A.201A, 504.111A, 524.2002

9.11 Definitions.

As used in this subchapter unless the context otherwise requires:

1. *"Document"* means a document for filing by the secretary as provided in the relevant filing statute as follows:

a. Chapter 486A, including as provided in section 486A.105, and as stated in section 486A.1202 or as otherwise described in sections 486A.1212 and 486A.1213.

b. Chapter 488, including as provided in section 488.206, and as stated in section 488.117A or as otherwise described in sections 488.116, 488.202, 488.210, 488.306, 488.810, 488.904, 488.906, 488.907, 488.1104, and 488.1108.

c. Chapter 489, including as provided in section 489.122A and as stated in section 489.122 or as otherwise described in section 489.210.

d. Chapter 490, including as provided in section 490.120, and as stated in section 490.122.

e. Chapter 491, including as described in sections 491.5, 491.13, 491.15, 491.20, 491.23, 491.25, 491.27, 491.28, 491.107, 491.111, and 491.112.

f. Chapter 499, including as provided in section 499.44, and as stated in section 499.45 or as otherwise described in sections 499.4, 499.5, 499.41, 499.42, 499.43A, 499.43B, 499.47, 499.49, 499.54, 499.67, 499.69, 499.73, 499.73A, and 499.74.

g. Chapter 501, including as provided in section 501.105, and as otherwise described in sections 501.106, 501.617, 501.713, 501.801, 501.803, 501.804, and 501.813.

h. Chapter 501A, including as provided in section 501A.201A, and as stated in section 501A.205 or as otherwise described in sections 501A.231, 501A.302, 501A.1101, and 501A.1104.

i. Chapter 504, including as provided in section 504.111, and as stated in section 504.113 or as described in sections 504.115, 504.1508, and 504.1521.

j. Chapter 524, including as provided in section 524.303.

2. *"Extra filing service"* means a preclearance filing service as provided in section 9.14 or expedited filing service as provided in section 9.15.

3. *"Preclearance filing service"* or *"service"* means an advanced review by the secretary of the proposed filing of a document to determine the sufficiency of the actual filing of the document to meet all applicable statutory requirements as required in section 9.14.

4. *"Secretary"* means the secretary of state.

2021 Acts, ch 165, §249; 2023 Acts, ch 152, §145, 161; 2025 Acts, ch 16, §1

9.12 Rules.

The secretary shall adopt rules pursuant to chapter 17A necessary or desirable to administer this subchapter, including by offering and performing extra filing services upon request by filers. The rules may increase the amount of a surcharge implemented, assessed, and collected, or modify the period of service as provided under this subchapter.

2021 Acts, ch 165, §250

9.13 Business administration fund.

1. A business administration fund is created in the state treasury under the control of the secretary. The fund is composed of moneys collected in surcharges implemented, assessed, and collected by the secretary pursuant to sections 9.14 and 9.15.

2. Moneys in the business administration fund are appropriated to the office of the secretary of state for the exclusive purpose of supporting the administration of Title XII.

3. Section 8.33 shall not apply to moneys in the fund. Notwithstanding section 12C.7, moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section.

2021 Acts, ch 165, §251

Referred to in §9.14, 9.15

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9.14 Preclearance filing service — surcharge.

1. Upon the request of the filer of a document not yet actually filed, the secretary shall provide a preclearance filing service to determine if the proposed filing of the document would be actually filed by the secretary under the relevant filing statute. The secretary shall report to the filer whether the proposed filing of the document is approved or disapproved.

2. If the secretary reports the approval of a proposed filing of the document, the secretary shall return the proposed filing's document stamped with the approval date. If an inaccuracy or defect was present in an approved proposed filing of a document, but that inaccuracy or defect prevents the actual filing of the document by the secretary, the filer may timely submit a corrected document. The corrected document is effective retroactively as of the date that the filer submitted the approved proposed filing to the secretary for actual filing.

3. *a.* If the secretary reports the approval of a proposed filing of the document, and the document is actually filed within six months from the date of the proposed filing's approval date, the actual filing of a document is presumed valid.

b. This section does not affect the operation of filing a statement of correction as provided in section 486A.1204, 488.207, or 489.209; articles of correction as provided in section 490.124, 499.44, 501.105, 501A.204, or 504.115; or an application for the issuance of a new certificate as provided in section 491.29.

4. *a.* The secretary shall implement, assess, and collect a surcharge for providing the preclearance filing service based on the period of service as follows:

(1) For same-day service, the surcharge shall be two hundred fifty dollars.

(2) For two-day service, the surcharge shall be twice the amount of the filing fee.

(3) For three-day service, the surcharge shall be the same amount as the filing fee.

b. The secretary of state is not required to provide a four-day or more period of service.

c. The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

d. The secretary shall provide a preclearance filing service without charge to approve or disapprove a proposed corrected actual filing of a document, if an inaccuracy or defect was present in a proposed filing of the document, the proposed filing of the document was approved, and the inaccuracy or defect prevented the actual filing of the document.

5. Any moneys collected by the secretary under this section shall be deposited in the business administration fund created in section 9.13.

2021 Acts, ch 165, §252; 2022 Acts, ch 1021, §2
Referred to in §9.11, 9.13

9.15 Expedited filing service — surcharge.

1. Upon the request of the filer of a document, the secretary shall provide an expedited filing service. As part of the service, the secretary shall file a document submitted by a filer on an expedited basis.

2. The secretary shall implement, assess, and collect a surcharge for providing the expedited filing service based on the period of service as follows:

a. For a one-hour service, the surcharge shall be two hundred dollars.

b. For a same-day service, the surcharge shall be one hundred twenty-five dollars.

c. For a two-day service, the surcharge shall be fifty dollars.

d. For a five-day service, the surcharge shall be fifteen dollars.

3. The surcharge shall be added to the amount of the fee implemented, assessed, and collected for the actual filing of the document.

4. At the time of the expedited filing, the secretary shall provide written confirmation of the filing.

5. Any moneys collected by the secretary under this section shall be deposited in the business administration fund created in section 9.13.

2021 Acts, ch 165, §253; 2026 Acts, ch 1152, §1
Referred to in §9.11, 9.13
Section amended

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CHAPTER 9A

UNIFORM ATHLETE AGENTS ACT

Referred to in §714.16

9A.1	through 9A.12 Repealed by 2009 Acts, ch 33, §20.
9A.101	Title.
9A.102	Definitions.
9A.103	Secretary of state — authority — procedure.
9A.104	Athlete agents — registration required — void contracts.
9A.105	Registration as athlete agent — application — requirements — reciprocal registration.
9A.106	Certificate of registration — issuance or denial — renewal.
9A.107	Suspension, revocation, or refusal to renew registration.
9A.108	Temporary registration.
9A.109	Registration and renewal fees.
9A.110	Required form of agency contract.
9A.111	Notice to educational institution.
9A.112	Student athlete's right to cancel.
9A.113	Required records.
9A.114	Prohibited conduct.
9A.115	Criminal penalties.
9A.116	Civil remedies.
9A.117	Administrative penalty.
9A.118	Uniformity of application and construction.
9A.119	Relation to Electronic Signatures in Global and National Commerce Act.
9A.120	Severability.

9A.1 through 9A.12 Repealed by 2009 Acts, ch 33, §20.

9A.101 Title.

This chapter may be cited as the *"Revised Uniform Athlete Agents Act (2015)"*.

2009 Acts, ch 33, §1; 2018 Acts, ch 1139, §1

9A.102 Definitions.

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

1. *"Agency contract"* means an agreement in which a student athlete authorizes a person to negotiate or solicit on behalf of the athlete a professional sports services contract or an endorsement contract.

2. *a. "Athlete agent"* means an individual, whether or not registered under this chapter, who does any of the following:

(1) Directly or indirectly, recruits or solicits a student athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.

(2) For compensation or in anticipation of compensation related to a student athlete's participation in athletics does either of the following:

(a) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution.

(b) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

(3) In anticipation of representing a student athlete for a purpose related to the athlete's participation in athletics, does any of the following:

(a) Gives consideration to the student athlete or another person.

(b) Serves the athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions.

(c) Manages the business affairs of the athlete by providing assistance with bills, payments, contracts, or taxes.

b. "Athlete agent" does not include an individual who does either of the following:

(1) Acts solely on behalf of a professional sports team or organization.

(2) Is a licensed, registered, or certified professional and offers or provides services to

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a student athlete customarily provided by members of the profession, unless the individual does any of the following:

(a) Also recruits or solicits the athlete to enter into an agency contract.

(b) Also, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the athlete as a professional athlete or member of a professional sports team or organization.

(c) Receives consideration for providing the services calculated using a different method than for an individual who is not a student athlete.

3. *"Athletic director"* means the individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

4. *"Educational institution"* means a public or private elementary school, secondary school, technical or vocational school, community college, college, or university.

5. *"Endorsement contract"* means an agreement under which a student athlete is employed or receives consideration to use on behalf of the other party any value that the athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance.

6. *"Enrolled"* means registered for courses and attending athletic practice or class. *"Enrolls"* has a corresponding meaning.

7. *"Intercollegiate sport"* means a sport played at the collegiate level for which eligibility requirements for participation by a student athlete are established by a national association that promotes or regulates collegiate athletics.

8. *"Interscholastic sport"* means a sport played between educational institutions that are not community colleges, colleges, or universities.

9. *"Licensed, registered, or certified professional"* means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance producer, real estate broker or sales agent, tax consultant, accountant, or member of a profession, other than that of athlete agent, who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing.

10. *"Person"* means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.

11. *"Professional sports services contract"* means an agreement under which an individual is employed as a professional athlete or agrees to render services as a player on a professional sports team or with a professional sports organization.

12. *"Record"* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. *"Recruit or solicit"* means attempt to influence the choice of an athlete agent by a student athlete or, if the athlete is a minor, a parent or guardian of the athlete. *"Recruit or solicit"* does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent.

14. *"Registration"* means registration as an athlete agent pursuant to this chapter.

15. *"Sign"* means, with present intent to authenticate or adopt a record, doing any of the following:

a. Executing or adopting a tangible symbol.

b. Attaching to or logically associating with the record an electronic symbol, sound, or process.

16. *"State"* means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

17. *"Student athlete"* means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. *"Student athlete"* does not include

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an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

2009 Acts, ch 33, §2; 2010 Acts, ch 1061, §1; 2018 Acts, ch 1139, §2 – 12; 2018 Acts, ch 1172, §15

Referred to in §99F.1

9A.103 Secretary of state — authority — procedure.

1. Chapter 17A applies to this chapter. The secretary of state may adopt rules under chapter 17A to implement this chapter.

2. By acting as an athlete agent in this state, a nonresident individual appoints the secretary of state as the individual's agent for service of process in any civil action in this state related to the individual acting as an athlete agent in this state.

3. The secretary of state may issue a subpoena for material that is relevant to the administration of this chapter.

2009 Acts, ch 33, §3; 2018 Acts, ch 1139, §13

9A.104 Athlete agents — registration required — void contracts.

1. Except as otherwise provided in subsection 2, an individual shall not act as an athlete agent in this state without holding a certificate of registration under section 9A.106 or 9A.108.

2. Before being issued a certificate of registration under this chapter, an individual may act as an athlete agent in this state for all purposes except signing an agency contract, if all of the following occur:

a. A student athlete or another person acting on behalf of the athlete initiates communication with the individual.

b. Not later than seven days after an initial act that requires the individual to register as an athlete agent, the individual submits an application for registration as an athlete agent in this state.

3. An agency contract resulting from conduct in violation of this section is void, and the athlete agent shall return any consideration received under the contract.

2009 Acts, ch 33, §4; 2018 Acts, ch 1139, §14

Referred to in §9A.114

9A.105 Registration as athlete agent — application — requirements — reciprocal registration.

1. An applicant for registration as an athlete agent shall submit an application for registration to the secretary of state in a form prescribed by the secretary of state. The applicant shall be an individual, and the application filed must be signed by the applicant under penalty of perjury. The application shall contain at least all of the following:

a. The name, date, and place of birth of the applicant and the following contact information for the applicant:

(1) The address of the applicant's principal place of business.

(2) Work and mobile telephone numbers.

(3) Any means of communicating electronically, including a facsimile number, electronic mail address, and personal, business, and employer internet sites.

b. The name of the applicant's business or employer, if applicable, including for each business or employer, its mailing address, telephone number, organization form, and the nature of the business.

c. Each social media account with which the applicant or the applicant's business or employer is affiliated.

d. Each business or occupation in which the applicant engaged within five years before the date of the application, including self-employment and employment by others, and any professional or occupational license, registration, or certification held by the applicant during that time.

e. A description of the applicant, including:

(1) Formal training as an athlete agent.

(2) Practical experience as an athlete agent.

(3) Educational background relating to the applicant's activities as an athlete agent.

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f. The name of each student athlete for whom the applicant acted as an athlete agent within five years before the date of the application or, if the student athlete is a minor, the name of the parent or guardian of the minor, together with the athlete's sport and last known team.

g. The name and address of each person that is any of the following:

(1) A partner, member, officer, manager, associate, or profit sharer or directly or indirectly holds an equity interest of five percent or greater of the athlete agent's business if it is not a corporation.

(2) An officer or director of a corporation employing the athlete agent or a shareholder having an interest of five percent or greater in the corporation.

h. A description of the status of any application by the applicant, or any person named under paragraph "*g*", for a state or federal business, professional, or occupational license, other than as an athlete agent, from a state or federal agency, including any denial, refusal to renew, suspension, withdrawal, or termination of the license and any reprimand or censure related to the license.

i. Whether the applicant, or any person named under paragraph "*g*", has pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state, and, if so, identification of the following:

(1) The crime.

(2) The law enforcement agency involved.

(3) If applicable, the date of the conviction and the fine or penalty imposed.

j. Whether, within fifteen years before the date of application, the applicant, or any person named under paragraph "*g*", has been a defendant or respondent in a civil proceeding, including a proceeding seeking an adjudication of legal incompetence and, if so, the date and a full explanation of each proceeding.

k. Whether the applicant, or any person named under paragraph "*g*", has an unsatisfied judgment or a judgment of continuing effect, including alimony or a domestic order in the nature of child support, which is not current at the date of the application.

l. Whether, within ten years before the date of application, the applicant, or any person named under paragraph "*g*", was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.

m. Whether there has been any administrative or judicial determination that the applicant, or any person named under paragraph "*g*", made a false, misleading, deceptive, or fraudulent representation.

n. Each instance in which conduct of the applicant, or any person named under paragraph "*g*", resulted in the imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution.

o. Each sanction, suspension, or disciplinary action taken against the applicant, or any person named under paragraph "*g*", arising out of occupational or professional conduct.

p. Whether there has been a denial of an application for, suspension or revocation of, refusal to renew, or abandonment of, the registration of the applicant, or any person named under paragraph "*g*", as an athlete agent in any state.

q. Each state in which the applicant currently is registered as an athlete agent or has applied to be registered as an athlete agent.

r. If the applicant is certified or registered by a professional league or players association, and if so, the following information:

(1) The name of the league or association.

(2) The date of certification or registration, and the date of expiration of the certification or registration, if any.

(3) If applicable, the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

s. Any additional information required by the secretary of state by rule.

2. Instead of proceeding under subsection 1, an individual registered as an athlete agent

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in another state may apply for registration as an athlete agent in this state by submitting to the secretary of state all of the following:

a. A copy of the application for registration in another state.

b. A statement that identifies any material change in the information on the application or verifies there is no material change in the information, signed under penalty of perjury.

c. A copy of the certificate of registration from the other state.

3. The secretary of state shall issue a certificate of registration to an individual who applies for registration under subsection 2 if the secretary of state determines all of the following:

a. The application and registration requirements of the other state are substantially similar to or more restrictive than this chapter.

b. The registration has not been revoked or suspended and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

4. For purposes of implementing subsection 3, the secretary of state shall do all of the following:

a. Cooperate with national organizations concerned with athlete agent issues and agencies in other states which register athlete agents to develop a common registration form and determine which states have laws that are substantially similar to or more restrictive than this chapter.

b. Exchange information, including information related to actions taken against registered athlete agents or their registrations, with those organizations and agencies.

2009 Acts, ch 33, §5; 2018 Acts, ch 1139, §15; 2019 Acts, ch 59, §8
Referred to in §9A.106, 9A.107

9A.106 Certificate of registration — issuance or denial — renewal.

1. Except as otherwise provided in subsection 2, the secretary of state shall issue a certificate of registration to an applicant for registration who complies with section 9A.105, subsection 1.

2. The secretary of state may refuse to issue a certificate of registration to an applicant for registration under section 9A.105, subsection 1, if the secretary of state determines that the applicant has engaged in conduct that significantly adversely reflects on the applicant's fitness to act as an athlete agent. In making the determination, the secretary of state may consider whether the applicant has done any of the following:

a. Pleaded guilty or no contest to, has been convicted of, or has charges pending for, a crime that would involve moral turpitude or be a felony if committed in this state.

b. Made a materially false, misleading, deceptive, or fraudulent representation in the application or as an athlete agent.

c. Engaged in conduct that would disqualify the applicant from serving in a fiduciary capacity.

d. Engaged in conduct prohibited by section 9A.114.

e. Had a registration as an athlete agent suspended, revoked, or denied in any state.

f. Been refused renewal of registration as an athlete agent in any state.

g. Engaged in conduct resulting in imposition of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic, intercollegiate, or professional athletic event on a student athlete or a sanction on an educational institution.

h. Engaged in conduct that adversely reflects on the applicant's credibility, honesty, or integrity.

3. In making a determination under subsection 2, the secretary of state shall consider all of the following:

a. How recently the conduct occurred.

b. The nature of the conduct and the context in which it occurred.

c. Other relevant conduct of the applicant.

4. An athlete agent registered under subsection 1 may apply to renew the registration by submitting an application for renewal in a form prescribed by the secretary of state. The applicant shall sign the application for renewal under penalty of perjury and include current information on all matters required in an original application for registration.

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5. An athlete agent registered under section 9A.105, subsection 3, may renew the registration by proceeding under subsection 4 or, if the registration in the other state has been renewed, by submitting to the secretary of state copies of the application for renewal in the other state and the renewed registration from the other state. The secretary of state shall renew the registration if the secretary of state determines all of the following:

a. The registration requirements of the other state are substantially similar to or more restrictive than this chapter.

b. The renewed registration has not been suspended or revoked and no action involving the individual's conduct as an athlete agent is pending against the individual or the individual's registration in any state.

6. A certificate of registration or renewal of registration under this chapter is valid for two years.

2009 Acts, ch 33, §6; 2018 Acts, ch 1139, §16; 2019 Acts, ch 59, §9
Referred to in §9A.104, 9A.107

9A.107 Suspension, revocation, or refusal to renew registration.

1. The secretary of state may limit, suspend, revoke, or refuse to renew a registration of an individual registered under section 9A.106, subsection 1, for conduct that would have justified refusal to issue a certificate of registration under section 9A.106, subsection 2.

2. The secretary of state may suspend or revoke the registration of an individual registered under section 9A.105, subsection 3, or renewed under section 9A.106, subsection 5, for any reason for which the secretary of state could have refused to grant or renew registration or for conduct that would justify refusal to issue a certificate of registration under section 9A.106, subsection 2.

2009 Acts, ch 33, §7; 2018 Acts, ch 1139, §17

9A.108 Temporary registration.

The secretary of state may issue a temporary certificate of registration as an athlete agent while an application for registration or renewal of registration is pending.

2009 Acts, ch 33, §8; 2018 Acts, ch 1139, §18
Referred to in §9A.104

9A.109 Registration and renewal fees.

An application for registration or renewal of registration as an athlete agent shall be accompanied by a fee sufficient to offset expenses incurred in the administration of this chapter as established by the secretary of state.

2009 Acts, ch 33, §9; 2018 Acts, ch 1139, §19

9A.110 Required form of agency contract.

1. An agency contract shall be in a record signed by the parties.

2. An agency contract shall contain all of the following information:

a. A statement that the agent is registered as an athlete agent in this state and a list of any other states in which the agent is registered as an athlete agent.

b. The amount and method of calculating the consideration to be paid by the student athlete for services to be provided by the agent under the contract and any other consideration the agent has received or will receive from any other source for entering into the contract or providing the services.

c. The name of any person not listed in the agent's application for registration or renewal of registration which will be compensated because the athlete signed the contract.

d. A description of any expenses the athlete agrees to reimburse.

e. A description of the services to be provided to the athlete.

f. The duration of the contract.

g. The date of execution.

3. Subject to subsection 7, an agency contract must contain a conspicuous notice in boldface type and in substantially the following form stating:

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WARNING TO STUDENT ATHLETE

IF YOU SIGN THIS CONTRACT:

[1] YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;

[2] IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS AFTER SIGNING THIS CONTRACT OR BEFORE THE NEXT SCHEDULED ATHLETIC EVENT IN WHICH YOU PARTICIPATE, WHICHEVER OCCURS FIRST, BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR THAT YOU HAVE ENTERED INTO THIS CONTRACT AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE ATHLETE AGENT; AND

[3] YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY AS A STUDENT ATHLETE IN YOUR SPORT.

4. An agency contract must be accompanied by a separate record signed by the student athlete or, if the athlete is a minor, the parent or guardian of the athlete, acknowledging that signing the contract may result in the loss of the athlete's eligibility to participate in the athlete's sport.

5. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete, may void an agency contract that does not conform to this section. If the contract is voided, any consideration received from the athlete agent under the contract to induce entering into the contract is not required to be returned.

6. At the time an agency contract is executed, the athlete agent shall give the student athlete or, if the athlete is a minor, the parent or guardian of the athlete, a copy in a record of the contract and the separate acknowledgment required by subsection 4.

7. If a student athlete is a minor, an agency contract must be signed by the parent or guardian of the minor and the notice required by subsection 3 shall be revised accordingly.

2009 Acts, ch 33, §10; 2018 Acts, ch 1139, §20; 2019 Acts, ch 59, §10

9A.111 Notice to educational institution.

1. In this section, *"communicating or attempting to communicate"* means contacting or attempting to contact by an in-person meeting, a record, or any other method that conveys or attempts to convey a message.

2. Not later than seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete agent shall give notice in a record of the existence of the contract to the athletic director of the educational institution at which the athlete is enrolled or at which the agent has reasonable grounds to believe the athlete intends to enroll.

3. Not later than seventy-two hours after entering into an agency contract or before the next scheduled athletic event in which the student athlete may participate, whichever occurs first, the athlete shall inform the athletic director of the educational institution at which the athlete is enrolled that the athlete has entered into an agency contract and the name and contact information of the athlete agent.

4. If an athlete agent enters into an agency contract with a student athlete and the athlete subsequently enrolls at an educational institution, the agent shall notify the athletic director of the educational institution of the existence of the agency contract not later than seventy-two hours after the agent knew or should have known the athlete enrolled.

5. If an athlete agent has a relationship with a student athlete before the athlete enrolls in an educational institution and receives an athletic scholarship from the educational institution, the agent shall notify the educational institution of the relationship not later than ten days after the enrollment if the agent knows or should have known of the enrollment and either of the following applies:

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a. The relationship was motivated in whole or part by the intention of the agent to recruit or solicit the athlete to enter an agency contract in the future.

b. The agent directly or indirectly recruited or solicited the athlete to enter an agency contract before the enrollment.

6. An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with either of the following for the following purposes:

a. The athlete or, if the athlete is a minor, a parent or guardian of the athlete, to influence the athlete or parent or guardian to enter into an agency contract.

b. Another individual to have that individual influence the athlete or, if the athlete is a minor, the parent or guardian of the athlete, to enter into an agency contract.

7. If a communication or attempt to communicate with an athlete agent is initiated by a student athlete or another individual on behalf of the athlete, the agent shall notify in a record the athletic director of any educational institution at which the athlete is enrolled. The notification must be made not later than ten days after the communication or attempt.

8. An educational institution that becomes aware of a violation of this chapter by an athlete agent shall notify the secretary of state and any professional league or players association with which the institution is aware the agent is licensed or registered of the violation.

2009 Acts, ch 33, §11; 2018 Acts, ch 1139, §21

9A.112 Student athlete's right to cancel.

1. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete, may cancel an agency contract by giving notice in a record of cancellation to the athlete agent not later than fourteen days after the contract is signed.

2. A student athlete or, if the athlete is a minor, the parent or guardian of the athlete, may not waive the right to cancel an agency contract.

3. If a student athlete, parent, or guardian cancels an agency contract, the athlete, parent, or guardian is not required to pay any consideration under the contract or return any consideration received from the athlete agent to influence the athlete to enter into the contract.

2009 Acts, ch 33, §12; 2018 Acts, ch 1139, §22

9A.113 Required records.

1. An athlete agent shall create and retain for five years records of all of the following:

a. The name and address of each individual represented by the agent.

b. Each agency contract entered into by the agent.

c. The direct costs incurred by the agent in the recruitment or solicitation of each student athlete to enter into an agency contract.

2. Records described in subsection 1 are open to inspection by the secretary of state during normal business hours.

2009 Acts, ch 33, §13; 2018 Acts, ch 1139, §23; 2019 Acts, ch 59, §11

Referred to in §9A.114

9A.114 Prohibited conduct.

An athlete agent shall not intentionally take any of the following actions:

1. Give a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, materially false or misleading information or make a materially false promise or representation with the intent to influence the athlete, parent, or guardian to enter into an agency contract.

2. Furnish anything of value to a student athlete or another individual, if doing so may result in loss of the athlete's eligibility to participate in the athlete's sport, unless all of the following actions are taken:

a. The agent notifies the athletic director of the educational institution at which the athlete is enrolled, or at which the agent has reasonable grounds to believe the athlete intends to enroll, prior to the next scheduled athletic event in which the athlete may participate and not later than seventy-two hours after furnishing the thing of value.

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b. The student athlete or, if the athlete is a minor, a parent or guardian of the athlete, acknowledges to the agent in a record that receipt of the thing of value may result in the loss of the athlete's eligibility to participate in the athlete's sport.

3. Initiate contact, directly or indirectly, with a student athlete or, if the athlete is a minor, a parent or guardian of the athlete, to recruit or solicit the athlete, parent, or guardian to enter an agency agreement unless registered under this chapter.

4. Fail to create, retain, or permit inspection of the records required by section 9A.113.

5. Fail to register when required by section 9A.104.

6. Provide materially false or misleading information in an application for registration or renewal of registration.

7. Predate or postdate an agency contract.

8. Fail to notify a student athlete or, if the athlete is a minor, a parent or guardian of the athlete before the athlete, parent, or guardian signs an agency contract for a particular sport that the signing may result in the loss of the athlete's eligibility to participate in the athlete's sport.

9. Encourage another individual to take any of the actions described in subsections 1 through 8 on behalf of the agent.

10. Encourage another individual to assist any other individual in taking in any of the actions described in subsections 1 through 8 on behalf of the agent.

2009 Acts, ch 33, §14; 2018 Acts, ch 1139, §24; 2022 Acts, ch 1041, §1
Referred to in §9A.106, 9A.115

9A.115 Criminal penalties.

An athlete agent who violates section 9A.114 is guilty of a serious misdemeanor.

2009 Acts, ch 33, §15

9A.116 Civil remedies.

1. An educational institution or student athlete may bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of this chapter. An educational institution or student athlete is adversely affected by an act or omission of the agent only if, because of the act or omission, the institution or an individual who was a student athlete at the time of the act or omission and enrolled in the institution is either of the following:

a. Suspended or disqualified from participation in an interscholastic or intercollegiate sports event by or under the rules of a state or national federation or association that promotes or regulates interscholastic or intercollegiate sports.

b. Suffers financial damage.

2. A plaintiff that prevails in an action under this section may recover actual damages, and costs and reasonable attorney fees. An athlete agent found liable under this section forfeits any right of payment for anything of benefit or value provided to the student athlete and shall refund any consideration paid to the agent by or on behalf of the athlete.

3. A violation of this chapter is an unlawful practice pursuant to section 714.16, subsection 2, paragraph "*p*". The provisions of section 714.16, including but not limited to provisions relating to investigation, injunctive relief, and penalties, shall apply to this chapter.

2009 Acts, ch 33, §16; 2018 Acts, ch 1139, §25 – 27

9A.117 Administrative penalty.

The secretary of state may assess a civil penalty against an athlete agent not to exceed fifty thousand dollars for a violation of this chapter.

2009 Acts, ch 33, §17; 2018 Acts, ch 1139, §28

9A.118 Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to the subject matter of this chapter among states that enact the revised uniform athlete agents Act (2015).

2009 Acts, ch 33, §18; 2018 Acts, ch 1139, §29

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9A.119 Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §7003(b).

2009 Acts, ch 33, §19; 2018 Acts, ch 1139, §30

9A.120 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

2018 Acts, ch 1139, §31

CHAPTER 9B

NOTARIAL ACTS

Referred to in §2C.7, 4.1, 29B.129, 43.14, 45.5, 144.12A, 144A.3, 144B.3, 144C.6, 252A.3A, 321.52, 321.251, 535B.1, 554.3505, 558.15, 558.20, 558.40, 558.42, 589.4, 589.5, 600.7, 622.86, 624.37, 633.78, 633.358, 633A.4604, 633F.11

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9B.10	Notarial act in this state.	9B.24	Database of notaries public.
9B.11	Notarial act in another state.	9B.25	Prohibited acts.
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9B.14A	Notarial act performed for remotely located individual.	9B.30	Uniformity of application and construction.
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9B.16	Short form certificates.		
9B.17	Official stamp.		

9B.1 Short title.

This chapter may be cited as the *"Revised Uniform Law on Notarial Acts (2018)"*.

2012 Acts, ch 1050, §1, 60; 2019 Acts, ch 44, §1, 11

9B.2 Definitions.

In this chapter:

1. *"Acknowledgment"* means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

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2. *"Electronic"* means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

3. *"Electronic signature"* means an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

4. *"In a representative capacity"* means acting as any of the following:

a. An authorized officer, agent, partner, trustee, or other representative for a person other than an individual.

b. A public officer, personal representative, guardian, or other representative, in the capacity stated in a record.

c. An agent or attorney-in-fact for a principal.

d. An authorized representative of another in any other capacity.

5. *"Instrument affecting real property"* means a written instrument conveying or encumbering real property including an instrument affecting real estate as defined in section 558.1 or any similar instrument provided in chapter 558.

6. *"Notarial act"* means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument.

7. *"Notarial officer"* means a notary public or other individual authorized to perform a notarial act.

8. *"Notary public"* means an individual commissioned to perform a notarial act by the secretary of state.

9. *"Official stamp"* means a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record.

10. *"Person"* means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

11. *a.* *"Personal appearance"* means an act of a party to physically appear within the presence of a notarial officer at the time the notarial act is performed.

b. Except as provided in section 9B.14A, *"personal appearance"* does not include appearances which require video, optical, or technology with similar capabilities.

12. *"Record"* means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

13. *"Remote facilitator"* means a person who participates in performing a notarial act under section 9B.14A, by doing any of the following:

a. Providing communication technology used by a public notary or remotely located individual.

b. Creating, transmitting, or retaining audio-visual recordings on behalf of a notary public.

14. *"Sign"* means, with present intent to authenticate or adopt a record, to do any of the following:

a. Execute or adopt a tangible symbol.

b. Attach to or logically associate with the record an electronic symbol, sound, or process.

15. *"Signature"* means a tangible symbol or an electronic signature that evidences the signing of a record.

16. *"Stamping device"* means any of the following:

a. A physical device capable of affixing to or embossing on a tangible record an official stamp.

b. An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

17. *"State"* means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

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18. *"Verification on oath or affirmation"* means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

2012 Acts, ch 1050, §2, 60; 2012 Acts, ch 1138, §46, 77; 2019 Acts, ch 44, §2, 3, 11

9B.3 Reserved.

9B.4 Authority to perform notarial act.

1. A notarial officer may perform a notarial act authorized by this chapter or by law of this state other than this chapter.

2. A notarial officer shall not perform a notarial act with respect to a record to which the notarial officer or the notarial officer's spouse is a party, or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

3. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record as provided in section 9B.14A.

2012 Acts, ch 1050, §3, 60; 2019 Acts, ch 44, §4, 11
Referred to in §9B.15, 9B.26

9B.5 Requirements for certain notarial acts.

1. A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

2. A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

3. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and signing the record has the identity claimed.

4. A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

5. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 554.3505, subsection 2.

2012 Acts, ch 1050, §4, 60
Referred to in §9B.15

9B.6 Personal appearance required.

1. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

2. This section is satisfied by a remotely located individual using communication technology to appear before a notary public as provided in section 9B.14A.

2012 Acts, ch 1050, §5, 60; 2019 Acts, ch 44, §5, 11
Referred to in §9B.11, 9B.14A, 9B.15

9B.7 Identification of individual.

1. A notarial officer has personal knowledge of the identity of an individual appearing before the notarial officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

2. A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual pursuant to any of the following:

a. By means of any of the following:

(1) A passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

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(2) Another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the notarial officer.

b. By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

3. A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

2012 Acts, ch 1050, §6, 60
Referred to in §9B.14A, 9B.15

9B.8 Authority to refuse to perform notarial act.

1. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that any of the following apply:

a. The individual executing the record is competent or has the capacity to execute the record.

b. The individual's signature is knowingly and voluntarily made.

2. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this chapter.

3. A notarial officer shall not condition the performing of notarial services upon the requirement that the person served be a customer or client of the establishment by which the notarial officer is employed. The employer of a notary public shall not condition the performing of a notarial service upon the requirement that the person served be a customer or client of the establishment by which the notary public is employed.

2012 Acts, ch 1050, §7, 60

9B.9 Signature if individual unable to sign.

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

2012 Acts, ch 1050, §8, 60

9B.10 Notarial act in this state.

1. A notarial act may be performed in this state by any of the following:

a. A notary public of this state.

b. A judge, clerk, or deputy clerk of a court of this state.

c. A person authorized by the law of this state to administer oaths.

d. Any other individual authorized to perform the specific act by the law of this state.

e. A registrar of vital statistics or a designee of a registrar of vital statistics.

2. The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph "*a*", "*b*", or "*c*", conclusively establish the authority of the notarial officer to perform a notarial act.

2012 Acts, ch 1050, §9, 60
Referred to in §602.8102(78)

9B.11 Notarial act in another state.

1. A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by any of the following:

a. A notary public of that state.

b. A judge, clerk, or deputy clerk of a court of that state.

c. Any other individual authorized by the law of that state to perform the notarial act.

2. The signature and title of an individual performing a notarial act in another state are

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prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph *"a"* or *"b"*, conclusively establish the authority of the notarial officer to perform the notarial act.

4. The notarial act performed in another state must be performed in accordance with section 9B.6.

2012 Acts, ch 1050, §10, 60

9B.12 Notarial act under authority of federally recognized Indian tribe.

1. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by any of the following:

a. A notary public of the tribe.

b. A judge, clerk, or deputy clerk of a court of the tribe.

c. Any other individual authorized by the law of the tribe to perform the notarial act.

2. The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph *"a"* or *"b"*, conclusively establish the authority of the notarial officer to perform the notarial act.

2012 Acts, ch 1050, §11, 60

9B.13 Notarial act under federal authority.

1. A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by any of the following:

a. A judge, clerk, or deputy clerk of a court.

b. An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law.

c. An individual designated a notarial officer by the United States department of state for performing notarial acts overseas.

d. Any other individual authorized by federal law to perform the notarial act.

2. The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

3. The signature and title of a notarial officer described in subsection 1, paragraph *"a"*, *"b"*, or *"c"*, conclusively establish the authority of the notarial officer to perform the notarial act.

2012 Acts, ch 1050, §12, 60

9B.14 Foreign notarial act.

1. As used in this section, *"foreign state"* means a government other than the United States, a state, or a federally recognized Indian tribe.

2. If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

3. If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

4. The signature and official stamp of an individual holding an office described in subsection 3 are prima facie evidence that the signature is genuine and the individual holds the designated title.

5. An apostille in the form prescribed by the Hague convention of October 5, 1961, and issued by a foreign state party to the convention conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

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6. A consular authentication issued by an individual designated by the United States department of state as a notarial officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

2012 Acts, ch 1050, §13, 60

9B.14A Notarial act performed for remotely located individual.

1. As used in this section unless the context otherwise requires:

a. "Communication technology" means an electronic device or process that does all of the following:

(1) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound.

(2) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

b. "Foreign state" means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

c. "Identity proofing" means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

d. "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

e. "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection 3.

2. A remotely located individual may comply with section 9B.6 by using communication technology to appear before a notary public.

3. A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if all of the following applies:

a. The notary public has any of the following:

(1) Personal knowledge under section 9B.7, subsection 1, of the identity of the individual.

(2) Satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public under section 9B.7, subsection 2, or this section.

(3) Obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing.

b. The notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature.

c. The notary public, or a person acting on behalf of the notary public, creates an audio-visual recording of the performance of the notarial act.

d. For a remotely located individual located outside the United States, all of the following applies:

(1) The record complies with any of the following:

(a) Is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States.

(b) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States.

(2) The act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

4. If a notarial act is performed under this section, the certificate of notarial act required by section 9B.15 and the short-form certificate provided in section 9B.16 must indicate that the notarial act was performed using communication technology.

5. A short-form certificate provided in section 9B.16 for a notarial act subject to this section is sufficient if any of the following applies:

a. It complies with rules adopted under subsection 8, paragraph *"a"*.

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b. It is in the form provided in section 9B.16 and contains a statement substantially as follows: "This notarial act involved the use of communication technology".

6. A notary public, a guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public shall retain the audio-visual recording created under subsection 3, paragraph "*c*", or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection 8, paragraph *"d"*, the recording must be retained for a period of at least ten years after the recording is made.

7. Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the secretary of state that the notary public will be performing notarial acts with respect to remotely located individuals and identify the technologies the notary public intends to use. If the secretary of state has established standards under subsection 8 and section 9B.27 for approval of communication technology or identity proofing, all of the following apply:

a. The communication technology the notary public intends to use must conform to the standards.

b. If the notary public elects to use identity proofing under subsection 3, paragraph *"a"*, the identity proofing must conform to the standards.

8. In addition to adopting rules under section 9B.27, the secretary of state may adopt rules under this section regarding performance of a notarial act. The rules may do all of the following:

a. Prescribe the means and process, including training requirements, of performing a notarial act involving a remotely located individual using communication technology.

b. Establish standards for communication technology and identity proofing.

c. Establish requirements or procedures to approve providers of communication technology and the process of identity proofing.

d. Establish standards and a period for the retention of an audio-visual recording created under subsection 3, paragraph "*c*".

9. Before adopting, amending, or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the secretary of state must consider all of the following:

a. The most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations and the recommendations of the national association of secretaries of state.

b. Standards, practices, and customs of other jurisdictions that have laws substantially similar to this section.

c. The views of governmental officials and entities and other interested persons.

10. By allowing its communication technology or identity proofing to facilitate a notarial act for a remotely located individual or by providing storage of the audio-visual recording created under subsection 3, paragraph "*c*", the provider of the communication technology, identity proofing, or storage appoints the secretary of state as the provider's agent for service of process in any civil action in this state related to the notarial act.

11. A document purporting to convey or encumber real property that has been recorded by the county recorder for the jurisdiction in which the real property is located, although the document may not have been certified according to this section, shall give the same notice to third persons and be effective from the time of recording as if the document had been certified according to this section.

12. A notary public who performs a notarial act under this section must be duly commissioned under and remain subject to the requirements of section 9B.21 and all other applicable requirements of this chapter.

2019 Acts, ch 44, §6, 11; 2023 Acts, ch 133, §1

Referred to in §9B.2, 9B.4, 9B.6, 9B.14B

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9B.14B Remote facilitator.

To be eligible to directly facilitate a notarial act using communication technology for a remotely located individual as provided in section 9B.14A, a remote facilitator must designate and continuously maintain in this state one of the following:

1. Its usual place of business in this state.

2. A registered office, which need not be a place of its activity in this state, or a registered agent for service of process, as required by the secretary of state. In addition, the remote facilitator shall file a foreign entity authority statement with the secretary of state. The statement shall describe the current street and mailing address of the registered office or the name and current street and mailing address of the remote facilitator's registered agent.

2019 Acts, ch 44, §7, 11

9B.14C Use of information.

1. *a.* As used in this section, unless the context otherwise requires, *"personally identifiable information"* means information about or pertaining to an individual in a record which identifies the individual, and includes information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information.

b. "Personally identifiable information" includes but is not limited to a person's photograph, social security number, driver's license number, name, address, and telephone number.

2. A notary public or a remote facilitator shall not sell, offer for sale, use, or transfer to another person personally identifiable information collected in the course of performing a notarial act for any purpose other than as follows:

a. As required to perform the notarial act.

b. As necessary to effect, administer, enforce, service, or process the transaction for which the personally identifiable information was provided.

3. Subsection 2 does not apply to the transfer of personally identifiable information to another person in any of the following circumstances:

a. Upon written consent of the person for the use or release of that person's personally identifiable information.

b. In response to a court order, subpoena, or other legal process compelling disclosure.

c. As part of a change in the form of a business entity's organization or a change in the control of a business entity, including as a result of an acquisition, merger, or consolidation. However, any reorganized or successor business entity shall comply with the same requirements as provided in subsection 2.

4. A person who violates this section is guilty of a simple misdemeanor.

2019 Acts, ch 44, §8, 11

9B.15 Certificate of notarial act.

1. A notarial act must be evidenced by a certificate. The certificate must meet all of the following requirements:

a. Be executed contemporaneously with the performance of the notarial act.

b. Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state.

c. Identify the jurisdiction in which the notarial act is performed.

d. Contain the title of office of the notarial officer.

e. If the notarial officer is a notary public, indicate the date of expiration, if any, of the notarial officer's commission.

2. If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to or embossed on the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection 1, paragraphs *"b"*, *"c"*, and *"d"*, an official stamp may be affixed to or embossed on the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection 1, paragraphs *"b"*, *"c"*, and *"d"*, an official stamp may be attached to or logically associated with the certificate.

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3. A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 and any of the following apply:

a. It is in a short form set forth in section 9B.16.

b. It is in a form otherwise permitted by the law of this state.

c. It is in a form permitted by the law applicable in the jurisdiction in which the notarial act is performed.

d. It sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 9B.5, 9B.6, and 9B.7, or a law of this state other than this chapter.

4. By executing a certificate of a notarial act, a notarial officer certifies that the notarial officer has complied with the requirements and made the determinations specified in sections 9B.4, 9B.5, and 9B.6.

5. A notarial officer shall not affix the notarial officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

6. If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the secretary of state has established standards pursuant to section 9B.27 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

2012 Acts, ch 1050, §14, 60; 2013 Acts, ch 140, §95

Referred to in §9B.14A, 9B.16, 9B.17, 9B.20

9B.16 Short form certificates.

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 9B.15, subsections 1 and 2:

1. For an acknowledgment in an individual capacity:

State of.....
[County] of.....
This record was acknowledged before me on.....(Date)
by.....Name(s) of individual(s)
.....
Signature of notarial officer

Stamp
[.....]
Title of office
[My commission expires:.....]

2. For an acknowledgment in a representative capacity:

State of.....
[County] of.....
This record was acknowledged before me on.....(Date)
by.....Name(s) of individual(s)
as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).
.....
Signature of notarial officer

Stamp
[.....]
Title of office
[My commission expires:.....]

3. For a verification on oath or affirmation:

State of.....
[County] of.....

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Signed and sworn to (or affirmed) before me on.....(Date)
by.....Name(s) of individual(s)
making statement
.....
Signature of notarial officer

Stamp
[.....]
Title of office
[My commission expires:.....]

4. For witnessing or attesting a signature:

State of.....
[County] of.....
Signed (or attested) before me on.....(Date)
by.....Name(s) of individual(s)
.....
Signature of notarial officer

Stamp
[.....]
Title of office
[My commission expires:.....]

5. For certifying a copy of a record:

State of.....
[County] of.....
I certify that this is a true and correct copy of a record in the possession of.....
Dated.....
.....
Signature of notarial officer

Stamp
[.....]
Title of office
[My commission expires:.....]

2012 Acts, ch 1050, §15, 60
Referred to in §9B.14A, 9B.15

9B.17 Official stamp.

1. The official stamp of a notary public must comply with all of the following:

a. Include the notary public's name, the words "Notarial Seal" and "Iowa", the words "Commission Number" followed by a number assigned to the notary public by the secretary of state, the words "My Commission Expires" followed either by the date that the notary public's term would ordinarily expire as provided in section 9B.21 or a blank line on which the notary public shall indicate the date of expiration, if any, of the notary public's commission, as required by and in satisfaction of section 9B.15, subsection 1, paragraph *"e"*, and other information required by the secretary of state.

b. Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated. If the official stamp contains a blank line, the person must print the date that the notary public's term would ordinarily expire on the blank line imprinted on each record subject to a notarial act.

2. *a.* This section does not apply to a judicial officer as defined in section 602.1101 performing a notarial act in accordance with state or federal authority. This section does not apply to a chief officer or a chief officer's designee certifying a peace officer's verification of

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a uniform citation and complaint pursuant to section 805.6, subsection 3. This section does not apply to a peace officer administering an oath or acknowledging a signature pursuant to section 80.9A, subsection 3, or to a certified law enforcement officer administering an oath or acknowledging a signature pursuant to section 817.3.

b. A judicial officer, chief officer, chief officer's designee, peace officer, or certified law enforcement officer performing an act described in paragraph *"a"* is not required to acquire or use an official stamp in performing that act.

2012 Acts, ch 1050, §16, 60; 2013 Acts, ch 140, §96; 2016 Acts, ch 1054, §1

9B.18 Stamping device.

1. A notary public is responsible for the security of the notary public's stamping device and shall not allow another individual to use the device to perform a notarial act.

2. If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify promptly the commissioning officer or agency on discovering that the device is lost or stolen.

2012 Acts, ch 1050, §17, 60

9B.19 Reserved.

9B.20 Notification regarding performance of notarial act on electronic record — selection of technology.

1. A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person shall not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

2. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the secretary of state has established standards for approval of technology pursuant to section 9B.27, the technology must conform to the standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology.

3. The office of the recorder of a county in which real estate is located may accept for recording a tangible copy of an electronic record of an instrument affecting real property, if the electronic record is evidenced by a certificate of a notarial act pursuant to section 9B.15.

2012 Acts, ch 1050, §18, 60; 2019 Acts, ch 44, §9, 11

9B.21 Commission as notary public — qualifications — no immunity or benefit.

1. An individual qualified under subsection 2 may apply to the secretary of state for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the secretary of state and pay an application fee of thirty dollars to the secretary of state. A person appointed as a notary public under subsection 4 is not subject to the fee imposed by this subsection.

2. An applicant for a commission as a notary public shall meet all of the following qualifications:

a. Be at least eighteen years of age.

b. Be a citizen or permanent legal resident of the United States.

c. Be a resident of or have a place of employment or practice in this state.

d. Be able to read and write English.

e. Not be disqualified to receive a commission under section 9B.23.

3. Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the secretary of state.

4. *a.* The secretary of state shall appoint members of the general assembly as notaries public, upon request, and may revoke an appointment for cause.

b. The secretary of state may appoint one or more employees of a state agency as a notary public to perform notarial acts associated with their positions, pursuant to conditions

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established by the secretary of state. As used in this paragraph, *"state agency"* means any executive, judicial, or legislative department, commission, board, institution, division, bureau, office, agency, or other entity of state government.

5. The secretary of state may appoint as a notary public a resident of a state bordering Iowa if that person's place of work or business is within the state of Iowa. If a notary public who is a resident of a state bordering Iowa ceases to work or maintain a place of business in Iowa, the notary commission expires.

6. On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of three years. The term of a notarial officer who is a resident of a state bordering Iowa and whose place of work or business is in Iowa is one year. The term of a notary public who is a member of the general assembly is the member's term of office. The term of a notary public who is an employee of a state agency designated to receive an appointment as provided in subsection 4 shall terminate at the end of employment.

7. A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

2012 Acts, ch 1050, §19, 60
Referred to in §9B.14A, 9B.17

9B.21A Notice of expiration of term.

The secretary of state, two months preceding the expiration of a commission, shall notify the notary public of the expiration date and furnish a blank application for reappointment.

2012 Acts, ch 1050, §20, 60

9B.21B Fees — certification.

The secretary of state shall collect the following fees, for use in offsetting the cost of administering this chapter:

1. For furnishing a certified copy of any document, instrument, or paper relating to a notary public, one dollar per page and five dollars for the certificate.

2. For furnishing an uncertified copy of any document, instrument, or paper relating to a notary public, one dollar per page.

3. For certifying, under seal of the secretary of state, a statement as to the status of a notary commission which would not appear from a certified copy of documents on file in the secretary of state's office, five dollars.

2012 Acts, ch 1050, §21, 60

9B.22 Reserved.

9B.23 Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public.

1. The secretary of state may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including any of the following acts or omissions:

a. A failure to comply with this chapter.

b. A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state.

c. A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty, or deceit.

d. A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit.

e. A failure by the notary public to discharge any duty required of a notary public, whether by this chapter, rules adopted by the secretary of state, or any federal or state law.

f. The use of false or misleading advertising or representation by the notary public

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representing that the notary public has a duty, right, or privilege that the notary public does not have.

g. A violation by the notary public of a rule adopted by the secretary of state regarding a notary public.

h. A denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state.

2. If the secretary of state denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with rules adopted by the secretary of state.

3. The authority of the secretary of state to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent either the secretary of state or a person aggrieved by a notary public from seeking and obtaining other criminal or civil remedies provided by law.

2012 Acts, ch 1050, §22, 60
Referred to in §9B.21

9B.24 Database of notaries public.

The secretary of state shall maintain an electronic database of notaries public which complies with all of the following:

1. Through which a person may verify the authority of a notary public to perform notarial acts.

2. Which indicates whether a notary public has notified the secretary of state that the notary public will be performing notarial acts on electronic records.

2012 Acts, ch 1050, §23, 60

9B.25 Prohibited acts.

1. A commission as a notary public does not authorize an individual to do any of the following:

a. Assist persons in drafting legal records, give legal advice, or otherwise practice law.

b. Act as an immigration consultant or an expert on immigration matters.

c. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters.

d. Receive compensation for performing any of the activities listed in this subsection.

2. A notary public shall not engage in false or deceptive advertising.

3. A notary public, other than an attorney licensed to practice law in this state, shall not use the term "notario" or "notario publico".

4. *a.* A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, or the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state in the advertisement or representation, prominently and in each language used in the advertisement or representation:

> I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

b. If the form of advertisement or representation is not broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

5. Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

2012 Acts, ch 1050, §24, 60

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9B.26 Validity of notarial acts.

1. Except as otherwise provided in section 9B.4, subsection 2, the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this chapter or law of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

2. The validity of a notarial act shall not be affected or impaired by the fact that the notarial officer performing the notarial act is an officer, director, or shareholder of a corporation that may have a beneficial interest or other interest in the subject matter of the notarial act.

2012 Acts, ch 1050, §25, 60

9B.27 Rules.

The secretary of state may adopt rules to administer this chapter. Any rules adopted with respect to the performance of notarial acts on electronic records shall not require or favor one technology or technical specification over another.

2012 Acts, ch 1050, §26, 60
Referred to in §9B.14A, 9B.15, 9B.20

9B.28 Notary public commission in effect.

A commission as a notary public in effect on January 1, 2013, continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after January 1, 2013, is subject to and shall comply with this chapter. A notary public, in performing notarial acts on or after January 1, 2013, shall comply with this chapter.

2012 Acts, ch 1050, §27, 60

9B.29 Reserved.

9B.30 Uniformity of application and construction.

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the revised uniform law on notarial acts.

2012 Acts, ch 1050, §28, 60

9B.31 Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §7001 et seq., but does not modify, limit, or supersede section 101(c) of that Act, 15 U.S.C. §7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that Act, 15 U.S.C. §7003(b).

2012 Acts, ch 1050, §29, 60

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CHAPTER 9C

TRANSIENT MERCHANTS

This chapter not enacted as a part of this title; transferred from chapter 81A in Code 1993

9C.1	Definitions — presumption — applicability.	9C.6	License fee. Repealed by 2021 Acts, ch 142, §32.
9C.2	License required.	9C.7	Misrepresentation.
9C.3	Application for license.	9C.8	Revocation.
9C.4	Bond required — applicability — forfeiture.	9C.9	Penalty.
9C.5	Issuance of license.	9C.10	Enforcement.

9C.1 Definitions — presumption — applicability.

1. As used in this chapter, the term *"transient merchant"* shall mean and include every merchant, whether an individual person, a firm, corporation, partnership, or association, and whether owner, agent, bailee, consignee, or employee, who shall bring or cause to be brought within the state of Iowa any tangible personal property of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such tangible personal property within the state of Iowa. The term *"transient merchant"* shall also mean and include every merchant, whether an individual person, a firm, corporation, partnership, or an association, who shall by itself, or by agent, consignee, or employee, temporarily or intermittently engage in or conduct at one or more locations a business within the state of Iowa for the sale at retail of any tangible personal property of any nature or description.

2. A merchant engaging in business shall be presumed to be temporarily or intermittently in business unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business within the state of Iowa as a merchant for a period of more than sixty days.

3. The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to transient vendors of drugs, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or employees.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.1]
C93, §9C.1
2017 Acts, ch 29, §5; 2019 Acts, ch 24, §2; 2021 Acts, ch 86, §39

9C.2 License required.

It shall be unlawful for any transient merchant to sell, dispose of, or offer for sale any tangible personal property of any kind, nature or description, at any time or place within the state of Iowa, outside the limits of any city in the state of Iowa, or within the limits of any city in the state of Iowa that has not by ordinance provided for the licensing of transient merchants, unless such transient merchant has a valid license as provided in this chapter and has complied with the regulations set forth in this chapter.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.2]
C93, §9C.2
2017 Acts, ch 29, §6; 2021 Acts, ch 86, §40

9C.3 Application for license.

Any transient merchant desiring a transient merchant's license shall at least ten days prior to the first day any sale is made, file with the secretary of state of the state of Iowa an application in writing duly verified by the person, firm, corporation, partnership, or association proposing to sell or offer to sell at retail any tangible personal property, or to engage in or conduct a temporary or intermittent business for the sale at retail of any tangible personal property. The application shall state the following facts:

1. The name, residence, and post office address of the person, firm, corporation,

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partnership, or association making the application, and if a corporation, the names and addresses of the officers thereof, and if a firm, partnership, or association and not a corporation, the names and addresses of all members thereof.

2. If the application is made by an agent, bailee, consignee, or employee, the name and address of such agent, bailee, consignee, or employee, and the name and address of the owner of the tangible personal property to be sold or offered for sale.

3. Whether or not the applicant has an Iowa retailers sales or use tax permit and, if the applicant has such permit, the number of such permit.

4. If the applicant is a corporation, whether or not the applicant is an Iowa corporation or a foreign corporation, and, if a foreign corporation, whether or not such corporation is authorized to do business in Iowa.

5. The value of the tangible personal property to be sold or offered for sale or the average inventory to be carried by any such transient merchant engaging in or conducting an intermittent or temporary business as the case may be.

6. The date or dates upon which said tangible personal property shall be sold or offered for sale, or the date or dates upon which it is the intention of the applicant to engage in or conduct a temporary or intermittent business.

7. The location and address where such tangible personal property shall be sold or offered for sale, or such business engaged in or conducted.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.3]

C93, §9C.3

2017 Acts, ch 29, §7; 2019 Acts, ch 24, §3, 4; 2021 Acts, ch 86, §41, 42; 2022 Acts, ch 1138, §1; 2024 Acts, ch 1043, §4

9C.4 Bond required — applicability — forfeiture.

1. At the time and as part of filing the application, the applicant shall file with the secretary of state a bond, with sureties to be approved by the secretary of state, in a penal sum two times the value of the tangible personal property to be sold or offered for sale or the average inventory to be carried by such transient merchant engaged in or conducting an intermittent or temporary business as the case may be as shown by the application, running to the state of Iowa, for the use and benefit of any purchaser of any tangible personal property from such transient merchant who might have a cause of action of any nature arising from or out of such sale against the applicant or the owner of such property if other than the applicant. The bond shall be conditioned on the payment by the applicant of all taxes that may be payable by, or due from, the applicant to the state of Iowa or any subdivision thereof, and shall be further conditioned for the payment of any fines that may be assessed by any court against the applicant for violation of the provision of this chapter, as well as for the payment and satisfaction of any and all causes of action against the applicant commenced within one year from the date of sale thereof, and arising from such sale. However, the aggregate liability of the surety for all such taxes, fines, and causes of action shall in no event exceed the principal sum of such bond.

2. In such bond the applicant and surety shall appoint the secretary of state, the agent of the applicant and surety for the service of process. In the event of such service, the agent upon whom such service is made shall within five days after the date of service, mail by ordinary mail a true copy of the process served upon the agent to each party for whom the agent is served, addressed to the last known address of such party. Failure to mail the copy shall not, however, affect the jurisdiction of the court.

3. Such bond shall contain the consent of the applicant and surety that the district court of the county in which the plaintiff may reside or Polk county, Iowa, shall have jurisdiction of all actions against the applicant or surety, or both, arising out of the sale. The state of Iowa, or any subdivision thereof, or any person having a cause of action against the applicant or surety arising out of said sale may join the applicant and surety on such bond in the same action, or may in such action sue either the applicant or the surety alone.

4. The requirements of this section also apply to transient merchants who are licensed in accordance with an ordinance of a city in the state of Iowa.

5. Notwithstanding subsections 1 through 4, the bond provided for in this section shall be

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forfeited to the state of Iowa upon the applicant's failure to pay the total of all taxes payable by or due from the applicant to the state which taxes are administered by the department of revenue. The department shall adopt administrative rules for the collection of the forfeiture. Notice shall be provided to the surety and to the applicant. Notice to the applicant shall be mailed to the applicant's last known address. The applicant or the surety shall have the opportunity to apply to the director of revenue for a hearing within thirty days after the giving of such notice. Upon the failure to timely request a hearing, the bond shall be forfeited. If, after the hearing upon timely request, the director finds that the applicant has failed to pay the total of all taxes payable and the bond is forfeited, the director shall order the bond forfeited. The amount of the forfeiture shall be the amount of taxes payable or the amount of the bond. The surety shall not have standing to contest the amount of any taxes payable. For purposes of this section, *"taxes payable"* means all tax, penalties, interest, and fees that the department has previously determined to be due by assessment or in an appeal of an assessment.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.4]
87 Acts, ch 60, §1
C93, §9C.4
2003 Acts, ch 145, §286; 2017 Acts, ch 29, §8; 2021 Acts, ch 86, §43

9C.5 Issuance of license.

Upon receiving an application for a transient merchant's license, the secretary of state shall investigate or cause to be investigated, the reputation and character of the applicant. If, upon making such investigation, the secretary of state is satisfied that the statements and representations contained in the application are true, and that the applicant is of good reputation and character, and the holder of an Iowa sales or use tax permit, and if a foreign corporation, has authority to do business in the state of Iowa, the secretary shall issue to the applicant a license as a transient merchant upon payment of the fee as herein prescribed for the period of time requested in said application and for use at the location and place where it is stated in said application the sale will be held or the business conducted, both of which shall be set out in said license. Such license shall be valid only for the period of time and at the location and place described therein.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.5]
C93, §9C.5
2022 Acts, ch 1138, §2

9C.6 License fee. Repealed by 2021 Acts, ch 142, §32.

9C.7 Misrepresentation.

It shall be unlawful for any transient merchant making sales or engaging in or conducting a business under a transient merchant's license to make any false or misleading statements or representation regarding any article sold or offered for sale by such transient merchant as to condition, quality, original cost, or cost to such transient merchant of any article sold or offered for sale or to sell or offer for sale tangible personal property of a value in excess of the value thereof as shown by said application, or to sell or offer for sale at retail any tangible personal property, or to engage in or conduct an intermittent or temporary business on any days or at any place other than those shown by such license.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.7]
C93, §9C.7
2021 Acts, ch 86, §45

9C.8 Revocation.

1. The secretary of state may revoke any license issued under the provisions of this chapter after proper hearing before the secretary, by the sending of due notice of said hearing by registered letter to the transient merchant at the merchant's last known address, return receipt requested, not less than twenty days before the date of said hearing, for any of the following causes:

a. For any violations of the provisions of this chapter.

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b. For failure to pay the sales tax as provided by law or misrepresentation of the source, condition, quality, weight, or measure of the product sold by the transient merchant.

c. If any judgment recovered against any transient merchant with reference to the operation of that business remains unpaid for a period of six months provided such judgment be not stayed under a supersedeas bond upon appeal from such judgment.

2. The secretary of state shall give immediate notice of the revocation of any license issued under the provisions of this chapter to the surety or sureties furnishing the bond provided for herein.

3. In the event of such revocation, no other transient merchant license shall be issued to such applicant for a period of two years thereafter.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.8]
C93, §9C.8
2008 Acts, ch 1032, §201

9C.9 Penalty.

Any merchant, whether an individual person, a firm, corporation, partnership, or association, violating any of the provisions of this chapter shall be guilty of a simple misdemeanor. Each sale made in violation of the provisions of this chapter shall be and constitute a separate offense.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §81A.9]
C93, §9C.9
2023 Acts, ch 66, §1

9C.10 Enforcement.

The attorney general, or designees of the attorney general, may seek an injunction from a court of competent jurisdiction in order to prohibit sales by a transient merchant who is in violation of this chapter.

87 Acts, ch 60, §2
CS87, §81A.10
C93, §9C.10

CHAPTER 9D

TRAVEL AGENCIES AND AGENTS

Repealed by 2020 Acts, ch 1103, §44, 51

CHAPTER 9E

ADDRESS CONFIDENTIALITY PROGRAM

Referred to in §9.8, 252B.9

9E.1 Purpose.
9E.2 Definitions.
9E.3 Address confidentiality program.
9E.4 Certification cancellation.
9E.5 Use of designated address.
9E.6 Voting by program participant — absentee ballot.
9E.7 Confidentiality of information.
9E.8 Disclosure of program participant address in legal proceedings — protective order.

9E.1 Purpose.

The general assembly finds that individuals attempting to escape from actual or threatened domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond

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to requests for data without disclosing the location of a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for the purposes specified in this chapter. In addition, the purpose of this chapter is to prevent such victims from being physically located through a public records search.

2015 Acts, ch 96, §2, 17; 2021 Acts, ch 183, §1

9E.2 Definitions.

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

1. *"Address"* means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a program participant under this chapter.

2. *"Applicant"* means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person as defined in section 633.701.

3. *"Designated address"* means the mailing address assigned to a program participant by the secretary.

4. *"Domestic abuse"* means the same as defined in section 236.2.

5. *"Domestic abuse assault"* means the same as defined in section 708.2A.

6. *a. "Eligible person"* means a person who is a resident of this state, an adult, a minor, or an incapacitated person as defined in section 633.701, and is one of the following:

(1) A victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking as evidenced by the filing of a petition pursuant to section 236.3 or a criminal complaint or information pursuant to section 708.1, 708.2A, 708.11, or 710A.2, or any violation contained in chapter 709.

(2) A currently active or retired state or local judicial officer, as defined in section 4.1, a federal judge, or a spouse or child of such a person.

(3) A currently active or retired state or local prosecuting attorney, as defined in section 801.4, or a spouse or child of such a person.

(4) A currently active or retired peace officer, as defined in section 801.4, civilian employee of a law enforcement agency, or a spouse or child of such a person.

b. For purposes of this subsection, a person determined to be a sexually violent predator pursuant to section 229A.7, a person required to register as a sex offender under chapter 692A, or a person determined to be a sexually violent predator or required to register as a sex offender pursuant to similar laws of another state is not an eligible person.

7. *"Human trafficking"* means a crime described in section 710A.2.

8. *"Mail"* means first-class letters and flats delivered via the United States postal service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.

9. *"Program"* means the address confidentiality program established in this chapter.

10. *"Program participant"* means an individual certified by the secretary as a program participant under section 9E.3.

11. *"Secretary"* means the secretary of state.

12. *"Sexual abuse"* means a violation of any provision of chapter 709.

13. *"Stalking"* means the same as defined in section 708.11.

2015 Acts, ch 96, §3, 17; 2018 Acts, ch 1149, §1, 12; 2021 Acts, ch 183, §2

9E.3 Address confidentiality program.

1. *Application.* The secretary shall certify an eligible person as a program participant if the secretary receives an application containing all of the following information:

a. The full legal name of the eligible person.

b. A statement by the applicant that the applicant has good reason to believe the following:

(1) Either of the following:

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(a) The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking.

(b) The eligible person fears for the person's safety, the safety of another person who resides in the same household as the eligible person, or the safety of persons on whose behalf the application is made.

(2) The eligible person is not applying for certification as a program participant in order to avoid prosecution.

c. A designation of the secretary as the agent for service of process and for the purpose of receipt of mail.

d. The telephone number or telephone numbers where the secretary can contact the applicant or eligible person.

e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, assault, stalking, or human trafficking. If the eligible person's residential address is a shelter known to the program, the applicant may provide the shelter's name and other contact information in lieu of the shelter's physical address.

f. If mail cannot be delivered to the residential address of the eligible person, the address to which mail can be sent to the eligible person. If the eligible person's mailing address is a shelter known to the program, the applicant may provide the shelter's name and other contact information in lieu of the shelter's physical address.

g. A statement whether the eligible person would like information on becoming an absentee ballot recipient pursuant to section 9E.6.

h. A statement from the eligible person that gives the secretary consent to confirm the eligible person's participation in the program to a third party.

i. The signature of the applicant indicating the applicant's authority to act on behalf of the eligible person, if appropriate.

j. The date the application was signed.

k. Any other information as required by the secretary pursuant to rule.

2. *Filing.* Applications shall be filed with the secretary.

3. *Certification.* Upon the filing of a complete application, the secretary shall certify the eligible person as a program participant. A program participant shall be certified for four years following the date the application is certified by the secretary unless the certification is canceled, withdrawn, or invalidated. The secretary shall establish by rule a renewal procedure for recertification.

4. *Changes in information.* A program participant or an applicant shall inform the secretary of any changes in the program participant's information submitted on the application.

5. *Designated address.* The secretary shall assign a designated address to which all mail for a program participant shall be sent.

6. *Attaining age of majority.* An individual who was a minor when the person was certified as a program participant is responsible for changes in information and renewal after the individual reaches the age of eighteen.

7. *Liability.* A governmental body, as defined in section 21.2, or an entity created pursuant to chapter 28E, shall not be liable for acts or omissions relating to this chapter.

2015 Acts, ch 96, §4, 17; 2017 Acts, ch 29, §9, 10; 2021 Acts, ch 183, §3, 4; 2025 Acts, ch 65, §1

Referred to in §9E.2

9E.4 Certification cancellation.

1. The secretary may cancel a program participant's certification under any of the following circumstances:

a. The program participant's legal name or contact information changes, unless the program participant provides the secretary with prior written notice of the name change or contact information.

b. Mail forwarded by the secretary to the program participant's address is returned as undeliverable by the United States postal service.

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c. The program participant is no longer eligible for the program.

d. The program participant does not accept service of process or is unavailable for delivery of service of process as described in section 9E.5, subsection 4.

2. The secretary shall cancel a program participant's certification for any of the following reasons:

a. The program participant's application contains false information.

b. The secretary receives information from a reliable source that the program participant has died.

c. A program participant with legal documentation from a reliable source requests an adult member of a household to be removed from the program. An adult member of a household whose program certification is canceled is eligible to rejoin the program.

2015 Acts, ch 96, §5, 17; 2025 Acts, ch 65, §2

9E.5 Use of designated address.

1. When a program participant presents the program participant's designated address to any person, that designated address shall be accepted as the address of the program participant. The person shall not require the program participant to submit any other address that could be used to physically locate the program participant either as a substitute address or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location.

2. A program participant may use the designated address as the program participant's work address.

3. The secretary shall forward all mail sent to the designated address to the program participant. At the request of the program participant, the secretary may hold the program participant's mail for up to thirty days.

4. The office of the secretary of state shall act as agent of the program participant for purposes of service of process. The secretary shall forward any service of process received by the office of the secretary of state by certified mail, return receipt requested to the designated address of the program participant within three days of receipt in the office of the secretary of state. A program participant shall either accept or reject service of process and the secretary shall notify the person initiating the service of process, unless such person is not ascertainable from the service of process documents, of the date of the program participant's acceptance or rejection of the service of process. The date of service of the service of process is the date of the participant's acceptance or rejection.

5. If a program participant has notified a person in writing, on a form prescribed by the secretary, that the individual is a program participant and of the requirements of this section, the person shall not knowingly disclose the program participant's address, unless any of the following:

a. The person to whom the address is disclosed also lives, works, or goes to school at the address disclosed.

b. The program participant has provided written consent to disclosure of the program participant's name and address for the purpose for which the disclosure will be made.

6. This section does not apply to documents or records relating to real property. The secretary shall offer a program participant information relating to the purchase of real property utilizing limited liability companies, trusts, or other legal entities in order to protect the participant's identity for purposes of this program when purchasing real property.

2015 Acts, ch 96, §6, 17; 2025 Acts, ch 65, §3

Referred to in §9E.4, 9E.8

9E.6 Voting by program participant — absentee ballot.

1. *a.* A program participant who is an eligible elector may register to vote with the state commissioner of elections, pursuant to section 48A.8, subsection 1. The name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system.

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b. A program participant's voter registration shall not be open to challenge under section 48A.14 based on participation in the program and use of a designated address.

c. The state commissioner of elections or a county commissioner of elections shall cancel a program participant's voter registration upon becoming aware of the program participant's voter registration in another state.

2. *a.* A program participant who is otherwise eligible to vote may register with the state commissioner of elections as an absentee voter for the length of a program participant's certification period. As soon as practicable before each election, the state commissioner of elections shall determine the precinct in which the residential address of the program participant is located and shall request and receive from the county commissioner of elections the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required of the county commissioner of elections by section 53.8.

b. The program participant shall complete the ballot and return it to the state commissioner of elections, who shall review the ballot in the manner provided by sections 53.18 and 53.19 if the return envelope is received in the state commissioner's office before the polls close on election day or is clearly postmarked by an officially authorized postal service or bears a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A. If the materials comply with the requirements of section 53.18, the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board appointed pursuant to section 53.23.

c. The state commissioner of elections, to the extent practicable, shall administer this section in accordance with the provisions of chapters 48A and 53 applicable to county commissioners of elections.

3. *a.* An absentee ballot submitted by a program participant shall not be subject to a challenge under section 49.79 or 53.31 if the challenge is based on the voter's participation in the program and use of a designated address.

b. In an election contested pursuant to chapter 57:

(1) The state commissioner of elections shall, upon the written request of a party to the contest, certify the eligibility of a program participant to vote or the validity of a program participant's absentee ballot. A written request submitted under this paragraph *"b"* must contain the voter's four-digit personal identification number affixed to the program participant's absentee ballot.

(2) A deposition shall serve as testimony for a program participant. A court or tribunal trying the contest shall coordinate with the secretary to obtain a deposition from a program participant.

2015 Acts, ch 96, §7, 17; 2016 Acts, ch 1121, §1, 2; 2021 Acts, ch 12, §1, 73; 2025 Acts, ch 65, §4, 5; 2025 Acts, ch 123, §1

Referred to in §9E.3, 48A.8, 53.2

9E.7 Confidentiality of information.

1. *a.* Except as otherwise provided in subsection 2 and in section 9E.8, information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

b. A program participant's name and address maintained by a local governmental body that is part of an ongoing investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant is confidential information.

2. Upon request from the department of public safety, the secretary may share confidential information with the department of public safety. Such confidential information received by the department of public safety may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation, a criminal complaint, or an ongoing investigation.

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3. This section shall not be construed to prohibit the dissemination of information relating to the program to any agency or organization if necessary for carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, or to any other person if necessary to protect a person or property from a threat of imminent serious harm.

4. If a program participant has notified the program participant's landlord in writing that the individual is a program participant pursuant to this chapter, a local ordinance or the landlord shall not allow the display of the program participant's name at an address otherwise protected under this chapter.

5. Upon request by a program participant, the assessor or the assessor's staff shall redact the requestor's name contained in electronic documents that are displayed for public access through an internet site. The assessor shall implement and maintain a process to facilitate these requests. A fee shall not be charged for the administration of this subsection.

6. This section shall not be construed to prohibit the enforcement of a lease agreement between a program participant and a program participant's landlord.

2015 Acts, ch 96, §8, 17; 2016 Acts, ch 1016, §1; 2021 Acts, ch 183, §5; 2022 Acts, ch 1032, §110, 111

9E.8 Disclosure of program participant address in legal proceedings — protective order.

1. If a program participant's address is protected under section 9E.5, a person shall not be compelled to disclose the program participant's address during discovery or during a proceeding before a court or other tribunal unless the court or other tribunal finds all of the following:

a. A reasonable belief exists that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed.

b. No other practicable means is available of obtaining the information or evidence from any other source.

2. The court or other tribunal shall provide the program participant with notice that disclosure of the program participant's address is sought and provide the program participant an opportunity to present evidence at a hearing regarding the potential harm to the safety of the program participant if the program participant's address is disclosed. In determining whether to compel disclosure, the court or other tribunal shall consider whether the potential harm to the safety of the program participant is outweighed by the interest in disclosure relating to the investigation, prosecution, or litigation. In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if protecting the program participant's address would violate a defendant's constitutional right to confront a witness.

3. Disclosure of a program participant's address under this section shall be limited under the terms of the order by the court or other tribunal to ensure that the disclosure and dissemination of the address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

4. This section does not prevent the court or other tribunal from issuing a protective order to prevent disclosure of information other than the program participant's address that could reasonably lead to the discovery of the program participant's location.

5. This section shall apply to a participant in an out-of-state address confidentiality program substantially similar to the address confidentiality program established in this chapter.

2016 Acts, ch 1016, §2
Referred to in §9E.7

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CHAPTER 9F
CENSUS

9F.1 Federal and state cooperation.
9F.2 Federal census.
9F.3 Certification.
9F.4 Publication — official register.
9F.5 Evidence.
9F.6 Population of counties, townships, and cities.

9F.1 Federal and state cooperation.

The secretary of state is authorized, so far as practicable, to cooperate with the census bureau of the United States in the gathering, compilation, and publication of census statistics.

[S13, §177-a; C24, 27, 31, 35, 39, §**424;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §26.1]
86 Acts, ch 1245, §1978
C93, §9F.1

9F.2 Federal census.

The secretary of state shall, whenever a general census is taken by the federal government, procure from the supervisor of such census, or other proper federal official, a copy of such part of said census as gives the population of the state of Iowa by counties, by townships, and by cities, and file the same in the secretary of state's office and attach thereto, dated and signed by the secretary, a certificate that the same is the census report furnished by said federal official.

[S13, §177-c; C24, 27, 31, 35, 39, §**425;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §26.2]
C93, §9F.2

9F.3 Certification.

When certified by the secretary of state the census shall be in full force and effect throughout the state.

[S13, §177-c; C24, 27, 31, 35, 39, §**426;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §26.3; 81 Acts, ch 29, §1]
C93, §9F.3
2021 Acts, ch 142, §31

9F.4 Publication — official register.

The legislative services agency may publish the federal census report in each copy of the Iowa official register as provided in section 2A.5.

[S13, §177-c; C24, 27, 31, 35, 39, §**427;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §26.4]
C93, §9F.4
98 Acts, ch 1119, §25; 98 Acts, ch 1164, §40; 2003 Acts, ch 35, §24, 48, 49

9F.5 Evidence.

The certified census records in the office of the secretary of state shall be competent evidence of all matters therein contained.

[S13, §177-c; C24, 27, 31, 35, 39, §**428;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §26.5]
C93, §9F.5
2003 Acts, ch 35, §25, 49

9F.6 Population of counties, townships, and cities.

Whenever the population of any county, township, or city is referred to in any law of this state, it shall be determined by the last preceding certified federal census unless otherwise provided. Whenever a special federal census is taken by any city, the mayor and council shall certify the census as soon as possible to the secretary of state and to the treasurer of state as otherwise herein provided, and upon the failure to do so, the treasurer of state shall, after six months from the date of the special census, withhold allocation from the state to the city of any moneys the amount of which is based on the population of the city, and shall continue to do so until such time as certification by the mayor and council is made, or until the next

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federal decennial census. If there is a difference between the original certified record in the office of the secretary of state and the published census, the former shall prevail.

[C97, §177; S13, §177-c; C24, 27, 31, 35, 39, §**429;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §26.6]

C93, §9F.6

2026 Acts, ch 1040, §6

Similar provision on meaning of "population", §4.1(22)

Section amended

CHAPTER 9G

LAND OFFICE

9G.1 Records.
9G.2 Separate grants.
9G.3 Tract books.
9G.4 Land office — how kept — certified copies.
9G.5 Patents.
9G.6 When patents issued.
9G.7 Corrections.
9G.8 Maps — field notes — records — papers.
9G.9 Color of title relinquished.
9G.10 Quitclaim deeds.
9G.11 Lists of federal granted lands.
9G.12 Dubuque and Pacific Railroad lands.
9G.13 University lands.
9G.14 Effect of patents.

9G.1 Records.

The books and records of the land office shall be so kept as to show and preserve an accurate chain of title from the general government to the purchaser of each smallest subdivision of land; to preserve a permanent record, in books suitably indexed, of all correspondence with any of the departments of the general government in relation to state lands; and to preserve, by proper records, copies of the original lists furnished by the selecting agents of the state, and of all other papers in relation to such lands which are of permanent interest.

[R60, §92, 95; C73, §83; C97, §72; C24, 27, 31, 35, 39, §**89;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.1]

C93, §9G.1

2022 Acts, ch 1032, §2

9G.2 Separate grants.

Separate tract books shall be kept for the university lands, the saline lands, the half-million acre grant, the sixteenth sections, the swamplands, and such other lands as the state now owns or may hereafter own, so that each description of state lands shall be kept separate from all others, and each set of tract books shall be a complete record of all the lands to which they relate.

[R60, §94; C73, §84; C97, §73; C24, 27, 31, 35, 39, §**90;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.2]

C93, §9G.2

9G.3 Tract books.

Said tract books shall be ruled in a manner similar to those used in the United States land offices, so as to record each tract by its smallest legal subdivisions, its section, township, and range, to whom sold, and when, the price per acre, to whom patented, and when.

[R60, §93; C73, §85; C97, §74; C24, 27, 31, 35, 39, §**91;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.3]

C93, §9G.3

9G.4 Land office — how kept — certified copies.

The land office shall be kept open during business hours. The documents and records in the land office shall be subject to inspection by parties having an interest in the documents and

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records. Certified copies of a document or record in the land office, signed by the secretary, with the seal of office attached, shall be deemed presumptive evidence of the facts to which they relate. Upon request, certified copies of documents or records shall be furnished by the secretary for a reasonable fee.

[R60, §101; C73, §86; C97, §75; C24, 27, 31, 35, 39, §**92;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.4]

C93, §9G.4

2023 Acts, ch 66, §2

9G.5 Patents.

Patents for lands shall issue from the land office, shall be signed by the governor and recorded by the secretary; and each patent shall contain therein a marginal certificate of the book and page on which it is recorded, which certificate shall be signed by the secretary, and all patents shall be delivered free of charge.

[R60, §97; C73, §87; C97, §76; C24, 27, 31, 35, 39, §**93;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.5]

C93, §9G.5

9G.6 When patents issued.

1. Patents shall not be issued for any lands belonging to the state, except upon the certificate of the person or officer specially charged with the custody of the patents, setting forth the appraised value per acre, the name of the person to whom sold, the date of sale, the price per acre, the amount paid, the name of the person making final payment, and the name of the person who is entitled to the patent. If a person is entitled to a patent due to an assignment from the original purchaser, the certificate shall set forth fully the assignment and shall be filed and preserved in the land office.

2. Whenever the governor is satisfied that the purchase price has been paid by the person to whom the sale has been made and that a patent has not been issued to the purchaser, a patent shall be issued, signed by the governor and secretary of state and recorded by the secretary of state. The passage of seventy-five years from the date of sale without issuance of a patent shall be conclusive proof that the purchase price has been paid.

[R60, §98, 99; C73, §88; C97, §77; C24, 27, 31, 35, 39, §**94;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.6]

C93, §9G.6

2020 Acts, ch 1062, §94; 2021 Acts, ch 80, §2; 2022 Acts, ch 1032, §3

9G.7 Corrections.

The secretary of state is authorized and required to correct all clerical errors of the secretary's office in name of grantee and description of tract of land conveyed by the state, found upon the records of such office. The secretary shall attach an official certificate to each conveyance so corrected, giving the reasons therefor; record the same with the record of the original conveyance, and make the necessary corrections in the tract and plat books of the secretary's office. Such corrections, when made in accordance with this section, shall have the force and effect of a deed originally correct, subject to prior rights accrued without notice.

[C73, §89; C97, §78; C24, 27, 31, 35, 39, §**95;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.7]

C93, §9G.7

2009 Acts, ch 41, §8

9G.8 Maps — field notes — records — papers.

The secretary of state shall receive and safely keep in the secretary's office, as public records, any field notes, maps, records, or other papers relating to the public survey of this state, whenever turned over to the state in pursuance of law; the United States at all times

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to have free access thereto for the purpose of taking extracts therefrom or making copies thereof.

[C73, §90; C97, §79; C24, 27, 31, 35, 39, §**96;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.8]

C93, §9G.8

9G.9 Color of title relinquished.

Whenever the governor is satisfied by the commissioner of the general land office that the title to any lands which may have been certified to the state under any of the several grants is inferior to the rights of any valid interfering pre-emptor or claimant, the governor is authorized and required to release by deed of relinquishment such color of title to the United States, to the end that the requirements of the interior department may be complied with, and that such tract or tracts of land may be patented by the general government to the legal claimants.

[C73, §91; C97, §80; C24, 27, 31, 35, 39, §**97;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.9]

C93, §9G.9

9G.10 Quitclaim deeds.

Whenever the governor is satisfied by proper record evidence that any tract of land which may have been deeded by virtue of any donation or sale to the state is not the land intended to have been described, and that an error has been committed in making out the transfers, in order that such error may be corrected, the governor is authorized to quitclaim the same to the proper owner thereof, and to receive a deed or deeds for the lands intended to have been deeded to the state originally.

[C73, §92; C97, §81; C24, 27, 31, 35, 39, §**98;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.10]

C93, §9G.10

9G.11 Lists of federal granted lands.

In cases where lands have been granted to the state of Iowa by Act of Congress, and certified lists of lands inuring under the grant have been made to the state by the commissioner of the general land office, as required by Act of Congress, and such lands have been granted, by Act of the general assembly, to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the secretary of state is hereby authorized to prepare, on the application of such person or company, or on the application of a party claiming title to any land through such person or company, a list or lists of lands situated in each county inuring to such applicant, from the lists certified by the commissioner of the general land office, as aforesaid, which shall be signed by the governor of the state, and attested by the secretary of state, with the state seal, and then be certified to by the secretary to be true and correct copies of the lists made to this state, and deliver them to such applicant, who is hereby authorized to have them recorded in the proper county, and when so recorded they shall be notice to all persons the same as deeds now are, and shall be evidence of title in such grantee, or the grantee's assigns, to the lands therein described, under the grant of Congress by which the lands were certified to the state, so far as the certified lists made by the commissioner aforesaid conferred title to the state; but where lands embraced in such lists are not of the character embraced by such Acts of Congress or the Acts of the general assembly of the state, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be void; but lands in litigation shall not be included in such lists until the actions are determined and such lands adjudged to be the property of the company; nor shall the secretary include, in any of the lists so certified to the state, lands which have been adjudicated by the proper courts to belong to any other grant, or adjudicated to belong to any county or individual under the swampland grant, or any homestead or pre-emption

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settlement; nor shall said certificate so issued confer any right or title as against any person or company having any vested right, either legal or equitable, to any of the lands so certified.

[C73, §93; C97, §82; C24, 27, 31, 35, 39, §**99;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.11]

C93, §9G.11

9G.12 Dubuque and Pacific Railroad lands.

The secretary of state is hereby authorized upon the application of any person claiming title under the trust deeds executed by the Dubuque and Pacific Railroad Company, to secure its construction bonds, to any lands included in the list of lands certified to the state of Iowa, by the commissioner of the general land office and approved by the secretary of the interior, as selected to satisfy the grant made to the state of Iowa, by Act of Congress approved May 15, 1856, 11 Stat. 9, in aid of the construction of a railroad from Dubuque to Sioux City; to certify said land as inuring to the grantees of the said Dubuque and Pacific Railroad Company, which certificate shall be signed by the governor, and attested by the secretary of state, with the seal of the state, and deliver the same to such applicant who is hereby authorized to have said certificate recorded in the county in which the land so certified is situated, and when so recorded, shall be notice to all persons the same as deeds now are, and shall be evidence of the title from the state of Iowa to any person deriving title to said land under the Dubuque and Pacific Railroad Company, to the land therein described under the grant of Congress by which the land was certified to the state so far as the certified lists made by the commissioner aforesaid, conferred title to the state, but where lands embraced in such lists are not of the character embraced by such Acts of Congress or the Acts of the general assembly of the state, and are not intended to be granted thereby, the lists so far as these lands are concerned, shall be void; nor shall the secretary include, in any of the lists so certified to the state, lands which have been adjudicated by the proper courts to belong to any other grant, or adjudicated to belong to any county or individual under the swampland grant, or any homestead or preemption settlement; nor shall said certificate so issued confer any right or title as against any person or company having any vested right, either legal or equitable, to any of the lands so certified.

[C39, §**99.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.12]

C93, §9G.12

2006 Acts, ch 1010, §5

9G.13 University lands.

The secretary of state is hereby authorized to issue patents for lands, the legal title to which is vested in the state university of Iowa, in cases wherein it is shown to the satisfaction of the governor and attorney general that such lands have been in fact sold by the authority of the state and paid for, and that the certificates of purchase have been lost or destroyed.

[C97, §83; C24, 27, 31, 35, 39, §**100;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.13]

C93, §9G.13

9G.14 Effect of patents.

The patents thus issued shall inure to the benefit of the original purchaser and the original purchaser's grantees only, and a clause to this effect shall be inserted in the patent.

[C97, §84; C24, 27, 31, 35, 39, §**101;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §10.14]

C93, §9G.14

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CHAPTER 9H

CORPORATE OR PARTNERSHIP FARMING

Referred to in §10B.5, 10B.5A, 16.79, 142D.2, 266.39A, 331.756(29), 468.506, 476C.1, 511.8A

Life insurance company or association is a corporation for purposes of this chapter; §511.8A
This chapter not enacted as a part of this title; transferred from chapter 172C in Code 1993

9H.1 Definitions.
9H.2 and 9H.3 Reserved.
9H.3A Penalties — injunctive relief.
9H.4 Restrictions on certain corporations, limited liability companies, trusts, and unincorporated nonprofit associations — exceptions — penalty.
9H.5 Restrictions on authorized farm corporations, authorized limited liability companies, authorized trusts, limited partnerships, and authorized unincorporated nonprofit associations — penalty.
9H.5A Repealed by 2003 Acts, ch 115, §17, 19.

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9H.1 Definitions.

For the purposes of this chapter:

1. *"Actively engaged in farming"* means that a natural person who is a shareholder and an officer, director or employee of the corporation or who is a member or manager of the limited liability company either:

a. Inspects the production activities periodically and furnishes at least half of the value of the tools and pays at least half the direct cost of production; or

b. Regularly and frequently makes or takes an important part in making management decisions substantially contributing to or affecting the success of the farm operation; or

c. Performs physical work which significantly contributes to crop or livestock production.

2. *"Agricultural land"* means land suitable for use in farming.

3. *"Authorized farm corporation"* means a corporation other than a family farm corporation founded for the purpose of farming and the ownership of agricultural land in which:

a. The stockholders do not exceed twenty-five in number; and

b. The stockholders are all natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations.

4. *"Authorized limited liability company"* means a limited liability company other than a family farm limited liability company founded for the purpose of farming and the ownership of agricultural land in which all of the following apply:

a. The members do not exceed twenty-five in number.

b. The members are all natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or nonprofit corporations.

5. *"Authorized trust"* means a trust other than a family trust in which:

a. The beneficiaries do not exceed twenty-five in number; and

b. The beneficiaries are all natural persons, who are not acting as a trustee or in a similar capacity for a trust as defined in subsection 24 of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and

c. Its income is not exempt from taxation under the laws of either the United States or the state of Iowa.

6. *"Authorized unincorporated nonprofit association"* means an unincorporated nonprofit association to which all of the following apply:

a. The members do not exceed twenty-five in number.

b. The members are all natural persons or persons acting in a fiduciary capacity for the benefit of a natural person or unincorporated nonprofit association.

7. *"Beneficial ownership"* includes interests held by a nonresident alien individual directly or indirectly holding or acquiring a ten percent or greater share in the partnership, limited partnership, corporation, limited liability company, or trust, or directly or indirectly through two or more such entities. In addition, the term beneficial ownership shall include interests

held by all nonresident alien individuals if the nonresident alien individuals in the aggregate directly or indirectly hold or acquire twenty-five percent or more of the partnership, limited partnership, corporation, limited liability company, or trust.

8. *"Corporation"* means a domestic or foreign corporation subject to chapter 490, a nonprofit corporation, or a cooperative.

9. *"Family farm corporation"* means a corporation:

a. Founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related;

b. All of its stockholders are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts as defined in subsection 13 of this section; and

c. Sixty percent of the gross revenues of the corporation over the last consecutive three-year period comes from farming.

10. *"Family farm limited liability company"* means a limited liability company which meets all of the following conditions:

a. The limited liability company is founded for the purpose of farming and the ownership of agricultural land in which the majority of the members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

b. All of the members of the limited liability company are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

c. Sixty percent of the gross revenues of the limited liability company over the last consecutive three-year period comes from farming.

11. *"Family farm limited partnership"* means a limited partnership which meets all of the following conditions:

a. The limited partnership is formed for the purpose of farming and the ownership of agricultural land in which the general partner and a majority of the partnership interest is held by and the majority of limited partners are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

b. The general partner manages and supervises the day-to-day farming operations on the agricultural land.

c. All of the limited partners are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

d. Sixty percent of the gross revenues of the partnership over the last consecutive three-year period comes from farming.

12. *"Family farm unincorporated nonprofit association"* means an unincorporated nonprofit association to which all of the following apply:

a. The association is founded for the purpose of farming and the ownership of agricultural land and the majority of the members are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related.

b. All of its members are natural persons or persons acting in a fiduciary capacity for the benefit of natural persons or family trusts.

c. Sixty percent of the gross revenues of the unincorporated nonprofit association over the last consecutive three-year period comes from farming.

13. *"Family trust"* means a trust:

a. In which a majority interest in the trust is held by and the majority of the beneficiaries are persons related to each other as spouse, parent, grandparent, lineal ascendants of grandparents or their spouses and other lineal descendants of the grandparents or their spouses, or persons acting in a fiduciary capacity for persons so related; and

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b. In which all the beneficiaries are natural persons, who are not acting as a trustee or in a similar capacity for a trust, as defined in subsection 24 of this section, or persons acting in a fiduciary capacity, or nonprofit corporations; and

c. If the trust is established on or after July 1, 1988, the trust must be established for the purpose of farming and sixty percent of the gross revenues of the trust over the last consecutive three-year period must come from farming.

14. *"Farming"* means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming shall not include the production of timber, forest products, nursery products, or sod and farming shall not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm services.

15. *"Fiduciary capacity"* means an undertaking to act as executor, administrator, personal representative, guardian, conservator or receiver.

16. *"Grantor"* means a natural person, other than a nonresident alien as defined under this section, who is the creator of a revocable trust or a trust.

17. *"Indirect"* means to act or attempt to accomplish an act through an interest in a business association, through one or more affiliates or intermediaries, or by any method other than a direct approach, including by any circuitous or oblique method.

18. *"Limited liability company"* means a limited liability company as defined in section 489.102.

19. *"Limited partnership"* means a limited partnership as defined in section 488.102, or a limited liability limited partnership under chapter 488, which owns or leases agricultural land or is engaged in farming.

20. *"Nonprofit corporation"* means any of the following:

a. A corporation as defined in section 504.141 that is not a foreign corporation as described in paragraph *"b"*.

b. A foreign corporation as defined in section 504.141.

21. *"Nonresident alien"* means:

a. An individual who is not a citizen of the United States and who is not domiciled in the United States.

b. A corporation incorporated under the law of any foreign country.

c. A corporation organized in the United States, beneficial ownership of which is held, directly or indirectly, by nonresident alien individuals.

d. A trust organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

e. A partnership or limited partnership organized in the United States or elsewhere if beneficial ownership is held, directly or indirectly, by nonresident alien individuals.

f. A limited liability company organized in the United States or elsewhere, beneficial ownership of which is held, directly or indirectly, by nonresident alien individuals.

22. *"Revocable trust"* means a trust which provides that the grantor retains the power to amend, modify, or revoke the trust at any time prior to the death of the grantor, regardless of whether, subsequent to the execution of the revocable trust and at any time prior to death, the grantor is legally competent to exercise the power to amend, modify, or revoke the trust and regardless of when the trust is created.

23. *"Testamentary trust"* means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Iowa trust code as provided in chapter 633A. Testamentary trust includes a revocable trust that has not been revoked prior to the grantor's death.

24. *"Trust"* means a fiduciary relationship with respect to property, subjecting the person by whom the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it. Trust does not include a person acting in a fiduciary capacity, as defined in subsection 15, or a revocable trust. A trust includes a legal entity holding property as trustee, agent, escrow agent, attorney in fact, and in any similar capacity.

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25. *"Unincorporated nonprofit association"* means the same as defined in section 501B.2.
[C77, 79, 81, §172C.1; 82 Acts, ch 1103, §1108]
84 Acts, ch 1219, §6; 88 Acts, ch 1191, §1, 2; 91 Acts, ch 172, §2; 92 Acts, ch 1151, §2 – 4
C93, §9H.1
93 Acts, ch 39, §1 – 4; 94 Acts, ch 1153, §1 – 3; 99 Acts, ch 169, §1; 2000 Acts, ch 1024, §1; 2000 Acts, ch 1048, §1, 3; 2002 Acts, ch 1095, §1 – 3, 10 – 12; 2003 Acts, ch 108, §1, 2; 2003 Acts, ch 115, §11, 16, 19; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §350, 351, 394, 400; 2005 Acts, ch 38, §55; 2008 Acts, ch 1162, §123, 154, 155; 2010 Acts, ch 1061, §2; 2010 Acts, ch 1112, §34; 2018 Acts, ch 1136, §1; 2020 Acts, ch 1063, §6
Referred to in §9H.4, 9H.5, 10.1, 10B.1, 10D.1, 15E.202, 16.58, 68A.406, 161A.42, 202.1, 425A.2, 428A.1, 468.327, 476C.1, 501.101, 511.8A, 558.44, 561.22, 579B.1, 654.2A, 654.14, 654.19, 654A.1, 654A.4, 654B.1, 673A.3, 715E.1, 717A.1

9H.2 and 9H.3 Reserved.

9H.3A Penalties — injunctive relief.
The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this chapter.
2003 Acts, ch 115, §12, 19

9H.4 Restrictions on certain corporations, limited liability companies, trusts, and unincorporated nonprofit associations — exceptions — penalty.
1. A corporation, limited liability company, trust, or unincorporated nonprofit association, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability company, family trust, authorized trust, revocable trust, testamentary trust, family farm unincorporated nonprofit association, or authorized unincorporated nonprofit association shall not, either directly or indirectly, acquire or otherwise obtain or lease any agricultural land in this state. However, the restrictions provided in this section shall not apply to the following:
a. A bona fide encumbrance taken for purposes of security.
b. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:
(1) Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation or limited liability company. Commercial sales are incidental to the research or experimental purposes of the corporation or limited liability company when such sales are less than twenty-five percent of the gross sales of the primary product of the research.
(2) The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.
(3) (a) The agricultural land is used by a corporation or limited liability company, including any trade or business which is under common control, as provided in 26 U.S.C. §414 for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after July 1, 1989, to qualify under this subparagraph division, the following conditions must be satisfied:
(i) The corporation or limited liability company must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. The corporation or limited liability company shall not renew a lease. The corporation or limited liability company shall not enter into a lease under this subparagraph subdivision, if the corporation or limited liability company has ever entered into another lease under this subparagraph (3), whether or not the lease is in effect. However, this subparagraph subdivision does not apply to a nonprofit corporation as defined in section 9H.1, subsection 20, paragraph *"a"*.
(ii) A term or condition of sale, including resale, of breeding stock must not relate to the

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direct or indirect control by the corporation or limited liability company of the breeding stock or breeding stock progeny subsequent to the sale.

(iii) The number of acres of agricultural land held by the corporation or limited liability company must not exceed six hundred forty acres.

(iv) The corporation or limited liability company must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease. However, this subparagraph division does not apply to a nonprofit corporation as defined in section 9H.1, subsection 20, paragraph *"a"*.

(b) Culls and test animals may be sold under this subparagraph (3). For a three-year period beginning on the date that the corporation or limited liability company acquires an interest in the agricultural land, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less.

c. Agricultural land, including a leasehold interest, acquired by a nonprofit corporation as defined in section 9H.1, subsection 20, paragraph *"a"*, including land acquired and operated by or for a state university for research, experimental, demonstration, foundation seed increase or test purposes and land acquired and operated by or for nonprofit corporations organized specifically for research, experimental, demonstration, foundation seed increase or test purposes in support of or in conjunction with a state university.

d. Agricultural land acquired by a corporation or limited liability company for immediate or potential use in nonfarming purposes.

e. Agricultural land acquired by a corporation or limited liability company by process of law in the collection of debts, or pursuant to a contract for deed executed prior to August 15, 1975, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise.

f. A municipal corporation.

g. Agricultural land which is acquired by a trust company or bank in a fiduciary capacity or as trustee for a family trust, authorized trust or testamentary trust or for nonprofit corporations.

h. A corporation or its subsidiary organized under chapter 490 or a limited liability company organized under chapter 489 and to which section 312.8 is applicable.

i. Agricultural land held or leased by a corporation on July 1, 1975, as long as the corporation holding or leasing the land on this date continues to hold or lease such agricultural land.

j. Agricultural land held or leased by a trust on July 1, 1977, as long as the trust holding or leasing such land on this date continues to hold or lease such agricultural land.

k. Agricultural land acquired by a trust for immediate use in nonfarming purposes.

l. Agricultural land that is owned, leased, or otherwise held by an unincorporated nonprofit association on July 1, 2010, as long as the unincorporated nonprofit association continues to hold or lease such agricultural land.

2. A corporation, limited liability company, trust, or unincorporated nonprofit association, other than a family farm corporation, authorized farm corporation, family farm limited liability company, authorized limited liability company, family trust, authorized trust, revocable trust, testamentary trust, family farm unincorporated nonprofit association, or authorized unincorporated nonprofit association, violating this section shall be assessed a civil penalty of not more than twenty-five thousand dollars and shall divest itself of any land held in violation of this section within one year after judgment. The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this section.

[C77, 79, 81, §172C.4]

89 Acts, ch 311, §23; 91 Acts, ch 172, §4

C93, §9H.4

93 Acts, ch 39, §7 – 13; 94 Acts, ch 1153, §4, 5; 2003 Acts, ch 108, §3 – 5; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §394; 2008 Acts, ch 1032, §116; 2008 Acts, ch 1162, §124, 154, 155;

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2009 Acts, ch 41, §9; 2010 Acts, ch 1069, §3; 2010 Acts, ch 1112, §35 – 37; 2018 Acts, ch 1136, §2, 3

Referred to in §9I.3, 10.3, 10.5, 10.7, 10.10, 10B.7, 15E.207, 501.103

Additional exceptions to restrictions for entities organized under chapters 10, 10D, and 501; requirements; see §10.3, 10D.2, and 501.103

9H.5 Restrictions on authorized farm corporations, authorized limited liability companies, authorized trusts, limited partnerships, and authorized unincorporated nonprofit associations — penalty.

1. An authorized farm corporation, authorized limited liability company, or authorized trust shall not, on or after July 1, 1987, a limited partnership other than a family farm limited partnership shall not, on or after July 1, 1988, and an authorized unincorporated nonprofit association shall not, on or after July 1, 2010, either directly or indirectly, acquire or otherwise obtain or lease agricultural land, if the total agricultural land either directly or indirectly owned or leased by the authorized farm corporation, authorized limited liability company, limited partnership, authorized trust, or authorized unincorporated nonprofit association would then exceed one thousand five hundred acres.

a. However, the restrictions provided in this subsection do not apply to agricultural land that is leased by an authorized farm corporation, authorized trust, limited partnership, or authorized unincorporated nonprofit association to the immediate prior owner of the land for the purpose of farming, as defined in section 9H.1. Upon cessation of the lease to the immediate prior owner, the authorized farm corporation, authorized trust, limited partnership, or authorized unincorporated nonprofit association shall, within three years following the date of the cessation, sell or otherwise dispose of the agricultural land leased to the immediate prior owner.

b. This subsection also does not apply to land that is held or acquired and maintained by an authorized farm corporation, authorized trust, limited partnership, or authorized unincorporated nonprofit association to protect significant elements of the state's natural open space heritage, including but not limited to significant river, lake, wetland, prairie, forest areas, other biologically significant areas, land containing significant archaeological, historical, or cultural value, or fish or wildlife habitats, as defined in rules adopted by the department of natural resources.

2. *a.* A person shall not, after July 1, 1988, become a stockholder of an authorized farm corporation, a beneficiary of an authorized trust, a member of an authorized limited liability company, or a limited partner in a limited partnership which owns or leases agricultural land if the person is also any of the following:

(1) A stockholder of an authorized farm corporation.
(2) A beneficiary of an authorized trust.
(3) A limited partner in a limited partnership which owns or leases agricultural land.
(4) A member of an authorized limited liability company.

b. However, this subsection shall not apply to limited partners in a family farm limited partnership.

3. *a.* A person shall not, after July 1, 2010, become a member of an authorized unincorporated nonprofit association that owns or leases agricultural land if the person is also any of the following:

(1) A stockholder of an authorized farm corporation.
(2) A beneficiary of an authorized trust.
(3) A limited partner in a limited partnership which owns or leases agricultural land.
(4) A member of an authorized limited liability company.
(5) A member of another authorized unincorporated nonprofit association.

b. A person shall not, after July 1, 2010, become a stockholder of an authorized farm corporation, a beneficiary of an authorized trust, a limited partner in a limited partnership, or a member of an authorized limited liability company that owns or leases agricultural land, if the person is a member of an authorized unincorporated nonprofit association.

c. This subsection shall not apply to limited partners in a family farm limited partnership.

4. *a.* An authorized farm corporation, authorized trust, authorized limited liability company, limited partnership, or authorized unincorporated nonprofit association violating

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this section shall be assessed a civil penalty of not more than twenty-five thousand dollars and shall divest itself of any land held in violation of this section within one year after judgment. A civil penalty of not more than one thousand dollars may be imposed on a person who becomes a stockholder of an authorized farm corporation, beneficiary of an authorized trust, member of an authorized limited liability company, limited partner in a limited partnership, or member in an authorized unincorporated nonprofit association in violation of this section. The person shall divest the interest held by the person in the corporation, trust, limited liability company, limited partnership, or authorized unincorporated nonprofit association to comply with this section. The court may determine the method of divesting an interest held by a person found to be in violation of this chapter. A financial gain realized by a person who disposes of an interest held in violation of this chapter shall be forfeited to the state's general fund. All court costs and fees shall be paid by the person holding the interest in violation of this chapter.

b. The courts of this state may prevent and restrain violations of this section through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this section.

5. As used in this section, *"authorized trust"* does not include a revocable trust.

87 Acts, ch 146, §1
CS87, §172C.5
88 Acts, ch 1191, §4; 91 Acts, ch 172, §5
C93, §9H.5
93 Acts, ch 39, §14 – 16; 94 Acts, ch 1153, §6; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1112, §38 – 40
Referred to in §10.3, 10.5, 10.7, 10.10

9H.5A Repealed by 2003 Acts, ch 115, §17, 19.

CHAPTER 9I

NONRESIDENT ALIENS — LAND OWNERSHIP

Referred to in §10B.1, 10B.5, 10B.5A, 15.498, 16.79

9I.1 Definitions.
9I.2 Alien rights.
9I.3 Restriction on agricultural land holdings.
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9I.9 Lessees conducting research or experiments.
9I.10 Enforcement.
9I.11 Escheat.
9I.12 Penalty — failure to timely file.

9I.1 Definitions.

For the purpose of this chapter:

1. *"Agricultural land"* means land suitable for use in farming.

2. *"Farming"* means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing or the production of livestock. Farming includes the production of timber, forest products, nursery products, or sod. Farming does not include a contract where a processor or distributor of farm products or supplies provides spraying, harvesting or other farm services.

3. *"Foreign business"* means a corporation incorporated under the laws of a foreign country, or a business entity whether or not incorporated, in which a majority interest is owned directly or indirectly by nonresident aliens. Legal entities, including but not limited

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to trusts, holding companies, multiple corporations and other business arrangements, do not affect the determination of ownership or control of a foreign business.

4. *"Foreign government"* means a government other than the government of the United States, its states, territories or possessions.

5. *"Interest"* means any estate, remainder, or reversion, or portion of the estate, remainder, or reversion, or an option pursuant to which one party has a right to cause legal or equitable title to agricultural land to be transferred.

6. *"Intermediary"* means any person, including a bank, broker, or dealer, that makes business or financial arrangements between companies or organizations that do not deal with each other directly.

7. *"Nonresident alien"* means an individual who is not any of the following:

a. A citizen of the United States.

b. A person lawfully admitted into the United States for permanent residence by the United States immigration and naturalization service. An individual is lawfully admitted for permanent residence regardless of whether the individual's lawful permanent resident status is conditional.

8. *"Parent"* means any corporation which directly, or indirectly through one or more intermediaries, controls more than fifty percent of the voting stock of another corporation.

[C79, §567.10; C81, §567.1]
2002 Acts, ch 1066, §1; 2002 Acts, ch 1095, §10
C2003, §9I.1
2024 Acts, ch 1007, §1
Referred to in §10B.1, 10D.1, 15.491

9I.2 Alien rights.

A nonresident alien, foreign business or foreign government may acquire, by grant, purchase, devise or descent, real property, except agricultural land or any interest in agricultural land in this state, and may own, hold, devise or alienate the real property, and shall incur the same duties and liabilities in relation thereto as a citizen and resident of the United States.

[C97, §1641; S13, §1641; C24, 27, 31, 35, 39, §**8403;** C46, 50, §491.67; C54, 58, 62, 66, 71, 73, 75, 77, 79, §491.67, 567.8; C81, §567.2]
2002 Acts, ch 1095, §10
C2003, §9I.2

9I.3 Restriction on agricultural land holdings.

1. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, shall not purchase or otherwise acquire agricultural land in this state. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, which owns or holds agricultural land in this state on January 1, 1980, may continue to own or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state.

2. A person who acquires agricultural land in violation of this chapter or who fails to convert the land to the purpose other than farming within five years, as provided for in this chapter, remains in violation of this chapter for as long as the person holds an interest in the land.

3. The restriction set forth in subsection 1 of this section does not apply to the following:

a. Agricultural land acquired by devise or descent.

b. A bona fide encumbrance on agricultural land taken for purposes of security.

c. Agricultural land acquired by a process of law in the collection of debts, by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed, or by any procedure for the enforcement of a lien or claim on the land, whether created by mortgage or otherwise. However, agricultural land so acquired shall be sold or otherwise disposed of within two years after title is transferred. Pending the sale or disposition, the land shall not be used for any purpose other than farming, and the land shall not be used for farming except under lease to an individual, trust, corporation, partnership or other business entity not subject to the

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restriction on the increase in agricultural land holdings imposed by section 9H.4. Agricultural land which has been acquired pursuant to this paragraph shall not be acquired or utilized by the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, under either paragraph *"d"* or paragraph *"e"*.

d. Agricultural land acquired for research or experimental purposes. Agricultural land is used for research or experimental purposes if any of the following apply:

(1) Research and experimental activities are undertaken on the agricultural land and commercial sales of products produced from farming the agricultural land do not occur or are incidental to the research or experimental purposes of the corporation. Commercial sales are incidental to the research or experimental purposes of the corporation when such sales are less than twenty-five percent of the gross sales of the primary product of the research.

(2) The agricultural land is used for the primary purpose of testing, developing, or producing seeds or plants for sale or resale to farmers as seed stock. Grain which is not sold as seed stock is an incidental sale and must be less than twenty-five percent of the gross sales of the primary product of the research and experimental activities.

(3) Until July 1, 2001, the agricultural land is used for the primary purpose of testing, developing, or producing animals for sale or resale to farmers as breeding stock. However, after July 1, 1989, to qualify under this paragraph, the following conditions must be satisfied:

(a) The nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government must not hold the agricultural land other than as a lessee. The term of the lease must be for not more than twelve years. A lessee shall not renew a lease entered into under this subparagraph (3). The lessee shall not enter into a lease under this paragraph, if another lease under this paragraph has been entered into by the lessee.

(b) A term or condition of sale, including resale, of seed stock or breeding stock must not relate to the direct or indirect control by the lessee of the breeding stock or breeding stock progeny subsequent to the sale.

(c) The number of acres of agricultural land held by the lessee must not exceed six hundred forty acres.

(d) The lessee must deliver a copy of the lease to the secretary of state. The secretary of state shall notify the lessee of receipt of the copy of the lease.

(4) Culls and test animals may be sold under subparagraph (3). For a three-year period beginning on the date that the lease takes effect, the gross sales for any year shall not be greater than five hundred thousand dollars. After the three-year period ends, the gross sales for any year shall not be greater than twenty-five percent of the gross sales for that year of the breeding stock, or five hundred thousand dollars, whichever is less. As used in subparagraph (3), *"lessee"* means a nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary acting on behalf of the nonresident alien, foreign business, or foreign government, or any other trade or business which is under the lessee's common control as provided in 26 U.S.C. §414.

(5) Effective July 1, 2001, a nonresident alien, foreign business, or foreign government or an agent, trustee, or fiduciary of the alien, business, or government shall not acquire or hold agricultural land used for the primary purpose of testing, developing, or producing animals.

e. An interest in agricultural land, not to exceed three hundred twenty acres, acquired for an immediate or pending use other than farming. However, a nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, who lawfully owns over three hundred twenty acres on January 1, 1980, may continue to own or hold the land, but shall not purchase or otherwise acquire additional agricultural land in this state except by devise or descent from a nonresident alien. Pending the development of the agricultural land for purpose other than farming, the land shall not be used for farming except under lease to an individual, trust, corporation, partnership or other business entity not subject to the restriction on the increase in agricultural land holdings imposed by section 9H.4.

f. An interest in agricultural land acquired by a foreign business for an immediate use other than farming if all of the requirements of section 15.498 are met.

4. A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof shall not transfer title to or interest in agricultural land to a nonresident

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alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof except by devise or descent.

[C73, §1908; C97, §2889; C24, 27, 31, 35, 39, §**10214;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §567.1; C81, §567.3]

86 Acts, ch 1214, §9; 89 Acts, ch 311, §31, 33; 2002 Acts, ch 1095, §10

C2003, §9I.3

2014 Acts, ch 1092, §6; 2024 Acts, ch 1090, §1, 15

Referred to in §9I.4, 9I.9, 10.3, 10.5, 10.7, 10.10

9I.4 Development of land acquired for nonfarming purposes.

Development of the agricultural land which is not subject to the restrictions of section 9I.3, subsections 1 and 2, because the land or interest in the land was acquired for an immediate or pending use other than farming, shall convert the land to the purpose other than farming, within five years after the acquisition of the agricultural land or the acquisition of the interest in the agricultural land.

[C81, §567.4]

2002 Acts, ch 1095, §10

C2003, §9I.4

Referred to in §15.498

9I.5 Land acquired by devise or descent.

A nonresident alien, foreign business or foreign government, or an agent, trustee or fiduciary thereof, which acquires agricultural land or an interest in agricultural land, by devise or descent after January 1, 1980, shall divest itself of all right, title and interest in the land within two years from the date of acquiring the land or interest. This section shall not require divestment of agricultural land or an interest in agricultural land, acquired by devise or descent from a nonresident alien, if such land or an interest in such land was acquired by any nonresident alien prior to July 1, 1979.

[C73, §1909; C97, §2889; C24, 27, 31, 35, 39, §**10214;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §567.1; C81, §567.5]

2002 Acts, ch 1095, §10

C2003, §9I.5

9I.6 Change of status — divestment.

A person or business which purchases or otherwise acquires agricultural land in this state except by devise or descent, after January 1, 1980, and whose status changes so that it becomes a foreign business or nonresident alien subject to this chapter, shall divest itself of all right, title and interest in the land within two years from the date that its status changed.

[C81, §567.6]

2002 Acts, ch 1095, §10

C2003, §9I.6

9I.7 Registration.

A nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, which owns an interest in agricultural land within this state on or after January 1, 1980, shall register the agricultural land with the secretary of state. The registration shall be made within sixty days after January 1, 1980, or within sixty days after acquiring the land or the interest in land, whichever is later. The registration shall be made online or in the form and manner prescribed by the secretary of state. As part of the registration, the nonresident alien, foreign business, or foreign government, or an agent, trustee, or fiduciary thereof, shall file all of the following information:

1. The legal name, street address, mailing address, if different, and the birthplace and nationality of the nonresident alien, foreign business, or foreign government that owns the interest in the agricultural land.

2. The legal name, street address, mailing address, if different, and the birthplace and nationality of the agent, trustee, or fiduciary of the nonresident alien, foreign business, or foreign government in subsection 1, if specifically authorized to do any of the following:

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a. Purchase the agricultural land.

b. Supervise the daily operations on the agricultural land.

3. A statement of the purpose for conducting business in this state.

4. A description of the purpose of the interest in the agricultural land in this state as it relates to the stated business purpose in subsection 3.

5. The legal name, street address, and mailing address of any parent of the registering party, including the legal name, street address, and mailing address of any subsidiary or intermediary of the parent.

6. The legal name, street address, and mailing address of any subsidiary of the registering party.

7. A listing of all other interests in agricultural land that are held directly or indirectly by the registering party, parent of the registering party, or subsidiary or intermediary of the parent in the United States that exceeds two hundred fifty acres.

[C81, §567.7]
2002 Acts, ch 1095, §10
C2003, §9I.7
2024 Acts, ch 1007, §2; 2026 Acts, ch 1145, §51
Referred to in §9I.10, 9I.12, 10B.4, 10B.5A
Unnumbered paragraph 1 amended

9I.8 Reports. Repealed by 2024 Acts, ch 1007, §12.

9I.9 Lessees conducting research or experiments.

Lessees of agricultural land under section 9I.3, subsection 3, paragraph *"d"*, subparagraph (3), for research or experimental purposes, shall file a report with the secretary of state on or before March 31 of each year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. The report shall contain the following information for the last year:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.
4. The name and address of each person purchasing breeding stock produced on the agricultural land.
5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

89 Acts, ch 311, §32
CS89, §567.8A
2002 Acts, ch 1095, §10
C2003, §9I.9

9I.10 Enforcement.

1. If the secretary of state finds that a nonresident alien, foreign business, foreign government, or an agent, trustee, or other fiduciary thereof, has acquired or holds title to or interest in agricultural land in this state in violation of this chapter or has failed to timely register as required under section 9I.7 or has failed to timely report as required under section 10B.4, the secretary shall report the violation to the attorney general.

2. Upon receipt of the report from the secretary of state, the attorney general shall initiate an action in the district court of any county in which the land is located.

3. The attorney general shall file a notice of the pendency of the action with the recorder of deeds of each county in which any of the land is located. If the court finds that the land in question has been acquired or held in violation of this chapter or the required registration has not been timely filed, it shall enter an order so declaring and shall file a copy of the order with the recorder of deeds of each county in which any portion of the land is located.

4. The attorney general may conduct an inquiry or investigation regarding a violation of this chapter or section 10B.4. As part of that inquiry or investigation, and in accordance with the Iowa rules of civil procedure, the attorney general may issue a subpoena for the production of records, including but not limited to books, accounts, papers, correspondence, memoranda, purchase agreements, files, or other documents in a print or electronic format.

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If a person refuses compliance, the attorney general may seek enforcement by the district court.

[C97, §2891; C24, 27, 31, 35, 39, §**10218;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §567.5; C81, §567.9]

2002 Acts, ch 1095, §10

C2003, §9I.10

2024 Acts, ch 1007, §3, 4

Referred to in §10B.4

9I.11 Escheat.

If the court finds that the land in question has been acquired in violation of this chapter or that the land has not been converted to the purpose other than farming within five years as provided for in this chapter, the court shall declare the land escheated to the state. When escheat is decreed by the court, the clerk of court shall notify the governor that the title to the real estate is vested in the state by decree of the court. Any real estate, the title to which is acquired by the state under this chapter, shall be sold in the manner provided by law for the foreclosure of a mortgage on real estate for default of payment, the proceeds of the sale shall be used to pay court costs, and the remaining funds, if any, shall be paid to the person divested of the property but only in an amount not exceeding the actual cost paid by the person for that property. Proceeds remaining after the payment of court costs and the payment to the person divested of the property shall become a part of the funds of the county or counties in which the land is located, in proportion to the part of the land in each county.

[C97, §2891; C24, 27, 31, 35, 39, §**10218;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §567.5; C81, §567.10]

83 Acts, ch 123, §192, 209; 2002 Acts, ch 1095, §10

C2003, §9I.11

Referred to in §331.427

9I.12 Penalty — failure to timely file.

A civil penalty not to exceed twenty-five percent of the county's assessed value of the subject agricultural land for the previous year shall be imposed, for each offense, upon a nonresident alien, foreign business, or foreign government, or an agent, trustee, or other fiduciary thereof, who fails to timely file the registration as required by section 9I.7.

[C81, §567.11]

2002 Acts, ch 1095, §10

C2003, §9I.12

2013 Acts, ch 90, §3; 2024 Acts, ch 1007, §5

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CHAPTER 10

AGRICULTURAL LANDHOLDING RESTRICTIONS

Referred to in §10B.4, 16.79

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SUBCHAPTER I

GENERAL PROVISIONS

10.1 Definitions.

As used in this chapter and in chapter 10B, unless the context otherwise requires:

1. *"Actively engaged in farming"* means that a natural person, including a shareholder or an officer, director, or employee of a corporation, or a member or manager of a limited liability company, does any of the following:

a. Inspects the production activities periodically and furnishes at least half of the value of the tools used for crop or livestock production and pays at least half the direct cost of crop or livestock production.

b. Regularly and frequently makes or takes an important part in making management decisions substantially contributing to or affecting the success of the farm operation.

c. Performs physical work which significantly contributes to crop or livestock production.

2. *"Agricultural land"* means the same as defined in section 9H.1.

3. *"Authorized entity"* means an authorized farm corporation; authorized limited liability company; limited partnership, other than a family farm limited partnership; or an authorized trust as defined in section 9H.1.

4. *"Commodity share landlord"* means a natural person or a general partnership as provided in chapter 486A in which all partners are natural persons, who owns at least one hundred fifty acres of agricultural land, if the owner receives rent on a commodity share basis, which may be either a share of the crops or livestock produced on the land.

5. *"Cooperative association"* means an entity which is structured and operated on a cooperative basis pursuant to 26 U.S.C. §1381(a) and which meets the definitional requirements of an association as provided in 12 U.S.C. §1141j(a) or 7 U.S.C. §291.

6. *"Family farm entity"* means a family farm corporation, family farm limited liability company, family farm limited partnership, or family trust, as defined in section 9H.1.

7. *"Farm estate"* means the real and personal property of a decedent, a protected person, or a trust as provided in chapters 633 and 633A, if at least sixty percent of the gross receipts from the estate comes from farming.

8. *"Farmers cooperative association"* means a cooperative association organized under chapter 490 or 499, if all of the following conditions are satisfied:

a. All of the following apply:

(1) Qualified farmers must hold at least a fifty-one percent equity interest in the cooperative association, including fifty-one percent of each class of members' equity.

(2) The following persons must hold at least a seventy percent equity interest in the cooperative association, including seventy percent of each class of members' equity:

(a) A qualified farmer.

(b) A family farm entity.

(c) A commodity share landlord.

b. As used in this subsection, *"members' equity"* includes but is not limited to issued shares, including common stock or preferred stock, regardless of a right to receive dividends or earning distributions. However, *"members' equity"* does not include nonvoting common stock or nonvoting membership interests. A security such as a warrant or option that may be converted to voting stock shall be considered as issued shares.

c. For purposes of this subsection, a person who was a qualified person within the last ten years shall be treated as a qualified person.

9. *a. "Farmers cooperative limited liability company"* means a limited liability company organized under chapter 489, if cooperative associations hold one hundred percent of all membership interests in the limited liability company. Farmers cooperative associations must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, farmers cooperative associations must hold at least seventy percent of all membership interests of each type.

b. As used in paragraph *"a"*, a type of membership interest in a limited liability company includes a protected series as provided in chapter 489, subchapter XIV.

10. *"Farmers entity"* means a networking farmers entity, farmers cooperative limited liability company, or farmers cooperative association.

11. *"Farming"* means the same as defined in section 9H.1.

12. *"Grain"* means the same as defined in section 203.1.

13. *"Intra-company loan agreement"* means an agreement involving a loan, if the parties to the agreement are members of the same farmers cooperative limited liability company, and according to the terms of the loan a member which is a regional cooperative association directly or indirectly loans money to a member which is a farmers cooperative association, on condition that the money, including any interest, must be repaid by the member which is a farmers cooperative association to the regional cooperative association or another person. A loan agreement does not include an operating loan agreement, in which all of the following apply:

a. The money is required to be repaid within ninety days from the date that the farmers cooperative association receives the money, and the money is actually repaid by that date.

b. The money is used to pay for reasonable and ordinary expenses of the farmers cooperative association in conducting its affairs.

14. *"Livestock"* means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, emus, farm deer as defined in section 170.1, or poultry.

15. *"Networking farmers corporation"* means a corporation, other than a family farm corporation as defined in section 9H.1, organized under chapter 490 if all of the following conditions are satisfied:

a. All of the following apply:

(1) Qualified farmers must hold at least fifty-one percent of all issued shares of the corporation. If more than one class of shares is authorized, qualified farmers must hold at least fifty-one percent of all issued shares in each class.

(2) Qualified persons must hold at least seventy percent of all issued shares of the corporation. If more than one class of shares is authorized, qualified persons must hold at least seventy percent of all issued shares in each class.

b. As used in paragraph *"a"*, *"issued shares"* includes but is not limited to common stock or preferred stock, or each class of common stock or preferred stock, regardless of voting

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rights or a right to receive dividends or earning distributions. A security such as a warrant or option that may be converted to stock shall be considered as issued shares.

16. *"Networking farmers entity"* means a networking farmers corporation or networking farmers limited liability company.

17. *"Networking farmers limited liability company"* means a limited liability company, other than a family farm limited liability company as defined in section 9H.1, organized under chapter 489 if all of the following conditions are satisfied:

a. (1) Qualified farmers must hold at least fifty-one percent of all membership interests in the limited liability company. If more than one type of membership interest is established, qualified farmers must hold at least fifty-one percent of all membership interests of each type.

(2) Qualified persons must hold at least seventy percent of all membership interests in the limited liability company. If more than one type of membership interest is established, qualified persons must hold at least seventy percent of all membership interests of each type.

b. As used in paragraph *"a"*, a type of membership interest in a limited liability company includes a protected series of a series limited liability company as provided in chapter 489, subchapter XIV.

18. *"Operation of law"* means a transfer by inheritance, devise, or bequest, court order, dissolution decree, order in bankruptcy, insolvency, replevin, foreclosure, execution sale, the execution of a judgment, the foreclosure of a real estate mortgage, the forfeiture of a real estate contract, or a transfer resulting from a decree for specific performance.

19. *"Qualified farmer"* means any of the following:

a. A natural person actively engaged in farming.

b. A general partnership as provided in chapter 486A in which all partners are natural persons actively engaged in farming.

c. A farm estate.

20. *"Qualified commodity share landlord"* means a commodity share landlord, if the owner of the agricultural land was actively engaged in farming the land or a family member of the owner is or was actively engaged in farming the land, if the family member is related to the owner as a spouse, parent, grandparent, lineal ascendant of a grandparent or spouse, or other lineal descendant of a grandparent or spouse.

21. *"Qualified person"* means a person who is any of the following:

a. A qualified farmer.

b. A family farm entity.

c. A qualified commodity share landlord.

22. *"Regional cooperative association"* means a cooperative association other than a farmers cooperative association.

98 Acts, ch 1110, §101, 301; 2002 Acts, ch 1119, §114, 115; 2003 Acts, ch 149, §1, 23; 2005 Acts, ch 38, §55; 2008 Acts, ch 1162, §125, 126, 154, 155; 2009 Acts, ch 133, §4; 2015 Acts, ch 29, §2; 2019 Acts, ch 26, §42, 53; 2021 Acts, ch 80, §3; 2022 Acts, ch 1032, §4; 2023 Acts, ch 152, §146, 147, 161; 2024 Acts, ch 1009, §34

Referred to in §10B.1, 10D.1, 15E.202, 202B.102, 502.102

10.2 Interests described.

As used in this chapter, all of the following apply:

1. A person holds an interest in agricultural land if the person either directly or indirectly owns or leases the agricultural land in this state.

2. A person holds an interest in a farmers entity if the person holds an interest as any of the following:

a. A shareholder of a networking farmers corporation.

b. A member of a networking farmers limited liability company.

c. A member of a farmers cooperative association.

d. A member of a farmers cooperative limited liability company.

98 Acts, ch 1110, §102, 301; 2020 Acts, ch 1063, §7

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SUBCHAPTER II

RESTRICTIONS

PART 1

NETWORKING FARMERS CORPORATIONS

10.3 Landholdings restricted.

1. Notwithstanding section 9H.4, a networking farmers corporation may hold agricultural land in this state if it meets all of the following conditions:

a. The networking farmers corporation does not hold an interest in agricultural land of more than six hundred forty acres.

b. At least seventy-five percent of the networking farmers corporation's gross receipts are from the sale of livestock or livestock products.

2. *a.* An interest in agricultural land held by a networking farmers corporation shall be attributable as an interest in agricultural land held by a shareholder having an interest in the networking farmers corporation. The shareholder shall be deemed to hold an interest in agricultural land held by the networking farmers corporation in proportion to the interest that the shareholder holds in the networking farmers corporation.

b. Except to the extent provided in this paragraph, a shareholder holding agricultural land by attribution shall be subject to landholding restrictions imposed pursuant to the Code, including sections 9H.4, 9H.5, 9I.3, and 501.103. However, notwithstanding section 9H.4, a cooperative association may hold an interest in any number of farmers entities, if the total number of acres held by the farmers entities and attributable to the cooperative association is six hundred forty acres or less.

c. The shareholder's proportionate interest shall be calculated by multiplying the number of acres of agricultural land held by the networking farmers corporation by the percentage interest in the networking farmers corporation held by the shareholder.

3. In the event of a transfer of an interest in the networking farmers corporation by operation of law, the corporation may disregard the transfer for purposes of determining compliance with subsection 1 for a period of two years after the transfer.

98 Acts, ch 1110, §103, 301

Referred to in §10.4, 10.11

10.4 Multiple interests restricted.

1. A person who holds an interest in a networking farmers corporation holding an interest in agricultural land pursuant to section 10.3 shall not hold an interest in another farmers entity if any of the following applies:

a. The person holds a twenty-five percent or greater interest in a networking farmers corporation having six or fewer stockholders.

b. The person holds a fifteen percent or greater interest in a networking farmers corporation having seven or more stockholders.

2. A person who holds a majority interest in an authorized entity shall not hold a majority interest in a networking farmers corporation.

3. A qualified commodity share landlord who owns an interest in a networking farmers corporation holding agricultural land under section 10.3 must rent an additional one hundred fifty acres of agricultural land on a commodity share basis for each farmers entity holding agricultural land under this chapter in which the commodity share landlord acquires an interest.

98 Acts, ch 1110, §104, 301

Referred to in §10.12

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PART 2

NETWORKING FARMERS LIMITED
LIABILITY COMPANIES

10.5 Landholdings restricted.

1. Notwithstanding section 9H.4, a networking farmers limited liability company may hold agricultural land in this state if it meets all of the following conditions:

a. The networking farmers limited liability company does not hold an interest in agricultural land of more than six hundred forty acres.

b. At least seventy-five percent of the networking farmers limited liability company's gross receipts from farming are from the sale of livestock or livestock products.

2. *a.* An interest in agricultural land held by a networking farmers limited liability company shall be attributable as an interest in agricultural land held by a member having an interest in the networking farmers limited liability company. The member shall be deemed to hold an interest in agricultural land held by the networking farmers limited liability company in proportion to the interest that the member holds in the networking farmers limited liability company.

b. Except to the extent provided in this paragraph, a member holding agricultural land by attribution shall be subject to landholding restrictions imposed pursuant to the Code, including sections 9H.4, 9H.5, 9I.3, and 501.103. However, notwithstanding section 9H.4, a cooperative association may hold an interest in any number of farmers entities, if the total number of acres held by the farmers entities and attributable to the cooperative association is six hundred forty acres or less.

c. The member's proportionate interest shall be calculated by multiplying the number of acres of agricultural land held by the networking farmers limited liability company by the percentage interest in the networking farmers limited liability company held by the member.

3. In the event of a transfer of an interest in the networking farmers limited liability company by operation of law, the networking farmers limited liability company may disregard the transfer for purposes of determining compliance with subsection 1 for a period of two years after the transfer.

98 Acts, ch 1110, §105, 301
Referred to in §10.6, 10.11

10.6 Multiple interests restricted.

1. A person who holds an interest in a networking farmers limited liability company holding an interest in agricultural land pursuant to section 10.5 shall not hold an interest in another farmers entity, if any of the following applies:

a. The person holds a twenty-five percent or greater interest in a networking farmers limited liability company having six or fewer members.

b. The person holds a fifteen percent or greater interest in a networking farmers limited liability company having seven or more members.

2. A person who holds a majority interest in an authorized entity shall not hold a majority interest in a networking farmers limited liability company.

3. A qualified commodity share landlord who owns an interest in a networking farmers limited liability company holding agricultural land under section 10.5 must rent an additional one hundred fifty acres of agricultural land on a commodity share basis for each farmers entity holding agricultural land under this chapter in which the commodity share landlord acquires an interest.

98 Acts, ch 1110, §106, 301
Referred to in §10.12

UNOFFICIAL VERSION: 2021 EARLY RELEASE

PART 3

FARMERS COOPERATIVE ASSOCIATIONS

10.7 Landholdings restricted.

1. Notwithstanding section 9H.4, a farmers cooperative association may hold agricultural land in this state if it meets all of the following conditions:

a. The farmers cooperative association does not hold an interest in agricultural land of more than six hundred forty acres.

b. The farmers cooperative association does not produce, including by planting or harvesting, forage or grain on agricultural land in which the farmers cooperative association holds an interest. However, the farmers cooperative association may enter into an agreement under a lease or production contract with a person to produce the forage or grain, if the farmers cooperative association does not receive forage or grain in payment under the agreement. The lease or contract may specify the type of forage or grain that must be produced and provide that the farmers cooperative association has a right to purchase the forage or grain on the same terms and conditions as the highest bona fide offer received by the person for the forage or grain, within a period agreed to by the parties to the lease or production contract.

2. *a.* Except as provided in this section, an interest in agricultural land held by a farmers cooperative association shall be attributable as an interest in agricultural land held by a member having an interest in the farmers cooperative association. The member shall be deemed to hold an interest in agricultural land held by the farmers cooperative association in proportion to the interest that the member holds in the farmers cooperative association.

b. Except to the extent provided in this paragraph, a member holding agricultural land by attribution shall be subject to landholding restrictions imposed pursuant to the Code, including sections 9H.4, 9H.5, 9I.3, and 501.103. However, notwithstanding section 9H.4, all of the following shall apply:

(1) A cooperative association may hold an interest in any number of farmers entities, if the total number of acres held by the farmers entities and attributable to the cooperative association is six hundred forty acres or less.

(2) An interest in agricultural land held by a farmers cooperative association shall not be attributable to a member who is an entity organized under state law, if the entity holds a five percent or less interest in the farmers cooperative association.

c. The member's proportionate interest shall be calculated by multiplying the number of acres of agricultural land held by the farmers cooperative association by the percentage interest in the farmers cooperative association held by the member.

3. In the event of a transfer of an interest in a farmers cooperative association by operation of law, the association may disregard the transfer for purposes of determining compliance with subsection 1 for a period of two years after the transfer.

98 Acts, ch 1110, §107, 301
Referred to in §10.8, 10.11

10.8 Multiple interests restricted.

1. A person who holds an interest in a farmers cooperative association holding an interest in agricultural land pursuant to section 10.7 shall not hold an interest in another farmers entity if any of the following applies:

a. The person holds a twenty-five percent or greater interest in a farmers cooperative association having six or fewer members.

b. The person holds a fifteen percent or greater interest in a farmers cooperative association having seven or more members.

2. A person who holds a majority interest in an authorized entity shall not hold a majority interest in a farmers cooperative association.

98 Acts, ch 1110, §108, 301
Referred to in §10.12

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10.9 Procedure for acquisition — reverse referendum — dissent.

A farmers cooperative association shall not acquire an interest in agricultural land or in a farmers entity, unless all of the following apply:

1. The board of directors of the farmers cooperative association adopts a resolution authorizing the acquisition. Except as provided in this section, the resolution shall become effective thirty-one days from the date that the resolution was adopted. The farmers cooperative association is not required to comply with the procedures of this section for as long as the resolution remains in effect. The resolution shall contain all of the following:

a. A declaration stating that the farmers cooperative association reserves the right to acquire agricultural land or an interest in a farmers entity under this chapter.

b. A description of a planned acquisition, if any, including the location of agricultural land planned to be acquired, the identity of any farmers entity in which the farmers cooperative association plans to acquire an interest, and the nature of any farming operation which is planned to occur on land acquired by the farmers cooperative association or conducted by the farmers entity.

c. The date that the resolution was adopted and the date that it will take effect.

2. Within five days following the date that the resolution authorizing the farmers cooperative association to acquire an interest in agricultural land or acquire an interest in a farmers entity is adopted, the farmers cooperative association must provide notice of the resolution as provided in this section. The notice shall be in the following form:

NOTICE
MEMBERS OF THE (INSERT NAME OF
THE FARMERS COOPERATIVE ASSOCIATION)

The (insert name of the farmers cooperative association) is planning on acquiring an interest in agricultural land which may be used for farming or acquiring an interest in a business that owns agricultural land that may be used for farming. Under Iowa Code chapter 10, the (insert name of the farmers cooperative association) is a farmers cooperative association. Within a limited time period: (1) voting members may petition a farmers cooperative association to require a membership vote to approve the acquisition; and (2) all holders of members' equity may demand payment of the fair value of their interests.

a. The notice must be published in a newspaper having a general circulation in the county where the farmers cooperative association is located as provided in section 618.3. The notice shall be printed as provided in section 618.17.

b. The notice shall be delivered to all holders of members' equity in the farmers cooperative association, including members and shareholders, by mailing the notice to the holder's last known address as shown on the books of the farmers cooperative association. The notice shall be accompanied by a copy of the resolution adopted by the board pursuant to this section, and a copy of this section.

3. Within thirty days following the date that the resolution authorizing the farmers cooperative association to acquire an interest in agricultural land or acquire an interest in a farmers entity is adopted, at least twenty percent of the voting members of the farmers cooperative association may file a petition with the board of directors demanding a referendum under this subsection.

a. If a valid petition is filed, the board of directors shall call a special referendum of voting members at a regular or special meeting, as provided in section 499.27. The filing of the petition suspends the effectiveness of the resolution until a referendum is conducted as provided in this subsection.

b. The resolution shall not become effective as otherwise provided in this section, until the resolution is approved by a majority vote of the voting members of the farmers cooperative association casting ballots at the meeting to conduct the referendum.

4. *a.* Within thirty days following the date that the resolution authorizing the farmers cooperative association to acquire an interest in agricultural land or acquire an interest in a

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farmers entity is adopted, a holder of members' equity, including a member or shareholder, may dissent to an acquisition as expressed in the resolution adopted by the board of directors under this section.

b. The holder of members' equity shall dissent by filing a demand with the board of directors. The farmers cooperative association shall pay the holder the fair value of that holder's interest as if the holder were a member dissenting to a merger or consolidation, as provided in section 499.66, upon surrender of the holder's evidence of equity in the farmers cooperative association, including a certificate of membership or shares.

c. The farmers cooperative association is not required to pay the holder of members' equity the fair value of that holder's interest as provided in this subsection, if the resolution provided for in this section does not become effective.

98 Acts, ch 1110, §109, 301

PART 4

FARMERS COOPERATIVE LIMITED LIABILITY COMPANIES

10.10 Landholdings restricted.

1. Notwithstanding section 9H.4, a farmers cooperative limited liability company may hold agricultural land in this state if it meets all of the following conditions:

a. The farmers cooperative limited liability company does not hold an interest in agricultural land of more than six hundred forty acres.

b. The farmers cooperative limited liability company does not produce, including by planting or harvesting, forage or grain on agricultural land in which the farmers cooperative limited liability company holds an interest. However, the farmers cooperative limited liability company may enter into an agreement under a lease or production contract with a person to produce the forage or grain, if the farmers limited liability company does not receive forage or grain in payment under the agreement. The lease or contract may specify the type of forage or grain that must be produced and provide that the farmers cooperative limited liability company has a right to purchase the forage or grain on the same terms and conditions as the highest bona fide offer received by the person for the forage or grain, within a period agreed to by the parties to the lease or production contract.

c. (1) Less than fifty percent of the interest in the farmers cooperative limited liability company is held by members which are parties to intra-company loan agreements. If more than one type of membership interest is established, less than fifty percent of the interest in each type of membership shall be held by members which are parties to intra-company loan agreements.

(2) As used in subparagraph (1), a type of membership interest in a limited liability company includes a protected series of a series limited liability company as provided in chapter 489, subchapter XIV.

d. The farmers cooperative limited liability company does not own swine or contract for the care and feeding of swine, if a member of the farmers cooperative limited liability company is a regional cooperative association.

2. *a.* An interest in agricultural land held by a farmers cooperative limited liability company shall be attributable as an interest in agricultural land held by a member cooperative association of the farmers cooperative limited liability company. The member cooperative association shall be deemed to hold an interest in agricultural land held by the farmers cooperative limited liability company in proportion to the interest that the member cooperative association holds in the limited liability company.

b. Except to the extent provided in this paragraph, a member holding agricultural land by attribution shall be subject to landholding restrictions imposed pursuant to the Code, including sections 9H.4, 9H.5, 9I.3, and 501.103. However, notwithstanding section 9H.4, a cooperative association may hold an interest in any number of farmers entities, if the total

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number of acres held by the farmers entities and attributable to the cooperative association is six hundred forty acres or less.

c. The member cooperative association's proportionate interest shall be calculated by multiplying the number of acres of agricultural land held by the farmers cooperative limited liability company by the percentage interest in the limited liability company held by the cooperative association as a member.

3. In the event of a transfer of an interest in the farmers cooperative limited liability company by operation of law, the farmers cooperative limited liability company may disregard the transfer for purposes of determining compliance with subsection 1 for a period of two years after the transfer.

98 Acts, ch 1110, §110, 301; 2008 Acts, ch 1162, §127, 154, 155; 2019 Acts, ch 26, §43, 53; 2021 Acts, ch 80, §4; 2023 Acts, ch 152, §148, 161

Referred to in §10.11

SUBCHAPTER III

PENALTIES

10.11 Landholding restrictions — penalties.

A person violating the landholding restrictions in section 10.3, 10.5, 10.7, or 10.10 shall be assessed a civil penalty of not more than ten thousand dollars and shall divest itself of any land held in violation of the section within one year after judgment is entered ordering the farmers entity to comply with that section, as provided in section 10.13.

98 Acts, ch 1110, §111, 301

10.12 Multiple interests restricted — penalties.

1. A civil penalty of not more than one thousand dollars may be imposed on a person who becomes one of the following:

a. A stockholder of a networking farmers corporation as prohibited in section 10.4.

b. A member of a networking farmers limited liability company as prohibited in section 10.6.

c. A member of a farmers cooperative association as prohibited in section 10.8.

2. The person violating the section shall divest the interest held by the person in a farmers entity or authorized entity as is necessary to comply with this chapter, as provided in section 10.13.

98 Acts, ch 1110, §112, 301

10.13 Divestiture proceedings.

The court may determine the method of divesting an interest held by a person found to be in violation of this chapter. A financial gain realized by a person who disposes of an interest held in violation of this chapter shall be forfeited to the state's general fund. All court costs and fees shall be paid by the person holding the interest in violation of the section.

98 Acts, ch 1110, §113, 301

Referred to in §10.11, 10.12

10.14 Injunctive relief.

The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this chapter.

98 Acts, ch 1110, §114, 301

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CHAPTER 10A

DEPARTMENT OF INSPECTIONS, APPEALS, AND LICENSING

Referred to in §15E.208, 235.5, 322C.6, 324A.5

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SUBCHAPTER I

GENERAL PROVISIONS

10A.101 Definitions.

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

1. *"Administrator"* means a person coordinating the administration of a division of the department.
2. *"Department"* means the department of inspections, appeals, and licensing.
3. *"Director"* means the director of inspections, appeals, and licensing.
4. *"SAVE program"* means the systematic alien verification for entitlements system of

the United States department of homeland security and the United States citizenship and immigration services.

86 Acts, ch 1245, §501; 88 Acts, ch 1109, §1; 89 Acts, ch 231, §1; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2002 Acts, ch 1162, §1; 2003 Acts, ch 44, §4; 2023 Acts, ch 19, §1426; 2026 Acts, ch 1156, §11, 35
NEW subsection 4

10A.102 Department established.

The department of inspections, appeals, and licensing is established. The director of the department shall be appointed by the governor to serve at the pleasure of the governor subject to confirmation by the senate no less frequently than every four years, whether or not there has been a new director appointed during that time. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

86 Acts, ch 1245, §502; 2023 Acts, ch 19, §1427
Referred to in §7E.5
Confirmation, see §2.32

10A.103 Purpose of the department.

The department is created for the purpose of coordinating and conducting various audits, appeals, hearings, inspections, investigations, and licensing activities related to the operations of the executive branch of state government, and administering the laws relating to employment safety, labor standards, and workers' compensation.

86 Acts, ch 1245, §503; 2023 Acts, ch 19, §1428

10A.104 Powers and duties of the director.

The director or designees of the director shall:

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 the administrators of the divisions within the department and all other personnel deemed necessary for the administration of this chapter, except the state public defender, assistant state public defenders, administrator of the racing and gaming commission, labor commissioner, workers' compensation commissioner, director of the Iowa office of civil rights, and members of the employment appeal board. All persons appointed and employed in the department are covered by the provisions of chapter 8A, subchapter IV, but persons not appointed by the director are exempt from the merit system provisions of chapter 8A, subchapter IV.

3. Prepare an annual budget for the department.

4. Develop and recommend legislative proposals deemed necessary for the continued efficiency of department functions, and review legislative proposals generated outside of the department which are related to matters within the department's purview.

5. Except for rules required or authorized by law to be adopted by another entity, adopt rules deemed necessary for the implementation and administration of this chapter in accordance with chapter 17A.

6. Issue subpoenas and distress warrants, administer oaths, and take depositions in connection with audits, appeals, investigations, inspections, and hearings conducted by the department. If a person refuses to obey a subpoena or distress warrant issued by the department or otherwise fails to cooperate in proceedings of the department, the director may enlist the assistance of a court of competent jurisdiction in requiring the person's compliance. Failure to obey orders of the court renders the person in contempt of the court and subject to penalties provided for that offense.

7. Enter into contracts for the receipt and provision of services as deemed necessary. The director and the governor may obtain and accept federal grants and receipts to or for the state to be used for the administration of this chapter.

8. Administer and enforce this chapter, and chapters 99B, 135B, 135C, 135H, 135J, 135O, 137C, 137D, and 137F.

9. Enter into and implement agreements or compacts between the state of Iowa and Indian tribes located in the state which are entered into under the authority of the Indian Gaming

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Regulatory Act, 25 U.S.C. §2701 et seq. The agreements or compacts shall contain provisions intended to implement the policies and objectives of the Indian Gaming Regulatory Act.

10. Administer inspection and licensing of social and charitable gambling pursuant to chapter 99B.

11. Administer inspections and licensing of hotels and home food processing establishments.

12. Administer inspections and licensing of food establishments, including but not limited to restaurants, vending machines, food processing plants, grocery stores, convenience stores, temporary food establishments, and mobile food units.

13. Administer inspections for sanitation in any locality of the state upon the written petition of five or more residents of the locality.

14. Administer inspections of cosmetology establishments under chapter 157.

15. Perform fire control duties pursuant to section 10A.511.

16. Serve as the state building code commissioner pursuant to section 103A.4 and administer chapters 101, 101A, 101B, 103, 103A, 104A, 104B, and 105.

17. Establish, publish, and enforce rules not inconsistent with law for the enforcement of those provisions of Title IV, subtitle 2, the administration and supervision of which are imposed upon the department.

18. Enforce the law relative to "Health-related Professions", Title IV, subtitle 3, excluding chapter 147A.

19. Regulate and supervise real estate appraisers under chapter 543D and real estate appraisal management companies under chapter 543E.

86 Acts, ch 1245, §504; 88 Acts, ch 1273, §3; 89 Acts, ch 231, §2 – 4; 92 Acts, ch 1141, §1; 93 Acts, ch 53, §1; 94 Acts, ch 1076, §1; 95 Acts, ch 67, §2; 96 Acts, ch 1052, §1; 96 Acts, ch 1079, §1; 98 Acts, ch 1162, §1, 30; 98 Acts, ch 1202, §1, 46; 2000 Acts, ch 1155, §1; 2002 Acts, ch 1162, §2, 3, 15, 75; 2003 Acts, ch 145, §128; 2004 Acts, ch 1026, §1; 2008 Acts, ch 1184, §34; 2009 Acts, ch 136, §1; 2011 Acts, ch 16, §1, 5; 2014 Acts, ch 1026, §4; 2016 Acts, ch 1086, §1; 2017 Acts, ch 160, §4; 2022 Acts, ch 1129, §1; 2023 Acts, ch 19, §1429, 1430; 2023 Acts, ch 99, §1; 2023 Acts, ch 108, §30; 2024 Acts, ch 1170, §136

Referred to in §216A.167

10A.105 Confidentiality.

1. For the purposes of this section, "*governmental entity*" includes an administrative division within the department.

2. The confidentiality of all information in the department produced or collected during or as a result of a hearing, appeal, investigation, inspection, audit, or other function performed by the department on behalf of another governmental entity is governed by the law applicable to the records of that governmental entity. The department may provide information to a governmental entity for which it is conducting a hearing, appeal, inspection, audit, investigation, or other function.

3. The state shall maintain records and materials related to an agreement or compact entered into pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq., as confidential records if confidentiality is required by the terms of the agreement or compact.

4. The lawful custodian of all records produced or collected during or as a result of any function performed by the department on behalf of another governmental entity is that governmental entity for the purpose of examination and copying pursuant to chapter 22.

5. If information in the possession of the department indicates that a criminal or regulatory offense may have been committed, the information may be reported to the appropriate criminal justice or regulatory agency.

6. However, this section does not prohibit the department from releasing the minimal amount of information necessary in its judgment to conduct audits, inspections, investigations, appeals, and hearings, and does not prohibit the introduction of the information as evidence at any hearing conducted by the department.

7. The director, administrators, and their designees shall have access to all records

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deemed by the department to be pertinent to a hearing, appeal, audit, investigation, inspection, or other related function assigned under this chapter.

86 Acts, ch 1245, §505; 89 Acts, ch 231, §5; 2014 Acts, ch 1026, §5; 2024 Acts, ch 1073, §1

10A.106 Divisions of the department.

1. The department is comprised of the administrative hearings division, labor services division, workers' compensation division, and other divisions as appropriate.

2. The allocation of departmental duties to the divisions of the department in sections 10A.202, 10A.301, and 10A.801 does not prohibit the director from reallocating departmental duties within the department.

86 Acts, ch 1245, §506; 87 Acts, ch 234, §420; 88 Acts, ch 1134, §9; 89 Acts, ch 231, §6, 7; 98 Acts, ch 1202, §2, 46; 2000 Acts, ch 1155, §2; 2002 Acts, ch 1162, §4, 5; 2004 Acts, ch 1026, §2; 2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §1431

Referred to in §88.2

10A.107 Appropriated receipts.

The department may charge state departments, agencies, and commissions for services rendered and the payment received shall be considered appropriated receipts as defined in section 8.2.

90 Acts, ch 1247, §2; 2024 Acts, ch 1185, §95

10A.108 Improper entitlement benefits or provider payments — debt, lien, collection.

1. *a.* If a person refuses or neglects to repay benefits or provider payments inappropriately obtained from the department of health and human services or the department of homeland security and emergency management, the amount inappropriately obtained, including any interest, penalty, or costs attached to the amount, constitutes a debt and is a lien in favor of the state upon all property and any rights or title to or interest in property, whether real or personal, belonging to the person for the period established in subsection 2, with the exception of property which is exempt from execution pursuant to chapter 627.

b. A lien under this section shall not attach to any amount of inappropriately obtained benefits or provider payments, or portions of the benefits or provider payments, attributable to errors by the department of health and human services or the department of homeland security and emergency management, as applicable. Liens shall only attach to the amounts of inappropriately obtained benefits or provider payments or portions of the benefits or provider payments which were obtained due to false, misleading, incomplete, or inaccurate information submitted by a person in connection with the application for or receipt of benefits or provider payments.

2. *a.* The lien attaches at the time the notice of the lien is filed under subsection 3, and continues for ten years from that date, unless released or otherwise discharged at an earlier time.

b. The lien may be extended, within ten years from the date of attachment, if a person files a notice with the county recorder or other appropriate county official of the county in which the property is located at the time of filing the extension. From the time of the filing of the notice, the lien period shall be extended for ten years to apply to the property in the county in which the notice is filed, unless released or otherwise discharged at an earlier time. The number of extensions is not limited.

c. The department shall discharge any lien which is allowed to lapse and may charge off any account and release the corresponding lien before the lien has lapsed if the department determines, under uniform rules prescribed by the director, that the account is uncollectible or collection costs involved would not warrant collection of the amount due.

3. To preserve the lien against subsequent mortgagees, purchasers, or judgment creditors, for value and without notice of the lien, on any property located in a county, the director shall file a notice of the lien with the recorder of the county in which the property is located at the time of filing of the notice.

4. The county recorder of each county shall prepare and maintain in the recorder's

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office an index of liens of debts established based upon benefits or provider payments inappropriately obtained from and owed the department of health and human services or the department of homeland security and emergency management, containing the applicable entries specified in sections 558.49 and 558.52, and providing appropriate columns for all of the following data, under the names of debtors, arranged alphabetically:

a. The name of the debtor.

b. "State of Iowa, Department of Health and Human Services" or "State of Iowa, Department of Homeland Security and Emergency Management" as claimant, as applicable.

c. The time that the notice of the lien was filed for recording.

d. The date of notice.

e. The amount of the lien currently due.

f. The date of the assessment.

g. The date of satisfaction of the debt.

h. Any extension of the time period for application of the lien and the date that the notice for extension was filed.

5. The recorder shall endorse on each notice of lien the day and time filed for recording and the document reference number, and shall preserve the notice. The recorder shall index the notice and shall record the lien in the manner provided for recording real estate mortgages. The lien is effective from the time of the indexing.

6. The department shall pay, from moneys appropriated to the department for this purpose, recording fees as provided in section 331.604, for the recording of the lien.

7. Upon payment of a debt for which the department has filed notice with a county recorder, the department shall provide to the debtor a satisfaction of the debt. The debtor shall be responsible for filing the satisfaction of the debt with the recorder and the recorder shall enter the satisfaction on the notice on file in the recorder's office.

8. The department of inspections, appeals, and licensing, as provided in this chapter and chapter 626, shall proceed to collect all debts owed the department of health and human services and the department of homeland security and emergency management as soon as practicable after the debt becomes delinquent. If service has not been made on a distress warrant by the officer to whom addressed within five days from the date the distress warrant was received by the officer, the authorized investigators of the department of inspections, appeals, and licensing may serve and make return of the warrant to the clerk of the district court of the county named in the distress warrant, and all subsequent procedures shall be in compliance with chapter 626.

9. The distress warrant shall be in a form as prescribed by the director, shall be directed to the sheriff of the appropriate county, and shall identify the debtor, the type of debt, and the delinquent amount. The distress warrant shall direct the sheriff to distrain, seize, garnish, or levy upon, and sell, as provided by law, any real or personal property belonging to the debtor to satisfy the amount of the delinquency plus costs. The distress warrant shall also direct the sheriff to make due and prompt return to the department or to the district court under chapter 626 of all amounts collected.

10. The attorney general, upon the request of the director of inspections, appeals, and licensing, shall bring an action, as the facts may justify, without bond, to enforce payment of any debts under this section, and in the action the attorney general shall have the assistance of the county attorney of the county in which the action is pending.

11. The remedies of the state shall be cumulative and no action taken by the director of inspections, appeals, and licensing or attorney general shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy provided by law.

94 Acts, ch 1112, §1; 96 Acts, ch 1052, §2; 97 Acts, ch 23, §2, 3; 2002 Acts, ch 1113, §1; 2009 Acts, ch 27, §1; 2010 Acts, ch 1061, §180; 2013 Acts, ch 24, §1; 2023 Acts, ch 19, §12; 2025 Acts, ch 89, §1 – 4

10A.109 Statutory board, commission, committee, or council — teleconference option.

Any statutorily established board, commission, committee, or council established under the purview of the department relative to "Health-related Professions", Title IV, subtitle 3,

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excluding chapter 147A, shall provide for a teleconference option for board, commission, committee, or council members to participate in official meetings.

2023 Acts, ch 19, §1432

10A.110 Standards adopted by reference — access.

Notwithstanding section 17A.6, subsection 3, the department and any statutorily established board, commission, committee, or council under the purview of the department may adopt standards by reference to another publication without posting the publication to the department's internet sites if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

2025 Acts, ch 98, §1

10A.111 Complaints.

The department may administratively close a complaint that does not allege a violation of this chapter, the enabling statute of a board under the purview of the department, or a rule of a board under the purview of the department.

2025 Acts, ch 98, §2

10A.112 Fees.

If a board under the purview of the department is otherwise authorized by law to establish fees by rule, the board, following approval by the department, may, or at the direction of the department, shall, by rule establish or revise such fees.

2025 Acts, ch 98, §3

10A.113 SAVE program clearinghouse.

1. There is created within the department a SAVE program clearinghouse, which shall serve as the central entity to process requests to verify, using the SAVE program, the United States citizenship and immigration status of an individual who has applied for a professional license in this state. The department shall adopt rules pursuant to chapter 17A to implement this section.

2. The department shall transmit the results of a SAVE program clearinghouse check to the United States immigration and customs enforcement and other appropriate federal immigration agencies if the check shows that the subject of the check does not have legal status to be present in the United States after the completion of an appeal pursuant to section 10A.114, if applicable.

2026 Acts, ch 1156, §12, 35
Referred to in §10A.506, 272C.1
NEW section

10A.114 Citizenship and immigration status — appeal.

1. The department shall adopt rules pursuant to chapter 17A to allow an employee of a school district, an accredited nonpublic school, a charter school, an innovation zone school, a city, a county, or the executive branch including the state board of regents and each institution of higher education governed by the board, or a person who has applied for a professional license in this state, to challenge the results of the submission of the person's information to the SAVE program or the e-verify system of the United States citizenship and immigration services with the department.

2. A person must submit a challenge pursuant to subsection 1 and documentation proving that the results are incorrect within ten calendar days of receipt of the results.

3. The department shall review a challenge submitted pursuant to subsection 1 and communicate the results of the appeal to the person who submitted the challenge and the hiring authority or licensing board, as applicable, within seven calendar days of receipt of the challenge. The decision of the department is final agency action pursuant to chapter 17A.

2026 Acts, ch 1156, §13, 35
Referred to in §7E.3, 10A.113, 262.9E, 280.38, 331.324, 364.27
NEW section

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10A.115 through 10A.199 Reserved.

SUBCHAPTER II

LABOR SERVICES

Referred to in §331.756(16), 455B.135, 455B.390

10A.200 Definitions.

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

1. *"Commissioner"* means the labor commissioner appointed pursuant to section 10A.203, or the commissioner's designee.

2. *"Division"* means the division of labor services of the department of inspections, appeals, and licensing.

2023 Acts, ch 19, §1444

10A.201 Definition of additional terms.

The expressions *"factory"*, *"mill"*, *"workshop"*, *"mine"*, *"store"*, *"railway"*, *"business house"*, and *"public or private work"*, as used in this subchapter, shall be construed to mean any factory, mill, workshop, mine, store, railway, business house, or public or private work, where wage earners are employed for a compensation.

[C97, §2473; SS15, §2473; C24, 27, 31, 35, 39, §**1524;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.15]

2023 Acts, ch 19, §1456, 1459

C2024, §10A.201

10A.202 Labor services — responsibilities.

1. The division is responsible for the administration of the laws of this state under chapters 88 and 89B and sections 85.67A and 85.68, and such other duties assigned to the division or commissioner. The executive head of the division is the commissioner, appointed pursuant to section 10A.203.

2. The department is responsible for the administration of the laws of this state under chapters 88A, 88B, 89, 89A, 90A, 91A, 91C, 91D, 91E, 92, and such other labor-services duties assigned to the department or director.

2023 Acts, ch 19, §1445

Referred to in §10A.106, 10A.206

10A.203 Labor commissioner — appointment.

The governor shall appoint, subject to confirmation by the senate, a labor commissioner who shall serve at the pleasure of the governor. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment.

[C97, §2469; S13, §2470; C24, 27, 31, 35, 39, §**1511;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 82, §91.2]

85 Acts, ch 51, §1, 2; 86 Acts, ch 1245, §919; 2023 Acts, ch 19, §1448, 1459

C2024, §10A.203

Referred to in §10A.200, 10A.202, 88.2, 88.3, 89B.3

Confirmation, see §2.32

10A.204 Duties and powers — labor services.

1. The duties of the commissioner or director, as applicable, pursuant to this subchapter shall be as follows:

a. To safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into the commissioner's or director's hands by virtue of the office, and deliver the same to the commissioner's or director's successor, except as otherwise provided.

b. To collect, assort, and systematize statistical details relating to programs of the division or department under this subchapter.

c. To issue from time to time bulletins containing information of importance to the industries of the state and to the safety of wage earners.

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d. To conduct and to cooperate with other interested persons and organizations in conducting educational programs and projects on employment safety.

2. The commissioner shall serve as an ex officio member of the state fire service and emergency response council created in section 100B.1, or shall appoint a designee to serve as an ex officio member of such council, to assist the council in the development of rules relating to fire fighting training standards and any other issues relating to occupational safety and health standards for fire fighters.

3. The director, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division and department under this subchapter for the preceding year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division or department and the disposition of the disputes or violations, and other matters pertaining to the division or department under this subchapter which are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, and 92, and sections 85.67A and 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

4. The commissioner or director, as applicable, with the assistance of the office of the attorney general if requested by the commissioner or director, may commence a civil action in any court of competent jurisdiction to enforce the statutes under the commissioner's or director's jurisdiction under this subchapter.

5. The division or department, as applicable, may sell documents printed by the division or department as it relates to this subchapter at cost according to rules established by the commissioner or director pursuant to chapter 17A. Receipts from the sale shall be deposited to the credit of the department and may be used by the division for administrative expenses of the division and department under this subchapter.

6. Except as provided in chapter 91A, the commissioner or director, as applicable, may recover interest, court costs, and any attorney fees incurred in recovering any amounts due under this subchapter. The recovery shall only take place after final agency action is taken under chapter 17A, or upon judicial review, after final disposition of the case by the court. Attorney fees recovered in an action brought under the jurisdiction of the commissioner or director under this subchapter shall be deposited in the general fund of the state. The commissioner and director are exempt from the payment of any filing fee or other court costs including but not limited to fees paid to county sheriffs.

7. The commissioner or director may establish rules pursuant to chapter 17A to assess and collect interest on fees, penalties, and other amounts due the division or department, as applicable, under this subchapter. The commissioner or director may delay or, following written notice, deny the issuance of a license, commission, registration, certificate, or permit authorized under chapter 88A, 89, 89A, 90A, or 91C if the applicant for the license, commission, registration, certificate, or permit owes a liquidated debt to the commissioner or director.

[C97, §2469, 2470; S13, §2469, 2470; C24, 27, 31, 35, 39, §**1513;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.4]

86 Acts, ch 1244, §15; 86 Acts, ch 1245, §920; 91 Acts, ch 136, §3; 92 Acts, ch 1098, §6; 93 Acts, ch 180, §58; 96 Acts, ch 1186, §23; 99 Acts, ch 68, §14, 15; 99 Acts, ch 130, §8; 2000 Acts, ch 1117, §7; 2006 Acts, ch 1053, §1; 2006 Acts, ch 1185, §117; 2007 Acts, ch 211, §34; 2010 Acts, ch 1015, §7; 2011 Acts, ch 34, §23; 2023 Acts, ch 19, §1449, 1459

C2024, §10A.204

10A.205 Other duties — jurisdiction in general.

As provided by this subchapter, the commissioner or director shall have jurisdiction and it shall be the commissioner's or director's duty to supervise the enforcement of:

1. All laws relating to safety appliances and inspection thereof and health conditions in manufacturing and mercantile establishments, workshops, machine shops, other industrial concerns within the commissioner's jurisdiction and sanitation and shelter for railway employees.

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2. All laws of the state relating to child labor.

3. Such other provisions of law relating to this subchapter within the commissioner's or director's jurisdiction.

[S13, §2477-f; SS15, §2477-g1, 4999-a5, -a10; C24, 27, 31, 35, 39, §**1514;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.5]

86 Acts, ch 1245, §921; 2023 Acts, ch 19, §1450, 1459

C2024, §10A.205

10A.206 Labor commissioner — rules.

The commissioner shall adopt rules pursuant to chapter 17A for the purpose of administering chapters under the commissioner's jurisdiction as provided in section 10A.202, subsection 1.

89 Acts, ch 26, §1

CS89, §91.6

2023 Acts, ch 19, §1451, 1459

C2024, §10A.206

10A.207 Traveling expenses.

The director, commissioner, inspectors, and other employees of the division or department shall be allowed their necessary traveling expenses while in the discharge of their duties under this subchapter.

[C97, §2477; S13, §2477; C24, 27, 31, 35, 39, §**1517;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.8; 81 Acts, ch 10, §10]

2023 Acts, ch 19, §1452, 1459

C2024, §10A.207

10A.208 Right to enter premises.

The director, commissioner, and the inspectors shall have the power to enter any factory or mill, workshop, mine, store, railway facility, including locomotive or caboose, business house, or public or private work, when the same is open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this subchapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof.

[C97, §2472; S13, §2472; C24, 27, 31, 35, 39, §**1518;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.9]

2023 Acts, ch 19, §1453, 1459

C2024, §10A.208

10A.209 Power to secure evidence.

The director or commissioner, as applicable, may issue subpoenas, administer oaths, and take testimony in all matters relating to the duties required of the director or commissioner under this subchapter. Witnesses subpoenaed and testifying before the director or commissioner shall be paid the same fees as witnesses under section 622.69, payment to be made out of the funds appropriated to the department or division, as applicable.

[C97, §2471; S13, §2471; C24, 27, 31, 35, 39, §**1519;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.10]

83 Acts, ch 186, §10041, 10201; 99 Acts, ch 68, §16; 2023 Acts, ch 19, §1454, 1459

C2024, §10A.209

10A.210 Prosecutions for violations — labor services.

1. If the director or commissioner learns of any violation of any law administered by the department or division under this subchapter, the director or commissioner may give the county attorney of the county in which the violation occurred written notice of the facts, whereupon that officer shall institute the proper proceedings against the person charged with the offense.

2. If the director or commissioner is of the opinion that the violation is not willful, or

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is an oversight or of a trivial nature, the director or commissioner may at the director's or commissioner's discretion fix a time within which the violation shall be corrected and notify the owner, operator, superintendent, or person in charge. If the violation is corrected within the time fixed, then the director or commissioner shall not cause prosecution to be begun.

[C97, §2472; S13, §2472; C24, 27, 31, 35, 39, §**1520;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.11]

99 Acts, ch 68, §17; 2021 Acts, ch 76, §21; 2023 Acts, ch 19, §1455, 1459

C2024, §10A.210

Referred to in §331.756(16)

10A.211 Violations — penalties.

Persons violating any of the provisions of this subchapter shall be punished as in this section provided, respectively:

1. Any owner, superintendent, manager, or person in charge of any factory, mill, workshop, store, mine, hotel, restaurant, cafe, railway, business house, or public or private work, who shall refuse to allow the director, commissioner, or any inspector or employee of the department or division to enter the same, or who shall hinder or deter the director, commissioner, inspector, or employee in collecting information which it is that person's duty to collect shall be guilty of a simple misdemeanor.

2. Any officer or employee of the department or division, or any person making unlawful use of names or information obtained under this subchapter by virtue of the person's office, shall be guilty of a serious misdemeanor.

3. Any owner, operator, or manager of a factory, mill, workshop, mine, store, railway, business house, or public or private work, who shall neglect or refuse for thirty days after receipt of notice from the director or commissioner to furnish any reports or returns the director or commissioner may require to enable the director or commissioner to discharge the director's or commissioner's duties under this subchapter shall be guilty of a simple misdemeanor.

[C97, §2471, 2472, 2474, 2475; S13, §2471, 2472, 2474; C24, 27, 31, 35, 39, §**1525;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §91.16]

2007 Acts, ch 22, §24; 2023 Acts, ch 19, §1457, 1459

C2024, §10A.211

10A.212 through 10A.300 Reserved.

SUBCHAPTER III

WORKERS' COMPENSATION

Referred to in §8A.457, 8A.512, 22.7(31), 85.3, 85.26, 85.31, 85.34, 85.35, 85.55, 85.59, 85.60, 85.61, 85B.14, 87.1, 87.2, 87.11, 87.13, 87.14A, 87.21, 92.24, 331.324, 515B.5, 729.6

10A.301 Definitions.

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

1. *"Commissioner"* means the workers' compensation commissioner appointed pursuant to section 10A.303, or the commissioner's designee.

2. *"Division"* means the division of workers' compensation of the department of inspections, appeals, and licensing.

2023 Acts, ch 19, §1460

Referred to in §10A.106

10A.302 Workers' compensation — responsibilities.

The division is responsible for the administration of the laws of this state relating to workers' compensation under this subchapter and chapters 85, 85A, 85B, and 87. The executive head of the division is the workers' compensation commissioner, appointed pursuant to section 10A.303.

2023 Acts, ch 19, §1461

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10A.303 Workers' compensation commissioner — appointment.

The governor shall appoint, subject to confirmation by the senate, a workers' compensation commissioner who shall serve at the pleasure of the governor. If the office becomes vacant, the vacancy shall be filled in the same manner as provided for the original appointment. The workers' compensation commissioner must be a lawyer admitted to practice in this state.

[S13, §2477-m22; C24, 27, 31, 35, 39, §**1423;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.1]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1462, 1477

C2024, §10A.303

Referred to in §10A.301, 10A.302

Confirmation, see §2.32

10A.304 Appointment of deputies.

1. The commissioner may appoint:

a. Chief deputy workers' compensation commissioners for whose acts the commissioner is responsible, who are exempt from the merit system provisions of chapter 8A, subchapter IV, and who shall serve at the pleasure of the commissioner.

b. Deputy workers' compensation commissioners for whose acts the commissioner is responsible and who shall serve at the pleasure of the commissioner.

2. All chief deputies and deputies must be lawyers admitted to practice in this state.

3. The commissioner may appoint one or more chief deputy workers' compensation commissioners and one or more deputy workers' compensation commissioners. A chief deputy workers' compensation commissioner or a deputy workers' compensation commissioner shall perform such additional administrative responsibilities as are deemed reasonably necessary and assigned by the commissioner.

[C24, 27, 31, 35, 39, §**1424;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.2]

89 Acts, ch 60, §3; 90 Acts, ch 1261, §26; 98 Acts, ch 1061, §11; 2003 Acts, ch 145, §158; 2008 Acts, ch 1031, §26; 2023 Acts, ch 19, §1477

C2024, §10A.304

10A.305 Duties of deputies.

Notwithstanding the provisions of chapter 17A, in the absence or disability of the workers' compensation commissioner, or when written delegation of authority to perform specified functions is made by the commissioner, the deputies shall have any necessary specified powers to perform any necessary or specified duties of the workers' compensation commissioner pertaining to the commissioner's office. Notwithstanding the definitions and terms of chapter 17A, pertaining to the issuance of final decisions, when the above circumstances exist a deputy commissioner shall have the power to issue a final decision as if issued by the agency.

[C24, 27, 31, 35, 39, §**1425;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.3]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.305

10A.306 Political activity and contributions.

It shall be unlawful for the commissioner, or a chief deputy workers' compensation commissioner while in office, to espouse the election or appointment of any candidate to any political office, and any person violating the provisions of this section shall be guilty of a simple misdemeanor.

[S13, §2477-m23, -m37; C24, 27, 31, 35, 39, §**1427;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.4]

90 Acts, ch 1261, §27; 98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.306

10A.307 Political promises.

Any person who is a candidate for appointment as commissioner who makes any promise to another, express or implied, in consideration of any assistance or influence given or recommendation made that the candidate will, if appointed as a commissioner, appoint

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such person or one whom the person may recommend to any office within the power of the commissioner to appoint, shall be guilty of a simple misdemeanor.

[S13, §2477-m38; C24, 27, 31, 35, 39, §**1428;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.5]

2023 Acts, ch 19, §1477

C2024, §10A.307

10A.308 Recommendations of commissioner.

All recommendations to the governor of any person asking the appointment of another as commissioner shall be reduced to writing, signed by the person presenting the same, which shall be filed by the governor in the governor's office and open at all reasonable times for public inspection, and all recommendations made by any person to the commissioner for the appointment of another within the power of the commissioner to appoint, shall be reduced to writing, signed by the person presenting the same, and filed by the commissioner and open for public inspection at all reasonable times. If any person recommending the appointment of another within the contemplation of this section refuses to reduce the same to writing, it shall be the duty of the person to whom the recommendation is made, to make a memorandum thereof, stating the name of the person recommended and the name of the person who made the same, which shall be filed in the office of the governor or the commissioner as the case may be.

[S13, §2477-m39; C24, 27, 31, 35, 39, §**1429;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.6]

2023 Acts, ch 19, §1477

C2024, §10A.308

10A.309 Interest in affected business.

The commissioner shall not be financially interested in any business enterprise coming under or affected by this subchapter while in office, and if the commissioner violates this statute, it shall be sufficient grounds for removal from office, and in such case the governor shall at once declare the office vacant and appoint another to fill the vacancy.

[S13, §2477-m39; C24, 27, 31, 35, 39, §**1430;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.7]

2023 Acts, ch 19, §1463, 1477

C2024, §10A.309

2024 Acts, ch 1182, §2

10A.310 Duties.

1. The commissioner shall:

a. Adopt and enforce rules necessary to implement this subchapter and chapters 85, 85A, 85B, and 87.

b. Prepare and distribute the necessary blanks relating to computation, adjustment, and settlement of compensation.

c. Prepare and publish statistical reports and analyses regarding the cost, occurrence, and sources of employment injuries.

d. Administer oaths and examine books and records of parties subject to the workers' compensation laws.

e. Provide a seal for the authentication of orders and records and for other purposes as required.

2. Subject to the approval of the director, the commissioner may enter into contracts with any state agency, with or without reimbursement, for the purpose of obtaining the services, facilities, and personnel of the agency and with the consent of any state agency or political subdivision of the state, accept and use the services, facilities, and personnel of the agency or political subdivision, and employ experts and consultants or organizations in order to expeditiously, efficiently, and economically effectuate the purposes of this chapter.

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The agreements under this subsection are subject to approval by the executive council if approval is required by law.

[S13, §2477-m24; C24, 27, 31, 35, 39, §**1431;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.8]

86 Acts, ch 1245, §911; 96 Acts, ch 1186, §23; 2008 Acts, ch 1032, §172; 2023 Acts, ch 19, §1464, 1477

C2024, §10A.310

2024 Acts, ch 1182, §3

10A.311 Reports.

1. The director, in consultation with the commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division of workers' compensation for the preceding year, the number of claims processed by the division and the disposition of the claims, and other matters pertaining to the division which are of public interest, together with recommendations for change or amendment of the laws in this subchapter and chapters 85, 85A, 85B, and 87, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

2. The commissioner, after consultation with the director, may compile an annual report setting forth the final decisions, rulings, and orders of the division for the preceding year and setting forth other matters or information which the commissioner considers desirable for publication.

3. These annual reports may be distributed by the state on request to public officials as set forth in chapter 7A. Members of the public may obtain an annual report upon payment of its cost as set by the commissioner.

[S13, §2477-m24; C24, 27, 31, 35, 39, §**1432;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.9; 81 Acts, ch 6, §13]

84 Acts, ch 1067, §16; 86 Acts, ch 1245, §912; 96 Acts, ch 1186, §23; 98 Acts, ch 1061, §5; 2018 Acts, ch 1026, §32; 2023 Acts, ch 19, §1465, 1477

C2024, §10A.311

10A.312 Records of employer — right to inspect.

1. All books, records, and payrolls of the employers, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the workers' compensation commissioner or any of the commissioner's representatives presenting a certificate of authority from said commissioner for the purpose of ascertaining the correctness of the wage expenditure, the number of persons employed, and such other information as may be necessary for the uses and purposes of the commissioner in the administration of the law.

2. Information so obtained shall be used for no other purpose than to advise the commissioner or insurance association with reference to such matters.

3. Upon a refusal on the part of the employer to submit the employer's books, records, or payrolls for the inspection of the commissioner or the commissioner's authorized representatives presenting written authority from the commissioner, the commissioner may enter an order requiring the employer to do so.

[S13, §2477-m36; C24, 27, 31, 35, 39, §**1433;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.10]

98 Acts, ch 1061, §11; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1477

C2024, §10A.312

Referred to in §10A.314

10A.313 Reports of injuries.

Every employer shall keep a record of all injuries, fatal or otherwise, alleged by an employee to have been sustained in the course of the employee's employment and resulting in incapacity for a longer period than one day. If the injury results only in temporary disability, causing incapacity for a longer period than three days, then within four days

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thereafter, not counting Sundays and legal holidays, the employer or insurance carrier having had notice or knowledge of the occurrence of such injury and resulting disability shall file a report with the workers' compensation commissioner in the form and manner required by the commissioner. If such injury to the employee results in permanent total disability, permanent partial disability, or death, then the employer or insurance carrier, upon notice or knowledge of the occurrence of the employment injury, shall file a report with the workers' compensation commissioner within four days after having notice or knowledge of the permanent injury to the employee or the employee's death. The report to the workers' compensation commissioner of injury shall be without prejudice to the employer or insurance carrier and shall not be admitted in evidence or used in any trial or hearing before any court, the workers' compensation commissioner, or a deputy workers' compensation commissioner except as to the notice under section 85.23.

[S13, §2477-m36; C24, 27, 31, 35, 39, §**1434;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.11]

98 Acts, ch 1061, §6, 11; 2000 Acts, ch 1007, §4; 2019 Acts, ch 59, §37; 2023 Acts, ch 19, §1477

C2024, §10A.313

Referred to in §10A.314

10A.314 Failure to report.

1. The workers' compensation commissioner may require any employer to supply the information required by section 10A.312 or to file a report required by section 10A.313 or 10A.315 or by agency rule, by written demand sent to the employer's last known address. Upon failure to supply such information or file such report within thirty days, the employer may be ordered to appear and show cause why the employer should not be subject to assessment of one thousand dollars for each occurrence. Upon such hearing, the workers' compensation commissioner shall enter a finding of fact and may enter an order requiring such assessment to be paid into the second injury fund created by sections 85.63 through 85.69. In the event the assessment is not voluntarily paid within thirty days, the workers' compensation commissioner may file a certified copy of such finding and order with the clerk of the court for the district in which the employer maintains a place of business. If the employer maintains no place of business in this state, service shall be made as provided in chapter 85 for nonresident employers. In such case the finding and order may be filed in any court of competent jurisdiction within this state.

2. The workers' compensation commissioner may thereafter petition the court for entry of judgment upon such order, serving notice of such petition on the employer and any other person in default. If the court finds the order valid, the court shall enter judgment against the person or persons in default for the amount due under the order. No fees shall be required for the filing of the order or for the petition for judgment, or for the entry of judgment or for any enforcement procedure thereupon. No supersedeas shall be granted by any court to a judgment entered under this section.

3. When a report is required under section 10A.313 or 10A.315 or by agency rule, and the employer's insurance carrier possesses the information necessary to file the report, the insurance carrier shall be responsible for filing the report in the same manner and to the same extent as an employer under this section.

[S13, §2477-m36; C24, 27, 31, 35, 39, §**1435;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.12]

98 Acts, ch 1061, §11; 2003 Acts, 1st Ex, ch 1, §122, 124, 133

[2003 Acts, 1st Ex, ch 1, §122, 124, 133, amendments to this section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2004 Acts, 1st Ex, ch 1001, §14, 19; 2017 Acts, ch 54, §76; 2021 Acts, ch 80, §42; 2023 Acts, ch 19, §1477

C2024, §10A.314

10A.315 Compensation payments.

1. If an employer or insurance carrier pays weekly compensation benefits to an employee,

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the employer or insurance carrier shall file with the workers' compensation commissioner in the form and manner required by the workers' compensation commissioner a notice of the commencement of the payments. The payments establish conclusively that the employer and insurance carrier have notice of the injury for which benefits are claimed but the payments do not constitute an admission of liability under this subchapter or chapter 85, 85A, or 85B.

2. If an employer or insurance carrier fails to file the notice required by this section, the failure stops the running of the time periods in section 85.26 as of the date of the first payment. If commenced, the payments shall be terminated only when the employee has returned to work, or upon thirty days' notice stating the reason for the termination and advising the employee of the right to file a claim with the workers' compensation commissioner.

3. This section does not prevent the parties from reaching an agreement for settlement regarding compensation. However, the agreement is valid only if signed by all parties and approved by the workers' compensation commissioner.

4. *a.* If a denial, a delay in payment, or a termination of benefits occurs without reasonable or probable cause or excuse known to the employer or insurance carrier at the time of the denial, delay in payment, or termination of benefits, the workers' compensation commissioner shall award benefits in addition to those benefits payable under this subchapter, or chapter 85, 85A, or 85B, up to fifty percent of the amount of benefits that were denied, delayed, or terminated without reasonable or probable cause or excuse.

b. The workers' compensation commissioner shall award benefits under this subsection if the commissioner finds both of the following facts:

(1) The employee has demonstrated a denial, delay in payment, or termination of benefits.

(2) The employer has failed to prove a reasonable or probable cause or excuse for the denial, delay in payment, or termination of benefits.

c. In order to be considered a reasonable or probable cause or excuse under paragraph *"b"*, an excuse shall satisfy all of the following criteria:

(1) The excuse was preceded by a reasonable investigation and evaluation by the employer or insurance carrier into whether benefits were owed to the employee.

(2) The results of the reasonable investigation and evaluation were the actual basis upon which the employer or insurance carrier contemporaneously relied to deny, delay payment of, or terminate benefits.

(3) The employer or insurance carrier contemporaneously conveyed the basis for the denial, delay in payment, or termination of benefits to the employee at the time of the denial, delay, or termination of benefits.

[S13, §2477-m25; C24, 27, 31, 35, 39, §**1436;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.13; 82 Acts, ch 1161, §23]

98 Acts, ch 1061, §7, 11; 2009 Acts, ch 179, §110; 2023 Acts, ch 19, §1466, 1467, 1477

C2024, §10A.315

Referred to in §10A.314, 10A.317, 85.26, 85.72

10A.316 Compliance monitoring and enforcement.

1. The workers' compensation commissioner shall monitor the rate of compliance of each employer and each insurer with the requirement to commence benefit payments within the time specified in section 85.30. The commissioner shall determine the percentage of reported injuries where the statutory standard was met and the average number of days that commencement of voluntary benefits was delayed for each employer and each insurer individually, and for all employers and all insurers as separate groups.

2. If during any fiscal year commencing after June 30, 2006, the general business practices of an employer or insurer result in the delay of the commencement of voluntary weekly compensation payments after the date specified in section 85.30 more frequently and for a longer number of days than the average number of days for the entire group of employers or insurers, the commissioner may impose an assessment on the employer or insurer payable to the second injury fund created in section 85.66. The amount of the assessment shall be ten dollars, multiplied by the average number of days that weekly compensation payments were delayed after the date specified in section 85.30, and multiplied by the number of injuries the employer or insurer reported during the fiscal year. Notwithstanding the foregoing, an

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assessment shall not be imposed if the employer or insurer commenced voluntary weekly compensation benefits within the time specified in section 85.30 for more than seventy-five percent of the injuries reported by the employer or insurer.

3. The commissioner may waive or reduce an assessment under this section if an employer or insurer demonstrates to the commissioner that atypical events during the fiscal year, including but not limited to a small number of cases, made the statistical data for that employer or insurer unrepresentative of the actual payout practices of the employer or insurer for that year.

2003 Acts, 1st Ex, ch 1, §123, 124, 133
CS2003, §86.13A
[2003 enactment of section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]
2004 Acts, 1st Ex, ch 1001, §15, 16, 19; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1477
C2024, §10A.316

10A.317 Contested cases.

1. In an original proceeding, all matters relevant to a dispute are subject to inquiry.

2. In a proceeding to reopen an award for payments or agreement for settlement as provided by section 10A.315, inquiry shall be into whether or not the condition of the employee warrants an end to, diminishment of, or increase of compensation so awarded or agreed upon.

[S13, §2477-m26, -m28; C24, 27, 31, 35, 39, §**1437, 1438;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.14]
2023 Acts, ch 19, §1477
C2024, §10A.317

10A.318 Hearings — presiding officer — venue.

1. Notwithstanding the provisions of section 17A.11, the workers' compensation commissioner or a deputy workers' compensation commissioner shall preside over any contested case proceeding brought under this subchapter, or chapter 85, 85A, or 85B in the manner provided by chapter 17A. The deputy commissioner or the commissioner may make such inquiries in contested case proceedings as shall be deemed necessary, so long as such inquiries do not violate any of the provisions of section 17A.17.

2. Hearings in contested case proceedings under this subchapter and chapters 85 and 85A shall be held in the judicial district where the injury occurred. By written stipulation of the parties or by the order of a deputy workers' compensation commissioner or the commissioner, a hearing may be held elsewhere. If the injury occurred outside this state, or if the proceeding is not one for benefits resulting from an injury, hearings shall be held in Polk county or as otherwise stipulated by the parties or by order of a deputy workers' compensation commissioner or the workers' compensation commissioner.

[S13, §2477-m29; C24, 27, 31, 35, 39, §**1437, 1440, 1460;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §86.15, 86.17; C77, §86.17, 86.37; C79, 81, §86.17]
98 Acts, ch 1061, §11; 98 Acts, ch 1202, §29, 46; 2000 Acts, ch 1058, §12; 2023 Acts, ch 19, §1468, 1477
C2024, §10A.318
Referred to in §10A.322

10A.319 Hearings — evidence.

1. Evidence, process and procedure in contested case proceedings or appeal proceedings within the agency under this subchapter and chapters 85 and 85A shall be as summary as practicable consistent with the requirements of chapter 17A.

2. The deposition of any witness may be taken and used as evidence in any pending proceeding or appeal within the agency.

[C24, 27, 31, 35, 39, §**1441, 1444;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §86.18, 86.21; C79, 81, §86.18]
2023 Acts, ch 19, §1469, 1477
C2024, §10A.319

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10A.320 Reporting of proceedings.

1. The workers' compensation commissioner, or a deputy commissioner, may appoint or may direct a party to furnish at the party's initial expense a certified shorthand reporter to be present and report, or to furnish mechanical means to record, and if necessary, transcribe proceedings of any contested case under this subchapter and chapters 85 and 85A and fix the reasonable amount of compensation for such service. The charges shall be taxed as costs and the party initially paying the expense of the presence or transcription shall be reimbursed. The reporter shall faithfully and accurately report the proceedings.

2. Notwithstanding the requirements of section 17A.12, subsection 7, a certified shorthand reporter, appointed by the presiding officer in a contested case proceeding or by the workers' compensation commissioner in an appeal proceeding, may maintain and thus have the responsibility for the recording or stenographic notes for the period required by section 17A.12, subsection 7.

[C24, 27, 31, 35, 39, §**1442;** C46, 50, 54, 58, 62, 66, 71, 73, §86.19; C75, 77, §86.19, 86.28; C79, 81, §86.19]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1470, 1477

C2024, §10A.320

Taxation of costs, §10A.328

10A.321 Appeals within the agency.

1. Any party aggrieved by a decision, order, ruling, finding or other act of a deputy commissioner in a contested case proceeding arising under this subchapter or chapter 85 or 85A may appeal to the workers' compensation commissioner in the time and manner provided by rule. The hearing on an appeal shall be in Polk county unless the workers' compensation commissioner shall direct the hearing be held elsewhere.

2. In addition to the provisions of section 17A.15, the workers' compensation commissioner may affirm, modify, or reverse the decision of a deputy commissioner or the commissioner may remand the decision to the deputy commissioner for further proceedings.

3. In addition to the provisions of section 17A.15, the workers' compensation commissioner, on appeal, may limit the presentation of evidence as provided by rule.

4. A transcript of a contested case proceeding shall be provided to the workers' compensation commissioner by an appealing party at the party's cost.

5. The decision of the workers' compensation commissioner is final agency action.

[S13, §2477-m29, -m32; C24, 27, 31, 35, 39, §**1447;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.24; 82 Acts, ch 1161, §24]

86 Acts, ch 1238, §46; 86 Acts, ch 1245, §913; 88 Acts, ch 1158, §10; 98 Acts, ch 1061, §11; 2005 Acts, ch 168, §13, 23; 2023 Acts, ch 19, §1471, 1477

C2024, §10A.321

10A.322 Judicial review.

1. Judicial review of decisions or orders of the workers' compensation commissioner may be sought in accordance with chapter 17A. Notwithstanding chapter 17A, the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the hearing under section 10A.318 was held, the workers' compensation commissioner shall transmit to the reviewing court the original or a certified copy of the entire record of the contested case which is the subject of the petition within thirty days after receiving written notice from the party filing the petition that a petition for judicial review has been filed, and an application for stay of agency action during the pendency of judicial review shall not be filed in the division of workers' compensation but shall be filed with the district court. Such a review proceeding shall be accorded priority over other matters pending before the district court.

2. Notwithstanding section 17A.19, subsection 5, a timely petition for judicial review filed pursuant to this section shall stay execution or enforcement of a decision or order of the workers' compensation commissioner if the party seeking judicial review posts a bond securing any compensation awarded pursuant to the decision or order with the district court within thirty days of filing the petition, in a reasonable amount as fixed and approved by

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the court. Unless either the party posting the bond files an objection with the court, within twenty days from the date that the bond is fixed and approved by the court, that the amount of the bond is not reasonable, or the party whose interests are protected by the bond files an objection with the court, within twenty days from the date that the amount of the bond is fixed and approved by the court, that the amount of the bond is not reasonable or adequate, the amount of the bond shall be deemed reasonable and adequate. If, upon objection, the district court orders the amount of the bond posted to be modified, the party seeking judicial review shall repost the bond in the amount ordered, within twenty days of the date of the order modifying the bond, in order to continue the stay of execution or enforcement of the decision or order of the workers' compensation commissioner.

[S13, §2477-m33; C24, 27, 31, 35, 39, §**1449, 1451;** C46, 50, 54, 58, 62, 66, 71, 73, §86.26, 86.28; C75, 77, 79, 81, §86.26]

86 Acts, ch 1238, §47; 88 Acts, ch 1158, §11; 95 Acts, ch 140, §3; 98 Acts, ch 1061, §11; 2001 Acts, ch 87, §7; 2017 Acts, ch 23, §20, 24; 2023 Acts, ch 19, §1472, 1477

C2024, §10A.322

Referred to in §10A.330, 85.70

10A.323 Settlement of controversy.

Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, no party to a contested case under any provision of the "Workers' Compensation Act" may settle a controversy without the approval of the workers' compensation commissioner.

[C75, 77, 79, 81, §86.27]

98 Acts, ch 1061, §11; 2003 Acts, ch 44, §114; 2023 Acts, ch 19, §1477

C2024, §10A.323

10A.324 The judicial review petition.

Notwithstanding chapter 17A, the Iowa administrative procedure Act, in a petition for judicial review of a decision of the workers' compensation commissioner in a contested case under this subchapter or chapter 85, 85A, 85B, or 87, the opposing party shall be named the respondent, and the agency shall not be named as a respondent.

[C75, 77, 79, 81, §86.29]

83 Acts, ch 105, §8; 86 Acts, ch 1238, §48; 88 Acts, ch 1158, §12; 98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1473, 1477

C2024, §10A.324

Referred to in §17A.19

10A.325 Costs of judicial review.

In proceedings for judicial review of compensation cases the clerk shall charge no fee for any service rendered except the filing fee and transcript fees when the transcript of a judgment is required. The taxation of costs on judicial review shall be in the discretion of the court.

[C24, 27, 31, 35, 39, §**1455;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.32]

86 Acts, ch 1238, §49; 88 Acts, ch 1158, §13; 2023 Acts, ch 19, §1477

C2024, §10A.325

10A.326 Examination by physician — fee.

The workers' compensation commissioner may appoint a duly qualified, impartial physician to examine the injured employee and make report. The fee for this service shall be five dollars, to be paid by the workers' compensation commissioner, together with traveling expenses, but the commissioner may allow additional reasonable amounts in extraordinary cases. Any physician so examining any injured employee shall not be prohibited from

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testifying before the workers' compensation commissioner, or any other person, commission, or court, as to the results of the examination or the condition of the injured employee.

[S13, §2477-m30; C24, 27, 31, 35, 39, §**1461;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.38]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.326

Referred to in §85.27

10A.327 Fees — approval.

1. All fees or claims for legal, medical, hospital, and burial services rendered under this subchapter and chapters 85, 85A, 85B, and 87 are subject to the approval of the workers' compensation commissioner. For services rendered in the district court and appellate courts, the attorney fee is subject to the approval of a judge of the district court.

2. An attorney shall not recover fees for legal services based on the amount of compensation voluntarily paid or agreed to be paid to an employee for temporary or permanent disability under this subchapter, or chapter 85, 85A, 85B, or 87. An attorney shall only recover a fee based on the amount of compensation that the attorney demonstrates would not have been paid to the employee but for the efforts of the attorney. Any disputes over the recovery of attorney fees under this subsection shall be resolved by the workers' compensation commissioner.

[S13, §2477-m20, -m35; C24, 27, 31, 35, 39, §**1462;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.39]

86 Acts, ch 1238, §50; 88 Acts, ch 1158, §14; 98 Acts, ch 1061, §11; 2000 Acts, ch 1007, §5; 2017 Acts, ch 23, §21, 24; 2023 Acts, ch 19, §1474, 1477

C2024, §10A.327

Referred to in §85.27

10A.328 Costs.

All costs incurred in the hearing before the commissioner shall be taxed in the discretion of the commissioner.

[S13, §2477-m31; C24, 27, 31, 35, 39, §**1463;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.40]

2023 Acts, ch 19, §1477

C2024, §10A.328

10A.329 Witness fees.

Witness fees and mileage on hearings before the workers' compensation commissioner shall be the same as in the district court.

[S13, §2477-m24; C24, 27, 31, 35, 39, §**1464;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.41]

98 Acts, ch 1061, §11; 2023 Acts, ch 19, §1477

C2024, §10A.329

Witness fees and mileage, §622.69 – 622.75

10A.330 Judgment by district court on award.

Any party in interest may present a file-stamped copy of an order or decision of the commissioner, from which a timely petition for judicial review has not been filed or if judicial review has been filed, which has not had execution or enforcement stayed as provided in section 17A.19, subsection 5, or section 10A.322, subsection 2, or an order or decision of a deputy commissioner from which a timely appeal has not been taken within the agency and which has become final by the passage of time as provided by rule and section 17A.15, or an agreement for settlement approved by the commissioner, and all papers in connection therewith, to the district court where judicial review of the agency action may be commenced. The court shall render a decree or judgment and cause the clerk to notify the parties. The decree or judgment, in the absence of a petition for judicial review or if judicial review has been commenced, in the absence of a stay of execution or enforcement of the decision or order of the workers' compensation commissioner as provided in section 17A.19,

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subsection 5, or section 10A.322, subsection 2, or in the absence of an act of any party which prevents a decision of a deputy workers' compensation commissioner from becoming final, has the same effect and in all proceedings in relation thereto is the same as though rendered in a suit duly heard and determined by the court.

[S13, §2477-m33; C24, 27, 31, 35, 39, §**1465;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.42; 82 Acts, ch 1161, §25]

86 Acts, ch 1238, §51; 88 Acts, ch 1158, §15; 98 Acts, ch 1061, §11; 2003 Acts, ch 140, §4; 2017 Acts, ch 23, §22, 24; 2023 Acts, ch 19, §1477

C2024, §10A.330

10A.331 Judgment — modification.

Upon the presentation to the court of a file-stamped copy of a decision of the workers' compensation commissioner, ending, diminishing, or increasing the compensation under the provisions of this subchapter, the court shall revoke or modify the decree or judgment to conform to such decision.

[S13, §2477-m33; C24, 27, 31, 35, 39, §**1466;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §86.43]

98 Acts, ch 1061, §11; 2003 Acts, ch 140, §5; 2023 Acts, ch 19, §1475, 1477

C2024, §10A.331

10A.332 Confidentiality.

1. All verbal or written information relating to the subject matter of an agreement and transmitted between any party to a dispute and a mediator to resolve a dispute pursuant to this subchapter or chapter 85, 85A, or 85B, during any stage of a mediation or a dispute resolution process conducted by a mediator as provided in this section, whether reflected in notes, memoranda, or other work products in the case files, is a confidential communication except as otherwise expressly provided in this chapter. Mediators involved in a mediation or a dispute resolution process shall not be examined in any judicial or administrative proceeding regarding confidential communications and are not subject to judicial or administrative process requiring the disclosure of confidential communications.

2. For purposes of this section, *"mediator"* means a chief deputy workers' compensation commissioner or deputy workers' compensation commissioner acting in the capacity to resolve a dispute pursuant to this subchapter or chapter 85, 85A, or 85B, or an employee of the division of workers' compensation involved during any stage of a process to resolve a dispute.

94 Acts, ch 1064, §2

C95, §86.44

98 Acts, ch 1061, §8, 11; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1476, 1477

C2024, §10A.332

Referred to in §22.7(31)

10A.333 Confidential information.

1. *"Confidential information"*, for the purposes of this section, means all information that is filed with the workers' compensation commissioner as a result of an employee's injury or death that would allow the identification of the employee or the employee's dependents. Confidential information includes first reports of injury and subsequent reports of claim activity. Confidential information does not include pleadings, motions, decisions, opinions, or applications for settlement that are filed with the workers' compensation commissioner.

2. The workers' compensation commissioner shall not disclose confidential information except as follows:

a. Pursuant to the terms of a written waiver of confidentiality executed by the employee or the dependents of the employee whose information is filed with the workers' compensation commissioner.

b. To another governmental agency, or to an advisory, rating, or research organization, for the purpose of compiling statistical data, evaluating the state's workers' compensation

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system, or conducting scientific, medical, or public policy research, where such disclosure will not allow the identification of the employee or the employee's dependents.

c. To the employee or to the agent or attorney of the employee whose information is filed with the workers' compensation commissioner.

d. To the person or to the agent of the person who submitted the information to the workers' compensation commissioner.

e. To an agent, representative, attorney, investigator, consultant, or adjuster of an employer, or insurance carrier or third-party administrator of workers' compensation benefits, who is involved in administering a claim for such benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

f. To all parties to a contested case proceeding before the workers' compensation commissioner in which the employee or a dependent of the employee, whose information is filed with the workers' compensation commissioner, is a party.

g. In compliance with a subpoena.

h. To an agent, representative, attorney, investigator, consultant, or adjuster of the employee, employer, or insurance carrier or third-party administrator of insurance benefits, who is involved in administering a claim for insurance benefits related to the injury or death of the employee whose information is filed with the workers' compensation commissioner.

i. To another governmental agency that is charged with the duty of enforcing liens or rights of subrogation or indemnity.

3. This section does not create a cause of action for a violation of its provisions against the workers' compensation commissioner or against the state or any governmental subdivision of the state.

2005 Acts, ch 168, §14, 23
CS2005, §86.45
2023 Acts, ch 19, §1477
C2024, §10A.333
Referred to in §22.7(49)

10A.334 through 10A.400 Reserved.

SUBCHAPTER IV

INVESTIGATIONS

10A.401 Definitions. Repealed by 2023 Acts, ch 19, §1442.

10A.402 Responsibilities.

The director shall coordinate the department's conduct of various audits and investigations as provided by law including but not limited to the following:

1. Investigations relative to the practice of regulated professions and occupations.
2. Audits relative to the administration of hospitals and health care facilities.
3. Audits relative to administration and disbursement of funding under the state supplementary assistance program and the medical assistance program.
4. Investigations and collections relative to the liquidation of overpayment debts owed to the department of health and human services. Collection methods include but are not limited to small claims filings, debt setoff, distress warrants, and repayment agreements, and are subject to approval by the department of health and human services.
5. Investigations relative to the administration of the state supplementary assistance program, the state medical assistance program, the supplemental nutrition assistance program, the family investment program, and any other state or federal benefit assistance program.
6. Investigations relative to the internal affairs and operations of agencies and

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departments within the executive branch of state government, except for institutions governed by the state board of regents.

7. Investigations relating to compliance with state or federal law, if an entity of the executive branch of state government, except for an institution under the control of the state board of regents, has entered into a written agreement with the department to conduct the investigation.

86 Acts, ch 1245, §512; 90 Acts, ch 1204, §1; 91 Acts, ch 107, §1; 93 Acts, ch 53, §2; 93 Acts, ch 97, §23; 2000 Acts, ch 1155, §3; 2002 Acts, ch 1162, §7; 2007 Acts, ch 10, §6; 2007 Acts, ch 218, §191; 2009 Acts, ch 23, §2; 2013 Acts, ch 18, §1; 2023 Acts, ch 19, §13, 1433; 2025 Acts, ch 98, §4, 5

Referred to in §10A.403

10A.403 Investigators — peace officer status.

Investigators of the department shall have the powers and authority of peace officers when acting within the scope of their responsibilities to conduct investigations as specified in section 10A.402, subsections 5 and 7. An investigator shall not carry a weapon to perform responsibilities as described in this section.

99 Acts, ch 80, §1; 2023 Acts, ch 19, §1434; 2025 Acts, ch 98, §6

10A.404 through 10A.500 Reserved.

SUBCHAPTER V

LICENSING AND REGULATION

PART 1

GENERAL PROVISIONS

10A.501 Repealed by 2004 Acts, ch 1026, §4.

10A.502 Responsibilities.

The director shall coordinate the department's conduct of various licensing and regulatory functions of the state under the administrative authority of the department including but not limited to all of the following:

1. Licensing and regulation of certain fire control and building code-related activities and professions.
2. Licensing and regulation of certain health-related professions.
3. Licensing and regulation of certain business and commerce-related professions.

2023 Acts, ch 19, §1478

10A.503 Licensing boards — expenses — fees.

1. Each board under chapter 100C, 103, 103A, 105, or 147 that is under the administrative authority of the department shall receive staff support from the department and may not employ its own support staff.

2. The department and the licensing boards referenced in subsection 1 may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of actual examination and exceed funds budgeted for examinations. Before the department or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the department or board and the department or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management, the department or licensing board may expend and encumber funds for excess

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examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as appropriated receipts as defined in section 8.2.

86 Acts, ch 1245, §1105
C87, §135.11A
91 Acts, ch 268, §306; 92 Acts, ch 1163, §34; 2007 Acts, ch 10, §19; 2007 Acts, ch 218, §192; 2018 Acts, ch 1041, §127; 2019 Acts, ch 85, §58; 2023 Acts, ch 19, §1580, 1711; 2023 Acts, ch 108, §38; 2023 Acts, ch 119, §18
C2024, §10A.503
2024 Acts, ch 1170, §55; 2024 Acts, ch 1185, §96

10A.504 Appointment of certain executive directors.

1. The director shall appoint and supervise an executive director for each of the following boards:

a. The board of medicine.
b. The board of nursing.
c. The dental board.
d. The board of pharmacy.

2. Each board listed in subsection 1 shall advise the director in evaluating potential candidates for the position of executive director, consult with the director in the hiring of the executive director, and review and advise the director on the performance of the executive director in the discharge of the executive director's duties.

3. Each board listed in subsection 1 shall retain sole discretion and authority to execute the core functions of the board including but not limited to policymaking, advocating for and against legislation, rulemaking, licensing, licensee investigations, licensee disciplinary proceedings, and oversight of professional health programs. The director's supervision of the executive director shall not interfere with the board's discretion and authority in executing the core functions of the board.

2019 Acts, ch 85, §59
C2020, §135.11B
2023 Acts, ch 19, §1711
C2024, §10A.504
2024 Acts, ch 1170, §56; 2024 Acts, ch 1182, §4
Referred to in §152.2, 153.33

10A.505 Location of boards of certain health care professions — rulemaking.

The offices for the board of medicine, the board of pharmacy, the board of nursing, and the dental board shall be located within the department. The individual boards shall have policymaking and rulemaking authority.

86 Acts, ch 1245, §1107
C87, §135.31
2005 Acts, ch 3, §30; 2007 Acts, ch 10, §21; 2007 Acts, ch 218, §194; 2023 Acts, ch 19, §1582, 1711
C2024, §10A.505

10A.506 Licensing and regulation of business and commerce-related professions.

1. *a.* The department shall administer and coordinate the licensing and regulation of several professions by bringing together the following licensing boards:

(1) The engineering and land surveying examining board created pursuant to chapter 542B.
(2) The Iowa accountancy examining board created pursuant to chapter 542.
(3) The real estate commission created pursuant to chapter 543B.
(4) The real estate appraiser examining board created pursuant to chapter 543D.
(5) The architectural examining board created pursuant to chapter 544A.
(6) The landscape architectural examining board created pursuant to chapter 544B.
(7) The interior design examining board created pursuant to chapter 544C.

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b. The director shall administer chapter 543E.

2. The director shall appoint and supervise staff and shall coordinate activities for the licensing boards within the department pursuant to subsection 1 and for the administration of chapter 543E.

3. The licensing and regulation examining boards included in the department pursuant to subsection 1 retain the powers granted them pursuant to the chapters in which they are created, except for budgetary and personnel matters which shall be handled by the director. Each licensing board shall adopt rules pursuant to chapter 17A. Decisions by a licensing board are final agency actions for purposes of chapter 17A.

4. The department may expend additional funds, including funds for additional personnel, if those additional expenditures are directly the cause of actual examination expenses exceeding funds budgeted for examinations. Before the department expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the director of the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the department and the department does not have other funds from which the expenses can be paid. Upon approval of the director of the department of management, the department may expend and encumber funds for excess examination expenses. The amounts necessary to fund the examination expenses shall be collected as fees from additional examination applicants and shall be treated as appropriated receipts as defined in section 8.2.

5. All expenses required in the discharge of the duties and responsibilities imposed upon the department, the director, and the licensing boards by the laws of this state shall be paid from moneys appropriated for those purposes.

6. The licensing boards included in the department pursuant to subsection 1 may refuse to issue or renew a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended or a licensee may otherwise be disciplined, or upon any other grounds set out in the chapter governing the respective board.

7. The licensing boards included in the department pursuant to subsection 1 may suspend, revoke, or refuse to issue or renew a license, or may discipline a licensee based upon a suspension, revocation, or other disciplinary action taken by a licensing authority in this or another state, territory, or country. For purposes of this subsection, *"disciplinary action"* includes the voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A certified copy of the record or order of suspension, revocation, voluntary surrender, or other disciplinary action is prima facie evidence of such fact.

8. Notwithstanding any other provision of law to the contrary, the licensing boards included within the department pursuant to subsection 1 may by rule establish the conditions under which an individual licensed in a different jurisdiction may be issued a reciprocal or comity license, if, in the board's discretion, the applicant's qualifications for licensure are substantially equivalent to those required of applicants for initial licensure in this state.

9. Notwithstanding section 272C.6, the licensing boards included within the department pursuant to subsection 1 may by rule establish the conditions under which the board may supply to a licensee who is the subject of a disciplinary complaint or investigation, prior to the initiation of a disciplinary proceeding, all or such parts of a disciplinary complaint, disciplinary or investigatory file, report, or other information, as the board in its sole discretion believes would aid the investigation or resolution of the matter.

10. Notwithstanding section 17A.6, subsection 3, the licensing boards included within the department pursuant to subsection 1 may adopt standards by reference to another publication without posting the publication on the boards' internet sites if the publication containing the standards is readily accessible on the internet at no cost and the internet site at which the publication may be found is included in the administrative rules that adopt the standard.

11. Renewal periods for all licenses and certificates of the licensing boards included within the department pursuant to subsection 1 may be annual or multiyear, as provided by rule.

12. A quorum of a licensing board included within the department pursuant to subsection 1 shall be a majority of the members of the board and action may be taken upon a majority vote of board members present at a meeting who are not disqualified.

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13. *a.* The licensing and regulation examining boards included in the department pursuant to subsection 1 shall use the SAVE program clearinghouse created within the department pursuant to section 10A.113 to verify the United States citizenship and immigration status of an individual who has applied for a professional license from the board.

b. A denial of an application for a professional license due to the results of the SAVE program clearinghouse check shall be appealed to the director and the director's decision shall constitute final agency action.

86 Acts, ch 1245, §710

C87, §546.10

88 Acts, ch 1274, §41; 90 Acts, ch 1247, §18; 90 Acts, ch 1261, §42; 91 Acts, ch 260, §1246; 93 Acts, ch 131, §24; 94 Acts, ch 1107, §94, 95; 94 Acts, ch 1187, §22; 2001 Acts, ch 55, §33, 34, 38; 2002 Acts, 2nd Ex, ch 1003, §33, 35; 2003 Acts, ch 145, §286; 2005 Acts, ch 19, §115; 2006 Acts, ch 1030, §66; 2006 Acts, ch 1177, §52; 2007 Acts, ch 170, §7; 2010 Acts, ch 1055, §3; 2011 Acts, ch 34, §131; 2012 Acts, ch 1023, §157; 2013 Acts, ch 93, §2; 2016 Acts, ch 1124, §30 – 32; 2019 Acts, ch 59, §195; 2023 Acts, ch 19, §1704, 1711; 2023 Acts, ch 108, §49, 50; 2023 Acts, ch 119, §28

C2024, §10A.506

2024 Acts, ch 1169, §3; 2024 Acts, ch 1185, §97; 2025 Acts, ch 30, §5; 2026 Acts, ch 1156, §14, 35

Referred to in §543D.5, 544A.8

NEW subsection 13

10A.507 Licensing and regulation fund.

1. A licensing and regulation fund is created in the state treasury under the control of the department of inspections, appeals, and licensing. Moneys in the fund are appropriated to the department to be used to fulfill the administration and enforcement responsibilities of the department and boards under the purview of the department under this subchapter.

2. The fund shall consist of moneys and fees collected by the department for deposit in the fund and other moneys as provided by law.

3. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in succeeding fiscal years. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2023 Acts, ch 108, §31; 2024 Acts, ch 1182, §5

Referred to in §10A.519, 10A.520, 88A.5, 89.9, 89A.19, 90A.10, 91C.4, 99B.58, 101A.12, 103.7, 103A.23, 105.9, 147.82, 542.4, 542B.12, 543B.14, 543D.6, 543E.10, 544A.11, 544B.14, 544C.3

10A.508 Confidentiality.

1. The department shall keep confidential the private information of a person licensed, previously licensed, or seeking to be licensed by the department or a licensing board under the administrative authority of the department, unless otherwise ordered by a court, the lawful custodian of the records, or another person duly authorized to release the information.

2. For purposes of this section:

a. "Licensed" shall be construed broadly and includes but is not limited to registration with or certification by the department or a licensing board under the administrative authority of the department.

b. "Private information" means information that can be used alone or in combination with other information to identify, contact, or locate a person in that person's individual or private capacity, or the disclosure of which would otherwise constitute a clearly unwarranted invasion of personal privacy, including but not limited to a person's social security number, driver's license number, financial account number, individual taxpayer identification number, personal identification number, date of birth, other unique identifying number, home address, home telephone number, electronic mail address, and other contact information, and the names of the person's minor children.

2025 Acts, ch 98, §7

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10A.509 and 10A.510 Reserved.

PART 2

FIRE CONTROL

Referred to in §100.41, 237A.12, 237C.4, 279.49, 455B.390

10A.511 Fire control duties.

The duties of the director relating to fire control shall be as follows:

1. To enforce all laws, and the rules and regulations of the department concerned with all of the following:

a. The prevention of fires.

b. The storage, transportation, handling, and use of flammable liquids, combustibles, fireworks, and explosives.

c. The storage, transportation, handling, and use of liquid petroleum gas.

d. The electric wiring and heating, and adequate means of exit in case of fire, from churches, schools, hotels, theaters, amphitheaters, asylums, hospitals, health care facilities as defined in section 135C.1, college buildings, lodge halls, public meeting places, and all other structures in which persons congregate from time to time, whether publicly or privately owned.

2. To promote fire safety and reduction of loss by fire through educational methods.

3. To promulgate fire safety rules in consultation with the state fire marshal. The director shall have exclusive right to promulgate fire safety rules as they apply to enforcement or inspection requirements by the department, but the rules shall be promulgated pursuant to chapter 17A. Wherever by any statute the director or the department is authorized or required to promulgate, proclaim, or amend rules and minimum standards regarding fire hazards or fire safety or protection in any establishment, building, or structure, the rules and standards shall promote and enforce fire safety, fire protection, and the elimination of fire hazards as the rules may relate to the use, occupancy, and construction of the buildings, establishments, or structures. The word "*construction*" shall include but is not limited to electrical wiring, plumbing, heating, lighting, ventilation, construction materials, entrances and exits, and all other physical conditions of the building which may affect fire hazards, safety, or protection. The rules and minimum standards shall be in substantial compliance except as otherwise specifically provided in this part, with the standards of the national fire protection association relating to fire safety as published in the national fire codes.

4. To adopt rules designating a fee to be assessed to each building, structure, or facility for which a fire safety inspection or plan review by the director is required by law. The fee designated by rule shall be set in an amount that is reasonably related to the costs of conducting the applicable inspection or plan review. The fees collected by the department shall be deposited in the general fund of the state.

5. To administer the fire extinguishing system contractor, alarm system contractor, and alarm system installer certification program established in chapter 100C.

6. To order the suspension of the use of consumer fireworks, display fireworks, or novelties, as described in section 727.2, if the state fire marshal determines that the use of such devices would constitute a threat to public safety.

2023 Acts, ch 19, §1479; 2024 Acts, ch 1043, §5; 2025 Acts, ch 30, §6
Referred to in §10A.104, 237.3, 727.2

10A.512 Inspections.

The director, and the director's designated subordinates, in the performance of their duties under this part, shall have authority to enter any building or premises and to examine the same and the contents thereof.

2023 Acts, ch 19, §1480

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10A.513 Fire escapes.

It shall be the duty of the director to enforce all laws relating to fire escapes.

[C39, §**1632.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.11]

2023 Acts, ch 19, §1488, 1711

C2024, §10A.513

10A.514 Authority for inspection — orders.

The chief of a fire department or an authorized subordinate who is trained in fire prevention safety standards may enter a building or premises at a reasonable hour to examine the building or premises and its contents. The examining official shall order the correction of a condition which is in violation of this part, a rule adopted under this part, or a city or county fire safety ordinance. The order shall be in writing or, if the danger is imminent, orally followed by a written order. The examining official shall enforce the order in accordance with the applicable law or ordinance. At the request of the examining official the director may assist in an enforcement action.

[C31, 35, §1632-c1; C39, §**1632.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.12; 82 Acts, ch 1157, §1]

84 Acts, ch 1095, §5; 2023 Acts, ch 19, §1489, 1711

C2024, §10A.514

2024 Acts, ch 1043, §6

10A.515 Violations — orders.

1. If a person has violated or is violating a provision of this part or a rule adopted pursuant to this part, the director, the chief of any fire department, or the fire prevention officer of a fire department organized under chapter 400 may issue an order directing the person to desist in the practice which constitutes the violation and to take corrective action as necessary to ensure that the violation will cease. The order shall be in writing and shall specify a reasonable time by which the person shall comply with the order. The person to whom the order is issued may appeal the order as provided in chapter 17A. On appeal, the administrative law judge may affirm, modify, or vacate the order. Judicial review may be sought in accordance with chapter 17A.

2. Notwithstanding any other provision of law to the contrary, if the director determines that an emergency exists respecting any matter affecting or likely to affect the public safety, the director may issue any order necessary to terminate the emergency without notice or hearing. An emergency order is binding and effective immediately, until or unless the order is modified, vacated, or stayed at an administrative hearing or by a district court.

[S13, §2468-j; C24, 27, 31, 35, 39, §**1633;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.13; 82 Acts, ch 1157, §2]

94 Acts, ch 1078, §1; 2023 Acts, ch 19, §1490, 1711

C2024, §10A.515

2024 Acts, ch 1043, §7

Referred to in §10A.516

10A.516 Legal proceedings — penalties — injunctive relief.

At the request of the director, the county attorney shall institute any legal proceedings on behalf of the state necessary to obtain compliance or enforce the penalty provisions of this part or rules or orders adopted or issued pursuant to this part, including but not limited to a legal action for injunctive relief. The county attorney or any other attorney acting on behalf of the chief of a fire department or a fire prevention officer may institute legal proceedings, including but not limited to a legal action for injunctive relief, to obtain compliance or enforce the penalty provisions or orders issued pursuant to section 10A.515.

[C24, 27, 31, 35, 39, §**1634;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.14]

94 Acts, ch 1078, §2; 2023 Acts, ch 19, §1491, 1711; 2023 Acts, ch 64, §17

C2024, §10A.516

2024 Acts, ch 1043, §8

Referred to in §10A.517

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10A.517 Judicial review — court costs.

1. Judicial review of actions of the director may be sought in accordance with the terms of the Iowa administrative procedure Act pursuant to chapter 17A. If legal proceedings have been instituted pursuant to section 10A.516, all related issues which could otherwise be raised in a proceeding for judicial review shall be raised in the legal proceedings instituted pursuant to section 10A.516.

2. Upon judicial review of the director's action, if the court affirms the agency action, the court shall tax all court costs of the review proceeding against the appellant. However, if the court reverses, revokes, or annuls the director's action, the court shall tax all court costs of the review proceeding against the agency. If the director's action is modified or the matter is remanded to the agency for further proceedings, the court shall apportion the court costs within the discretion of the court.

[S13, §2468-j; C24, 27, 31, 35, 39, §**1636;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.16]

94 Acts, ch 1078, §3; 2023 Acts, ch 19, §1492, 1711

C2024, §10A.517

10A.518 Smoke detectors.

1. As used in this section:

a. "Carbon monoxide alarm" means a device which detects carbon monoxide and which incorporates an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

b. "Dormitory" means a residential building or portion of a building at an educational institution which houses students in rooms not individually equipped with cooking facilities.

c. "Fuel" means coal, kerosene, oil, fuel gases, or other petroleum products or hydrocarbon products such as wood that emit carbon monoxide as a by-product of combustion.

d. "Multiple-unit residential building" means a residential building, an apartment house, or a portion of a building or an apartment house with two or more units, hotel, motel, dormitory, or rooming house.

e. "Smoke detector" means a device which detects visible or invisible particles of combustion and which incorporates control equipment and an alarm-sounding unit operated from a power supply either in the unit or obtained at the point of installation.

2. *a.* Except as provided in subsection 4, multiple-unit residential buildings and single-family dwellings the construction of which is begun on or after July 1, 1991, shall include the installation of smoke detectors in compliance with the rules established by the director under subsection 5.

b. The rules shall require the installation of smoke detectors in existing single-family rental units and multiple-unit residential buildings. Existing single-family dwelling units shall be equipped with approved smoke detectors. A person who files for a homestead credit or exemption pursuant to chapter 425, subchapter I, shall certify that the single-family dwelling unit for which the credit or exemption is filed has a smoke detector installed in compliance with this section, or that one will be installed within thirty days of the date the filing for the credit or exemption is made. The director shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner or an owner's agent of a multiple-unit residential building or single-family dwelling shall supply light-emitting smoke detectors, upon request, for a tenant who is deaf or hard of hearing.

3. *a.* Multiple-unit residential buildings and single-family dwellings, the construction of which is begun on or after July 1, 2018, and that have a fuel-fired heater or appliance, a fireplace, or an attached garage, shall include the installation of carbon monoxide alarms in compliance with the rules established by the director under subsection 5.

b. The rules shall require the installation of carbon monoxide alarms in existing single-family rental units and multiple-unit residential buildings that have a fuel-fired heater or appliance, a fireplace, or an attached garage. Existing single-family dwellings that have a fuel-fired heater or appliance, a fireplace, or an attached garage shall be equipped with

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approved carbon monoxide alarms. For purposes of this paragraph, *"approved carbon monoxide alarm"* means a carbon monoxide alarm that meets the standards established by the underwriters' laboratories or is approved by the director as established by rule under subsection 5. A person who files for a homestead credit or exemption pursuant to chapter 425, subchapter I, shall certify that the single-family dwelling for which the credit or exemption is filed and that has a fuel-fired heater or appliance, a fireplace, or an attached garage, has carbon monoxide alarms installed in compliance with this section, or that such alarms will be installed within thirty days of the date the filing for the credit or exemption is made. The director shall adopt rules and establish appropriate procedures to administer this subsection.

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant who is deaf or hard of hearing.

d. The owner of a building requiring the installation of carbon monoxide alarms under this subsection shall install a carbon monoxide alarm in a location as specified by rules established by the director under subsection 5, taking into account the number and location of all fuel sources in the building.

4. This section does not require the following:

a. The installation of smoke detectors in multiple-unit residential buildings which, on July 1, 1981, are equipped with heat detection devices or a sprinkler system with alarms approved by the director.

b. The installation of smoke detectors in hotels, motels, and dormitories equipped with an automatic smoke detection system approved by the director.

5. The director shall enforce the requirements of subsections 2 and 3 and may implement a program of inspections to monitor compliance with the provisions of those subsections. Upon inspection, the director shall issue a written notice to the owner or manager of a multiple-unit residential building or single-family rental unit informing the owner or manager of compliance or noncompliance with this section. The director may contract with any political subdivision without fee assessed to either the director or the political subdivision, for the performance of the inspection and notification responsibilities. The inspections authorized under this section are limited to the placement, repair, and operability of smoke detectors and carbon monoxide alarms. Any broader inspection authority is not derived from this section. The director shall adopt rules under chapter 17A as necessary to enforce this section including rules concerning the placement of smoke detectors and carbon monoxide alarms and the use of acceptable smoke detectors and carbon monoxide alarms. The smoke detectors and carbon monoxide alarms shall display a label or other identification issued by an approved testing agency or another label specifically approved by the director.

6. The inspection of a building or notification of compliance or noncompliance under this section is not the basis for a legal cause of action against the political subdivision, director, the director's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials due to a failure to discover a latent defect in the course of the inspection.

7. If a smoke detector or carbon monoxide alarm is found to be inoperable, the owner or manager of the multiple-unit residential building or single-family rental unit shall correct the situation within thirty days after written notification to the owner or manager by the tenant, guest, roomer, director, director's subordinates, chiefs of local fire departments, building inspectors, or other fire, building, or safety officials. If the owner or manager of a multiple-unit residential building or single-family rental unit fails to correct the situation within the thirty days the tenant, guest, or roomer may cause the smoke detector or carbon monoxide alarm to be repaired or purchase and install a smoke detector or carbon monoxide alarm required under this section and may deduct the repair cost or purchase price from the next rental payment or payments made by the tenant, guest, or roomer. However, a lessor or owner may require a lessee, tenant, guest, or roomer who has a residency of longer than

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thirty days to provide the battery for a battery operated smoke detector or carbon monoxide alarm.

8. No person may render inoperable a smoke detector or carbon monoxide alarm which is required to be installed by this section by tampering.

9. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

[81 Acts, ch 45, §1, 2; 82 Acts, ch 1157, §7]

C83, §100.18

83 Acts, ch 198, §13; 91 Acts, ch 64, §1 – 6; 94 Acts, ch 1078, §4; 2008 Acts, ch 1032, §17; 2016 Acts, ch 1092, §1 – 4; 2020 Acts, ch 1102, §3, 4; 2023 Acts, ch 19, §1493, 1711

C2024, §10A.518

2026 Acts, ch 1115, §121, 122, 148

2026 amendment to subsection 2, paragraph b applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

2026 amendment to subsection 3, paragraph b applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148

Subsection 2, paragraph b amended

Subsection 3, paragraph b amended

10A.519 Consumer fireworks seller licensing — penalty.

1. As used in this section:

a. "APA 87-1" means the American pyrotechnics association standard 87-1, as published in December 2001.

b. "Community group" means a nonprofit entity that is open for membership to the general public which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code or a fraternal benefit society, as that term is defined in section 512B.3.

c. "First-class consumer fireworks" means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Aerial shell kits and reloadable tubes.
(2) Chasers.
(3) Helicopter and aerial spinners.
(4) Firecrackers.
(5) Mine and shell devices.
(6) Missile-type rockets.
(7) Roman candles.
(8) Sky rockets and bottle rockets.
(9) Multiple tube devices under this paragraph "c" that are manufactured in accordance with APA 87-1, section 3.5.

d. "Retailer" means as defined in section 423.1.

e. "Second-class consumer fireworks" means the following consumer fireworks, as described in APA 87-1, chapter 3:

(1) Cone fountains.
(2) Cylindrical fountains.
(3) Flitter sparklers.
(4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, section 3.5.
(5) Ground spinners.
(6) Illuminating torches.
(7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, section 3.2.
(8) Wheels.
(9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

2. *a.* The director shall establish a consumer fireworks seller license. An application for a consumer fireworks seller license shall be made on a form provided by the director. The director shall adopt rules consistent with this section establishing minimum requirements for a retailer or community group to be issued a consumer fireworks seller license.

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b. A person shall possess a consumer fireworks seller license under this section in order to sell consumer fireworks.

3. *a.* The director shall establish a fee schedule for consumer fireworks seller licenses as follows:

(1) For a retailer at a permanent building who devotes fifty percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of one thousand dollars.

(2) For a retailer at a temporary structure who devotes fifty percent or more of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of five hundred dollars.

(3) For a retailer who devotes less than fifty percent of the retailer's retail floor space to the sale or display of first-class consumer fireworks, an annual fee of four hundred dollars.

(4) For a community group that offers for sale, exposes for sale, or sells first-class consumer fireworks, an annual fee of four hundred dollars.

(5) For a retailer or community group that offers for sale, exposes for sale, or sells second-class consumer fireworks, but not first-class consumer fireworks, an annual fee of one hundred dollars.

b. A license issued to a retailer or community group pursuant to paragraph *"a"*, subparagraph (1), (2), (3), or (4), shall allow the licensee to sell both first-class consumer fireworks and second-class consumer fireworks.

c. The fees collected by the director under this subsection shall be deposited in the licensing and regulation fund created in section 10A.507.

4. The director shall adopt rules to:

a. Require that any retailer or community group offering for sale at retail any consumer fireworks, as described in APA 87-1, chapter 3, shall do so in accordance with the national fire protection association standard 1124, published in the code for the manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles, 2006 edition.

b. Require that a retailer or community group to be issued a license pursuant to this section provide proof of and maintain commercial general liability insurance with minimum per occurrence coverage of at least one million dollars and aggregate coverage of at least two million dollars.

c. Permit a retailer or community group issued a license pursuant to this section to sell consumer fireworks, as described in APA 87-1, chapter 3, at the following locations as specified:

(1) At a permanent building that meets the requirements of paragraph *"a"*, between June 1 and July 8 and between December 10 and January 3 each year, all dates inclusive.

(2) At a temporary structure that meets the requirements of paragraph *"a"* between June 13 and July 8 each year, both dates inclusive.

5. A retailer or community group shall not transfer consumer fireworks, as described in APA 87-1, chapter 3, to a person who is under eighteen years of age.

6. *a.* The director shall adopt rules to provide that a person's consumer fireworks seller license may be revoked for the intentional violation of this section. The proceedings for revocation shall be held before the department, which may revoke the license or licenses involved as provided in paragraph *"b"*.

b. (1) If, upon the hearing of the order to show cause, the department finds that the licensee intentionally violated this section, then the license or licenses under which the licensed retailer or community group sells first-class consumer fireworks or second-class consumer fireworks, shall be revoked.

(2) Judicial review of actions of the department may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. If the licensee has not filed a petition for judicial review in district court, revocation shall date from the thirty-first day following the date of the order of the department. If the licensee has filed a petition for judicial review, revocation shall date from the thirty-first day following entry of the order of the district court, if action by the district court is adverse to the licensee.

(3) A new license shall not be issued to a person whose license has been revoked, or to the business in control of the premises on which the violation occurred if it is established

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that the owner of the business had actual knowledge of the violation resulting in the license revocation, for the period of one year following the date of revocation.

7. The director shall establish a local fire protection and emergency medical service providers grant program to provide grants in the following order of priority:

a. Local fire protection service providers and local emergency medical service providers to establish or provide fireworks safety education programming to members of the public, and for the purchase of necessary enforcement, protection, or emergency response equipment related to the sale and use of consumer fireworks in this state.

b. Local volunteer fire protection service providers for the purchase of necessary enforcement, protection, or emergency response equipment.

8. The director shall adopt rules for the administration of this section.

9. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

2017 Acts, ch 115, §3, 12
C2018, §100.19
2018 Acts, ch 1041, §37, 38; 2021 Acts, ch 110, §1; 2023 Acts, ch 19, §1494 – 1497, 1711
C2024, §10A.519
2026 Acts, ch 1190, §29, 30
Referred to in §10A.520, 92.8, 335.2A, 414.1, 727.2
Subsection 3, NEW paragraph c
Subsection 7 amended

10A.520 Consumer fireworks wholesaler — registration — penalty.

1. For purposes of this section:

a. "Consumer fireworks" means first-class consumer fireworks and second-class consumer fireworks, as those terms are defined in section 10A.519.

b. "Wholesaler" means a person who engages in the business of selling or distributing consumer fireworks for the purpose of resale in this state.

2. The director shall adopt rules to require all wholesalers to annually register with the director. The director may also adopt rules to regulate the storage or transfer of consumer fireworks by wholesalers and to require wholesalers to maintain insurance.

3. The director shall establish an annual registration fee of one thousand dollars for wholesalers of consumer fireworks within the state. Registration fees collected pursuant to this section shall be deposited in the licensing and regulation fund created in section 10A.507.

4. A person who violates a provision of this section or a rule adopted pursuant to this section is guilty of a simple misdemeanor.

2017 Acts, ch 115, §4, 12
C2018, §100.19A
2023 Acts, ch 19, §1498, 1711
C2024, §10A.520
2026 Acts, ch 1190, §31
Subsection 3 amended

10A.521 Time for compliance with order — penalty.

If a petition of review has not been filed or the court on review has affirmed or modified an order for the removal, destruction, or repair of a building, or the removal of any of its contents, or the change of any of its conditions, the owner, lessee, or occupant shall comply with the order within thirty days after the delivery of the order or a copy of the order to the person, either personally or by certified letter to the last known address, or by service upon the person's appointed agent. Failure of the owner, lessee, or occupant to comply with the order shall subject the owner, lessee, or occupant to a penalty of ten dollars for each day of failure or neglect after the expiration of the period. The penalty shall be recovered in the name of the state and paid into the treasury of the political subdivision which issues the order or the treasurer of state if the order is issued by the state. If the owner, lessee, or occupant cannot reasonably comply with the order within thirty days and a good faith effort at compliance has been made within thirty days, the owner, lessee, or occupant shall not be subject to a penalty

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under this section. However, the penalty may be imposed on the person upon a failure to continue the good faith compliance with the order.

[S13, §2468-j; C24, 27, 31, 35, 39, §**1646;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.26]

84 Acts, ch 1095, §6; 94 Acts, ch 1078, §5; 2023 Acts, ch 19, §1711

C2024, §10A.521

10A.522 Fire and tornado drills in schools — warning systems — inspections.

1. It shall be the duty of the director and the director's designated subordinates to require all private and public school officials and teachers to conduct not less than four fire drills and not less than four tornado drills in all school buildings during each school year when school is in session; and to require the officials and teachers of all schools to keep all doors and exits of their respective rooms and buildings unlocked when occupied during school hours or when such areas are being used by the public at other times. Not less than two drills of each type shall be conducted between July 1 and December 31 of each year and not less than two drills of each type shall be conducted between January 1 and June 30 of each year.

2. Every school building with two or more classrooms shall have a warning system for fires of a type approved by the underwriters' laboratories and by the director. The warning system shall be used only for fire drills or as a warning for emergency. Schools may modify the fire warning system for use as a tornado warning system or shall install a separate tornado warning system. Every school building shall also be equipped with portable fire extinguishers, with the type, size and number in accordance with national fire protection association standards and approved by the director.

3. The director or the director's deputies shall cause each public or private school, college, or university to be inspected at least once every two years to determine whether each school meets the fire safety standards of this Code and is free from other fire hazards. Provided, however, that cities which employ fire department inspectors shall cause such inspections to be made.

[S13, §2468-k; C24, 27, 31, 35, 39, §**1651;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §100.31]

94 Acts, ch 1078, §6; 2022 Acts, ch 1032, §33; 2023 Acts, ch 19, §1499, 1711

C2024, §10A.522

Referred to in §280.30

10A.523 Fire control rules of director — penalties.

1. The director shall adopt, and may amend rules under chapter 17A, which include standards relating to exits and exit lights, fire escapes, fire protection, fire safety and the elimination of fire hazards, in and for churches, schools, hotels, theaters, amphitheaters, hospitals, health care facilities as defined in section 135C.1, boarding homes or housing, rest homes, dormitories, college buildings, lodge halls, club rooms, public meeting places, places of amusement, apartment buildings, food establishments as defined in section 137F.1, and all other buildings or structures in which persons congregate from time to time, whether publicly or privately owned. Violation of a rule adopted by the director is a simple misdemeanor. However, upon proof that the director gave written notice to the defendant of the violation, and proof that the violation constituted a clear and present danger to life, and proof that the defendant failed to eliminate the condition giving rise to the violation within thirty days after receipt of notice from the director, the penalty is that provided by law for a serious misdemeanor. Each day of the continuing violation of a rule after conviction of a violation of the rule is a separate offense. A conviction is subject to appeal as in other criminal cases.

2. Rules by the director affecting the construction of new buildings, additions to buildings or rehabilitation of existing buildings and related to fire protection, shall be substantially in accord with the provisions of the nationally recognized building and related codes adopted as the state building code pursuant to section 103A.7 or with codes adopted by a local subdivision which are in substantial accord with the codes comprising the state building code.

3. The rules adopted by the director under this section shall provide standards for fire

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resistance of cellulose insulation sold or used in this state, whether for public or private use. The rules shall provide for approval of the cellulose insulation by at least one nationally recognized independent testing laboratory.

[S13, §2514-j, -k, -l; SS15, §2514-i, -n, -o, 4999-a10; C24, 27, 31, 35, 39, §**1671, 2843 – 2850;** C46, 50, 54, §103.12, 170.38 – 170.45; C58, §100.35, 103.12, 170.38 – 170.45; C62, 66, 71, 73, 75, 77, §100.35, 103.12, 107.38; C79, 81, §100.35, 103.12, 170.38, 170A.9, 170B.13; 81 Acts, ch 46, §2, 4; 82 Acts, ch 1157, §3]

C83, §100.35

88 Acts, ch 1278, §23; 98 Acts, ch 1162, §2, 30; 2004 Acts, ch 1086, §28; 2017 Acts, ch 54, §76; 2023 Acts, ch 19, §1500, 1711

C2024, §10A.523

Referred to in §100.51, 137C.18, 137C.35, 137F.15

10A.524 Fire extinguishers in high-rise buildings.

1. All buildings approved for construction after July 1, 1998, that exceed four stories in height, or seventy-five feet above grade, shall require the installation of an approved automatic fire extinguishing system designed and installed in conformity with rules promulgated by the director pursuant to this part.

2. The requirements of this section shall not apply to the following:

a. Any noncombustible elevator storage structure or any noncombustible plant building with noncombustible contents.

b. Any combustible elevator storage structure that is equipped with an approved drypipe, nonautomatic sprinkler and automatic alarm system.

c. Buildings in existence or under construction on August 15, 1975. However, if subsequent to that date any building is enlarged or altered beyond the height limitations applicable to new buildings, such building in its entirety shall be subject to all the provisions of this section.

d. Any open parking garage structure which is in compliance with rules adopted by the director.

3. Plans and installation of systems shall be approved by the director, a designee of the director, or local authorities having jurisdiction. Except where local fire protection regulations are more stringent, the provisions of this section shall be applicable to all buildings, whether privately or publicly owned. The definition of terms shall be in conformity, insofar as possible, with definitions found in the state building code adopted pursuant to section 103A.7.

4. Any person violating the provisions of this section is guilty of a misdemeanor and shall, upon conviction, be subject to a fine not to exceed one hundred dollars or by imprisonment in the county jail for not more than thirty days, or be subject to both such fine and imprisonment.

[C77, 79, 81, §100.39]

90 Acts, ch 1029, §1; 98 Acts, ch 1008, §1; 2004 Acts, ch 1086, §30; 2008 Acts, ch 1032, §201; 2023 Acts, ch 19, §1502, 1711

C2024, §10A.524

10A.525 Conflicting statutes.

Provisions of this part in conflict with the state building code, as adopted pursuant to section 103A.7, shall not apply where the state building code has been adopted or when the state building code applies throughout the state.

[C73, 75, 77, 79, 81, §100.38]

2004 Acts, ch 1086, §29; 2023 Acts, ch 19, §1501, 1711

C2024, §10A.525

10A.526 through 10A.530 Reserved.

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PART 3

TATTOOING AND HAIR BRAIDING

10A.531 Tattooing — permit requirement — penalty.

1. A person shall not own, control and lease, act as an agent for, conduct, manage, or operate an establishment to practice the art of tattooing or engage in the practice of tattooing without first applying for and receiving a permit from the department.

2. The department shall not require an applicant for a permit to perform tattooing to show proof of a high school diploma, high school equivalency diploma, or degree from an accredited college as a condition of issuing a permit to perform tattooing.

3. A minor shall not obtain a tattoo and a person shall not provide a tattoo to a minor. For the purposes of this section, *"minor"* means an unmarried person who is under the age of eighteen years.

4. A person who fails to meet the requirements of subsection 1 or a person providing a tattoo to a minor is guilty of a serious misdemeanor.

5. The department shall:

a. Adopt rules pursuant to chapter 17A and establish and collect all fees necessary to administer this section. The provisions of chapter 17A, including licensing provisions, judicial review, and appeal, shall apply to this section.

b. Establish minimum safety and sanitation criteria for the operation of tattooing establishments.

6. If the department determines that a provision of this section has been or is being violated, the department may order that a tattooing establishment not be operated until the necessary corrective action has been taken. If the establishment continues to be operated in violation of the order of the department, the department may request that the county attorney or the attorney general make an application in the name of the state to the district court of the county in which the violations have occurred for an order to enjoin the violations. This remedy is in addition to any other legal remedy available to the department.

7. As necessary to avoid duplication and promote coordination of public health inspection and enforcement activities, the department may enter into agreements with local boards of health to provide for inspection of tattooing establishments and enforcement activities in accordance with the rules and criteria implemented under this section.

89 Acts, ch 154, §1
CS89, §135.37
2008 Acts, ch 1058, §4; 2009 Acts, ch 133, §33; 2023 Acts, ch 19, §1583, 1711; 2023 Acts, ch 102, §1
C2024, §10A.531
Referred to in §157.3A

10A.532 Natural hair braiding.

A person shall register with the department in order to perform a commercial service involving natural hair braiding. For purposes of this section, *"natural hair braiding"* means a method of natural hair care consisting of braiding, locking, twisting, weaving, cornrowing, or otherwise physically manipulating hair without the use of chemicals to alter the hair's physical characteristics that incorporates both traditional and modern styling techniques.

2016 Acts, ch 1138, §12
C2017, §135.37A
2023 Acts, ch 19, §1711
C2024, §10A.532

10A.533 Enforcement.

1. If any local board, as defined in section 135.1, shall fail to enforce the rules of the department under this part or carry out the department's lawful directions under this part, the department may enforce the same within the territorial jurisdiction of such local board,

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and for that purpose it may exercise all of the powers given by statute to the local board, and may employ the necessary assistants to carry out its lawful directions.

2. All expenses incurred by the department in determining whether its rules are enforced by a local board under this part, and in enforcing the same when a local board has failed to do so, shall be paid in the same manner as the expenses of enforcing such rules when enforced by the local board.

3. All peace officers of the state when called upon by the department shall enforce the department's rules under this part and execute the lawful orders of the department under this part within their respective jurisdictions.

2023 Acts, ch 19, §1481

10A.534 Penalties.

1. Any person who knowingly violates any provision of this part, or of the rules of the department under this part, or any lawful order, written or oral, of the department or of its officers, or authorized agents under this part, shall be guilty of a simple misdemeanor.

2. Any person resisting or interfering with the department, its employees, or authorized agents, in the discharge of any duty imposed by law under this part shall be guilty of a simple misdemeanor.

2023 Acts, ch 19, §1482

10A.535 through 10A.600 Reserved.

SUBCHAPTER VI

EMPLOYMENT APPEAL BOARD

10A.601 Employment appeal board — created — duties.

1. A full-time employment appeal board is created within the department of inspections, appeals, and licensing to hear and decide contested cases under section 70A.28, chapter 8A, subchapter IV, and chapters 20, 80, 88, 91C, 96, and 97B. In addition, the employment appeal board has those powers and responsibilities assigned to it by chapter 20.

2. The employment appeal board is composed of three members appointed by the governor, subject to confirmation by the senate, to six-year staggered terms beginning and ending as provided in section 69.19. One member shall be qualified by experience and affiliation to represent employers, one member shall be qualified by experience and affiliation to represent employees, and one member shall represent the general public. No more than two members shall be members of the same political party. A vacancy in membership shall be filled in the same manner as the original appointment. A member of the appeal board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office. The members of the employment appeal board shall receive an annual salary as set by the governor.

3. The members of the appeal board shall select a chairperson and vice chairperson from their membership. The appeal board may meet as often as necessary. Meetings shall be set by a majority of the appeal board or upon the call of the chairperson, or in the chairperson's absence, upon the call of the vice chairperson. The employment appeal board, subject to the approval of the director, may appoint personnel necessary for carrying out its functions and duties.

4. The appeal board may on its own motion affirm, modify, or set aside a decision of an administrative law judge on the basis of the evidence previously submitted in the contested case, or direct the taking of additional evidence, or may permit any of the parties to the decision to initiate further appeals before the appeal board. The appeal board shall permit further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted

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by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

5. The appeal board may order testimony to be taken by deposition, and may compel persons to appear and testify and to produce books, papers, and documents in the same manner as witnesses may be deposed and compelled to appear and testify and produce documentary evidence before the district court. In the discharge of the duties imposed by this chapter, the chairperson of the appeal board and any duly authorized representative designated by the appeal board, may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas. Persons deposed or compelled to testify or produce documentary evidence shall be allowed the same fees and traveling expenses as allowed witnesses in the district court.

6. The appeal board shall adopt rules pursuant to chapter 17A to establish the manner in which contested cases are to be presented, reports are to be required from the parties, and hearings and appeals are to be conducted. The appeal board shall keep a full and complete record of all proceedings in connection with a contested case. All testimony at a hearing shall be recorded, but need not be transcribed unless the contested case is further appealed. The appeal board shall retain the record for at least sixty days following the final date for appeal of a contested case. A decision of the appeal board is final agency action and an appeal of the decision shall be made directly to the district court. Any party to a contested case may appeal the decision to the district court.

7. An application for rehearing before the appeal board shall be filed pursuant to section 17A.16, unless otherwise provided in section 70A.28, chapter 8A, subchapter IV, or chapter 20, 80, 88, 91C, 96, or 97B. A petition for judicial review of a decision of the appeal board shall be filed pursuant to section 17A.19. The appeal board may be represented in any such judicial review by an attorney who is a regular salaried employee of the appeal board or who has been designated by the appeal board for that purpose, or at the appeal board's request, by the attorney general. Notwithstanding the petitioner's residency requirement in section 17A.19, subsection 2, a petition for judicial review may be filed in the district court of the county in which the petitioner was last employed or resides, provided that if the petitioner does not reside in this state, the action shall be brought in the district court of Polk county, Iowa, and any other party to the proceeding before the appeal board shall be named in the petition. Notwithstanding the thirty-day requirement in section 17A.19, subsection 6, the appeal board shall, within sixty days after filing of the petition for judicial review or within a longer period of time allowed by the court, transmit to the reviewing court the original or a certified copy of the entire records of a contested case. The appeal board may also certify to the court, questions of law involved in any decision by the appeal board. Petitions for judicial review and the questions so certified shall be given precedence over all other civil cases except cases arising under the workers' compensation law of this state. No bond shall be required for entering an appeal from any final order, judgment, or decree of the district court to the supreme court.

86 Acts, ch 1245, §515; 88 Acts, ch 1025, §1; 88 Acts, ch 1162, §10; 88 Acts, ch 1109, §3; 2003 Acts, ch 145, §129; 2004 Acts, ch 1107, §1, 30; 2023 Acts, ch 19, §1435; 2024 Acts, ch 1170, §84; 2025 Acts, ch 92, §1

Referred to in §20.3, 80.15, 88.3, 88.9, 91C.8, 96.1A, 96.6, 97B.27, 357A.21
Confirmation, see §2.32

10A.602 through 10A.700 Reserved.

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SUBCHAPTER VII

HEALTH FACILITIES

Referred to in §249K.2

PART 1

GENERAL PROVISIONS

10A.701 Definitions. Repealed by 2023 Acts, ch 19, §1442.

10A.702 Responsibilities.

The director shall coordinate the department's conduct of various inspections and investigations as otherwise provided by law including, but not limited to, all of the following:

1. Investigations relative to the standards and practices of hospitals, hospices, and health care facilities.
2. Inspections and other licensing procedures relative to the hospice program, hospitals, and health care facilities. The department is designated as the sole licensing authority for these programs and facilities.
3. Inspections relative to hospital and health care facility construction projects.
4. Inspections of child foster care facilities and private institutions for the care of dependent, neglected, and delinquent children.

2000 Acts, ch 1155, §6; 2002 Acts, ch 1162, §76; 2023 Acts, ch 19, §1436, 1437

10A.703 through 10A.710 Reserved.

PART 2

HEALTH FACILITIES COUNCIL

10A.711 Definitions. Transferred to §135.61; 2025 Acts, ch 120, §40.

10A.712 Department to administer part — health facilities council established — appointments — powers and duties. Repealed by 2025 Acts, ch 120, §41.

10A.713 through 10A.729 Transferred to §135.62 through 135.78; 2025 Acts, ch 120, §40.

10A.730 through 10A.800 Reserved.

SUBCHAPTER VIII

ADMINISTRATIVE HEARINGS DIVISION

10A.801 Division of administrative hearings — creation, powers, duties.

1. *Definitions.* For purposes of this subchapter, unless the context otherwise requires:

a. "Administrator" means the person coordinating the administration of the division.

b. "Division" means the administrative hearings division of the department of inspections, appeals, and licensing.

2. The administrator shall coordinate the division's conduct of appeals and administrative hearings as provided by law, shall serve as chief administrative law judge of the division, and may conduct any proceeding for which the division provides an administrative law judge.

3. *a.* The department shall employ a sufficient number of administrative law judges to conduct proceedings for which agencies are required, by section 17A.11 or any other provision of law, to use an administrative law judge employed by the division. An

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administrative law judge employed by the division shall not perform duties inconsistent with the judge's duties and responsibilities as an administrative law judge and shall be located in an office that is separated from the offices of the agencies for which that person acts as a presiding officer. Administrative law judges, except the chief administrative law judge, shall be covered by the merit system provisions of chapter 8A, subchapter IV.

b. The division shall facilitate, insofar as practicable, specialization by its administrative law judges so that particular judges may become expert in presiding over cases in particular agencies. An agency may, by rule, identify particular classes of its contested cases for which the administrative law judge who acts as presiding officer shall have specified technical expertness. After the adoption of such a rule, the division may assign administrative law judges to preside over those identified particular classes of contested cases only if the administrative law judge possesses the technical expertness specified by agency rule. The division may charge the applicable agency for the costs of any training required by the division's administrative law judges to acquire or maintain the technical expertise specified by agency rule.

4. If the division cannot furnish one of its administrative law judges in response to an agency request, the administrator shall designate in writing a full-time employee of an agency other than the requesting agency to serve as administrative law judge for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of administrative law judges employed by the division.

5. The division may furnish administrative law judges on a contract basis to any governmental entity to conduct any proceeding.

6. A person shall not be employed by the division as the administrator or as an administrative law judge to preside over contested case proceedings unless that person has a license to practice law in this state.

7. The division shall adopt rules pursuant to this chapter and chapter 17A to do all of the following:

a. To establish procedures for agencies to request and for the administrator to assign administrative law judges employed by the division.

b. To establish procedures and adopt forms, consistent with chapter 17A and other provisions of law, to govern administrative law judges employed by the division, but any rules adopted under this paragraph shall be applicable to a particular contested case proceeding only to the extent that they are not inconsistent with the rules of the agency under whose authority that proceeding is conducted. Nothing in this paragraph precludes an agency from establishing procedural requirements otherwise within its authority to govern its contested case proceedings, including requirements with respect to the timeliness of decisions rendered for it by administrative law judges.

c. To establish standards and procedures for the evaluation, training, promotion, and discipline for the administrative law judges employed by the division. The procedures shall include provisions for each agency for whom a particular administrative law judge presides to submit to the division on a periodic basis the agency's views with respect to the performance of that administrative law judge or the need for specified additional training for that administrative law judge. However, the evaluation, training, promotion, and discipline of all administrative law judges employed by the division shall remain solely within the authority of the department.

d. To establish, consistent with the provisions of this section and chapter 17A, a code of administrative judicial conduct that is similar in function and substantially equivalent to the Iowa code of judicial conduct, to govern the conduct, in relation to their quasi-judicial functions in contested cases, of all persons who act as presiding officers under the authority of section 17A.11, subsection 1. The code of administrative judicial conduct shall separately specify which provisions are applicable to agency heads or members of multimembered agency heads when they act as presiding officers, taking into account the objectives of the code and the fact that agency heads, unlike administrative law judges, have other duties imposed upon them by law. The code of administrative judicial conduct may also contain separate provisions, that are appropriate and consistent with the objectives of such a code, to govern the conduct of agency heads or the members of multimember agency heads when

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they act as presiding officers. However, a provision of the code of administrative judicial conduct shall not be made applicable to agency heads or members of multimember agency heads unless the application of that provision to agency heads and members of multimember agency heads has previously been approved by the administrative rules coordinator.

e. To facilitate the performance of the responsibilities conferred upon the division by this section, chapter 17A, and any other provision of law.

8. The division may do all of the following:

a. Provide administrative law judges, upon request, to any agency that is required to or wishes to utilize the services of an administrative law judge employed by the division.

b. Maintain a staff of reporters and other personnel.

c. Administer the provisions of this section and rules adopted under its authority.

9. The division may charge agencies for services rendered and the payment received shall be considered appropriated receipts as defined in section 8.2.

10. Except to the extent specified otherwise by statute, decisions of administrative law judges employed by the division are subject to review by the agencies for which they act as presiding officers as provided by section 17A.15 or any other provision of law.

98 Acts, ch 1202, §3, 46; 2002 Acts, ch 1162, §11 – 13; 2003 Acts, ch 145, §130; 2016 Acts, ch 1057, §1; 2017 Acts, ch 171, §57 – 59, 62; 2023 Acts, ch 19, §1438, 1439; 2024 Acts, ch 1185, §98

Referred to in §10A.106, 10A.802, 17A.11, 20.6, 96.6, 216.15, 256.7, 256.159, 256B.6, 279.24, 331.190, 453A.2, 455B.174, 476.2, 505.29, 903A.1

10A.802 Administrative hearing electronic filing system — rules.

1. Notwithstanding section 10A.801, subsection 7, paragraph *"b"*, and section 554D.120, the division may adopt rules pursuant to this chapter and chapter 17A establishing an electronic filing system for contested case and other administrative proceedings conducted by the division and prescribing whether and to what extent the division will accept, process, distribute, and retain electronic records and electronic signatures from appellants, governmental agencies, and other persons with respect to such proceedings.

2. If the division adopts rules pursuant to subsection 1, the rules may include but are not limited to the following:

a. Defining terms.

b. The manner and format in which an electronic record is created, generated, sent, communicated, received, filed, recorded, and stored.

c. Establishing the electronic filing system to create, generate, send, communicate, receive, file, record, and store an electronic record.

d. How a traditional written signature will relate to an electronic signature.

e. The criteria establishing when an electronic document must be electronically signed.

f. The type of electronic signature required.

g. The manner and format in which an electronic signature is associated with an electronic record.

h. Who can create an electronic signature.

i. The criteria and procedures to follow when filing an electronic document, including who is allowed to file electronically, how notice is given, and electronic service of process.

j. Establishing processes and procedures to ensure adequate preservation, integrity, security, disposition, and audit worthiness of the electronic records.

k. Establishing the criteria for the retention of paper documents when deemed necessary to promote the integrity of electronic records.

l. Establishing the appropriate level of public access to differing classes of electronic records and other agency records to ensure the confidentiality of any records that are required by law to be confidential.

m. Establishing any other process or procedures attributable to creating, generating, communicating, storing, processing, and using electronic records and electronic signatures, and how these electronic records and electronic signatures will relate to nonelectronic agency records.

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3. Rules adopted pursuant to this section shall provide for the division's acceptance of the filing of paper documents.

4. Rules adopted pursuant to this section shall prevail over any other law, including chapter 17A, or agency rule that specifies the method, manner, or format for sending, receiving, serving, retaining, or creating paper records or other documents related to a contested case proceeding, including but not limited to a request or demand for a contested case proceeding, a notice of hearing, and a proposed or final decision. The division may limit the applicability and scope of any rules adopted pursuant to this section to one or more agencies or by specific case type for the purpose of testing and implementing an electronic filing system.

5. An electronic record that complies with the rules adopted under this section shall prevail over any law, including chapter 17A, that requires a written record, and an electronic signature that complies with the rules adopted under this section shall prevail over any law that requires a written signature. An electronic record or signature that complies with rules adopted under this section shall not be denied legal effect or enforceability based solely because of the record's or signature's electronic form. The determination of an electronic record's or signature's legal consequence is determined by this chapter, applicable law, and applicable division and agency rules.

6. Any electronic record, including but not limited to a recording or transcription of oral proceedings, maintained in an electronic filing system established by the division shall be the official record of the contested case and maintenance of the record in the system shall satisfy the obligation of an agency to file and maintain any such record.

2016 Acts, ch 1057, §2

10A.803 through 10A.900 Reserved.

SUBCHAPTER IX

LEAD ABATEMENT PROGRAM

10A.901 Definitions.

For the purposes of this subchapter, unless the context otherwise requires:

1. *a.* *"Child-occupied facility"* means a building, or portion of a building, constructed prior to 1978, that is described by all of the following:

(1) The building is visited on a regular basis by the same child, who is less than six years of age, on at least two different days within any week. For purposes of this subsection, a week is a Sunday through Saturday period.

(2) Each day's visit by the child lasts at least three hours, and the combined annual visits total at least sixty hours.

b. A child-occupied facility may include but is not limited to a child care center, preschool, or kindergarten classroom. A child-occupied facility also includes common areas that are routinely used by children who are less than six years of age, such as restrooms and cafeterias, and the exterior walls and adjoining space of the building that are immediately adjacent to the child-occupied facility or the common areas routinely used by children under the age of six years.

2. *"Target housing"* means housing constructed prior to 1978 with the exception of housing for the elderly or for persons with disabilities and housing that does not contain a bedroom, unless at least one child, under six years of age, resides or is expected to reside in the housing.

2024 Acts, ch 1043, §11

10A.902 Lead inspector, lead abater, and lead-safe renovator training and certification program established — civil penalty.

1. The department shall establish a program for the training and certification of lead inspectors, lead abaters, and lead-safe renovators. The department shall maintain a

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listing, available to the public and to city and county health departments, of lead inspector, lead abater, and lead-safe renovator training programs that have been approved by the department, and of lead inspectors, lead abaters, and lead-safe renovators who have successfully completed the training program and have been certified by the department. A person may be certified as a lead inspector, a lead abater, or a lead-safe renovator, or may be certified to provide two or more of such services. However, a person who holds more than one such certification shall not provide inspection service and also provide abatement service or renovation service at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

2. A person who owns real property which includes a residential dwelling and who performs lead inspection, lead abatement, or renovation of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners who are not required to be certified to complete the applicable training course to ensure the use of appropriate and safe lead inspection, lead abatement, or lead-safe renovation procedures.

3. Except as otherwise provided in this section, a person shall not perform lead abatement or lead inspections, and shall not perform renovations on target housing or a child-occupied facility, unless the person has completed a training program approved by the department and has obtained certification pursuant to this section. All lead abatement and lead inspections; and lead inspector, lead abater, and lead-safe renovation training programs; and renovations on target housing or a child-occupied facility, shall be performed and conducted in accordance with work practice standards established by the department. A person shall not conduct a training program for lead inspectors, lead abaters, or lead-safe renovators unless the program has been submitted to and approved by the department.

4. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. Rules adopted pursuant to this subsection shall comply with chapter 272C. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. The fees shall be used for any of the department's duties under this subchapter, including but not limited to the costs of full-time equivalent positions for program services and investigations. Fees received shall be considered appropriated receipts as defined in section 8.2.

96 Acts, ch 1161, §1, 4
C97, §135.105A
97 Acts, ch 159, §5; 98 Acts, ch 1100, §14; 2004 Acts, ch 1167, §2; 2009 Acts, ch 37, §1; 2010 Acts, ch 1192, §49, 73; 2019 Acts, ch 24, §104; 2020 Acts, ch 1103, §10, 31; 2023 Acts, ch 19, §1711
C2024, §10A.902
2024 Acts, ch 1185, §99

10A.903 Renovation, remodeling, and repainting — lead hazard notification process established.

1. *a.* A person who performs renovation, remodeling, or repainting services for target housing or a child-occupied facility for compensation shall provide an approved lead hazard information pamphlet to the owner and occupant of the housing or facility prior to commencing the services. The department shall adopt rules to implement the renovation, remodeling, and repainting lead hazard notification process under this section.

b. The rules shall include but are not limited to an authorization that the lead hazard notification to parents or guardians of the children attending a child-occupied facility may be completed by posting an informational sign and a copy of the approved lead hazard information pamphlet. The rules shall also address requirements for notification of parents

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or guardians of the children visiting a child-occupied facility when the facility is vacant for an extended period of time.

2. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

97 Acts, ch 159, §6, 24
CS97, §135.105C
2000 Acts, ch 1140, §22; 2001 Acts, ch 58, §4; 2009 Acts, ch 37, §2; 2023 Acts, ch 19, §1711
C2024, §10A.903
2024 Acts, ch 1043, §12

CHAPTER 10B

AGRICULTURAL LANDHOLDING REPORTING

Referred to in §10.1, 10D.2, 22.7(47)

10B.1	Definitions.	10B.5	Use of reports.
10B.2	Interests described.	10B.5A	Annual summary to governor and general assembly.
10B.3	Persons required to file reports.	10B.6	Penalties.
10B.4	Reporting requirements.	10B.7	Lessees conducting research or experiments — reports.
10B.4A	Suspension of other filing requirements.		

10B.1 Definitions.

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

1. *"Agricultural land"* means the same as defined in section 9H.1.

2. *a. "Business entity"* means a person, formed under the statutes of this state or another jurisdiction for purposes of engaging in a commercial activity on a profit, cooperative, or not-for-profit basis, including but not limited to a corporation or entity taxed as a corporation under the Internal Revenue Code, nonprofit corporation, cooperative or cooperative association, partnership, limited partnership, limited liability company, limited liability partnership, investment company, joint stock company, joint stock association, or trust, including but not limited to a business trust.

b. "*Business entity*" does not include a family farm corporation, family farm limited liability company, family trust, revocable trust, testamentary trust, or family farm unincorporated nonprofit association, each as defined in section 9H.1.

3. "*Cooperative association*" means any entity organized on a cooperative basis, including an association of persons organized under chapter 497, 498, or 499; an entity composed of entities organized under those chapters; or a cooperative organized under chapter 501 or 501A.

4. "*Corporation*" means a domestic or foreign corporation, including an entity organized pursuant to chapter 490, or a nonprofit corporation.

5. *"Farming"* means the same as defined in section 9H.1.

6. *"Foreign business"* means the same as defined in section 9I.1.

7. *"Foreign government"* means the same as defined in section 9I.1.

8. *"Limited liability company"* means a foreign or domestic limited liability company, including a limited liability company as defined in section 489.102.

9. *"Limited partnership"* means a foreign or domestic limited partnership, including a limited partnership as defined in section 488.102, and a domestic or foreign limited liability limited partnership under chapter 488.

10. *"Nonprofit corporation"* means the same as defined in section 9H.1.

11. *"Nonresident alien"* means the same as defined in section 9I.1.

12. *"Out-of-state business entity"* means a business entity formed under the statutes of any of the following:

a. A state of the United States, other than Iowa.

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b. A territory of the United States.

13. *"Out-of-state individual"* means an individual who is domiciled in any of the following:

a. A state of the United States, other than Iowa.

b. A territory of the United States.

14. *"Reporting entity"* means any of the following:

a. A corporation, other than a family farm corporation as defined in section 9H.1, including an authorized farm corporation as defined in section 9H.1 or networking farmers corporation as defined in section 10.1, holding an interest in agricultural land in this state.

b. A cooperative association holding an interest in agricultural land in this state.

c. A limited partnership, other than a family farm limited partnership as defined in section 9H.1, holding an interest in agricultural land in this state.

d. A person acting in a fiduciary capacity or as a trustee on behalf of a person, including a corporation, cooperative association, limited liability company, or limited partnership, which holds in a trust, other than through a family trust as defined in section 9H.1, including through an authorized trust, an interest in agricultural land in this state.

e. A limited liability company, other than a family farm limited liability company as defined in section 9H.1, including an authorized limited liability company as defined in section 9H.1, or a networking farmers limited liability company or farmers cooperative limited liability company as defined in section 10.1, holding an interest in agricultural land in this state.

f. An out-of-state business entity holding an interest in agricultural land in this state, including a general partnership in which a partner is domiciled in another state, or territory, of the United States.

g. An out-of-state individual holding an interest in agricultural land in this state.

h. A foreign business holding an interest in agricultural land in this state as provided in chapter 9I.

i. A foreign government holding an interest in agricultural land in this state as provided in chapter 9I.

j. A nonresident alien holding an interest in agricultural land in this state as provided in chapter 9I.

98 Acts, ch 1110, §201, 301; 2000 Acts, ch 1024, §2; 2002 Acts, ch 1050, §2; 2003 Acts, ch 108, §6; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §352, 353, 394, 400; 2005 Acts, ch 135, §101; 2008 Acts, ch 1162, §128, 154, 155; 2010 Acts, ch 1061, §3; 2018 Acts, ch 1136, §4; 2026 Acts, ch 1145, §52, 53

Section amended and editorially internally renumbered and redesignated

10B.2 Interests described.

A reporting entity holds an interest in agricultural land if the reporting entity directly or indirectly owns or leases agricultural land in this state.

98 Acts, ch 1110, §202, 301

10B.3 Persons required to file reports.

The reports required under section 10B.4 shall be signed and filed by the following individuals required to submit reports pursuant to that section for their respective reporting entities:

1. A person serving as the president or other officer or authorized representative of a corporation.

2. A person serving as the president or other officer or authorized representative of a cooperative association.

3. A person acting as the general partner of a limited partnership.

4. A person acting in a fiduciary capacity or as a trustee on behalf of a person.

5. A person who is a member, manager, or authorized representative of a limited liability company.

6. A person not described in this section who is an authorized representative of an out-of-state business entity or an out-of-state individual.

7. A person serving as the president or other officer or authorized representative of a foreign business.

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8. A person authorized to make the report by a foreign government.
9. A nonresident alien or an agent, trustee, or fiduciary of the nonresident alien.

98 Acts, ch 1110, §203, 301; 2026 Acts, ch 1145, §54
NEW subsection 6 and former subsections 6 – 8 renumbered as 7 – 9

10B.4 Reporting requirements.

1. A biennial report shall be filed by a reporting entity with the secretary of state on or before March 31 of each odd-numbered year as required by rules adopted by the secretary of state pursuant to chapter 17A. However, a reporting entity required to file a biennial report pursuant to chapter 489, 490, 496C, 497, 498, 499, 501, 501A, or 504 shall file the report required by this section in the same year as required by that chapter. The reporting entity may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this subsection. The reports shall be filed online or on forms prepared and supplied by the secretary of state. The secretary of state may provide for combining its reporting forms with other biennial reporting forms required to be used by the reporting entities.

2. A report required pursuant to this section shall contain information for the reporting period regarding the reporting entity as required by the secretary of state which shall at least include any updates to the information provided in the registration to the secretary of state in section 9I.7 and all of the following:

a. The name and address of the reporting entity.

b. If the reporting entity is a general partnership, the name of and address of each partner who resides in another state, or territory, of the United States.

c. The name and address of the person supervising the daily operations on the agricultural land in which the reporting entity holds an interest.

d. The following information regarding each person who holds an interest in the reporting entity:

(1) The name and address of the person.

(2) The person's citizenship, if other than the United States.

(3) The percentage interest held by the person in the reporting entity, unless the person is a natural person who holds less than a ten percent interest in a reporting entity.

e. The percentage interest that a reporting entity holds in another reporting entity, and the number of acres of agricultural land that is attributable to the reporting entity which holds an interest in another reporting entity as provided in chapter 10.

f. A certification that the reporting entity meets all of the requirements to lawfully hold agricultural land in this state.

g. The number of acres of agricultural land held by the reporting entity, including the following:

(1) The total number of acres in the state.

(2) The number of acres in each county identified by county name.

(3) The number of acres owned.

(4) The number of acres leased.

(5) The number of acres held other than by ownership or lease.

(6) The number of acres used for the production of row crops.

h. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code 2005, the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

3. A reporting entity other than a foreign business, foreign government, or nonresident alien shall be excused from filing a report with the secretary of state during any reporting period in which the reporting entity holds an interest in less than twenty acres of agricultural land in this state and the gross revenue produced from all farming on the land equals less than ten thousand dollars.

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4. The attorney general may conduct an inquiry or investigation regarding a violation of this section as provided in section 9I.10.

98 Acts, ch 1110, §204, 301; 2000 Acts, ch 1197, §1, 10; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1147, §1 – 3; 2005 Acts, ch 3, §2; 2005 Acts, ch 16, §1, 7; 2005 Acts, ch 135, §102; 2005 Acts, ch 179, §135; 2008 Acts, ch 1162, §129, 154, 155; 2012 Acts, ch 1023, §3; 2013 Acts, ch 90, §4; 2024 Acts, ch 1007, §6 – 8; 2026 Acts, ch 1145, §55

Referred to in §9I.10, 10B.3, 10B.5A, 10B.6
Subsection 2, NEW paragraph b and former paragraphs b – g redesignated as c – h

10B.4A Suspension of other filing requirements.

The secretary of state shall not prepare or distribute forms for reports or file reports otherwise required pursuant to section 501.103. A person required to file a report pursuant to this chapter is not required to file a report under section 501.103.

2000 Acts, ch 1022, §2; 2002 Acts, ch 1028, §2, 6; 2003 Acts, ch 44, §5; 2003 Acts, ch 115, §14, 19; 2024 Acts, ch 1007, §9

10B.5 Use of reports.

1. The secretary of state shall notify the attorney general when the secretary of state has reason to believe a violation of this chapter has occurred.

2. *a.* Except as provided in paragraph *"b"* and section 10B.5A, a report required to be filed under this chapter is a confidential record as provided in section 22.7. The attorney general may have access to the reports, and may use information in the reports in any action to enforce state law, including but not limited to chapters 9H and 9I. The reports shall be made available to members of the general assembly and appropriate committees of the general assembly in order to determine the extent that agricultural land is held in this state by corporations and other business and foreign entities and the effect of such land ownership upon the economy of this state. The secretary of state shall assist any committee of the general assembly studying these issues.

b. A report filed under this chapter is not a confidential record if the reporting entity is any of the following:

(1) A foreign business, foreign government, or nonresident alien.

(2) An out-of-state business entity or an out-of-state individual.

98 Acts, ch 1110, §205, 301; 2004 Acts, ch 1147, §4; 2011 Acts, ch 118, §22, 89; 2026 Acts, ch 1145, §56

Subsection 2 amended

10B.5A Annual summary to governor and general assembly.

1. The secretary of state shall prepare an annual summary of foreign and out-of-state agricultural landholding.

2. *a.* The summary must include a report summarizing the compiled information for agricultural landholdings by foreign businesses, foreign governments, and nonresident aliens included in the current registrations filed pursuant to section 9I.7 and the last reports filed pursuant to section 10B.4.

b. The summary must include a report summarizing the compiled information for agricultural landholding by out-of-state business entities and out-of-state individuals included in the last reports filed pursuant to section 10B.4.

3. The information described in subsection 2 is not a confidential record as provided in section 22.7. The attorney general may have access to the annual summary and may use information in the annual summary in any action to enforce state law, including but not limited to chapters 9H and 9I, and this chapter. The annual summary shall be made available to the governor, members of the general assembly, and appropriate committees of the general assembly in order to determine the extent that agricultural land is held in this state by foreign entities and the effect of such land ownership upon the economy of this state. Upon request, the secretary of state shall assist any committee of the general assembly studying these issues.

2024 Acts, ch 1007, §10; 2026 Acts, ch 1145, §57

Referred to in §10B.5
Section amended

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10B.6 Penalties.

1. *a.* Except as provided in paragraph *"b"*, the failure to timely file a report or the filing of false information in a report as provided in section 10B.4 is punishable by a civil penalty not to exceed one thousand dollars.

b. The failure to file a report or the filing of false information in a report by a nonresident alien, foreign business, or foreign government, or an agent, trustee, or other fiduciary thereof as provided in section 10B.4 is punishable by a civil penalty of up to ten thousand dollars for each offense.

2. The secretary of state shall notify a reporting entity which the secretary of state has reason to believe is required to file a report and who has not filed a timely report, that the person may be in violation of section 10B.4. The secretary of state shall include in the notice a statement of the penalty which may be assessed if the required report is not filed within thirty days. The secretary of state shall refer to the attorney general any reporting entity which the secretary of state has reason to believe is required to report if, after thirty days from receipt of the notice, the reporting entity has not filed the required report. The attorney general may, upon referral from the secretary of state, file an action in district court to seek the assessment of a civil penalty of one hundred dollars for each day the report is not filed.

98 Acts, ch 1110, §206, 301; 2024 Acts, ch 1007, §11

10B.7 Lessees conducting research or experiments — reports.

Lessees of agricultural land under section 9H.4, subsection 1, paragraph *"b"*, subparagraph (3), for research or experimental purposes, shall file a biennial report with the secretary of state on or before March 31 of each odd-numbered year on forms adopted pursuant to chapter 17A and supplied by the secretary of state. However, a lessee required to file a biennial report pursuant to chapter 489, 490, 496C, 497, 498, 499, 501, 501A, or 504 shall file the report required by this section in the same year as required by that chapter. The lessee may file the report required by this section together with the biennial report required to be filed by one of the other chapters referred to in this paragraph. The report shall contain the following information for the reporting period:

1. The name and principal place of business of the lessee.
2. The location of the agricultural land used for research or experimental purposes.
3. The date that the lease became effective.
4. The name and address of each person purchasing breeding stock produced on the agricultural land.
5. The number or volume of breeding stock purchased by each person purchasing breeding stock produced on the agricultural land.

89 Acts, ch 311, §24
CS89, §172C.6
C93, §9H.6
2003 Acts, ch 115, §16, 19
CS2003, §10B.7
2004 Acts, ch 1049, §191; 2004 Acts, ch 1147, §5; 2005 Acts, ch 3, §3; 2007 Acts, ch 126, §3; 2008 Acts, ch 1032, §192; 2008 Acts, ch 1162, §130, 154, 155

CHAPTER 10C

LIFE SCIENCE PRODUCTS

Repealed by 2011 Acts, ch 118, §35, 89

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CHAPTER 10D

AGRICULTURAL LAND INTERESTS OF QUALIFIED ENTERPRISES

Referred to in §16.79

Legislative purpose; 2002 Acts, ch 1028, §1

10D.1 Definitions.
10D.2 Qualified enterprises — agricultural land interests.
10D.3 Enforcement — penalties.

10D.1 Definitions.

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

1. *"Agricultural land"* means land suitable for use in farming as defined in section 9H.1.
2. *"Baby chicks"* means the same as defined in section 168.1.
3. *"Qualified enterprise"* or *"enterprise"* means a limited liability company as defined in section 489.102, a domestic or foreign corporation subject to chapter 490, a nonprofit corporation organized under chapter 504, a cooperative association as defined in section 10.1, or a foreign business as defined in section 9I.1.

2002 Acts, ch 1028, §3, 6; 2002 Acts, ch 1175, §74; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2008 Acts, ch 1162, §132, 154, 155

10D.2 Qualified enterprises — agricultural land interests.

Notwithstanding any other provision of law, a qualified enterprise may acquire or hold an ownership or leasehold interest in agricultural land as long as the qualified enterprise complies with all of the following requirements:

1. The enterprise files a notice with the secretary of state not later than June 30, 2002. The notice shall be a simple statement providing the name of the enterprise and the address of the enterprise's registered office or registered agent. The notice shall indicate that the enterprise intends to acquire or hold an interest in agricultural land under this chapter. The secretary of state shall file the notice together with reports required for the enterprise as required in chapter 10B.
2. The enterprise holds a total of not more than one thousand two hundred eighty acres of agricultural land. The enterprise must hold not more than eight hundred acres of agricultural land in any one county.
3. The enterprise only holds the agricultural land for a designated or incidental use.

a. A designated use must relate to producing baby chicks or fertile chicken eggs for any of the following purposes:

(1) Sale or resale as breeding stock or breeding stock progeny.

(2) Research, testing, or experimentation related to the genetic characteristics of chickens.

(3) The production and sale of products using biotechnological systems or techniques for purposes of manufacturing animal vaccine, pharmaceutical, or nutriceutical products.

b. An incidental use must be for a purpose related to the sale of a surplus commodity or cull animal that is produced or kept on the agricultural land, or to the sale of any by-product that is produced as part of a designated use.

2002 Acts, ch 1028, §4, 6

10D.3 Enforcement — penalties.

1. The office of attorney general or a county attorney shall enforce the provisions of this chapter.
2. A person who violates a provision of this chapter shall be subject to all of the following:

a. The person shall be assessed a civil penalty of not more than twenty-five thousand dollars. Each day that a violation exists constitutes a separate offense.

b. The person shall be divested of any land held in violation of this chapter within one year after judgment. The court may determine the method of divesting an interest held by a

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person found to be in violation of this chapter. A financial gain realized by the person that disposes of an interest held in violation of this chapter shall be forfeited.

c. The person shall pay all court costs and fees associated with any enforcement action which shall be taxed as court costs.

3. If the attorney general is the prevailing party, the moneys required to be paid or forfeited by a person who violates a provision of this chapter shall be deposited in the general fund of the state. If the county attorney is the prevailing party, the moneys shall be deposited in the general fund of the county.

4. The courts of this state may prevent and restrain violations of this chapter through the issuance of an injunction. The attorney general or a county attorney shall institute suits on behalf of the state to prevent and restrain violations of this chapter.

5. A person who is in violation of this chapter shall not be subject to an enforcement action other than as provided in this section.

2002 Acts, ch 1028, §5, 6

CHAPTER 11

AUDITOR OF STATE

Referred to in §99D.17, 99G.40, 185.34, 257.40, 261E.9, 298A.2, 298A.12, 331.303

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SUBCHAPTER I

AUDIT OF STATE DEPARTMENTS

11.1 Definitions.

1. For purposes of this chapter, unless the context otherwise requires:

a. "Department" means any authority charged by law with official responsibility for the expenditure of public money of the state and any agency receiving money from the general revenues of the state.

b. "Examination" means procedures that are less in scope than an audit but which are directed toward reviewing financial activities and compliance with legal requirements.

c. "Governmental subdivision" means cities and administrative agencies established by cities, hospitals or health care facilities established by a city, counties, county hospitals organized under chapters 347 and 347A, memorial hospitals organized under chapter 37, entities organized under chapter 28E, community colleges, area education agencies, and school districts.

d. "Regents institutions" means the institutions governed by the board of regents under section 262.7.

2. As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

[C24, 27, 31, §339; C35, §101-a1; C39, §**101.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.1]

2000 Acts, ch 1148, §1; 2011 Acts, ch 75, §1

Referred to in §24.24

11.2 Annual settlements.

1. The auditor of state shall annually, and more often if deemed necessary, audit the state and all state officers and departments receiving or expending state funds, except that the accounts, records, and documents of the treasurer of state shall be audited daily.

2. Departments shall immediately notify the auditor of state regarding any suspected embezzlement, theft, or other significant financial irregularities.

3. In conjunction with the audit of the state board of regents required under this section, the auditor of state, in accordance with generally accepted auditing standards, shall perform audit testing on the state board of regents' investments. The auditor shall report to the state board of regents concerning compliance with state law and state board of regents' investment policies. The state board of regents is responsible for remedying any reported noncompliance with its own policy or practices.

a. The state board of regents shall make available to the auditor of state and treasurer of state the most recent annual report of any investment entity or investment professional employed by a regents institution.

b. All contracts or agreements with an investment entity or investment professional employed by a regents institution shall require the investment entity or investment professional employed by a regents institution to notify in writing the state board of regents within thirty days of receipt of all communication from an independent auditor or the auditor of state or any regulatory authority of the existence of a material weakness in internal control, or regulatory orders or sanctions against the investment entity or investment professional, with regard to the type of services being performed under the contracts or agreements. This provision shall not be limited or avoided by another contractual provision.

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c. The audit under this section shall not be certified until the most recent annual reports of any investment entity or investment professional employed by a regents institution are reviewed by the auditor of state.

d. The review of the most recent annual report to shareholders of an open-end management investment company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., pursuant to 17 C.F.R. §270.30d-1 or the review, by the person performing the audit, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this subsection.

e. As used in this subsection, *"investment entity"* and *"investment professional"* exclude a bank, savings and loan association, or credit union when acting as an approved depository pursuant to chapter 12C.

[C97, §161; S13, §161-a; C24, 27, 31, §340; C35, §101-a2; C39, §**101.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.2]

92 Acts, ch 1156, §1; 2003 Acts, ch 145, §131; 2007 Acts, ch 126, §4; 2008 Acts, ch 1032, §201; 2011 Acts, ch 75, §2 – 4; 2012 Acts, ch 1021, §4; 2014 Acts, ch 1092, §161

Referred to in §24.24, 262.14, 422.72

11.3 When audits and examinations begin.

For purposes of this chapter, an audit or examination commences when the period of professional engagement begins pursuant to the government auditing standards prescribed by the comptroller general of the United States and published by the United States government accountability office or as specified in Code of Federal Regulations, Title 2, Part 200.

2023 Acts, ch 103, §1

Referred to in §11.41

11.4 Report of audits.

1. The auditor of state shall make or cause to be made and filed and kept in the auditor's office written reports of all audits and examinations, which reports shall include, if applicable, the following:

a. The financial condition of the state or department.

b. Whether, in the auditor's opinion,

(1) Funds have been expended for the purpose for which appropriated.

(2) The department so audited or examined is efficiently conducted, and if the maximum results for the money expended are obtained.

(3) The work of the departments so audited or examined needlessly conflicts with or duplicates the work done by any other department.

c. All illegal or unbusinesslike practices.

d. Any recommendations for greater simplicity, accuracy, efficiency, or economy in the operation of the business of the several departments and institutions.

e. Any other information which, in the auditor's judgment, may be of value.

2. The state auditor is hereby authorized to obtain, maintain, and operate, under the auditor's exclusive control such machinery as may be necessary to print confidential reports and documents originating in the auditor's office.

[S13, §161-a; C24, 27, 31, §342; C35, §101-a4; C39, §**101.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.4]

92 Acts, ch 1242, §14; 2008 Acts, ch 1032, §117; 2011 Acts, ch 75, §5, 6

Referred to in §24.24

11.5 Method of keeping accounts.

Each department and institution of the state shall keep its records and accounts in such form and by such methods as to be able to exhibit in its reports the matters required by the auditor of state, unless otherwise specifically prescribed by law. Each department and institution of the state shall keep its records and accounts in a current condition. The failure

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of the head of any department of the state to comply with this provision shall be ground for the department head's suspension from office.

[S13, §161-a; C24, 27, 31, §343; C35, §101-a5; C39, §**101.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.5]

Referred to in §24.24
Suspension of state officers, chapter 67

11.5A Audit or examination — costs.

When requested by the auditor of state, the department of management shall transfer from any unappropriated funds in the state treasury an amount not exceeding the expenses and prorated salary costs already paid to perform audits or examinations of state departments and agencies, the offices of the judicial branch, and federal financial assistance as defined in the federal Single Audit Act, 31 U.S.C. §7501, et seq., received by all other departments, as listed in section 11.5B, for which payments by agencies have not been made. Upon payment by the departments, the auditor of state shall credit the payments to the state treasury.

87 Acts, ch 234, §422; 98 Acts, ch 1047, §9; 2011 Acts, ch 75, §7; 2012 Acts, ch 1021, §5

11.5B Repayment of audit expenses by state departments and agencies.

The auditor of state shall be reimbursed by a department or agency for performing audits or examinations of the following state departments or agencies, or funds received by a department or agency:

1. Department of insurance and financial services.
2. Department of health and human services.
3. State department of transportation.
4. State board of regents.
5. Department of agriculture and land stewardship.
6. Department of veterans affairs.
7. Department of education.
8. Department of workforce development.
9. Department of natural resources.
10. Offices of the clerks of the district court of the judicial branch.
11. The Iowa public employees' retirement system.
12. Federal financial assistance, as defined in the federal Single Audit Act, 31 U.S.C. §7501, et seq., received by all other departments.
13. Department of administrative services.

90 Acts, ch 1247, §3; 90 Acts, ch 1261, §24; 94 Acts, ch 1187, §16; 96 Acts, ch 1186, §23; 98 Acts, ch 1047, §10; 2000 Acts, ch 1141, §13, 19; 2003 Acts, ch 145, §286; 2008 Acts, ch 1144, §1, 13; 2011 Acts, ch 75, §8, 9; 2011 Acts, ch 118, §37, 89; 2015 Acts, ch 141, §66, 67, 68; 2022 Acts, ch 1153, §25, 27, 28; 2023 Acts, ch 19, §14, 2167, 2709; 2024 Acts, ch 1185, §100

Referred to in §11.5A, 11.5C

11.5C Legislative request for auditor review — reimbursement.

1. The auditor of state, at the request of a member of the general assembly, may review the records covering the receipt and expenditure of state or federal funds by a state department to determine if the receipt and expenditure of those funds by the department is consistent with the laws, rules, regulations, and contractual agreements governing those funds.
2. If the state department that is the subject of the review is listed in section 11.5B, the state department shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

2018 Acts, ch 1032, §1

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SUBCHAPTER II

AUDIT OF GOVERNMENTAL SUBDIVISIONS AND RELATED ORGANIZATIONS

11.6 Audits of governmental subdivisions and related organizations — consultative services.

1. *a.* (1) Except for entities organized under chapter 28E having gross receipts of one hundred thousand dollars or less in a fiscal year, the financial condition and transactions of all government subdivisions shall be audited annually, except that cities having a population of less than two thousand and budgeted gross expenditures of one million dollars or more in a fiscal year shall be subject to a required fiscal year examination for that fiscal year according to procedures established by the office of auditor of state, and cities having a population of less than two thousand and budgeted gross expenditures of less than one million dollars in a fiscal year shall be subject to periodic examination by the auditor of state according to procedures established by the auditor of state, and may be examined as otherwise provided in this section. However, a city having a population of less than two thousand and budgeted gross expenditures of one million dollars or more in a fiscal year shall not be subject to a required fiscal year examination until the city has two consecutive years of budgeted gross expenditures of one million dollars or more in both fiscal years, and such examination shall be conducted during the second of such fiscal years. A city meeting the requirements for a periodic examination shall be subject to an examination under this section at least once during an eight-year period at a time determined by the auditor of state. The audit of school districts shall include an audit of all school funds including categorical funding provided by the state, the certified annual financial report, the certified enrollment as provided in section 257.6, supplementary weighting as provided in section 257.11, the revenues and expenditures of any nonprofit school organization established pursuant to section 279.62, and entrepreneurial education funds established pursuant to section 298A.15. Differences in certified enrollment shall be reported to the department of management. The audit of school districts shall include at a minimum a determination that the laws of the state are being followed, that categorical funding is not used to supplant other funding except as otherwise provided, that supplementary weighting is pursuant to an eligible sharing condition, and that postsecondary courses provided in accordance with section 257.11 and chapter 261E supplement, rather than supplant, school district courses. The audit of a city that owns or operates a municipal utility providing local exchange services pursuant to chapter 476 shall include performing tests of the city's compliance with section 388.10. The audit of a city that owns or operates a municipal utility providing telecommunications services pursuant to section 388.10 shall include performing tests of the city's compliance with section 388.10.

(2) Subject to the exceptions and requirements of subsections 2 and 3, and subsection 4, paragraph *"a"*, subparagraph (3), audits or required fiscal year examinations shall be made as determined by the governmental subdivision either by the auditor of state or by certified public accountants, certified in the state of Iowa, and they shall be paid from the proper public funds of the governmental subdivision. However, a periodic examination of a city shall be conducted by the auditor of state or by a certified public accountant employed by the auditor of state pursuant to section 11.32, and shall be paid from examination fees collected pursuant to subsection 11.

b. The financial condition and transactions of substance use disorder programs licensed under chapter 125 and community action agencies organized under chapter 216A shall be audited at least once each year.

c. (1) In conjunction with the audit of the governmental subdivision required under this section, the auditor shall also perform tests for compliance with the investment policy of the governmental subdivision. The results of the compliance testing shall be reported in accordance with generally accepted auditing standards. The auditor may also make recommendations for changes to investment policy or practices. The governmental subdivision is responsible for the remedy of reported noncompliance with its policy or practices.

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(2) (a) As part of its audit, the governmental subdivision is responsible for obtaining and providing to the auditor the audited financial statements and related report on internal control of outside persons, performing any of the following during the period under audit for the governmental subdivision:

(i) Investing public funds.

(ii) Advising on the investment of public funds.

(iii) Directing the deposit or investment of public funds.

(iv) Acting in a fiduciary capacity for the governmental subdivision.

(b) The audit under this section shall not be certified until all material information required by this subparagraph is reviewed by the auditor.

(3) The review by the auditor of the most recent annual report to shareholders of an open-end management investment company or an unincorporated investment company or investment trust registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., pursuant to 17 C.F.R. §270.30d-1 or the review, by the auditor, of the most recent annual report to shareholders, call reports, or the findings pursuant to a regular examination under state or federal law, to the extent the findings are not confidential, of a bank, savings and loan association, or credit union shall satisfy the review requirements of this paragraph.

(4) All contracts or agreements with outside persons performing any of the functions listed in subparagraph (2) shall require the outside person to notify in writing the governmental subdivision within thirty days of receipt of all communication from the auditor or any regulatory authority of the existence of a material weakness in internal control, or regulatory orders or sanctions against the outside person, with regard to the type of services being performed under the contracts or agreements. This provision shall not be limited or avoided by another contractual provision.

(5) As used in this subsection, "*outside person*" excludes a bank, savings and loan association, or credit union when acting as an approved depository pursuant to chapter 12C.

(6) A joint investment trust organized pursuant to chapter 28E shall file the audit reports required by this chapter with the administrator of the securities and regulated industries bureau of the insurance division of the department of insurance and financial services within ten days of receipt from the auditor. The auditor of a joint investment trust shall provide written notice to the administrator of the time of delivery of the reports to the joint investment trust.

(7) If during the course of an audit of a joint investment trust organized pursuant to chapter 28E, the auditor determines the existence of a material weakness in the internal control or a material violation of the internal control, the auditor shall report the determination to the joint investment trust which shall notify the administrator in writing within twenty-four hours, and provide a copy of the notification to the auditor. The auditor shall provide, within twenty-four hours of the receipt of the copy of the notice, written acknowledgment of the receipt to the administrator. If the joint investment trust does not make the notification within twenty-four hours, or the auditor does not receive a copy of the notification within twenty-four hours, the auditor shall immediately notify the administrator in writing of the material weakness in the internal control or the material violation of the internal control.

2. A governmental subdivision contracting with certified public accountants shall do so in a reasonable manner on the basis of competence and qualification for the services required and for a fair and reasonable price utilizing procedures which include a written request for proposals.

3. A township or city for which audits are not required under subsection 1 may contract with or employ the auditor of state or certified public accountants for an audit or examination of its financial transactions and condition of its funds. Upon receipt of an application requesting an audit by one hundred or more taxpayers, or if there are fewer than six hundred sixty-seven taxpayers in the township or city, then by fifteen percent of the taxpayers, the township or city shall forward a copy of the application to the auditor of state for a determination of whether the auditor of state will require an audit or examination. If the auditor of state determines that an examination may be conducted instead of an audit, the

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auditor of state shall determine the scope of the examination. Payment for the audit or examination shall be made from the proper public funds of the township or city.

4. *a.* In addition to the powers and duties under other provisions of the Code, the auditor of state may at any time cause to be made a complete or partial reaudit of the financial condition and transactions of any governmental subdivision, or an office of any governmental subdivision, if any of the following conditions exists:

(1) The auditor of state has probable cause to believe such action is necessary in the public interest because of a material deficiency in an audit of the governmental subdivision filed with the auditor of state or because of a substantial failure of the audit to comply with the standards and procedures established and published by the auditor of state.

(2) The auditor of state receives from an elected official or employee of the governmental subdivision a written request for a complete or partial reaudit of the governmental subdivision.

(3) The auditor of state receives a petition signed by at least one hundred eligible electors of the governmental subdivision requesting a complete or partial reaudit of the governmental subdivision. If the governmental subdivision has not contracted with or employed a certified public accountant to perform an audit of the fiscal year in which the petition is received by the auditor of state, the auditor of state may perform an audit required by subsection 1 or 3.

b. The reaudit shall be paid from the proper public funds available in the office of the auditor of state. In the event the audited governmental subdivision recovers damages from a person performing a previous audit due to negligent performance of that audit or breach of the audit contract, the auditor of state shall be entitled to reimbursement on an equitable basis for funds expended from any recovery made by the governmental subdivision.

5. The auditor of state may, within three years of filing, during normal business hours upon reasonable notice of at least twenty-four hours, review the audit work papers prepared in the performance of an audit or examination conducted pursuant to this section.

6. An audit required by this section shall be completed within nine months following the end of the fiscal year that is subject to the audit. At the request of the governmental subdivision, the auditor of state may extend the nine-month time limitation upon a finding that the extension is necessary and not contrary to the public interest and that the failure to meet the deadline was not intentional.

7. The auditor of state shall make guidelines available to the public setting forth accounting and auditing standards and procedures and audit and legal compliance programs to be applied in the audit of the governmental subdivisions of the state, which shall require a review of internal control and specify testing for compliance. The guidelines shall include a requirement that the certified public accountant and governmental subdivision immediately notify the auditor of state regarding any suspected embezzlement, theft, or other significant financial irregularities. The auditor of state shall also provide standard reporting formats for use in reporting the results of an audit of a governmental subdivision.

8. The auditor of state shall provide advice and counsel to public entities and certified public accountants concerning audit and examination matters. The auditor of state shall adopt rules in accordance with chapter 17A to establish a fee schedule based upon the prevailing rate for the service rendered. The auditor of state shall obtain payment from a public entity or certified public accountant for advisory and consultation services rendered pursuant to this subsection. The auditor of state may waive any charge provided in this subsection and may determine to provide certain services without cost.

9. Accounts of the Iowa state association of counties, the Iowa league of cities, and the Iowa association of school boards shall be audited annually by either the auditor of state or a certified public accountant certified in the state of Iowa. The audit shall state all moneys expended for expenses incurred by and salaries paid to legislative representatives and lobbyists of the association audited.

10. The auditor of state shall adopt rules in accordance with chapter 17A to establish and collect a filing fee for the filing of each report of audit or examination conducted pursuant to subsection 1, paragraphs "*a*" and "*c*", subsection 2, and subsection 3. The funds collected shall be maintained in a segregated account for use by the office of the auditor of state in performing audits conducted pursuant to subsection 4 and for work paper reviews conducted

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pursuant to subsection 5. Any funds collected by the auditor pursuant to subsection 4 shall be deposited in this account. Notwithstanding section 8.33, the funds in this account shall not revert at the end of any fiscal year.

11. *a.* The auditor of state shall adopt rules in accordance with chapter 17A to establish and collect a periodic examination fee from cities that are not required to have an audit or required fiscal year examination conducted pursuant to subsection 1 during a fiscal year. Such fees are due on March 31 each year. The auditor of state shall base the fees on a sliding scale, based on the city's budgeted gross expenditures, to produce total revenue of not more than three hundred seventy-five thousand dollars for each fiscal year. However, cities that pay a filing fee for an audit or examination pursuant to subsection 10 during the fiscal year are not required to pay the examination fee. The funds collected shall be maintained in a segregated account for use by the office of the auditor of state in performing periodic examinations conducted pursuant to subsection 1. However, if the fees collected in one fiscal year exceed three hundred seventy-five thousand dollars, the auditor of state shall apply the excess funds to provide training to city officials on municipal financial management or shall contract with a qualified organization to provide such training. Notwithstanding section 8.33, any fees collected by the auditor of state for these purposes that remain unexpended at the end of the fiscal year shall not revert to the general fund of the state or any other fund but shall remain available for use for the following fiscal year for the purposes authorized in this subsection.

b. The auditor of state shall provide an annual report by January 15 of each year to the general assembly's standing committees on government oversight, advising the general assembly on the status of the account created in this subsection and on the status of the required fiscal year examinations and periodic examinations of cities.

12. Each governmental subdivision shall keep its records and accounts in such form and by such methods as to be able to exhibit in its reports the matters required by the auditor of state, unless a form or method is otherwise specifically prescribed by law. Each governmental subdivision shall keep its records and accounts in current condition.

[S13, §100-d, 1056-a11, -a13; C24, 27, 31, 35, 39, §**113;** C46, 50, 54, 58, 62, 66, 71, §11.6; C73, 75, 77, 79, 81, §11.6, 332.3(27); S81, §11.6; 81 Acts, ch 117, §1000]

84 Acts, ch 1123, §1; 84 Acts, ch 1128, §1; 89 Acts, ch 264, §1; 90 Acts, ch 1013, §1; 91 Acts, ch 267, §222; 92 Acts, ch 1156, §2 – 4; 92 Acts, ch 1187, §1; 92 Acts, ch 1232, §301; 92 Acts, ch 1242, §16, 17; 96 Acts, ch 1215, §20; 2004 Acts, ch 1022, §1; 2004 Acts, ch 1048, §1; 2005 Acts, ch 179, §90; 2006 Acts, ch 1117, §1; 2008 Acts, ch 1032, §118 – 120; 2008 Acts, ch 1181, §42; 2011 Acts, ch 75, §10 – 19; 2012 Acts, ch 1107, §1, 2, 4; 2013 Acts, ch 71, §1, 4; 2013 Acts, ch 129, §45, 46; 2014 Acts, ch 1092, §162; 2018 Acts, ch 1032, §2; 2023 Acts, ch 19, §15, 2710; 2024 Acts, ch 1161, §12, 137

Referred to in §11.19, 11.24, 15J.7, 123.58, 216A.98, 256E.7, 256E.23, 257.6, 279.38, 331.402, 331.902, 357H.9A, 358C.12, 364.5, 388.10, 403.23, 411.5

11.7 through 11.10 Repealed by 2011 Acts, ch 75, §41. See §11.31 and 11.41(2).

11.11 Scope of audits.

The written report of the audit of a governmental subdivision shall include the auditor's opinion as to whether a governmental subdivision's financial statements are presented fairly in all material respects in conformity with generally accepted accounting principles or with another comprehensive basis of accounting. As a part of conducting an audit of a governmental subdivision, an evaluation of internal control and tests for compliance with laws and regulations shall be performed. As part of conducting an audit of a governmental subdivision, an examination of the governmental subdivision's compliance with the reporting requirements of section 331.403, subsection 3, or section 384.22, subsection 2, if applicable, shall be performed. As part of conducting an audit of a governmental subdivision for fiscal years beginning on or after July 1, 2027, an examination of the governmental subdivision's

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compliance with section 24.35 shall be performed, including verification of the circumstances resulting in actual reserve funds exceeding the specified limits.

[S13, §100-d, 1056-a11; C24, 27, 31, 35, 39, §**117;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.11]

2011 Acts, ch 75, §20; 2012 Acts, ch 1124, §3; 2026 Acts, ch 1115, §88
Referred to in §123.58
Section amended

11.12 and 11.13 Repealed by 2011 Acts, ch 75, §41. See §11.51 and 11.52.

11.14 Reports — public inspection.

1. A written report of an audit or examination shall be provided to the governmental subdivision and filed with the auditor of state. All reports shall be open to public inspection, including copies on file in the office of the state auditor, and refusal on the part of any public official to permit such inspection when such reports have been filed with the state auditor shall constitute a simple misdemeanor.

2. In addition to subsection 1, notice that the report has been filed shall be forwarded immediately to each newspaper, radio station, or television station located in the governmental subdivision that was audited or examined. However, if there is no newspaper, radio station, or television station located in the governmental subdivision, such notice shall be sent to the official newspapers of the county.

[S13, §100-d, 1056-a11; C24, 27, 31, 35, 39, §**120;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.14]

2011 Acts, ch 75, §21
Referred to in §123.58, 216A.98, 256E.7, 256E.23, 357H.9A

11.15 through 11.17 Repealed by 2011 Acts, ch 75, §41. See §11.42, 11.53, and 11.54.

11.18 Reserved.

11.19 Auditor's powers and duties.

1. Where an audit or examination is made under contract with, or employment of, certified public accountants, the auditor shall, in all matters pertaining to an authorized audit or examination, have all of the powers and be vested with all the authority of state auditors employed by the auditor of state, and the cost of the audit or examination shall be paid by the governmental subdivision procuring the audit or examination. A detailed statement of the cost of the audit or examination shall be filed with the governmental subdivision. Upon completion of such audit or examination, a copy of the report and a detailed, itemized statement of cost, including hours spent performing the audit or examination, shall be filed with the auditor of state in a manner specified by the auditor of state.

2. Failure to file the report and the statement of cost with the auditor of state within thirty days after receiving notification of not receiving the report and the statement of cost shall bar the accountant from making any governmental subdivision audits or examinations under section 11.6 for the following fiscal year.

[C39, §**124.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.19]

89 Acts, ch 264, §3; 2011 Acts, ch 75, §22
Referred to in §216A.98, 256E.7, 256E.23, 357H.9A

11.20 Bills — audit and payment.

If the audit or examination is made by the auditor of state under this chapter, each auditor shall file with the auditor of state an itemized, certified and sworn voucher of time and expense that the auditor is actually engaged in the audit or examination. The salaries shall be included in a two-week payroll period. Upon approval of the auditor of state the director of the department of administrative services may issue warrants for the payment

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of the vouchers and salary payments from any unappropriated funds in the state treasury. Repayment to the state shall be made as provided by section 11.21.

[S13, §100-a, -e, 1056-a11; C24, 27, 31, 35, 39, §**125;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.20]

84 Acts, ch 1118, §1; 85 Acts, ch 67, §4; 2003 Acts, ch 145, §286; 2011 Acts, ch 75, §23
Referred to in §11.21

11.21 Repayment — objections.

1. Upon payment by the state of the salary and expenses, the auditor of state shall file with the warrant-issuing officer of the governmental subdivision whose offices were audited or examined a sworn statement consisting of the itemized expenses paid and prorated salary costs paid under section 11.20. Upon approval by the governing body of the governmental subdivision, payment shall be made from the proper public funds of the governmental subdivision. In the event of the disapproval by the governing body of the governmental subdivision of any items included on the statement, written objections shall be filed with the auditor of state within thirty days from the filing of the sworn statement with the warrant-issuing officer of the governmental subdivision. Disapproved items of the statement shall be paid the auditor of state upon receiving final decisions emanating from public hearing established by the auditor of state.

2. Whenever the governing body of the governmental subdivision files written objections on the question of compensation and expenses with the auditor of state, the auditor or the auditor's representative shall hold a public hearing in the governmental subdivision where the audit or examination was made and shall give the complaining board notice of the time and place of hearing. After such hearing the auditor shall have the power to reduce the compensation and expenses of the auditor whose bills have been questioned.

3. Payments made by a political subdivision to the auditor of state under this section as a result of services performed by the auditor of state may be retained by the auditor of state in the fiscal year in which the payment is received and shall remain available for use in that fiscal year for the purposes of the auditor of state.

[S13, §100-a, -e, 1056-a11; C24, 27, 31, 35, 39, §**126;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.21]

83 Acts, ch 123, §28, 209; 2011 Acts, ch 75, §24; 2018 Acts, ch 1032, §3
Referred to in §11.20, 123.58, 331.401

11.22 Reserved.

11.23 Duty to install. Repealed by 2011 Acts, ch 75, §41.

SUBCHAPTER III

REVIEW OF PUBLICLY FUNDED ENTITIES

11.24 Review of entities receiving public moneys.

1. The auditor of state may, at the request of a department, review, during normal business hours upon reasonable notice of at least twenty-four hours, the audit working papers prepared by a certified public accountant covering the receipt and expenditure of state or federal funds provided by the department to any other entity to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of state shall report whether, in the auditor of state's judgment, the auditor of state believes the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the certified public accountant's working papers adequately demonstrate that the laws, rules, regulations, and contractual agreements have been substantially complied with or believes a complete or partial reaudit is necessary based on the provisions of section 11.6, subsection

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4, paragraph *"a"*, subparagraph (1) or (2), the auditor of state shall notify the certified public accountant and the department of the actions the auditor of state believes are necessary to determine whether the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist departments with actions to determine whether the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

2. The auditor of state may, at the request of a department, review the records covering the receipt and expenditure of state or federal funds provided by the department to any other entity which has not been audited by a certified public accountant to determine if the receipt and expenditure of those funds by the entity is consistent with the laws, rules, regulations, and contractual agreements governing those funds. Upon completion of the review, the auditor of state shall report whether, in the auditor of state's judgment, the auditor of state believes the entity adequately demonstrated that the laws, rules, regulations, and contractual agreements governing the funds have been substantially complied with. If the auditor of state does not believe the entity adequately demonstrated that the laws, rules, regulations, and contractual agreements have been substantially complied with, the auditor of state shall notify the department of the actions the auditor of state believes are necessary to determine whether the entity is in substantial compliance with those laws, rules, regulations, and contractual agreements. The auditor of state may assist a department with actions to determine whether the entity is in substantial compliance. Departments requesting the review shall reimburse the auditor of state for the cost of the review and any subsequent assistance provided by the auditor of state.

3. When, in the auditor of state's judgment, the auditor of state finds that sufficient information is available to demonstrate that an entity receiving state or federal funds from a department may not have substantially complied with the laws, rules, regulations, and contractual agreements governing those funds, the auditor of state shall notify the department providing those funds to the entity of the auditor of state's finding. The department shall cooperate with the auditor of state to establish actions to be taken to determine whether substantial compliance with those laws, rules, regulations, and contractual agreements has been achieved by the entity receiving the state or federal funds from the department. Departments providing the state or federal funds shall reimburse the auditor of state for any actions taken by the auditor of state to determine whether the entity has substantially complied with the laws, rules, regulations, and contractual agreements governing the funds provided by the department for costs expended after the date the auditor of state notifies the department of an issue involving substantial compliance pursuant to the requirements of this subsection.

[C81, §7A.8]
C87, §11.36
2006 Acts, ch 1153, §10; 2007 Acts, ch 22, §4; 2008 Acts, ch 1032, §193
CS2011, §11.24
Audits of community action agencies, §216A.98

11.25 Reports required. Repealed by 2011 Acts, ch 75, §41.

SUBCHAPTER IV

REVIEW OF TARGETED SMALL BUSINESS PROCUREMENT ACTIVITIES

11.26 Targeted small business.

After the conclusion of each fiscal year, the auditor of state shall annually conduct a review of whether state agencies are meeting their goal for procurement activities conducted pursuant to sections 73.15 through 73.21, and compliance with the forty-eight hour notice provision in section 73.16, subsection 2. By December 31 of each year, the auditor of state shall file a written report with the governor and the general assembly which shall include the findings of the review. The auditor of state may charge a fee to cover the costs of conducting

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activities under this section. The first report filed pursuant to this section shall be for the fiscal year beginning July 1, 2007. However, the auditor of state shall file a report pursuant to this section by March 1, 2008, for the time period beginning July 1, 2007, and ending September 30, 2007.

2007 Acts, ch 207, §2, 18
CS2007, §11.46
CS2011, §11.26

11.27 Biennial report. Repealed by 2011 Acts, ch 75, §41.

SUBCHAPTER V

REPORTS

11.28 Individual audit or examination reports.

Audit or examination reports shall include applicable exhibits, schedules, findings, and recommendations. The format of the reports shall comply with applicable professional accounting and auditing standards or procedures established by the auditor of state. Where applicable, the reports shall also set forth the average cost per year for the inmates, members, clients, patients, and students served. The reports shall make recommendations as may be deemed of advantage and to the best interests of the taxpayers of the state.

[C35, §130-e5; C39, §**130.7;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.28]

86 Acts, ch 1245, §1973; 2003 Acts, ch 145, §286; 2005 Acts, ch 121, §1; 2011 Acts, ch 75, §25

Referred to in §11.42

11.29 Reserved.

SUBCHAPTER VI

APPOINTMENT, COMPENSATION, AND ORGANIZATION

11.30 Salary.

The salary of the auditor of state shall be as fixed by the general assembly.

[C31, 35, §130-c1; C39, §**130.9;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §11.30]

11.31 State auditors.

1. The auditor of state shall appoint such number of state auditors as may be necessary to make audits and examinations as required in this chapter. The auditors shall be of recognized skill and integrity and familiar with the system of accounting used in departments or governmental subdivisions and with the laws relating to the affairs of departments or governmental subdivisions. Such auditors shall be subject at all times to the direction of the auditor of state.

2. The auditor of state shall appoint such additional assistants to the auditors as may be necessary, who shall be subject to discharge at any time by the auditor of state.

3. Any auditor or assistant who is found guilty of falsifying a time and expense voucher or engagement report shall be immediately discharged by the auditor of state and shall not be eligible for reemployment. Such auditor or assistant must thereupon reimburse the auditor of state for all such compensation and expenses so found to have been overpaid and in the event of failure to do so, the auditor of state may collect the same amount from the auditor's surety by suit, if necessary.

2011 Acts, ch 75, §33

Referred to in §123.58, 542.7A

11.31A Auditor of state — divisions.

1. The auditor of state shall adopt rules establishing divisions within the office of auditor of

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state. For each division within the office of auditor of state that is responsible for performing attest services as described in section 542.3, the auditor of state shall appoint a deputy auditor of state that is a certified public accountant to lead that division.

2. If the auditor of state is not a certified public accountant licensed pursuant to chapter 542, the auditor of state shall not sign an attest report issued by the office of auditor of state, but shall defer to the appropriate deputy auditor of state who meets the experience or competency requirements set out in nationally recognized professional standards for such services.

3. The auditor of state shall comply with all applicable rules of professional conduct adopted by the Iowa accountancy examining board pursuant to section 542.4.

2022 Acts, ch 1085, §1, 7, 8
Referred to in §542.7, 542.7A

SUBCHAPTER VII

OUTSIDE ACCOUNTANTS

11.32 Certified accountants employed.

Nothing in this chapter shall prohibit the auditor of state, with the prior written permission of the state executive council, from employing certified public accountants for specific assignments. The auditor of state may employ such accountants for any assignment expressly reserved to the auditor of state. Payments, after approval by the executive council, shall be made to the accountants so employed from funds from which the auditor of state would have been paid had the auditor of state performed the assignment, or if such specific funds are not available, then authorization of the expense by the executive council shall be requested, and if authorized shall be paid from the appropriations addressed in section 7D.29.

[C66, 71, 73, 75, 77, 79, 81, §11.32]
2011 Acts, ch 75, §26; 2011 Acts, ch 131, §18, 158
Referred to in §11.6

11.33 through 11.40 Reserved.

SUBCHAPTER VIII

ACCESS TO INFORMATION

11.41 Access to information — confidentiality.

1. The auditor of state, when conducting any audit or examination required or permitted by this chapter, shall at all times have access to all information, records, instrumentalities, and properties used in the performance of the audited or examined entities' statutory duties or contractual responsibilities. All audited or examined entities shall cooperate with the auditor of state in the performance of the audit or examination and make available the information, records, instrumentalities, and properties upon the request of the auditor of state.

2. Auditors shall have the right while conducting audits or examinations to have full access to all papers, books, records, and documents of any officers or employees and shall have the right, in the presence of the custodian or the custodian's designee, to have full access to the cash drawers and cash in the official custody of the officer or employee and, during business hours, to examine the public accounts of the department or governmental subdivision in any depository which has public funds in its custody pursuant to the law.

3. If the information, records, instrumentalities, and properties sought by the auditor of state are required by law to be kept confidential, the auditor of state shall have access to the information, records, instrumentalities, and properties, but shall maintain the confidentiality of all such information and is subject to the same penalties as the lawful custodian of the information for dissemination of the information. However, the auditor of state shall not have

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access to the income tax returns of individuals or information in a report to the department of health and human services, to a local board of health, or to a local health department that identifies a person infected with a reportable disease.

4. *a.* The auditor of state shall not have access to the following information, except as required to comply with the standards for engagement described in section 11.3, to comply with any other state or federal regulation, or in the case of alleged or suspected embezzlement or theft:

(1) Criminal identification files of law enforcement agencies.

(2) Personal information in records regarding a student, prospective student, or former student maintained, created, collected, or assembled by or for a school corporation or educational institution maintaining such records.

(3) Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient.

(4) Records which represent and constitute the work product of an attorney and which relate to litigation or claims made by or against a public body.

(5) Peace officers' investigative reports, privileged records, or information specified in section 80G.2, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation.

(6) Records and information obtained or held by an independent special counsel during the course of an investigation conducted pursuant to section 68B.31A. This subparagraph does not prohibit the auditor of state from accessing information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by an independent special counsel and made pursuant to section 68B.31.

(7) Information and records concerning physical infrastructure, cybersecurity, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property if disclosure could reasonably be expected to jeopardize such life or property.

(8) Personal information, as defined in section 22A.1.

(9) Any other information or records that contain personal information that an individual would reasonably expect to be kept private or unnecessary to the objectives and scope of the audit or examination commenced pursuant to this chapter.

b. In the event the auditor of state obtains information listed under paragraph *"a"*, all information shall be anonymized prior to the disclosure of the information, except as required by the standards set forth in section 11.3.

2006 Acts, ch 1153, §11; 2011 Acts, ch 75, §27; 2013 Acts, ch 90, §5; 2022 Acts, ch 1131, §60; 2023 Acts, ch 103, §2, 3

Referred to in §11.42, 123.58, 217.31A, 357H.9A, 422.20, 422.72

11.42 Disclosures prohibited.

1. Notwithstanding chapter 22, information received during the course of any audit or examination, including allegations of misconduct or noncompliance, and all audit or examination work papers shall be maintained as confidential.

2. Information maintained as confidential as provided by this section may be disclosed for any of the following reasons:

a. As necessary to complete the audit or examination.

b. To the extent the auditor is required by law to report the same or to testify in court.

3. Upon completion of an audit or examination, a report shall be prepared as required by section 11.28 and all information included in the report shall be public information. The auditor shall not disclose information listed in section 11.41, subsection 4, paragraph *"a"*, in a report without the express written consent of the individual identified, or, in instances of alleged or suspected embezzlement, theft, or other significant financial irregularity, without the express written consent of the audited or examined entity.

4. Any violation of this section shall be grounds for termination of employment with the auditor of state.

2011 Acts, ch 75, §28; 2023 Acts, ch 103, §4

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11.43 through 11.50 Reserved.

SUBCHAPTER IX

ENFORCEMENT

11.51 Subpoenas.

The auditor of state shall, in all matters pertaining to an authorized audit or examination, have power to issue subpoenas of all kinds, administer oaths and examine witnesses, either orally or in writing, and the expense attending the same, including the expense of taking oral examinations, shall be paid as other expenses of the auditor.

2011 Acts, ch 75, §29

Expenses, §11.21

11.52 Refusal to testify.

Except as otherwise provided in section 679A.19, in case any witness duly subpoenaed refuses to attend, or refuses to produce documents, books, and papers, or attends and refuses to make oath or affirmation, or, being sworn or affirmed, refuses to testify, the auditor of state or the auditor's designee may apply to the district court, or any judge of said district having jurisdiction thereof, for the enforcement of attendance and answers to questions as provided by law in the matter of taking depositions.

2011 Acts, ch 75, §30; 2023 Acts, ch 103, §5

Procedure for contempt, §622.76, 622.77, 622.84, 622.102, chapter 665

11.53 Report filed with county attorney.

If an audit or examination discloses any significant irregularity in the collection or disbursement of public funds, in the abatement of taxes, or other findings the auditor believes represent significant noncompliance, a copy of the report shall be filed with the county attorney, and it shall be the county attorney's duty to cooperate with the state auditor, and, in proper cases, with the attorney general, to secure the correction of the irregularity.

2011 Acts, ch 75, §31; 2016 Acts, ch 1004, §1

Referred to in §331.756(11)

11.54 Duty of attorney general.

In the event an audit or examination discloses any grounds which would be grounds for removal from office, a copy of the report shall be provided and filed by the auditor of state in the office of the attorney general of the state, who shall thereupon take such action as, in the attorney general's judgment, the facts and circumstances warrant.

2011 Acts, ch 75, §32

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CHAPTER 12

TREASURER OF STATE

Referred to in §159.35

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SUBCHAPTER I

GENERAL PROVISIONS

12.1 Office — accounts — reports.

1. The treasurer shall keep the treasurer's office at the seat of government, and shall keep an accurate account of the receipts and disbursements at the treasury in books kept for that purpose, in which the treasurer shall specify the names of the persons from whom money is received, and on what account, and the time of receipt.

2. The treasurer is responsible for reporting on the bonding activities of all political subdivisions, instrumentalities, and agencies of the state and shall make recommendations to the general assembly and the governor on modification in the bonding authority. The treasurer shall notify each political subdivision, instrumentality, and agency of the state to report to the treasurer the amount of bonds outstanding and each new bond issue. The treasurer shall adopt rules and establish forms for carrying out this section. Each political subdivision, instrumentality, and agency of the state shall provide all the information required by the treasurer under this section.

[C51, §62; R60, §83; C73, §75; C97, §101; C24, 27, 31, 35, 39, §**131;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.1]

86 Acts, ch 1245, §823; 2018 Acts, ch 1041, §2

12.2 Daily balance sheet.

The treasurer of state shall so keep the books of the treasurer's office that at the close of each day's business the account of each fund will show the balance or deficit therein, and show also the total amount of the money in the state treasury, and should the books not be in balance, the daily statement shall show the amount of the surplus or deficit by which the books fail to balance.

[C24, 27, 31, 35, 39, §**132;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.2]

12.3 Record and payment of warrants.

The treasurer of state shall keep a record of warrants issued as certified by the director of the department of administrative services, and receive in payment of public dues the warrants so issued in conformity with law, and redeem the same, if there be money in the treasury not otherwise appropriated, and on receiving any such warrant shall cause the person presenting it to endorse it, and shall indicate on its face in a suitable manner that it has been redeemed,

and keep a record of warrants redeemed showing the name of the person to whom paid, date of payment, and amount of interest paid.

[C51, §63; R60, §84; C73, §76; C97, §102; C24, 27, 31, 35, 39, §**133;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.3]

2003 Acts, ch 145, §286

12.4 Receipts.

When money is paid to the treasurer, the treasurer shall execute receipts in duplicate therefor, stating the fund to which it belongs, one of which must be delivered to the director of the department of administrative services in order to obtain the proper credit, and the treasurer must be charged therewith.

[C51, §64; R60, §85; C73, §77; C97, §103; C24, 27, 31, 35, 39, §**134;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.4]

2003 Acts, ch 145, §286

12.5 Payment.

The treasurer shall pay no money from the treasury but upon the warrants of the director of the department of administrative services, and only in the order of their presentation.

[C51, §65; R60, §86; C73, §78; C97, §104; S13, §104; C24, 27, 31, 35, 39, §**135;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.5]

2003 Acts, ch 145, §286

Warrants not paid for want of funds, chapter 74

12.6 Report to and account with director of the department of administrative services.

Once in each week the treasurer shall certify to the director of the department of administrative services the number, date, amount, and payee of each warrant taken up by the treasurer, with the date when taken up, and the amount of interest allowed; and on the first Monday of January, and the first day of April, July, and October, annually, the treasurer is directed to account with the director of the department of administrative services and deposit with the department of administrative services all such warrants received at the treasury, and take the director's receipt therefor.

[C51, §67; R60, §88; C73, §80; C97, §106; S13, §106; C24, 27, 31, 35, 39, §**137;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.6]

2003 Acts, ch 145, §286

12.7 Interest on bonds.

When interest on any bonds of the state becomes due, the treasurer shall provide funds for the payment thereof on the day and at the place where payable; and persons holding such bonds are required to present the same at such place within ten days from such day, at the expiration of which time the funds remaining unexpended and vouchers for interest paid shall be returned to the treasury.

[C73, §82; C97, §108; C24, 27, 31, 35, 39, §**138;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.7]

Deposits in general, §12C.1

12.8 Investment or deposit of surplus — appropriation — investment income — lending securities.

1. The treasurer of state shall invest or deposit, subject to chapters 12F, 12H, 12J, and 12K and as provided by law, any of the public funds not currently needed for operating expenses and shall do so upon receipt of monthly notice from the director of the department of administrative services of the amount not so needed. In the event of loss on redemption or sale of securities invested as prescribed by law, and if the transaction is reported to the executive council, neither the treasurer nor director of the department of administrative services is personally liable but the loss shall be charged against the funds which would have received the profits or interest of the investment and there is appropriated from the funds the amount so required.

2. Investment income may be used to maintain compensating balances, pay transaction

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costs for investments made by the treasurer of state, and pay administrative and related overhead costs incurred by the treasurer of state in the management of money. The treasurer of state shall coordinate with the affected departments to determine how compensating balances, transaction costs, or money management and related costs will be established. All charges against a retirement system must be documented and notification of the charges shall be made to the appropriate administration of the retirement system affected.

3. The treasurer of state, with the approval of the investment board of the Iowa public employees' retirement system, may conduct a program of lending securities in the Iowa public employees' retirement system portfolio. When securities are loaned as provided by this paragraph, the treasurer shall act in the manner provided for investment of moneys in the Iowa public employees' retirement fund under section 97B.7A. The treasurer of state shall report at least annually to the investment board of the Iowa public employees' retirement system on the program and shall provide additional information on the program upon the request of the investment board or the employees of the Iowa public employees' retirement system.

[C24, 27, 31, 35, 39, §**141;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.8]

84 Acts, ch 1180, §6; 85 Acts, ch 227, §6; 88 Acts, ch 1242, §1; 91 Acts, ch 268, §123; 94 Acts, ch 1001, §1; 2001 Acts, ch 68, §1, 24; 2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §98, 102; 2007 Acts, ch 39, §8; 2011 Acts, ch 82, §8; 2017 Acts, ch 29, §11; 2023 Acts, ch 58, §1

Referred to in §12C.7
Investment or deposit, §12B.10

12.9 Employee classifications.

In addition to public employees listed in section 20.4, public employees of the treasurer of state who hold positions that are classified in the administrative assistant series and executive officer series are excluded from chapter 20.

2009 Acts, ch 181, §39

12.10 Deposits by state officers.

Except as otherwise provided, all elective and appointive state officers, boards, commissions, and departments shall, within ten days succeeding the collection, deposit with the treasurer of state, or to the credit of the treasurer of state in any depository designated by the treasurer of state, ninety percent of all fees, commissions, and moneys collected or received. The balance actually collected in cash, remaining in the hands of any officer, board, or department shall not exceed the sum of five thousand dollars and money collected shall not be held more than thirty days. This section does not apply to the state fair board, the state board of regents, the utilities commission, the director of health and human services, the Iowa finance authority, or to the funds received by the state racing and gaming commission under sections 99D.7 and 99D.14.

[C73, §3778; C97, §191; S13, §170-d; C24, 27, 31, 35, 39, §**143;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.10]

83 Acts, ch 96, §157, 159; 83 Acts, ch 187, §29; 84 Acts, ch 1266, §2; 2023 Acts, ch 19, §16, 2658; 2024 Acts, ch 1170, §369

Referred to in §524.207, 533.111

12.11 through 12.13 Reserved.

12.14 Statement itemized.

Each deposit shall be accompanied by an itemized statement of the sources from which the money has been collected, and the funds to be credited, a duplicate of which shall, at the time, be filed with the department of administrative services.

[S13, §170-d; C24, 27, 31, 35, 39, §**144;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.14]

2003 Acts, ch 145, §286

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12.15 Director and treasurer to keep account.

The treasurer and director of the department of administrative services shall each keep an accurate account of the moneys so deposited.

[S13, §170-f; C24, 27, 31, 35, 39, §**145;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.15]

2003 Acts, ch 145, §286

12.16 Swampland indemnity.

All swampland indemnity money paid by the federal government to this state under any Act of Congress relating thereto shall be paid by the treasurer of state to the county treasurer of the county where the land, on account of which such payment is made, is located. The county treasurer shall be liable on a bond for the safe custody of said funds and shall promptly notify the board of supervisors of the receipt thereof. Said funds shall be applied by the said supervisors as required by law.

[S13, §116-d, -e, -f; C24, 27, 31, 35, 39, §**146;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.16]

Referred to in §331.552

12.17 Biennial report.

The treasurer of state shall, biennially, at the time provided by law, report to the governor the state of the treasury and exhibit therein the amount received and paid out by the treasurer since the last report, and the balance remaining in the treasury.

[C51, §68; R60, §89; C73, §81; C97, §107; C24, 27, 31, 35, 39, §**147;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.17]

Biennial reports, see §7A.3

12.18 Salary.

The salary of the treasurer of state shall be as fixed by the general assembly.

[C31, 35, §147-c1; C39, §**147.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.18]

12.19 Six-months limit on checks.

On the first day of each quarter of each fiscal year of the state, the state treasurer shall stop payment on and make void all treasury checks dated six months or more prior to that date, and the state treasurer shall not redeem any such check thereafter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.19]

Referred to in §12.20

12.20 Issuance of new check.

Upon presentation of any check voided as provided in section 12.19 by the holder of the check after the six-month period, the state treasurer is authorized to issue a new check for the amount of the original check to the holder.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §12.20]

2020 Acts, ch 1063, §8; 2021 Acts, ch 76, §3

12.21 Accepting credit card payments.

The treasurer of state may enter into an agreement with a financial institution to provide credit card receipt processing for state departments which are authorized by the treasurer of state to accept payment by credit card. A department which accepts credit card payments may adjust its fees to reflect the cost of processing as determined by the treasurer of state. A fee may be charged by a department for using the credit card payment method notwithstanding any other provision of the Code setting specific fees. The treasurer of state shall adopt rules to implement this section.

89 Acts, ch 120, §1; 92 Acts, ch 1126, §1; 95 Acts, ch 219, §36

12.22 through 12.24 Reserved.

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12.25 Legislative findings.

The general assembly finds and declares that because of differences in the timing of the receipt of tax and other revenues and the expenditure of funds by the state, the state has been unable to remain timely on its obligations, including its payments of school aid; the untimely payment of state aid has created a hardship for schools by increasing their costs and hindering their ability to remain timely on their obligations; it would be advantageous to the state to be able to issue notes in anticipation of its tax and other revenues in order to coordinate its cash flow; and pending their use, the proceeds of notes issued in anticipation of tax and other revenues should be invested in order to pay the cost of issuing the notes and as a benefit to the state. It is the purpose of this section and section 12.26 to enable the state to make timely payments of its obligations, including its school aid payments, by securing funds through the issuance of notes in anticipation of the state's tax and other revenues.

85 Acts, ch 34, §18

12.26 Issuance of revenue anticipation notes.

1. In anticipation of the collection of revenues in and for a fiscal year, the treasurer of state may borrow money, and issue notes for the money, in an amount not exceeding the estimated state revenues for that year. The sums so anticipated are appropriated for the payment of the notes with interest at maturity. The notes may be issued prior to the beginning of a fiscal year, but the notes shall be payable not later than the end of the fiscal year for which they are issued. More than one series of notes may be issued in a fiscal year and the proceeds of notes may be used to retire a prior issue of notes provided that the total outstanding at any one time shall not exceed the limit prescribed in this section. The proceeds from the issuance of notes shall be invested in the same manner as other public funds and shall be used only for the purposes for which the anticipated tax revenues were levied, collected, and appropriated.

2. The principal of and the interest on notes are payable solely out of the taxes and revenues of the state for the fiscal year for which the notes are issued. The notes of each issue shall be dated, shall bear interest at a rate or rates which may be variable according to a method approved by the treasurer of state, without regard to any limit contained in chapter 74A or any other law of this state, and shall mature at a time or times not later than the end of the fiscal year, all as determined by the treasurer of state. The notes may be made redeemable before maturity, at the option of the treasurer of state, at the price and under the terms and conditions provided by the treasurer of state. The treasurer of state shall determine the form of the notes and shall fix the denomination of the notes and the place of payment of principal and interest which may be at any bank within or without the state. The notes shall be executed by the manual or facsimile signatures of the treasurer of state, the director of the department of management, and the director of the department of administrative services. If an official whose signature or a facsimile of whose signature appears on any notes ceases to hold office before the delivery of the notes, the signature or the facsimile is valid and sufficient for all purposes the same as if the official had remained in office until the delivery. All notes issued under this section have the qualities and incidents of negotiable instruments under the laws of this state and without regard to any other law. The notes shall be issued in registered form. The notes may be sold in a manner, at public or private sale, as the treasurer of state may determine without regard to chapter 75.

3. Notes may be issued under this section without obtaining the consent of any officer or agency of this state, and without any other proceedings or conditions other than those proceedings and conditions which are specifically required by this section. The treasurer of state, the director of the department of management, and the director of the department of administrative services are not liable personally on the notes or subject to any personal liability or accountability by reason of the issuance of the notes.

4. As used in this section, *"notes"* means notes and other obligations, including short term obligations backed by a commercial letter of credit, issued by the treasurer of state pursuant to this section.

85 Acts, ch 34, §19; 88 Acts, ch 1134, §11; 2003 Acts, ch 145, §286; 2015 Acts, ch 29, §114

Referred to in §12.25

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12.27 Credit rules. Repealed by 99 Acts, ch 73, §1.

12.28 Centralized financing for state agency purchase of real and personal property.

1. As used in this section, unless the context otherwise requires:

a. *"Financing agreement"* means any lease, lease-purchase agreement, or installment acquisition contract in which the lessee may purchase the leased property at a price which is less than the fair market value of the property at the end of the lease term, or any lease, agreement, or transaction which would be considered under criteria established by the internal revenue service to be a conditional sale agreement for tax purposes.

b. *"State agency"* means a board, commission, bureau, division, office, department, or branch of state government. However, state agency does not mean the state board of regents, institutions governed by the board of regents, or authorities created under chapter 16 or 261A.

2. The treasurer of state shall have sole authority to enter into financing agreements on behalf of state agencies. The treasurer of state may enter into financing agreements, including master lease-purchase agreements, for the purpose of funding state agency requests for the financing of real or personal property, wherever located within the state, including equipment, buildings, facilities, and structures, or additions or improvements to existing buildings, facilities, and structures. Subject to the selection procedures of section 12.30, the treasurer may employ financial consultants, banks, trustees, insurers, underwriters, accountants, attorneys, and other advisors or consultants as necessary to implement the provisions of this section. The costs of professional services and any other costs of entering into the financing agreements may be included in the financing agreement as a cost of the property being financed.

3. The financing agreement may provide for ultimate ownership of the property by the state. Title to all property acquired in this manner shall be taken and held in the name of the state. The state shall be the lessee or contracting party under all financing agreements entered into pursuant to this section. The financing agreements may contain provisions pertaining, but not limited to, interest, term, prepayment, and the state's obligation to make payments on the financing agreement beyond the current budget year subject to availability of appropriations. All projects financed under this section shall be deemed to be for an essential governmental purpose.

4. The treasurer of state may contract for additional security or liquidity for a financing agreement and may enter into agreements for letters of credit, lines of credit, insurance, or other forms of security with respect to rental and other payments due under a financing agreement. Fees for the costs of additional security or liquidity are a cost of entering into the financing agreement and may be paid from funds annually appropriated by the general assembly to the state agency for which the property is being obtained, from other funds legally available, or from proceeds of the financing agreement. The provision of a financing agreement which provides that a portion of the periodic rental or lease payment be applied as interest is subject to chapter 74A. Other laws relating to interest rates do not apply. Chapter 75 does not apply to financing agreements entered into pursuant to this section.

5. Payments and other costs due under financing agreements entered into pursuant to this section shall be payable from funds annually appropriated by the general assembly to the state agency for which the property is being obtained or from other funds legally available. The treasurer of state, in cooperation with the department of administrative services, shall implement procedures to ensure that state agencies are timely in making payments due under the financing agreements.

6. The maximum principal amount of financing agreements which the treasurer of state can enter into shall be one million dollars per state agency in a fiscal year, subject to the requirements of section 8.46. For the fiscal year, the treasurer of state shall not enter into more than one million dollars of financing agreements per state agency, not considering interest expense. However, the treasurer of state may enter into financing agreements in excess of the one million dollar per agency per fiscal year limit if a constitutional majority of each house of the general assembly, or the legislative council if the general assembly is not in session, and the governor, authorize the treasurer of state to enter into additional financing agreements above the one million dollar authorization contained in this section.

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The treasurer of state shall not enter into a financing agreement for real or personal property which is to be constructed for use as a prison or prison-related facility without prior authorization by a constitutional majority of each house of the general assembly and approval by the governor of the use, location, and maximum cost, not including interest expense, of the real or personal property to be financed. However, financing agreements for an energy conservation measure, as defined in section 7D.34, are exempt from the provisions of this subsection, but are subject to the requirements of section 7D.34. In addition, financing agreements funded through the materials and equipment revolving fund established in section 307.47 are exempt from the provisions of this subsection.

7. The treasurer of state shall decide upon the most economical method of financing a state agency's request for funds. The treasurer of state may utilize master lease-purchase agreements, issue certificates of participation in lease-purchase agreements, or use any other financing method or method of sale which the treasurer believes will provide savings to the state in issuance or interest costs.

8. A financing agreement to which the state is a party is an obligation of the state for purposes of chapters 502 and 636, and is a lawful investment for banks, trust companies, building and loan associations, savings and loan associations, investment companies, insurance companies, insurance associations, executors, guardians, trustees, and other fiduciaries responsible for the investment of funds.

9. Publication of any notice, whether under section 73A.12 or otherwise, and other or further proceedings with respect to the financing agreements referred to in this section are not required except as set forth in this section, notwithstanding any provisions of other statutes of the state to the contrary.

96 Acts, ch 1177, §2; 2003 Acts, ch 145, §286; 2008 Acts, ch 1126, §2, 33; 2008 Acts, ch 1156, §13, 58; 2009 Acts, ch 97, §6; 2013 Acts, ch 100, §19, 27; 2023 Acts, ch 70, §16; 2024 Acts, ch 1167, §15

Referred to in §8A.321, 8D.11, 29C.23, 476.10B

12.29 Reserved.

12.30 Coordination of bonding activities.

1. As used in this section, unless the context otherwise requires:

a. "Authority" means a department, or public or quasi-public instrumentality of the state including but not limited to the authority created under chapter 12E, 16, or 261A, which has the power to issue obligations, except that *"authority"* does not include the state board of regents or the Iowa finance authority to the extent the Iowa finance authority acts pursuant to chapter 260C. *"Authority"* also includes a port authority created under chapter 28J.

b. "Obligations" means notes, bonds, including refunding bonds, and other evidences of indebtedness of an authority.

2. Notwithstanding any other provision of the Code the treasurer shall coordinate the issuance of obligations by authorities. The treasurer, or the treasurer's designee, shall serve as ex officio nonvoting member of each authority. Prior to the issuance of obligations, an authority shall notify the treasurer of its intention to do so. The treasurer shall:

a. Select and fix the compensation for, in consultation with the respective authority, through a competitive selection procedure, attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees and agents which in the treasurer's judgment are necessary to carry out the authority's intention. Prior to the initial selection, the treasurer shall, after consultation with the authorities, establish a procedure which provides for a fair and open selection process including, but not limited to, the opportunity to present written proposals and personal interviews. The treasurer shall maintain a list of firms which have requested to be notified of requests for proposal. The selection criteria shall take into consideration, but are not limited to, compensation, expenses, experience with similar issues, scheduling, ability to provide the services of individuals with specific knowledge in the relevant subject matter and length of the engagement. The treasurer may waive the requirements for a competitive selection procedure for any specific employment upon written notice to the executive council stating why the waiver is in the public interest.

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Upon selection by the treasurer, the authority shall promptly employ the individual or firm and be responsible for payment of costs.

b. Submit an account to the respective authority for all costs incurred in each transaction. The treasurer will charge an authority for costs of administration. The authority shall disburse to the treasurer the amounts set forth in the account.

c. Direct the investment or deposit of the proceeds of the sale of the obligations, in accordance with the language of the documents drafted to effectuate issuance of the obligations, except for the proceeds necessary to fund the ongoing operations of the authority. This paragraph does not apply to proceeds of obligations issued before July 1, 1986.

d. Collect from an authority and other sources, any statistical and financial information necessary to draft an offering document or prepare a presentation necessary for the issuance or marketing of the obligations.

3. Each respective authority shall consult with the treasurer on the following:

a. Amount, terms, and conditions of the obligations to be issued by the authority including other provisions deemed necessary by the treasurer or the authority.

b. The documents or instruments necessary to effectuate issuance of the obligation.

c. Presentations to rating agencies and marketing activities. The treasurer may choose to participate in these presentations.

4. Professional services, including but not limited to attorneys, accountants, financial advisors, banks, underwriters, insurers, and other employees employed by a project sponsor may be selected by the project sponsor, if the obligation is issued in behalf of the project sponsor and the purchaser of the obligation does not have recourse to the authority or state.

86 Acts, ch 1245, §824; 90 Acts, ch 1254, §29; 2000 Acts, ch 1208, §19, 25; 2005 Acts, ch 150, §88; 2005 Acts, ch 178, §42, 64; 2008 Acts, ch 1156, §14, 58; 2009 Acts, ch 97, §7; 2013 Acts, ch 100, §20, 27; 2019 Acts, ch 46, §2; 2020 Acts, ch 1063, §9; 2022 Acts, ch 1021, §3; 2023 Acts, ch 70, §17

Referred to in §8A.321, 8D.11, 12.28, 12A.13, 12E.5, 12E.14, 76.15

SUBCHAPTER II

LINKED INVESTMENTS

12.31 Short title.

This subchapter shall be known as the *"Linked Investments for Tomorrow Act"*.

86 Acts, ch 1096, §1; 89 Acts, ch 234, §1; 2000 Acts, ch 1058, §3; 2006 Acts, ch 1165, §1; 2024 Acts, ch 1043, §13

12.32 Definitions.

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

1. *"Eligible borrower"* means any person who is qualified to participate in one of the programs in this subchapter. *"Eligible borrower"* does not include a person who has been determined to be delinquent in making child support payments or any other payments due the state.

2. *"Eligible lending institution"* means a financial institution that is empowered to make commercial loans and is eligible pursuant to chapter 12C to be a depository of state funds.

3. *"Linked investment"* means a certificate of deposit issued pursuant to this subchapter to the treasurer of state by an eligible lending institution, at an interest rate not more than three percent below current market rate on the condition that the institution agrees to lend the value of the deposit, according to the investment agreement provided in section 12.35, to an eligible borrower at a rate not to exceed four percent above the rate paid on the certificate

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of deposit. The treasurer of state shall determine and make available the current market rate which shall be used each month.

86 Acts, ch 1096, §2; 89 Acts, ch 234, §2; 96 Acts, ch 1058, §1; 97 Acts, ch 195, §1, 2, 10; 99 Acts, ch 177, §1, 9; 2000 Acts, ch 1058, §4, 5; 2001 Acts, ch 24, §1; 2006 Acts, ch 1165, §2; 2024 Acts, ch 1043, §14

Referred to in §12.36, 466.8

12.33 Public policy. Repealed by 2006 Acts, ch 1165, §8.

12.34 Linked investments — limitations — rules — maturity and renewal of certificates.

1. *a.* The treasurer of state may invest up to the lesser of one hundred eight million dollars or twenty-five percent of the balance of the state pooled money fund in certificates of deposit in eligible lending institutions as provided in this subchapter. One-half of the moneys invested pursuant to this section shall be made available under the program implemented pursuant to section 12.43 to increase the availability of lower cost moneys for purposes of injecting needed capital into small businesses which are fifty-one percent or more owned, operated, and actively managed by one or more women, veterans, minority persons, or persons with disabilities. The treasurer shall invest the remaining one-half of the moneys invested pursuant to this section to support any other eligible applicant as provided in section 12.43.

b. For the purposes of this section:

(1) "*Disability*" means the same as defined in section 15.102.

(2) "*Minority person*" means the same as defined in section 15.102.

(3) "*Veteran*" means a person who served on federal active duty, other than training, in the armed forces of the United States and who was released or discharged under any circumstances other than dishonorable conditions, or who meets the definition of "*veteran*" in section 35.1.

2. The treasurer of state shall adopt rules pursuant to chapter 17A to administer this subchapter.

3. A certificate of deposit that is issued to the treasurer of state by an eligible lending institution on or after July 1, 2006, may be renewed at the option of the treasurer on an annual basis for a total term not to exceed five years. All participants with certificates of deposit issued prior to July 1, 2006, are subject, for renewal certificates of deposit, to the requirements and terms applicable to the certificates of deposit issued prior to July 1, 2006.

86 Acts, ch 1096, §4; 89 Acts, ch 234, §4; 96 Acts, ch 1058, §2, 3, 9, 10, 12; 97 Acts, ch 195, §4, 10; 99 Acts, ch 177, §2, 7, 9; 2001 Acts, ch 24, §2; 2006 Acts, ch 1165, §3; 2019 Acts, ch 139, §2; 2024 Acts, ch 1043, §15; 2024 Acts, ch 1140, §1

12.35 Agreement — loan applications.

1. An eligible lending institution that desires to receive a linked investment shall enter into an agreement with the treasurer of state, which shall include requirements necessary for the eligible lending institution to comply with this subchapter.

2. An eligible lending institution that desires to receive a linked investment shall accept and review applications for loans from eligible borrowers.

3. The eligible lending institution shall forward to the treasurer of state a linked investment loan package in the form and manner as prescribed by the treasurer of state. The package shall include information required by the treasurer of state, including but not limited to the amount of the loan requested and the purpose of the loan. The institution shall certify that the applicant is an eligible borrower.

86 Acts, ch 1096, §5; 89 Acts, ch 234, §5; 96 Acts, ch 1058, §4; 2001 Acts, ch 24, §3; 2006 Acts, ch 1165, §4; 2024 Acts, ch 1043, §16

Referred to in §12.32, 12.43

12.36 Actions by treasurer.

1. The treasurer of state shall accept or reject a linked investment loan package or any portion of the package based on the type or terms of the loan involved, the availability of state funds, or the compliance of the eligible borrower or eligible lending institution.

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2. Upon acceptance of the linked investment loan package or any portion of the package, the treasurer of state shall deposit funds with the eligible lending institution and the eligible lending institution shall issue to the treasurer of state one or more certificates of deposit with interest at a rate determined pursuant to section 12.32, subsection 3. The treasurer of state shall not deposit funds with an eligible lending institution pursuant to this subchapter, unless the certificate of deposit earns a rate of interest of at least one percent. Interest earned on the certificate of deposit and principal not renewed shall be remitted to the treasurer of state at the time the certificate of deposit matures. Interest from the linked investments for tomorrow program shall be considered earnings of the general fund of the state. Certificates of deposit issued pursuant to this subchapter are not subject to a penalty for early withdrawal.

86 Acts, ch 1096, §6; 89 Acts, ch 234, §6; 92 Acts, ch 1105, §1; 96 Acts, ch 1058, §5; 2001 Acts, ch 24, §4; 2006 Acts, ch 1165, §5; 2024 Acts, ch 1043, §17

12.37 Loans.

1. Upon the placement of a linked investment with an eligible lending institution, the institution is required to lend the funds to the eligible borrower listed in the linked investment loan package and in accordance with the investment agreement. The loan shall be at a rate not more than four percent above the rate paid the treasurer by the financial institution. The eligible lending institution shall be required to submit a certification of compliance with this section in the form and manner as prescribed by the treasurer of state.

2. The treasurer of state shall take all steps necessary to implement the linked investments for tomorrow program and monitor compliance of eligible lending institutions and eligible borrowers.

86 Acts, ch 1096, §7; 89 Acts, ch 234, §7

12.38 Reports.

By February 1 of each year, the treasurer of state shall report on the linked investments for tomorrow programs for the preceding calendar year to the governor, the economic development authority, the speaker of the house of representatives, and the president of the senate. The speaker of the house shall transmit copies of this report to the house co-chairperson of the joint economic development appropriations subcommittee and the chairpersons of the standing committees in the house which customarily consider legislation regarding agriculture, commerce, and economic growth, and the president of the senate shall transmit copies of this report to the senate co-chairperson of the joint economic development appropriations subcommittee and the chairpersons of the standing committees in the senate which customarily consider legislation regarding agriculture, commerce, and economic growth. The report shall set forth the linked investments made by the treasurer of state under the program during the year, the total amount deposited, the number of deposits, and an estimate of foregone interest, and shall include information regarding the nature, terms, and amounts of the loans upon which the linked investments were based and a listing of eligible borrowers to which the loans were made.

86 Acts, ch 1096, §8; 89 Acts, ch 234, §8; 94 Acts, ch 1188, §31; 96 Acts, ch 1058, §6; 2006 Acts, ch 1165, §6; 2011 Acts, ch 118, §85, 89

12.39 Liability.

The state and the treasurer of state are not liable to an eligible lending institution in any manner for payment of the principal or interest on the loan to an eligible borrower. Any delay in payments or default on the part of an eligible borrower does not in any manner affect the investment agreement between the eligible lending institution and the treasurer of state.

86 Acts, ch 1096, §9; 90 Acts, ch 1168, §6

12.40 and 12.41 Repealed by 2006 Acts, ch 1165, §8.

12.42 Reserved.

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12.43 Small business linked investments program created — definitions.

The treasurer of state shall adopt rules to implement a small business linked investments program to increase the availability of lower cost funds to inject needed capital into small businesses owned and operated in this state by residents of this state, which is the public policy of the state. The rules shall be in accordance with the following:

1. As used in this section, "*small business*" means one of the following:

a. A new or existing small business that meets all the requirements of subsection 5.

b. For applications to transfer an existing small business to a new owner, the small business must also meet the requirements of subsection 5 when local competition does not exist in the principal area of business activity of the existing small business, and the loss of the existing small business would result in a hardship on the community.

2. Loan applications for a new or existing small business shall be for the purchase of land, improvements, fixtures, machinery, inventory, supplies, equipment, information technology, or licenses, or patent, trademark, or copyright fees and expenses. Loan applications for the transfer of an existing small business shall be to assist in the transfer of ownership of a retail, wholesale, manufacturing, service, or agricultural business that may close in the absence of sufficient financial assistance.

3. During the lifetime of this loan program, the maximum amount of assistance that an eligible borrower or business may borrow or receive through this loan program shall be two hundred thousand dollars. An eligible borrower or business under this program shall be limited to one loan from one financial institution.

4. A preference shall be given to those persons who are less able than other persons to secure funds for a small business without participation in the small business linked investment program.

5. In order to qualify under this program, all owners of the business or borrowers must not have a combined net worth exceeding nine hundred seventy-five thousand dollars as defined in rules adopted by the treasurer of state pursuant to chapter 17A and the small business must meet all of the following criteria:

a. Be a for-profit business.

b. If an application involves an existing business or the transfer of an existing business to a new owner, the business must have annual gross sales of two million dollars or less at the time the application is submitted under section 12.35.

c. Not be operated out of the home of any person, unless the person is eligible for a deduction on federal income taxes pursuant to 26 U.S.C. §280A.

d. Not involve real estate investments, rental of real estate, leasing of real estate, or real estate speculation.

e. Liquor, beer, and wine sales must not exceed twenty percent of annual sales for establishments holding a class "C" retail alcohol license issued pursuant to section 123.30.

f. If an application involves the transfer of an existing small business, the transfer must be by purchase, lease-purchase, or contract of sale. The purchase must be for all or a portion of the business which is essential to its continued viability, including land where the business is located, fixtures attached to the land, machinery, inventory, supplies, equipment, information technology, or licenses, patents, trademarks, copyrights, or other intellectual property relied upon by the business, and inventory for sale by the business.

6. Loan proceeds shall not be used to refinance existing debt, including credit card debt. However, proceeds may be used to refinance a short-term bridge loan made in anticipation of the treasurer of state's approval of the linked investment loan package.

7. Eligible lending institutions shall verify the borrower is eligible to participate under the provisions of this section pursuant to rules adopted by the treasurer of state pursuant to chapter 17A.

87 Acts, ch 233, §128; 88 Acts, ch 1273, §4; 89 Acts, ch 234, §9; 94 Acts, ch 1201, §13; 97 Acts, ch 195, §9, 10; 2006 Acts, ch 1165, §7; 2010 Acts, ch 1184, §35; 2022 Acts, ch 1099, §90, 102

Referred to in §12.34

12.43A and 12.43B Repealed by 2006 Acts, ch 1165, §8.

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SUBCHAPTER III

TARGETED SMALL BUSINESSES — WAIVER OF BOND REQUIREMENT

12.44 Iowa satisfaction and performance bond program.

1. Agencies of state government shall be required to waive the requirement of satisfaction, performance, surety, or bid bonds for targeted small businesses which are able to demonstrate the inability of securing such a bond because of a lack of experience, lack of net worth, or lack of capital. This waiver shall not apply to businesses with a record of repeated failure of substantial performance or material breach of contract in prior circumstances. The waiver shall be applied only to a project or individual transaction amounting to fifty thousand dollars or less, notwithstanding section 573.2. In order to qualify, the targeted small business shall provide written evidence to the economic development authority that the bond would otherwise be denied the business. The granting of the waiver shall in no way relieve the business from its contractual obligations and shall not preclude the state agency from pursuing any remedies under law upon default or breach of contract.

2. The economic development authority shall certify targeted small businesses for eligibility and participation in this program and shall make this information available to other state agencies.

3. Subdivisions of state government may also grant such a waiver under similar circumstances.

87 Acts, ch 233, §129; 88 Acts, ch 1273, §5; 90 Acts, ch 1156, §1; 92 Acts, ch 1244, §10; 2017 Acts, ch 54, §76; 2017 Acts, ch 160, §5

Referred to in §573.2

12.45 through 12.50 Reserved.

SUBCHAPTER IV

OPIOID SETTLEMENT FUND

12.51 Opioid settlement fund.

1. As used in this section unless the context otherwise requires:

a. "Administrative services organization" means the same as defined in section 225A.1.

b. "Behavioral health district" means the same as defined in section 225A.1.

c. "Behavioral health district advisory council" means the same as defined in section 225A.1.

d. "Department" means the department of health and human services.

2. *a.* An opioid settlement fund is created in the office of the treasurer of state. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

b. (1) The state portion of any moneys paid to the state as a result of a national settlement of litigation with entities that manufactured, marketed, sold, distributed, dispensed, or promoted opioids, made in connection with claims arising from the manufacturing, marketing, selling, distributing, dispensing, or promoting of opioids, shall be deposited in the fund.

(2) (a) For each fiscal year for the period beginning July 1, 2025, and ending June 30, 2030, of the total amount of the state portion of the moneys paid to the state as described in subparagraph (1) and deposited in the fund, plus any interest and earnings on moneys in the fund, seventy-five percent is appropriated to the department and twenty-five percent is appropriated to the office of the attorney general for purposes of abating the opioid crisis in this state.

(b) Notwithstanding section 8.33, moneys appropriated under subparagraph division (a) that remain unencumbered and unobligated at the close of each fiscal year shall not revert but shall remain available for expenditure for the purposes designated until June 30, 2030.

(c) Notwithstanding section 12C.7, subsection 2, the interest or earnings on moneys

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appropriated under subparagraph division (a) are appropriated to the entity receiving the appropriation to be used for the purposes designated.

(3) The department and the office of the attorney general shall do all of the following:

(a) Review each administrative services organization's proposed uses of the appropriated moneys for crisis response, early intervention, and treatment for opioid addiction, and recovery from opioid addiction, for the behavioral health district for which the administrative services organization has been designated.

(b) Disburse the moneys appropriated under subparagraph (2), subparagraph division (a), in accordance with the national opioid settlement agreements and this section.

(c) Identify indicators and outcomes applicable to each disbursement to be used to determine if the services and activities that are funded achieve the intended outcomes, which may include prevention of opioid-related deaths, reduction of opioid misuse, and increased access to opioid use disorder medications and services.

(d) Submit an annual report on or before November 1 to the general assembly and the governor that contains all of the following for the immediately preceding fiscal year:

(i) Information related to each disbursement from the fund, and if the intended outcomes of each disbursement were achieved.

(ii) Input from each behavioral health district advisory council regarding disbursements from the fund, intended outcomes, and recommendations for future disbursements from the fund.

(iii) A list of the current opioid-related initiatives within the behavioral health district that are funded by moneys from the national settlements that are earmarked for or otherwise required to be transferred or distributed to counties, cities, or other local governmental entities.

(e) Adopt rules pursuant to chapter 17A to administer this paragraph.

(4) A recipient shall receive no more than one disbursement under subparagraph (3), subparagraph division (b).

(5) The department and the office of the attorney general may, but are not required to, ensure that moneys appropriated under subparagraph (2) are distributed equally to the administrative services organizations.

(6) The department and the office of the attorney general shall use no more than two and one-half percent of the moneys appropriated under subparagraph (2) for administrative costs.

c. This subsection does not apply to such moneys paid to the state that are earmarked for or otherwise required to be transferred or distributed to counties, cities, or other local governmental entities.

3. *a.* Moneys in the fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section.

b. Moneys in the fund shall only be used for purposes of abating the opioid crisis in this state, which may include but are not limited to the purposes specified in section 135.190A for moneys in the opioid antagonist medication fund.

c. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

2022 Acts, ch 1121, §1; 2025 Acts, ch 150, §1; 2026 Acts, ch 1040, §7, 8; 2026 Acts, ch 1064, §1, 2, 22

Subsection 1 amended
Subsection 2, paragraph b, subparagraph (2), subparagraph division (a) amended
Subsection 2, paragraph b, subparagraph (3), subparagraph division (d), subparagraph subdivision (ii) amended
Subsection 2, paragraph b, subparagraph (4) amended

12.52 through 12.60 Reserved.

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SUBCHAPTER V

STATE-SPONSORED CREDIT CARD

12.61 State-sponsored credit card.

1. For purposes of this section, unless the context otherwise requires:

a. *"Financial institution"* means a state bank as defined in section 524.103, a federally chartered state bank having its principal office within this state, a federally chartered credit union having its principal office within this state, a federally chartered savings and loan association having its principal office within the state, a credit union organized under chapter 533, or a trust company organized or incorporated under the laws of this state.

b. *"Financial institution credit card"* means a credit card that entitles the holder to make open-account purchases up to an approved amount and is issued through the agency of a financial institution.

c. *"Sponsoring entity"* means an entity that allows its name or logo to be used on a particular financial institution credit card in exchange for a fee from the credit card issuer.

2. The treasurer is authorized to participate in a financial institution credit card program for the benefit of the state. Within six months of May 27, 1989, the treasurer shall contact each financial institution to determine if:

a. The financial institution or its Iowa holding company or Iowa affiliate currently administers a credit card program.

b. The credit card program provides a fee or commission on retail sales to the sponsoring entity for the issuance and use of the credit card.

c. The credit card program would accept the state as a sponsoring entity.

3. If the treasurer determines that the state may be a sponsoring entity for a financial institution credit card, the treasurer shall negotiate the most favorable rate for the state's fee by a credit card issuer.

a. The state shall not offer a more favorable rate to any other credit card issuer.

b. The rate must be expressed as a percentage of the gross sales from the use of the credit card.

c. The proceeds of the fee shall be deposited in the Iowa resources enhancement and protection fund created under section 455A.18.

d. The treasurer shall recommend a logo or design for the state-sponsored credit card indicating the use for which the revenues will be used.

4. In selecting a credit card issuer, the treasurer shall consider the issuer's record of investments in the state, shall take into consideration credit card features which will enhance the promotion of the state-sponsored credit card including, but not limited to, favorable interest rates, annual fees, and other fees for using the card, and shall require that the card be available to any person who qualifies for a credit card.

5. Upon entering into an agreement with the financial institution, the treasurer shall notify all state agencies then possessing a credit card to obtain the new state-sponsored credit card.

89 Acts, ch 236, §8; 90 Acts, ch 1255, §1; 2012 Acts, ch 1017, §30; 2022 Acts, ch 1062, §1

SUBCHAPTER VI

TECHNICAL INFORMATION AND ASSISTANCE

12.62 Investments by agencies and political subdivisions — technical information and assistance.

The treasurer of state shall adopt rules pursuant to chapter 17A for providing technical information and assistance to political subdivisions, the state board of regents, instrumentalities, and agencies of the state authorized to invest funds which are seeking to invest public funds. The treasurer or the treasurer's designee shall provide technical information and assistance to a political subdivision, the state board of regents, or an instrumentality, or agency of the state authorized to invest funds at the request of the

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political subdivision, the state board of regents, or an instrumentality, or agency of the state authorized to invest funds, including but not limited to technical information regarding the statutory requirements for investments by the political subdivision, the state board of regents, or an instrumentality, or agency and technical assistance to enable the political subdivision, the state board of regents, or an instrumentality, or agency to invest funds in accordance with state law. However, the fact that information and assistance are provided under this section to a political subdivision, the state board of regents, or an instrumentality, or agency authorized to invest funds shall not make the state, the treasurer of state, or the treasurer's designee liable to a political subdivision, the state board of regents, or an instrumentality, or agency of the state in any manner for any loss, damage, or expense incurred by the political subdivision, the state board of regents, or an instrumentality, or agency as a result of an investment.

92 Acts, ch 1156, §5

12.63 and 12.64 Reserved.

SUBCHAPTER VII

HEALTHY IOWANS TOBACCO TRUST

12.65 Healthy Iowans tobacco trust. Repealed by 2008 Acts, ch 1186, §18, 19. See §12E.3A.

12.66 through 12.70 Reserved.

SUBCHAPTER VIII

VISION IOWA PROGRAM

12.71 General and specific bonding powers — vision Iowa program — future repeal. Repealed by its own terms; 2016 Acts, ch 1115, §1.

Section repealed August 15, 2020, pursuant to terms of former subsection 12.

12.72 Vision Iowa fund and reserve funds.

1. A vision Iowa fund is created and established as a separate and distinct fund in the state treasury. The moneys in the fund are appropriated to the economic development authority board for purposes of the vision Iowa program established in section 15F.302. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the vision Iowa fund. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund as directed by the economic development authority board, including automatic disbursements of funds received pursuant to the terms of bond indentures and documents and security provisions to trustees. The fund shall be administered by the economic development authority board which shall make expenditures from the fund consistent with the purposes of the vision Iowa program without further appropriation. An applicant under the vision Iowa program shall not receive more than seventy-five million dollars in financial assistance from the fund.

2. Revenue for the vision Iowa fund shall include, but is not limited to, the following, which shall be deposited with the treasurer of state or the treasurer's designee as provided by any bond or security documents and credited to the fund:

a. The proceeds of bonds issued to capitalize and pay the costs of the fund and investment earnings on the proceeds.

b. Interest attributable to investment of money in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

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3. Notwithstanding section 8.33, moneys in the vision Iowa fund that remain unencumbered or unobligated at the close of a fiscal year shall be deposited in the rebuild Iowa infrastructure fund created in section 8.57. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

4. *a.* The treasurer of state may create and establish one or more special funds, to be known as "*bond reserve funds*", to secure one or more issues of bonds or notes issued pursuant to section 12.71, Code 2020. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available by the state or the treasurer for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions authorizing their issuance, and any other moneys which may be available to the treasurer for the purpose of the fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

b. Moneys in a bond reserve fund shall not be withdrawn from it at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other moneys of the treasurer are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the treasurer to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

c. The treasurer of state shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term "*bond reserve fund requirement*" means, as of any particular date of computation, an amount of money, as provided in the resolutions authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph "*c*" for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the treasurer in the applicable bond reserve fund.

2000 Acts, ch 1174, §16; 2001 Acts, ch 24, §7, 8; 2001 Acts, 1st Ex, ch 5, §3, 7; 2002 Acts, ch 1119, §3; 2006 Acts, ch 1030, §3; 2016 Acts, ch 1115, §13; 2024 Acts, ch 1170, §137; 2025 Acts, ch 167, §5, 8

Referred to in §12.75, 12.76, 12.77, 15F.301

12.73 Vision Iowa fund moneys — administrative costs.

During the term of the vision Iowa program established in section 15F.302, two hundred thousand dollars of the moneys deposited each fiscal year in the vision Iowa fund and appropriated for the vision Iowa program shall be allocated each fiscal year to the economic

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development authority for administrative costs incurred by the authority for purposes of administering the vision Iowa program.

2000 Acts, ch 1225, §31, 38, 39; 2001 Acts, ch 185, §34; 2011 Acts, ch 118, §85, 89
Referred to in §12.77

12.74 Pledges.

It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2000 Acts, ch 1174, §17; 2000 Acts, ch 1232, §42; 2001 Acts, ch 24, §9; 2001 Acts, ch 185, §35, 49
Referred to in §12.75, 12.77

12.75 Projects.

1. The economic development authority board may undertake a project for two or more applicants jointly or for any combination of applicants, and may combine for financing purposes, with the consent of all of the applicants which are involved, the project and some or all future projects of any applicant, and section 12.71, Code 2020, sections 12.72 and 12.74, this section, and sections 12.76 and 12.77 apply to and for the benefit of the economic development authority board and the joint applicants. However, the money set aside in a fund or funds pledged for any series or issue of bonds or notes shall be held for the sole benefit of the series or issue separate and apart from money pledged for another series or issue of bonds or notes of the treasurer of state. To facilitate the combining of projects, bonds or notes may be issued in series under one or more resolutions or trust agreements and may be fully open-ended, thus providing for the unlimited issuance of additional series, or partially open-ended, limited as to additional series.

2. For purposes of this section, *"applicant"* means a city or county or public organization applying for financial assistance under the vision Iowa program established in section 15F.302.

2000 Acts, ch 1174, §18; 2016 Acts, ch 1115, §14; 2024 Acts, ch 1170, §138
Referred to in §12.77

12.76 Limitations.

Bonds or notes issued pursuant to section 12.71, Code 2020, are not debts of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance of any bonds or notes pursuant to section 12.71, Code 2020, by the treasurer of state does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from, or to levy or pledge any form of taxation whatever to, the payment of the bonds or notes. Bonds and notes issued under section 12.71, Code 2020, are payable solely and only from the sources and special fund provided in section 12.72.

2000 Acts, ch 1174, §19; 2007 Acts, ch 22, §5
Referred to in §12.75, 12.77

12.77 Construction.

Section 12.71, Code 2020, and sections 12.72 through 12.76, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes of the sections.

2000 Acts, ch 1174, §20; 2016 Acts, ch 1073, §2
Referred to in §12.75

12.78 Reserved.

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SUBCHAPTER IX

PRISON INFRASTRUCTURE

12.79 FY 2009 prison bonding fund.

1. An FY 2009 prison bonding fund is created as a separate fund in the state treasury. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the FY 2009 prison bonding fund.

2. Revenue for the fund shall consist of the net proceeds from the bonds issued pursuant to section 12.80.

3. Moneys in the fund in a fiscal year shall be used as appropriated by the general assembly for prison improvement and prison construction projects. However, for the fiscal year beginning July 1, 2016, any unobligated and unencumbered moneys in the fund from the previous fiscal year are appropriated to the department of corrections for major maintenance projects.

4. 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.

5. Annually, on or before January 15 of each year, the department of corrections shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2008 Acts, ch 1179, §41; 2016 Acts, ch 1133, §21

12.80 General and specific bonding powers — prison infrastructure.

1. The treasurer of state is authorized to issue bonds to provide prison infrastructure financing as provided in this section. Bonds shall be issued in accordance with the provisions of chapter 12A.

2. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the prison infrastructure fund established in section 602.8108A, and other moneys available as provided in this section, all of which may be deposited with trustees or depositories in accordance with bond or security documents, and are not an indebtedness of this state, or a charge against the general credit or general fund of the state, and the state shall not be liable for the bonds except from amounts on deposit in the prison infrastructure fund and other moneys available as provided in this section. Bonds issued under this section shall contain a statement that the bonds do not constitute an indebtedness of the state.

3. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

4. The net proceeds from the bonds issued under this section shall be deposited into the FY 2009 prison bonding fund.

5. The treasurer of state shall cooperate with the department of corrections in the implementation of this section.

6. In order to assure maintenance of bond reserve funds, an issuer shall, on or before January 1 of each calendar year, make and deliver to the governor the issuer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by

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the general assembly and paid to the issuer pursuant to this subsection shall be deposited by the issuer in the applicable bond reserve fund.

2008 Acts, ch 1179, §42; 2010 Acts, ch 1138, §45; 2014 Acts, ch 1076, §9
Referred to in §12.79, 422.7(2)(g), 602.8108A

SUBCHAPTER X

SCHOOL INFRASTRUCTURE PROGRAM

12.81 General and specific bonding powers — school infrastructure program.

1. The treasurer of state may issue bonds for purposes of the school infrastructure program established in section 292.2. Excluding the issuance of refunding bonds, the treasurer of state shall not issue bonds which result in the deposit of bond proceeds of more than fifty million dollars into the school infrastructure fund. The treasurer of state shall have all of the powers which are necessary to issue and secure bonds and carry out the purposes of the fund. The treasurer of state may issue bonds in principal amounts which are necessary to provide funds for the fund as provided by this section, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the treasurer of state incident to and necessary or convenient to carry out the bond issue for the fund, and all other expenditures of the treasurer of state necessary or convenient to administer the fund. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554.

2. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the school infrastructure fund and any bond reserve funds, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged by the treasurer of state to the payment thereof. Bonds issued under this section shall contain on their face a statement that the bonds do not constitute an indebtedness of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued pursuant to this section payable out of any moneys except those in the school infrastructure fund.

3. The proceeds of bonds issued by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment approved by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued without regard to any limitation otherwise provided by law.

4. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the treasurer of state. However, a trust indenture, resolution, or other instrument authorizing the

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issuance of bonds may delegate to an officer of the issuer the power to negotiate and fix the details of an issue of bonds.

7. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective.

8. Bonds issued under the provisions of this section are declared to be issued for a general public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

9. Subject to the terms of any bond documents, moneys in the school infrastructure fund may be expended for administration expenses.

10. The treasurer of state may issue bonds for the purpose of refunding any bonds or notes issued pursuant to this section then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned and deposited in the school infrastructure fund. All refunding bonds shall be issued and secured and subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this section.

2000 Acts, ch 1174, §21; 2005 Acts, ch 3, §9; 2008 Acts, ch 1119, §2; 2010 Acts, ch 1138, §46; 2012 Acts, ch 1017, §32; 2014 Acts, ch 1076, §10

Referred to in §8.57F, 12.82, 12.85, 12.86, 422.7(2)(b)

12.82 School infrastructure fund and reserve funds.

1. A school infrastructure fund is created and established as a separate and distinct fund in the state treasury under the control of the department of education. Notwithstanding any other provision of this chapter, the fund shall be used for purposes of the school infrastructure program established in section 292.2.

2. Revenue for the school infrastructure fund shall include, but is not limited to, the following, which shall be deposited with the treasurer of state or its designee as provided by any bond or security documents and credited to the fund:

a. The proceeds of bonds issued to capitalize and pay the costs of the fund and investment earnings on the proceeds.

b. Interest attributable to investment of money in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the school infrastructure 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.

4. Any amounts remaining in the school infrastructure fund at the end of the fiscal year beginning July 1, 2010, and for each fiscal year thereafter, which are determined by the treasurer of state to be unencumbered and unobligated and otherwise unnecessary to make the payments for such fiscal year, shall be transferred to the rebuild Iowa infrastructure fund created in section 8.57.

5. *a.* The treasurer of state may create and establish one or more special funds, to be known as "*bond reserve funds*", to secure one or more issues of bonds or notes issued pursuant to section 12.81. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available by the state or the treasurer for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions authorizing their

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issuance, and any other moneys which may be available to the treasurer for the purpose of the fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

b. Moneys in a bond reserve fund shall not be withdrawn from it at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other moneys of the treasurer are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the treasurer to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

c. The treasurer of state shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term *"bond reserve fund requirement"* means, as of any particular date of computation, an amount of money, as provided in the resolutions authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by the bond reserve fund, provision is made in paragraph *"c"* for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure maintenance of the bond reserve funds, the treasurer shall, on or before January 1 of each calendar year, make and deliver to the governor the treasurer's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor shall submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer pursuant to this subsection shall be deposited by the treasurer in the applicable bond reserve fund.

2000 Acts, ch 1174, §22; 2001 Acts, 1st Ex, ch 5, §4, 7; 2002 Acts, ch 1119, §4; 2005 Acts, ch 19, §12; 2011 Acts, ch 133, §24, 25, 29; 2020 Acts, ch 1062, §1

Referred to in §8.57F, 12.85, 12.86, 292.1

12.83 School infrastructure fund moneys — allocation to department of inspections, appeals, and licensing.

During the term of the school infrastructure program established in section 292.2, up to fifty thousand dollars of the moneys deposited each fiscal year in the school infrastructure fund shall be allocated each fiscal year to the department of inspections, appeals, and licensing for the use of the department. The funds shall be used by the department solely for the purpose of retaining an architect or architectural firm to evaluate structures for which school infrastructure program grant applications are made, to consult with school district representatives, to review construction drawings and blueprints, and to perform related duties at the direction of the department to ensure the best possible use of moneys received by a school district under the school infrastructure program. The department shall provide for the review of plans, drawings, and blueprints in a timely manner.

2000 Acts, ch 1225, §32, 38, 39; 2023 Acts, ch 19, §1483

Referred to in §8.57F, 12.85, 12.86

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12.84 Pledges.

It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2000 Acts, ch 1174, §23; 2000 Acts, ch 1232, §43; 2001 Acts, ch 185, §36, 49
Referred to in §8.57F, 12.85, 12.86

12.85 Limitations.

Bonds or notes issued pursuant to section 12.81 are not debts of the state, or of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance of any bonds or notes pursuant to section 12.81 by the treasurer of state does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from, or to levy or pledge any form of taxation whatever to, the payment of the bonds or notes. Bonds and notes issued under section 12.81 are payable solely and only from the sources and special fund provided in section 12.82. Expenses incurred in carrying out sections 12.81 through 12.84, this section, and section 12.86 are payable solely from funds available under those sections.

2000 Acts, ch 1174, §24
Referred to in §8.57F, 12.86

12.86 Construction.

Sections 12.81 through 12.85, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes of the sections.

2000 Acts, ch 1174, §25; 2016 Acts, ch 1073, §3
Referred to in §8.57F, 12.85

SUBCHAPTER XI

INFRASTRUCTURE PROJECTS AND IOWA JOBS PROGRAM — REVENUE BONDS

12.87 General and specific bonding powers — revenue bonds — Iowa jobs program.

1. *a.* The treasurer of state is authorized to issue and sell bonds on behalf of the state to provide funds for certain infrastructure projects and for purposes of the Iowa jobs program established in section 16.194. The treasurer of state shall have all of the powers which are necessary or convenient to issue, sell, and secure bonds and carry out the treasurer of state's duties, and exercise the treasurer of state's authority under this section and sections 12.88 through 12.90. The treasurer of state may issue and sell bonds in such amounts as the treasurer of state determines to be necessary to provide sufficient funds for certain infrastructure projects and the revenue bonds capitals fund, the revenue bonds capitals II fund, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the payment of costs of issuance of the bonds, the payment of other expenditures of the treasurer of state incident to and necessary or convenient to carry out the issuance and sale of the bonds, and the payment of all other expenditures of the treasurer of state necessary or convenient to administer the funds and to carry out the purposes for which the bonds are issued and sold. The treasurer of state may issue and sell bonds as provided in paragraph *"b"* in one or more series on the terms and conditions the treasurer of state determines to be in the best interest of the state, in accordance with this section in such amounts as the treasurer of state determines to be necessary to fund the purposes for which such bonds are issued and sold.

b. The treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than six hundred ninety-five million dollars, excluding any bonds issued and sold to refund outstanding bonds issued under this section, as follows:

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(1) On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred eighty-five million dollars for capital projects which qualify as vertical infrastructure projects as defined in section 8.57, subsection 3, paragraph "*c*", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures.

(2) On or after July 1, 2009, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than three hundred sixty million dollars for purposes of the Iowa jobs program established in section 16.194 and for watershed flood rebuilding and prevention projects, soil conservation projects, sewer infrastructure projects, for certain housing and public service shelter projects and public broadband and alternative energy projects, and for projects relating to bridge safety and the rehabilitation of deficient bridges.

(3) On or after April 1, 2010, the treasurer of state may issue and sell bonds in amounts which provide aggregate net proceeds of not more than one hundred fifty million dollars for purposes of the Iowa jobs II program established in section 16.194A and for qualified projects in the departments of agriculture and land stewardship, education, natural resources, and transportation, and the economic development authority, Iowa finance authority, state board of regents, and treasurer of state.

2. Bonds issued and sold under this section are payable solely and only out of the moneys in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89, and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance. All moneys in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89 may be deposited with trustees or depositories in accordance with the terms of the trust indentures, resolutions, or other instruments authorizing the issuance of bonds and pledged by the treasurer of state to the payment thereof. Bonds issued and sold under this section shall contain a statement that the bonds are limited special obligations of the state and do not constitute a debt or indebtedness of the state or a pledge of the faith or credit of the state or a charge against the general credit or general fund of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued and sold pursuant to this section payable out of any moneys except those in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, and any bond reserve funds established pursuant to section 12.89.

3. The proceeds of bonds issued and sold by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment as directed by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued and sold without regard to any limitation otherwise provided by law.

4. The bonds, if issued and sold, shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments and investment securities under the laws of the state and sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

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6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the treasurer of state.

7. The resolution, trust indenture, or any other instrument by which a pledge is created shall not be required to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective.

8. Any bonds issued and sold under the provisions of this section are declared to be issued and sold for an essential public and governmental purpose, and all bonds issued and sold under this section except as otherwise provided in any trust indentures, resolutions, or other instruments authorizing their issuance shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

9. The treasurer of state may issue and sell bonds for the purpose of refunding any bonds issued and sold pursuant to this section then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments shall be returned to the treasurer of state for deposit in the revenue bonds debt service fund established in section 12.89. All refunding bonds shall be issued, sold and secured and subject to the provisions of this section in the same manner and to the same extent as other bonds issued and sold pursuant to this section.

10. Bonds issued and sold pursuant to this section are limited special obligations of the state and are not a debt or indebtedness of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance and sale of any bonds pursuant to this section by the treasurer of state do not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from or to levy or pledge any form of taxation whatever to, or to continue the appropriation of the funds for, the payment of the bonds. Bonds issued and sold under this section are payable solely and only from moneys in the revenue bonds debt service fund and any reserve fund created in section 12.89 and only to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance.

11. The treasurer of state may enter into or obtain authorizing documents and other agreements and ancillary arrangements with respect to the bonds as the treasurer of state determines to be in the best interests of the state, including but not limited to trust indentures, resolutions, other instruments authorizing the issuance of the bonds, liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, or interest rate exchange agreements.

12. Neither the treasurer of state, the Iowa finance authority, nor any person acting on behalf of the treasurer of state or the Iowa finance authority while acting within the scope of their employment or agency, is subject to personal liability resulting from carrying out the powers and duties conferred by this section and sections 12.88 through 12.90.

13. As used in this section and sections 12.88 through 12.90, the term *"bonds"* means bonds, notes, or other evidence of obligations.

2009 Acts, ch 173, §1, 36; 2010 Acts, ch 1138, §47; 2010 Acts, ch 1184, §79, 96; 2011 Acts, ch 25, §6; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1017, §33; 2012 Acts, ch 1021, §129; 2012 Acts, ch 1023, §4; 2013 Acts, ch 142, §12; 2014 Acts, ch 1076, §11

Referred to in §8.57, 8.57F, 12.88, 12.88A, 12.89, 12.89A, 12.90, 16.50, 422.7(2)(c)

12.88 Revenue bonds capitals fund.

1. A revenue bonds capitals fund is created and established as a separate and distinct fund

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in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals 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.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

5. For the fiscal year beginning July 1, 2017, any unobligated and unencumbered moneys in the fund from the previous fiscal year are appropriated to the department of administrative services for major maintenance projects.

2009 Acts, ch 173, §2, 36; 2017 Acts, ch 173, §19
Referred to in §12.87, 12.90, 16.196

12.88A Revenue bonds capitals II fund.

1. A revenue bonds capitals II fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. Revenue for the revenue bonds capitals II fund shall include but is not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided by any bond or security documents and credited to the fund:

a. The net proceeds of bonds issued after April 1, 2010, pursuant to section 12.87 other than bonds issued for the purpose of refunding such bonds, and investment earnings on the net proceeds.

b. Interest attributable to investment of moneys in the fund or an account of the fund.

c. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the fund.

3. Moneys in the revenue bonds capitals II 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.

4. Annually, on or before January 15 of each year, a state agency that received an appropriation from the revenue bonds capitals II fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2010 Acts, ch 1184, §9, 13
Referred to in §12.87, 12.90

12.89 Revenue bonds debt service fund and bond reserve funds.

1. A revenue bonds debt service fund is created and established as a separate and distinct

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fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund. The moneys in such fund are appropriated and shall be used for the purpose of making all payments with respect to bonds issued and sold pursuant to section 12.87, including but not limited to the following:

a. Principal payments, interest payments, sinking fund payments, purchase price, redemption price, redemption premiums, and interest rate exchange payments.

b. Fees and expenses of trustees, paying agents, remarketing agents, financial advisors, underwriters, depositories, guarantors, bond insurers, liquidity or credit facility providers, interest rate indexing agents, and other professional services providers.

c. Costs and expenses of the treasurer of state incident to and necessary and convenient to carry out the issuance and sale of the bonds and the administration of the revenue bonds.

2. Moneys in the revenue bonds debt service fund shall include but are not limited to the following, which shall be deposited with the treasurer of state or the treasurer of state's designee as provided in any bond or security documents and credited to the fund:

a. The proceeds of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance and investment earnings on the proceeds.

b. The revenues required to be deposited into the fund pursuant to section 8.57, subsection 3, paragraph *"d"*.

c. Transfers from any bond reserve fund created pursuant to this section.

d. Federal subsidies and any transfers from the revenue bonds federal subsidy holdback fund created pursuant to section 12.89A.

e. Interest attributable to investment of moneys in the fund or an account of the fund.

f. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. *a.* The treasurer of state may create and establish one or more special funds, to be known as bond reserve funds, to secure one or more issues of bonds issued and sold pursuant to section 12.87. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the trust indenture, resolution, or other instrument authorizing their issuance, and any other moneys which may be legally available to the treasurer of state for the purpose of the fund from any other sources. All moneys held in a bond reserve fund shall be used or transferred to the revenue bonds debt service fund to be used as required solely to make the payments authorized to be made from such fund pursuant to subsection 1.

b. Moneys in a bond reserve fund shall not be transferred or withdrawn from the fund at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, the payments authorized to be made from such fund pursuant to subsection 1 for the payment of which sufficient moneys in the revenue bonds debt service fund are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of moneys in the bond reserve fund may be transferred by the treasurer of state to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the established bond reserve fund requirement.

c. The treasurer of state shall not at any time issue and sell bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the treasurer of state at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other legally available sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund. For the purposes of this subsection, the term *"bond reserve fund requirement"* means, as of any particular date of computation, an amount of moneys, as provided in the trust indenture, resolution, or other instrument authorizing the bonds with respect to which the fund is established.

d. To assure the continued solvency of any bonds secured by a bond reserve fund, provision is made in paragraph *"c"* for the accumulation in each bond reserve fund of an amount equal to the bond reserve fund requirement for the fund. In order further to assure

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maintenance of the bond reserve funds, the treasurer of state shall, on or before January 1 of each calendar year, make and deliver to the governor and to both houses of the general assembly the treasurer of state's certificate stating the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund and requesting that the budget and appropriation bills approved for such fiscal year include amounts sufficient to restore each bond reserve fund to the bond reserve fund requirement for such fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each bond reserve fund to the bond reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the treasurer of state pursuant to this subsection shall be deposited by the treasurer of state in the applicable bond reserve fund.

4. Except as otherwise provided in this section, the moneys on deposit in the revenue bonds debt service fund or any bond reserve fund relating to bonds issued pursuant to section 12.87 shall be held for the sole benefit of the bonds and shall not be pledged or used for the benefit of any bonds issued by the treasurer of state pursuant to any other section of the Code.

5. Moneys in the revenue bonds debt service fund and any bond reserve fund created pursuant to this section are not subject to section 8.33; provided however, that on August 31 following the close of each fiscal year, any moneys on deposit in the revenue bonds debt service fund at the end of such fiscal year, which is determined by the treasurer of state to not be encumbered or obligated or otherwise necessary to make the payments for such fiscal year authorized to be made from such fund pursuant to subsection 1, shall be credited to the rebuild Iowa infrastructure fund created in section 8.57. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revenue bonds debt service fund and any bond reserve fund shall be credited to such funds.

2009 Acts, ch 173, §3, 36; 2010 Acts, ch 1184, §80; 2012 Acts, ch 1021, §130; 2020 Acts, ch 1062, §2; 2024 Acts, ch 1185, §101

Referred to in §8.57, 12.87, 12.89A, 12.90

12.89A Revenue bonds federal subsidy holdback fund.

1. A revenue bonds federal subsidy holdback fund is created and established as a separate and distinct fund in the state treasury. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund.

2. The moneys in such fund shall include all of the following:

a. The revenues required to be deposited in the fund pursuant to section 8.57, subsection 3, paragraph *"d"*.

b. Interest attributable to investment moneys in the fund.

c. Any other moneys from any other sources which may be legally available to the treasurer of state for the purpose of the fund.

3. The moneys in the revenue bonds federal subsidy holdback fund are appropriated and shall be used or transferred to the revenue bonds debt service fund created in section 12.89, subsection 1, solely for the purpose of making payments of principal and interest on federal subsidy bonds when due, if the treasurer of state or the treasurer's designee has not received a federal subsidy scheduled to be received for such payment by the due date.

4. The moneys on deposit in the revenue bonds federal subsidy holdback fund shall be used or transferred to the revenue bonds debt service fund created in section 12.89, subsection 1, solely for the purpose of making payments of principal and interest on federal subsidy bonds prior to any use or transfer of moneys on deposit in any bond reserve fund created for such federal subsidy bonds by the treasurer of state pursuant to section 12.89, subsection 3, paragraph *"a"*.

5. At any time during each fiscal year that there are moneys on deposit in the revenue bonds federal subsidy holdback fund that are not needed to pay principal and interest on federal subsidy bonds during such fiscal year as determined by the treasurer of state or the treasurer's designee, such moneys on deposit in the revenue bonds federal subsidy holdback fund shall be credited to the rebuild Iowa infrastructure fund created in section 8.57.

6. For purposes of this section:

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a. "Federal subsidy" means any payment from the federal government with respect to federal subsidy bonds.

b. "Federal subsidy bonds" means any bonds issued and sold pursuant to section 12.87 for which a federal subsidy is expected to be paid on or before any date on which interest on such bonds is due and payable.

2010 Acts, ch 1184, §81; 2011 Acts, ch 25, §7; 2012 Acts, ch 1021, §131; 2020 Acts, ch 1062, §3; 2024 Acts, ch 1185, §102

Referred to in §8.57, 12.87, 12.89

12.90 Pledges — construction.

1. It is the intention of the general assembly that a pledge made in respect of bonds shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

2. Sections 12.87 through 12.89, and this section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect the purposes of the sections.

2009 Acts, ch 173, §4, 36; 2016 Acts, ch 1073, §4

Referred to in §12.87

SUBCHAPTER XII

ANNUAL APPROPRIATION BONDS

12.90A through 12.90C Repealed by 2010 Acts, ch 1184, §95.

SUBCHAPTER XIII

ENERGY-EFFICIENT BUILDING PROJECT

12.91 Utilities commission and consumer advocate building project — bond issue.

1. For purposes of this section:

a. "Bonds" means bonds, notes, or other evidences of indebtedness issued under this section.

b. "Chargeable expenses" means expenses charged by the utilities commission and the consumer advocate division of the department of justice under section 476.10.

c. "Chargeable expenses fund" means the fund created in the state treasury under this section.

d. "Project" means a building and related improvements and furnishings authorized under section 476.10B.

2. The treasurer of state may issue bonds and do all things necessary in order to finance the costs of the project. The treasurer of state shall have all of the powers which are necessary to issue and secure bonds to provide the financing for the project. The treasurer of state may issue bonds in principal amounts which, in the opinion of the treasurer, are necessary to provide sufficient funds for the costs of the project, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds, other expenditures of the treasurer of state incident to and necessary or convenient to carry out the bond issue, and all other expenditures of the utilities commission and the department of administrative services in connection with the construction of the project. The bonds are investment securities and negotiable instruments within the meaning of and for purposes of the Iowa uniform commercial code, chapter 554.

3. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the chargeable expenses fund and any bond reserve funds established pursuant to this section, all of which may be held by the treasurer of state or deposited with trustees or depositories in accordance with bond or security documents and pledged by the treasurer

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of state to the payment thereof. Bonds issued under this section shall contain a statement that the bonds do not constitute an indebtedness of the state. The treasurer of state shall not pledge the credit or taxing power of this state or any political subdivision of this state or make bonds issued pursuant to this section payable out of any moneys except those in the chargeable expenses fund and any bond reserve funds established pursuant to this section.

4. The proceeds of bonds issued by the treasurer of state and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested or reinvested in any investment as directed by the treasurer of state and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued without regard to any limitation otherwise provided by law.

5. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the treasurer of state. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this section and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

6. The bonds are securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state may properly and legally invest funds, including capital, in their control or belonging to them.

7. Bonds must be authorized by a trust indenture, resolution, or other instrument of the treasurer of state.

8. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective.

9. Bonds issued under the provisions of this section are declared to be issued for a general public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance tax.

10. Subject to the terms of any bond documents, moneys in the chargeable expenses fund may be expended for administration expenses of the treasurer of state in connection with the bonds.

11. The treasurer of state may issue bonds for the purpose of refunding any bonds issued pursuant to this section then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this section. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the treasurer of state for deposit in the chargeable expenses fund unless all bonds issued under the provisions of this section have been retired, in which case the proceeds shall be deposited in the general fund of the state. All refunding bonds shall be issued and secured and subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this section.

12. A chargeable expenses fund is created and established as a separate and distinct fund in the state treasury. The moneys in the fund are appropriated for payment of the principal

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of, premium, and interest on any bonds issued under this section. Moneys in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes of the chargeable expenses fund. The treasurer of state shall act as custodian of the fund and disburse moneys contained in the fund for payment of the principal of, premium, and interest on any bonds issued under this section. Notwithstanding section 476.10, there shall in each fiscal year be deposited in the chargeable expenses fund from amounts collected by the utilities commission as chargeable expenses an amount equal to the principal of, premium, if any, and interest on any bonds issued under this section to become due, whether at maturity, by call for optional redemption or by sinking fund redemption, in such fiscal year. The treasurer of state is authorized to pledge any amounts in the chargeable expenses fund as security for the payment of the principal of, premium, and interest on any bonds issued under this section. The treasurer of state may provide in the trust indenture, resolution, or other instrument authorizing the issuance of bonds for the transfer to the general fund of the state of any amounts on deposit in the chargeable expenses fund that are not necessary for the payment of the principal of, premium, and interest on any bonds issued under this section.

13. Moneys in the chargeable expenses 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.

14. *a.* The treasurer of state may create and establish one or more special funds, to be known as "*bond reserve funds*", to secure one or more issues of bonds issued pursuant to this section. The treasurer of state shall pay into each bond reserve fund any moneys appropriated and made available by the state or the treasurer of state for the purpose of the fund, any proceeds of sale of bonds to the extent provided in the resolutions authorizing their issuance, and any other moneys which may be available to the treasurer of state for the purpose of the fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

b. Moneys in a bond reserve fund shall not be withdrawn from it at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this subsection, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, payment when due of principal, interest, redemption premiums, and the sinking fund payments with respect to the bonds for the payment of which other moneys of the treasurer of state are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the treasurer of state to other funds or accounts to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for that bond reserve fund. For the purposes of this subsection, the term *"bond reserve fund requirement"* means, as of any particular date of computation, an amount of money, as provided in the resolutions authorizing the bonds with respect to which the fund is established.

c. The treasurer of state shall comply with the provisions of section 476.10B in order to assure the maintenance of any bond reserve funds established under this section.

15. It is the intent of the general assembly that a pledge made in respect of bonds issued under this section shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the treasurer of state shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the treasurer of state whether or not the parties have notice of the lien.

16. Bonds issued pursuant to this section are not debts of the state, nor of any political subdivision of the state, and do not constitute a pledge of the faith and credit of the state or a charge against the general credit or general fund of the state. The issuance of any bonds

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pursuant to this section by the treasurer of state does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from, or to levy or pledge any form of taxation whatever to, the payment of the bonds. Bonds issued under this section are payable solely and only from the sources and special fund provided in this section.

17. This section, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

2006 Acts, ch 1179, §70; 2007 Acts, ch 22, §6; 2008 Acts, ch 1119, §3; 2010 Acts, ch 1138, §49; 2012 Acts, ch 1017, §34; 2014 Acts, ch 1076, §12; 2024 Acts, ch 1170, §369

Referred to in §422.7(2)(d), 476.10B

12.92 through 12.100 Reserved.

SUBCHAPTER XIV

FAIRGROUNDS INFRASTRUCTURE

12.101 and 12.102 Repealed by 2009 Acts, ch 184, §40.

CHAPTER 12A

UNIFORM FINANCE PROCEDURES FOR STATE-ISSUED BONDS

Referred to in §12.80

12A.1	Definitions.	12A.8	Bonds secured by authorizing documents.
12A.2	Provisions applicable.	12A.9	State tax. Repealed by 2008 Acts, ch 1065, §12.
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12A.5	Reserve funds.	12A.12	Construction.
12A.6	Pledge of funds.	12A.13	Coordination.
12A.7	Authorizing documents provisions.		

12A.1 Definitions.

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

1. *"Authorizing documents"* means a resolution of the issuer, an indenture of trust, or any other instrument setting forth the terms and conditions of bonds issued in accordance with the provisions of this chapter.

2. *"Bonds"* means bonds, including refunding bonds, notes, and other obligations issued by an issuer.

3. *"Enabling legislation"* means legislation enabling the issuance by an issuer of bonds in accordance with the provisions of this chapter.

4. *"Issuer"* means the state, a department or public or quasi-public agency or instrumentality of the state, or an authority of the state, authorized and enabled to issue bonds in accordance with the provisions of this chapter.

2007 Acts, ch 133, §1; 2008 Acts, ch 1065, §1

12A.2 Provisions applicable.

An issuer may issue bonds in accordance with the provisions of this chapter if enabling legislation enacted on or after July 1, 2007, provides that the bonds shall or may be issued in accordance with the provisions of this chapter. This chapter establishes the terms, conditions, and procedures applicable to the issuance of bonds by an issuer enabled to issue bonds under this chapter.

2007 Acts, ch 133, §2; 2008 Acts, ch 1065, §2

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12A.3 Special obligations.

Bonds issued under this chapter are payable solely out of the moneys, assets, or revenues pledged to the payment of the bonds pursuant to the enabling legislation and any bond reserve funds established in accordance with this chapter, and are not an obligation, indebtedness, or debt of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations. Bonds issued under this chapter shall contain a statement that the bonds are issued pursuant to this chapter or the enabling legislation; are payable solely from the moneys, assets, and revenues pledged for their payment and any bond reserve funds established; do not constitute an obligation, indebtedness, or debt of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations; and that the issuer and the state have no obligation to satisfy any deficiency or default of any payment of the bonds using any moneys, assets, or revenues other than those specifically pledged in the enabling legislation for payment of the bonds, and any bond reserve funds established by the issuer. The issuer shall not pledge the credit or taxing power of the state or any political subdivision of the state; create an obligation, indebtedness, or debt of the state or any political subdivision of the state within the meaning of any constitutional or statutory debt limitations; or make its bonds payable out of any moneys except those pledged in the enabling legislation and any bond reserve funds established by the issuer.

2007 Acts, ch 133, §3; 2008 Acts, ch 1065, §3

12A.4 General powers.

1. An issuer may issue bonds under this chapter and do all things necessary with respect to the issuance of the bonds. An issuer shall have all of the powers necessary to issue and secure bonds and carry out the purposes for which the bonds are to be issued, including the power to secure credit enhancement or support and to enter into agreements providing interest rate protection, as deemed appropriate by the issuer. The issuer may issue bonds in principal amounts consistent with the enabling legislation and which the issuer determines are necessary to provide sufficient funds for the purposes for which the bonds are issued, and to provide for the payment of capitalized interest on the bonds, the establishment of reserves to secure the bonds, the payment of the costs of issuance of the bonds, the payment of other expenditures of the issuer incident to and necessary or convenient to carry out the issue, and the payment of all other expenditures necessary or convenient to carry out the purposes for which the bonds are issued.

2. The proceeds of bonds issued by the issuer and not required for immediate disbursement may be deposited with a trustee or depository or the treasurer of state as provided in the authorizing documents. Proceeds shall be invested or reinvested as directed by the treasurer of state and specified in the authorizing documents without regard to any limitation otherwise provided by law.

3. Bonds shall be issued as follows:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and subject to such other terms and conditions as prescribed in the authorizing documents.

b. Sold at prices, at public or private sale, and in a manner, as prescribed by the issuer. Chapters 73A, 74, 74A, 75, and 76 do not apply to the sale, issuance, or retirement of the bonds if this chapter is utilized.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter and as determined by the authorizing documents.

4. Bonds issued under this chapter are investment securities and negotiable instruments within the meaning of and for purposes of the uniform commercial code, chapter 554. Bonds are securities in which public officers and bodies of this state; political subdivisions of this state; insurance companies and associations and other persons carrying on an insurance business; banks, trust companies, savings associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons

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authorized to invest in bonds of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

5. Bonds must be authorized by the authorizing documents. The authorizing documents may, however, delegate to an officer of a board or of a governing body of an issuer the power to negotiate and fix the details of an issue of bonds.

6. A resolution, trust agreement, or any other instrument by which a pledge is created shall not be required to be recorded or filed under the uniform commercial code, chapter 554, to be valid, binding, or effective.

7. Subject to the terms of the authorizing documents, the proceeds of bonds may be expended for administrative expenses.

8. An issuer may issue bonds for the purpose of refunding any bonds then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds are applied to the purchase or retirement of outstanding bonds or the redemption of outstanding bonds, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this chapter, the authorizing documents, and any applicable escrow agreement. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments shall be returned to the issuer. All refunding bonds shall be issued and secured and subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

2007 Acts, ch 133, §4; 2008 Acts, ch 1065, §4; 2012 Acts, ch 1017, §35

12A.5 Reserve funds.

1. An issuer may create and establish one or more special funds, to be known as bond reserve funds, to secure one or more issues of bonds. The issuer shall pay into each bond reserve fund any moneys appropriated and made available by the state for the purpose of that reserve fund, any proceeds of the sale of bonds to the extent provided in the authorizing documents, and any other moneys which may be legally available from any other sources and which the issuer determines to deposit in the reserve fund. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used solely for the payment of the principal of bonds secured in whole or in part by the fund or other payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds, or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity, all in accordance with the authorizing documents.

2. Except as otherwise specified in the authorizing documents, moneys in a bond reserve fund shall not be withdrawn at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, except for the purpose of making payment as described in subsection 1. For the purposes of this chapter, "*bond reserve fund requirement*" means, as of any particular date of computation, the amount of moneys, provided in the authorizing documents with respect to which the fund is established. Any income or interest earned by, or incremental to, a bond reserve fund due to its investment may be transferred to other funds or accounts as provided in the authorizing documents to the extent the transfer does not reduce the amount of that bond reserve fund below its bond reserve fund requirement.

3. The issuer shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund for the bonds will be less than the bond reserve fund requirement for the fund, unless the issuer at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from other legally available sources an amount which, together with the amount then in the fund, will not be less than the bond reserve fund requirement for the fund.

2007 Acts, ch 133, §5; 2008 Acts, ch 1065, §5

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12A.6 Pledge of funds.

1. Any amounts authorized to be pledged as security for bonds may be held in separate and distinct funds in the state treasury, unless otherwise specified in the authorizing documents. Moneys so held shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for debt service on the bonds and other amounts as set forth in the authorizing documents. The treasurer of state may act as custodian of the funds and disburse moneys contained in the funds as directed by the authorizing documents.

2. Moneys in any fund pledged as security for bonds are not subject to section 8.33. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the funds shall be credited to the applicable fund.

2007 Acts, ch 133, §6; 2008 Acts, ch 1065, §6

12A.7 Authorizing documents provisions.

The authorizing documents may contain the following provisions:

1. Pledges or assignments of the revenue of a project with respect to which the bonds are to be issued or the revenue of other property or facilities.

2. The setting aside of reserves or sinking funds, and their regulation, investment, and disposition.

3. Limitations on the use of a project, property, or facilities.

4. Limitations on the purpose to which or the investments in which the proceeds of sale of an issue of bonds then or thereafter to be issued may be applied and pledging the proceeds to secure the payment of the bonds.

5. Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds.

6. The procedure, if any, by which the terms of any contract with the holder of a bond may be amended or abrogated, the amount of bonds may be specified for which the holders must consent to amendment or abrogation, and the manner in which the consent may be given.

7. Definitions of the acts or omissions to act which constitute a default in the duties of the issuer to holders of bonds, specifying any rights and remedies of the holders in the event of a default, and restricting the individual right of action by holders.

8. Other matters relating to the bonds as may be provided by the issuer.

2007 Acts, ch 133, §7; 2008 Acts, ch 1065, §7; 2009 Acts, ch 41, §10

12A.8 Bonds secured by authorizing documents.

The authorizing documents may pledge or assign the revenue to be received for payment of the bonds or the proceeds of any contract pledged. A pledge or assignment made by the issuer pursuant to this chapter is valid and binding from the time that the pledge or assignment is made, and the revenue pledged and thereafter received by the issuer is immediately subject to the lien of the pledge or assignment without physical delivery or any further act. The lien of the pledge or assignment is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the issuer irrespective of whether the parties have notice of the lien. The authorizing documents may contain other provisions the issuer deems reasonable and proper for the security of the bond holders.

2007 Acts, ch 133, §8; 2008 Acts, ch 1065, §8

12A.9 State tax. Repealed by 2008 Acts, ch 1065, §12.

12A.10 State law.

The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of any issuer, including the power to terminate the issuer, except that a law shall not be enacted that impairs any obligation made pursuant to any contract entered into by the issuer with or on behalf of the holders of the bonds to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa or Article I, section 10, of the Constitution of the United States.

2007 Acts, ch 133, §10; 2008 Acts, ch 1065, §9

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12A.11 Provisions controlling.

The powers granted issuers under this chapter are in addition to the powers of each issuer contained elsewhere in the Code. Nothing in this chapter limits the powers of an issuer to issue bonds under any other applicable provisions of the Code or to otherwise carry out its responsibilities as otherwise set forth in the Code.

2007 Acts, ch 133, §11; 2008 Acts, ch 1065, §10

12A.12 Construction.

This chapter, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purpose.

2007 Acts, ch 133, §12

12A.13 Coordination.

Issuers of bonds issued under this chapter shall be subject to the provisions of section 12.30.

2008 Acts, ch 1065, §11

CHAPTER 12B

SECURITY OF THE REVENUE

Referred to in §12E.8, 16.5, 28J.9, 331.401, 331.902

This chapter not enacted as a part of this title; transferred from chapter 452 in Code 1993

12B.1 Definitions.
12B.1A County responsible to state.
12B.2 Interest on warrants.
12B.3 Discounting warrants.
12B.4 Loans by county treasurer.
12B.5 Loans by treasurer of state.
12B.6 Certain public funds of political subdivisions.
12B.7 Settlement by retiring treasurer.
12B.8 Supervisors to report to state auditor.
12B.9 Correct balances.
12B.10 Public funds investment standards.
12B.10A Public investment maturity and procedural limitations.
12B.10B Written investment policies.
12B.10C Regulation of public funds custodial agreements.
12B.11 Manner and details of settlement.
12B.12 Duty of examining officer.
12B.13 Report of settlement filed.
12B.14 False statements or reports.
12B.15 Official delinquency.
12B.16 Refund to counties.
12B.17 Warrant for excess.
12B.18 Delivery to treasurer.

12B.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

12B.1A County responsible to state.

Each county is responsible to the state for the full amount of tax levied for state purposes, excepting such amounts as are certified to be unavailable, double, or erroneous assessments.

[R60, §793; C73, §908; C97, §1453; C24, 27, 31, 35, 39, §**7398;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.1]

C93, §12B.1

C2001, §12B.1A

12B.2 Interest on warrants.

When interest is due and allowed by the treasurer of state on the redemption of state warrants, or by the county treasurer on the redemption of county warrants, the same shall be receipted on the warrants by the holder, with the date of the payment, and no interest

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shall be allowed by the department of administrative services or board of supervisors except such as is thus receipted.

[R60, §795; C73, §910; C97, §1455; C24, 27, 31, 35, 39, §**7400;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.2]

C93, §12B.2

2003 Acts, ch 145, §286

Analogous section, §74.7

12B.3 Discounting warrants.

If the treasurer of state or any county treasurer, personally or through another, discounts the director of the department of administrative services' or auditor's warrants, either directly or indirectly, the treasurer shall be guilty of a serious misdemeanor.

[R60, §796; C73, §911; C97, §1456; C24, 27, 31, 35, 39, §**7401;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.3]

C93, §12B.3

2003 Acts, ch 145, §286; 2004 Acts, ch 1101, §11

12B.4 Loans by county treasurer.

A county treasurer shall be guilty of a serious misdemeanor for loaning out, or in any manner using for private purposes, state, county, or other funds in the treasurer's hands.

[R60, §797; C73, §912; C97, §1457; S13, §1457; C24, 27, 31, 35, 39, §**7402;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.4]

C93, §12B.4

12B.5 Loans by treasurer of state.

The treasurer of state shall be guilty of a serious misdemeanor for loaning out, or in any manner using for private purposes, state, county, or other funds in the treasurer's hands.

[R60, §797; C73, §912; C97, §1457; S13, §1457; C24, 27, 31, 35, 39, §**7403;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.5]

C93, §12B.5

12B.6 Certain public funds of political subdivisions.

All funds received, expended, or held by an association of elected county officers before, on, or after June 16, 2005, to implement a state-authorized program, are subject to audit by the auditor of state at the request of the general assembly's standing committees on government oversight or the legislative council. All such funds received or held on and after July 1, 2005, shall be deposited in a fund in the office of the treasurer of state.

2005 Acts, ch 179, §98, 103; 2006 Acts, ch 1010, §175, 177; 2010 Acts, ch 1069, §4

12B.7 Settlement by retiring treasurer.

When a county treasurer goes out of office, the treasurer shall make a full and complete settlement with the board of supervisors, and deliver up all books, papers, moneys, and all other property pertaining to the office, to the treasurer's successor, taking a receipt therefor.

[R60, §802; C73, §917; C97, §1461; C24, 27, 31, 35, 39, §**7409;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.7]

C93, §12B.7

Referred to in §331.555

12B.8 Supervisors to report to state auditor.

The board of supervisors shall make a statement of state dues to the auditor of state, showing all charges against the treasurer during the treasurer's term of office, and all credits made, the delinquent taxes and other unfinished business charged over to the treasurer's successor, and the amount of money paid over to the treasurer's successor, showing to what year and to what account the amount so paid over belongs.

[R60, §802; C73, §917; C97, §1461; C24, 27, 31, 35, 39, §**7410;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.8]

C93, §12B.8

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12B.9 Correct balances.

The board of supervisors shall also see that the books of the treasurer are correctly balanced before passing into the possession and control of the treasurer-elect.

[R60, §802; C73, §917; C97, §1461; C24, 27, 31, 35, 39, §**7411;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.9]

C93, §12B.9

12B.10 Public funds investment standards.

1. *a.* In addition to investment standards and requirements otherwise provided by law, the investment of public funds by the treasurer of state, state agencies authorized to invest funds, and political subdivisions of this state, shall comply with this section, except where otherwise provided by another statute specifically referring to this section.

b. The treasurer of state and the treasurer of each political subdivision shall at all times keep funds coming into their possession as public money in a vault or safe to be provided for that purpose or in one or more depositories approved pursuant to chapter 12C. However, the treasurer of state, state agencies authorized to invest public funds, and political subdivisions shall invest, unless otherwise provided, any public funds not currently needed in investments authorized by this section.

2. The treasurer of state, state agencies authorized to invest funds, and political subdivisions of this state, when investing or depositing public funds, shall exercise the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use to attain the goals of this subsection. This standard requires that when making investment decisions, a public entity shall consider the role that the investment or deposit plays within the portfolio of assets of the public entity and the goals of this subsection. The primary goals of investment prudence shall be based in the following order of priority:

a. Safety of principal is the first priority.

b. Maintaining the necessary liquidity to match expected liabilities is the second priority.

c. Obtaining a reasonable return is the third priority.

3. *a.* Investments of public funds shall be made in accordance with written policies. A written investment policy shall address the goals set out in subsection 2 and shall also address, but is not limited to, compliance with state law, diversification, maturity, quality, and capability of investment management.

b. The trading of securities in which any public funds are invested for the purpose of speculation and the realization of short-term trading profits is prohibited.

c. Investments by a political subdivision must have maturities that are consistent with the needs and use of that political subdivision or agency.

4. *a.* The treasurer of state and all other state agencies authorized to invest funds shall only purchase and invest in the following:

(1) Obligations of the United States government, its agencies, and instrumentalities.

(2) Certificates of deposit and other evidences of deposit at federally insured depository institutions approved pursuant to chapter 12C.

(3) Prime bankers' acceptances that mature within two hundred seventy days and that are eligible for purchase by a federal reserve bank, provided that at the time of purchase no more than thirty percent of the investment portfolio of the treasurer of state or any other state agency shall be in investments authorized by this subparagraph and that at the time of purchase no more than five percent of the investment portfolio shall be invested in the securities of a single issuer.

(4) Commercial paper or other short-term corporate debt that matures within two hundred seventy days and that is rated within the two highest classifications, as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A, provided that at the time of purchase no more than five percent of all amounts invested in commercial paper and other short-term corporate debt shall be invested in paper and debt rated in the second highest classification, and provided further that at the time of purchase no more than thirty percent of the investment portfolio of the treasurer of state or any other state agency shall be in investments authorized by this

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subparagraph and that at the time of purchase no more than five percent of the investment portfolio shall be invested in the securities of a single issuer.

(5) Repurchase agreements whose underlying collateral consists of the investments set out in subparagraphs (1) through (4) if the treasurer of state or state agency takes delivery of the collateral either directly or through an authorized custodian. Repurchase agreements do not include reverse repurchase agreements.

(6) Investments authorized for the Iowa public employees' retirement system in section 97B.7A, except that investment in common stocks is not permitted.

(7) An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., and operated in accordance with 17 C.F.R. §270.2a-7.

(8) Investments authorized under subsection 7.

(9) Obligations of the Iowa finance authority issued pursuant to chapter 16, bearing interest at market rates, provided that at the time of purchase the Iowa finance authority has an issuer credit rating within the two highest classifications or the obligations to be purchased are rated within the two highest classifications, as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A.

b. Futures and options contracts are not permissible investments.

5. *a.* Political subdivisions of this state, including entities organized pursuant to chapter 28E whose primary function is other than to jointly invest public funds, shall purchase and invest only in the following:

(1) Obligations of the United States government, its agencies, and instrumentalities.

(2) Certificates of deposit and other evidences of deposit at federally insured depository institutions approved pursuant to chapter 12C.

(3) Prime bankers' acceptances that mature within two hundred seventy days and that are eligible for purchase by a federal reserve bank, provided that at the time of purchase no more than ten percent of the investment portfolio shall be in investments authorized by this subparagraph and that at the time of purchase no more than five percent of the investment portfolio shall be invested in the securities of a single issuer.

(4) Commercial paper or other short-term corporate debt that matures within two hundred seventy days and that is rated within the two highest classifications, as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A, provided that at the time of purchase no more than five percent of all amounts invested in commercial paper and other short-term corporate debt shall be invested in paper and debt rated in the second highest classification, and provided further that at the time of purchase no more than ten percent of the investment portfolio shall be in investments authorized by this subparagraph and that at the time of purchase no more than five percent of the investment portfolio shall be invested in the securities of a single issuer.

(5) Repurchase agreements whose underlying collateral consists of the investments set out in subparagraph (1) if the political subdivision takes delivery of the collateral either directly or through an authorized custodian. Repurchase agreements do not include reverse repurchase agreements.

(6) An open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7.

(7) (a) A joint investment trust organized pursuant to chapter 28E, provided that the joint investment trust shall be one of the following:

(i) Rated within the two highest classifications by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A and operated in accordance with either 17 C.F.R. §270.2a-7, or with the requirements of the governmental accounting standards board for external investment pools.

(ii) Registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1, and operated in accordance with 17 C.F.R. §270.2a-7.

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(b) The manager or investment advisor of the joint investment trust shall be registered with the federal securities and exchange commission under the Investment Advisor Act of 1940, 15 U.S.C. §80b-1.

(8) Warrants or improvement certificates of a levee or drainage district.

(9) Investments authorized under subsection 7.

b. Futures and options contracts are not permissible investments.

6. The following investments are not subject to this section:

a. Investments by the public safety peace officers' retirement system governed by chapter 97A.

b. Investments by the Iowa public employees' retirement system governed by chapter 97B.

c. Investments by the Iowa finance authority governed by chapter 16.

d. Investments by the state board of regents. However, investments by the state board of regents or institutions governed by the state board of regents are limited to the following:

(1) Those investments set out in subsection 4.

(2) The common fund for nonprofit organizations.

(3) Common stocks.

(4) For investments of short-term operating funds, the funds shall not be invested in investments having effective maturities exceeding sixty-three months.

e. A pension and annuity retirement system governed by chapter 294.

f. Investments by the statewide fire and police retirement system governed by chapter 411.

g. Investments by the judicial retirement system governed by chapter 602, article 9.

h. Investments under the deferred compensation plan established by the executive council pursuant to section 509A.12.

i. Investments made by city hospitals as provided in section 392.6. However, investments by city hospitals are limited to the following:

(1) The same types of investments as the treasurer of state and other state agencies may make under this section.

(2) Investment in common stocks.

j. Investments by the tobacco settlement authority governed by chapter 12E.

k. Investments by municipal utility retirement systems governed under chapter 412.

l. Investments in a qualified trust established pursuant to governmental accounting standards board statement number forty-three that is governed by a board of trustees of a joint investment trust organized pursuant to chapter 28E and that is registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1.

m. Investments by a student organization or club of moneys from an entrepreneurial education fund governed by section 298A.15.

n. Investments by the veterans trust fund established in section 35A.13.

7. Notwithstanding sections 12C.2, 12C.4, and 12C.6, and any other provision of law relating to the deposits of public funds, if public funds are deposited in a depository, as defined in section 12C.1, any uninsured portion of the public funds invested through the depository may be invested in insured deposits or certificates of deposit arranged by the depository that are placed in or issued by one or more federally insured banks or savings associations regardless of location for the account of the public funds depositor if all of the following requirements are satisfied:

a. The full amount of the principal and any accrued interest on such public funds or each such certificate of deposit issued shall be covered by federal deposit insurance.

b. The depository, either directly or through an agent or subcustodian, shall act as custodian of the insured deposits or certificates of deposit.

c. On the same day that the public funds deposits are placed or the certificates of deposit are issued, the depository shall have received deposits in an amount eligible for federal deposit insurance from, and, with regard to certificates of deposit, shall have issued certificates of deposit to, customers of other financial institutions wherever located that are equal to or greater than the amount of public funds invested under this subsection by the public funds depositor through the depository.

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8. As used in this section, *"public funds"* means the same as defined in section 12C.1, subsection 2.

[R60, §804; C73, §918; C97, §1462; S13, §1462; C24, 27, 31, 35, 39, §**7412;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.10]

84 Acts, ch 1194, §1; 84 Acts, ch 1230, §4; 85 Acts, ch 194, §1; 87 Acts, ch 105, §3; 88 Acts, ch 1027, §1; 88 Acts, ch 1187, §1; 90 Acts, ch 1233, §30; 91 Acts, ch 249, §1; 92 Acts, ch 1156, §16

C93, §12B.10

94 Acts, ch 1012, §1; 96 Acts, ch 1187, §75; 97 Acts, ch 185, §1; 2000 Acts, ch 1156, §1; 2000 Acts, ch 1208, §20, 25; 2001 Acts, ch 68, §2, 24; 2001 Acts, ch 102, §1; 2003 Acts, ch 179, §91; 2006 Acts, ch 1023, §1 – 4; 2008 Acts, ch 1075, §1; 2011 Acts, ch 55, §1; 2012 Acts, ch 1051, §1; 2013 Acts, ch 71, §2, 4; 2014 Acts, ch 1092, §163; 2015 Acts, ch 30, §3, 4; 2016 Acts, ch 1032, §1; 2017 Acts, ch 29, §13; 2022 Acts, ch 1034, §1; 2025 Acts, ch 35, §1

Referred to in §12B.10A, 12B.10B, 12B.14, 12C.1, 12C.7, 12C.9, 12C.10, 12C.22, 12C.23A, 28E.5, 161A.80A, 279.29, 331.555, 347.13, 357A.11, 384.21, 523I.507

12B.10A Public investment maturity and procedural limitations.

1. The investment of public funds which are operating funds by a political subdivision shall be subject to the following:

a. As used in this section, *"operating funds"* means those funds which are reasonably expected to be expended during a current budget year or within fifteen months of receipt.

b. Operating funds must be identified and distinguished from all other funds available for investment.

c. (1) Operating funds may only be invested in investments which mature within three hundred ninety-seven days or less and which are authorized by law for the investing public entity.

(2) Notwithstanding subparagraph (1), a political subdivision which has or expects to accrue in the current budget year an amount of public funds that exceeds operating funds by at least thirty-three percent may invest amounts exceeding thirty-three percent of operating funds in certificates of deposit at federally insured depository institutions approved pursuant to chapter 12C which mature within sixty-three months or less provided that the political subdivision invests an amount reasonably expected to be expended during the current budget year or within fifteen months of receipt in investments pursuant to subparagraph (1).

2. All investments of public funds by political subdivisions shall be subject to the following:

a. Each investment must be authorized by applicable law and the written investment policy of the political subdivision.

b. Each political subdivision whose investments involve the use of a public funds custodial agreement, as defined in section 12B.10C, shall comply with rules adopted pursuant to section 12B.10C relating to those investments. All contracts providing for the investment of public funds shall be in writing and shall contain a provision requiring that all investments shall be made in accordance with the laws of this state.

c. A contract for the investment or deposit of public funds shall not provide for compensation of an agent or fiduciary based upon investment performance.

3. A treasurer of a political subdivision may invest funds of the political subdivision or agency that are not operating funds in investments having maturities longer than three hundred and ninety-seven days.

4. As used in this section, *"public funds"* means all funds that are public funds within the meaning of section 12C.1, subsection 2, paragraph *"e"*, except state funds invested by the treasurer of state.

5. This section shall not be construed to supersede any provision of this chapter or of chapter 12C.

6. The following entities are not subject to this section:

a. The public safety peace officers' retirement system governed by chapter 97A.

b. The Iowa public employees' retirement system governed by chapter 97B.

c. The Iowa finance authority governed by chapter 16.

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d. The state board of regents. However, investments by the state board of regents or institutions governed by the state board of regents are limited to the following:

(1) Those investments set out in section 12B.10, subsection 4.

(2) The common fund for nonprofit organizations.

(3) Common stocks.

(4) For investments of short-term operating funds, the funds shall not be invested in investments having effective maturities exceeding sixty-three months.

e. A pension and annuity retirement system governed by chapter 294.

f. The statewide fire and police retirement system governed by chapter 411.

g. The judicial retirement system governed by chapter 602, article 9.

h. The deferred compensation plan established by the executive council pursuant to section 509A.12.

i. The tobacco settlement authority governed by chapter 12E.

7. A joint investment trust organized pursuant to chapter 28E whose primary function is to invest public funds shall report to the general assembly not later than January 1 of each year the amount of any trust royalty, residual payment, administrative or service fee, or other fee paid by the trust, the services performed for the fee, and the person receiving the fee.

92 Acts, ch 1156, §17; 96 Acts, ch 1187, §76; 97 Acts, ch 185, §2; 2000 Acts, ch 1208, §21, 25; 2003 Acts, ch 179, §92; 2018 Acts, ch 1114, §1

Referred to in §12B.10B, 12B.14, 28E.5, 279.29, 331.555, 357A.11, 384.21

12B.10B Written investment policies.

1. Political subdivisions shall approve written investment policies which incorporate the guidelines specified in sections 12B.10, 12B.10A, this section, and section 12B.10C, and any other provisions deemed necessary to adequately safeguard invested public funds.

2. The written investment policy required by section 12B.10 shall be delivered to all of the following:

a. The governing body or officer of the public entity to which the policy applies.

b. All depository institutions or fiduciaries for public funds of the public entity.

c. The auditor of the public entity.

3. The following entities are not subject to this section:

a. The public safety peace officers' retirement system governed by chapter 97A.

b. The Iowa public employees' retirement system governed by chapter 97B.

c. The Iowa finance authority governed by chapter 16.

d. The state board of regents governed by chapter 262.

e. A pension and annuity retirement system governed by chapter 294.

f. The statewide fire and police retirement system governed by chapter 411.

g. The judicial retirement system governed by chapter 602, article 9.

h. The deferred compensation plan established by the executive council pursuant to section 509A.12.

i. The tobacco settlement authority governed by chapter 12E.

j. Municipal utility retirement systems governed under chapter 412.

92 Acts, ch 1156, §18; 96 Acts, ch 1187, §77; 97 Acts, ch 185, §3; 2000 Acts, ch 1208, §22, 25; 2001 Acts, ch 102, §2; 2010 Acts, ch 1061, §4

Referred to in §12B.14, 28E.5, 331.303

12B.10C Regulation of public funds custodial agreements.

1. The treasurer of state, in consultation with the attorney general, shall adopt rules under chapter 17A requiring the inclusion in public funds custodial agreements of any provisions necessary to prevent loss of public funds.

2. As used in this section, "*public funds custodial agreement*" means any contractual arrangement pursuant to which one or more persons, including but not limited to investment advisors, investment companies, trustees, agents and custodians, are authorized to act as a custodian of or to designate another person to act as a custodian of public funds or any security or document of ownership or title evidencing public funds investments other than custodial agreements between an open-end management investment company registered

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with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 and a custodian bank.

3. As used in this section"*public funds"* means public funds as defined in section 12C.1. However, this section does not apply to public funds that are invested under the provisions of a resolution or indenture for the issuance of bonds, notes, certificates, warrants, or other evidences of indebtedness. To the extent that a provision of this section conflicts with federal law, it shall be construed to avoid the conflict.

4. The following entities are not subject to this section:

a. The public safety peace officers' retirement system governed by chapter 97A.

b. The Iowa public employees' retirement system governed by chapter 97B.

c. Investments by the Iowa finance authority governed by chapter 16.

d. A pension and annuity retirement system governed by chapter 294.

e. The statewide fire and police retirement system governed by chapter 411.

f. The judicial retirement system governed by chapter 602, article 9.

g. The deferred compensation plan established by the executive council pursuant to section 509A.12.

h. The tobacco settlement authority governed by chapter 12E.

i. Municipal utility retirement systems governed under chapter 412.

j. The state board of regents governed by chapter 262.

k. The veterans trust fund established in section 35A.13.

92 Acts, ch 1156, §19; 96 Acts, ch 1187, §78; 97 Acts, ch 185, §4; 2000 Acts, ch 1208, §23, 25; 2001 Acts, ch 102, §3; 2005 Acts, ch 179, §147; 2008 Acts, ch 1032, §201; 2015 Acts, ch 30, §5; 2022 Acts, ch 1034, §2

Referred to in §12B.10A, 12B.10B, 12B.14, 28E.5

12B.11 Manner and details of settlement.

At the time of any examination of any such office, or at the time of any settlement with the treasurer in charge of any such public funds, the treasurer is not required to produce and count in the presence of the officer or officers making such examination or settlement, unless otherwise requested by the board of supervisors, all moneys or funds then on deposit in the safe or vault in the treasurer's office. The treasurer shall produce a statement of all money or funds on deposit with any depository wherein the treasurer is authorized to deposit such funds, and shall correctly show the balance remaining on deposit in such depository at the close of business on the day preceding the day of such settlement. The treasurer shall also file a statement setting forth the numbers, dates, and amounts of all outstanding checks, or other items of difference, reconciling the balance as shown by the treasurer's books with those of the depositories. The state treasurer shall also file a statement showing the numbers, dates, and amounts of all United States government bonds held as part of said public fund.

[R60, §804; C73, §918; C97, §1462; S13, §1462; C24, 27, 31, 35, 39, §**7413;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.11]

C93, §12B.11

2003 Acts, ch 24, §1; 2006 Acts, ch 1070, §1, 31

Referred to in §12B.12, 12B.13, 12B.14

12B.12 Duty of examining officer.

It shall be the duty of the officer or officers making a settlement described under section 12B.11 to see that the amount of securities and money produced and counted, together with the amounts so certified by the legally designated depositories, agrees with the balance with which such treasurer should be charged, and the officer shall make a report in writing of any such settlement or examination, and attach thereto the certified statement of all such depositories.

[S13, §1462; C24, 27, 31, 35, 39, §**7414;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.12]

C93, §12B.12

2017 Acts, ch 29, §14

Referred to in §12B.14

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12B.13 Report of settlement filed.

The report of any settlement under section 12B.11 with the treasurer of state shall be filed in the office of the director of the department of management. The report of a settlement under section 12B.11 with a county treasurer shall be filed with the auditor of the county.

[S13, §1462; C24, 27, 31, 35, 39, §**7415;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.13]

C93, §12B.13

2017 Acts, ch 29, §15

Referred to in §12B.14

12B.14 False statements or reports.

Any officer or other person making a false statement or report or in any manner violating any of the provisions of sections 12B.10 through 12B.13 shall be guilty of a fraudulent practice.

[S13, §1462-a; C24, 27, 31, 35, 39, §**7416;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.14]

C93, §12B.14

2021 Acts, ch 80, §5

Fraudulent practices; see §714.8

12B.15 Official delinquency.

If any auditor or treasurer or other officer shall neglect or refuse to perform any act or duty specifically required of the officer, such officer shall be guilty of a simple misdemeanor, and the officer and the officer's surety shall be liable on the official bond for any fine imposed, and for the damages sustained by any person through such neglect or refusal.

[R60, §744, 749, 805; C73, §919; C97, §1463; C24, 27, 31, 35, 39, §**7417;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.15]

C93, §12B.15

12B.16 Refund to counties.

The director of the department of administrative services shall draw the warrant on the state treasury in favor of any county in the state for the amount of any excess in any fund or tax due the state from said county, excepting the state taxes.

[C97, §1464; C24, 27, 31, 35, 39, §**7418;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.16]

C93, §12B.16

2003 Acts, ch 145, §286

12B.17 Warrant for excess.

When it shall appear from the books in the department of administrative services that there is a balance due any county in excess of any revenue due the state, except state taxes, the director of the department of administrative services shall draw a warrant for such excess in favor of the county entitled thereto, and forward the same by mail, or otherwise, to the county auditor of the county to which it belongs, and charge the amount so sent to such county.

[C97, §1465; C24, 27, 31, 35, 39, §**7419;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.17]

C93, §12B.17

2003 Acts, ch 145, §286

12B.18 Delivery to treasurer.

The auditor to whom said warrant is sent shall immediately, upon receipt thereof, deliver it to the treasurer of the county, and charge the amount thereof to the treasurer, and shall acknowledge the receipt of the amount to the director of the department of administrative services.

[C97, §1466; C24, 27, 31, 35, 39, §**7420;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §452.18]

C93, §12B.18

2003 Acts, ch 145, §286

Referred to in §331.502

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CHAPTER 12C

DEPOSIT OF PUBLIC FUNDS

Referred to in §11.2, 11.6, 12.32, 12B.10, 12B.10A, 12E.8, 16.5, 28J.18, 28J.25, 28J.26, 185.34, 331.401, 331.502, 331.555, 331.655, 468.54, 524.213, 524.223, 524.1312, 533.301, 533.404, 602.8103

This chapter not enacted as a part of this title; transferred from chapter 453 in Code 1993

12C.1 Deposits in general — definitions.
12C.2 Approval — requirements.
12C.3 Reserved.
12C.4 Location of depositories.
12C.5 Refusal of deposits — procedure.
12C.6 Interest rate — notice.
12C.6A Eligibility for state public funds — procedures. Repealed by 2025 Acts, ch 35, §4.
12C.7 Interest — where credited.
12C.8 Liability of public officers.
12C.9 Investment of sinking funds — bond proceeds.
12C.10 Investment of funds created by election.
12C.11 Investment officer.
12C.12 Service charge by depository.
12C.13 Deposit not membership.
12C.14 Reserved.
12C.15 Restriction on requiring collateral.
12C.16 Security for deposit of public funds.
12C.17 Deposit of securities.
12C.18 Condition of security.
12C.19 Withdrawals, exchanges of security.
12C.20 Public funds reports.
12C.21 Required collateral — banks. Repealed by 99 Acts, ch 117, §14, 15.
12C.22 Required collateral — banks.
12C.23 Payment of losses in a credit union.
12C.23A Payment of losses in a bank.
12C.24 Liability.
12C.25 State sinking funds created.
12C.26 Refund from sinking funds.
12C.27 Failure to maintain required collateral.
12C.28 Electronic reporting.
12C.29 Authority of superintendent to issue orders.

12C.1 Deposits in general — definitions.

1. *a.* All funds held by the following officers or institutions shall be deposited in one or more depositories first approved by the appropriate governing body as indicated:

(1) For the treasurer of state, by the executive council.

(2) For judicial officers and court employees, by the supreme court.

(3) For the county treasurer, recorder, auditor, and sheriff, by the board of supervisors.

(4) For the city treasurer or other designated financial officer of a city, by the city council.

(5) For the county public hospital or merged area hospital, by the board of hospital trustees.

(6) For a memorial hospital, by the memorial hospital commission.

(7) For a school corporation, by the board of school directors.

(8) For a city utility or combined utility system established under chapter 388, by the utility board.

(9) For an electric power agency as defined in section 28F.2 or 390.9, by the governing body of the electric power agency.

b. However, the treasurer of state and the treasurer of each political subdivision or the designated financial officer of a city shall invest all funds not needed for current operating expenses in time certificates of deposit in approved depositories pursuant to this chapter or in investments permitted by section 12B.10. The list of public depositories and the amounts severally deposited in the depositories are matters of public record.

c. This subsection does not limit the definition of "public funds" contained in subsection 2. Notwithstanding provisions of this section to the contrary, public funds of a state government deferred compensation plan established by the executive council may also be invested in the investment products authorized under section 509A.12.

2. As used in this chapter unless the context otherwise requires:

a. "Bank" means a corporation or limited liability company engaged in the business of banking and organized under the laws of this state, another state, or the United States. *"Bank"* also means a savings and loan, savings association, or savings bank organized under the laws of another state or the United States.

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b. "Credit union" means a cooperative, nonprofit association incorporated under chapter 533 or the federal Credit Union Act, 12 U.S.C. §1751 et seq., and that is insured by the national credit union administration and includes an office of a credit union.

c. "Depository" means a bank or a credit union in which public funds are deposited under this chapter.

d. "Financial institution" means a bank or a credit union.

e. "Public funds" and *"public deposits"* mean any of the following:

(1) The moneys of the state or a political subdivision or instrumentality of the state including a county, school corporation, special district, drainage district, unincorporated town or township, municipality, or municipal corporation or any agency, board, or commission of the state or a political subdivision. Moneys of the state include moneys which are transmitted to a depositary for purposes of completing an electronic financial transaction pursuant to section 159.35.

(2) The moneys of any court or public body noted in subsection 1.

(3) The moneys of a legal or administrative entity created pursuant to chapter 28E.

(4) The moneys of an electric power agency as defined in section 28F.2 or 390.9.

(5) Federal and state grant moneys of a quasi-public state entity that are placed in a depository pursuant to this chapter.

(6) Moneys placed in a depository for the purpose of completing an electronic financial transaction pursuant to section 8.89 or 331.427.

f. "Public officer" means the person authorized by and acting for a public body to deposit public funds of the public body.

g. "Superintendent" means the superintendent of banking of this state when the depository is a bank, and the superintendent of credit unions of this state when the depository is a credit union.

h. "Uninsured public funds" means any amount of public funds of a public funds depositor on deposit in an account at a financial institution that exceeds the amount of public funds in that account that are insured by the federal deposit insurance corporation or the national credit union administration.

3. A deposit of public funds in a depository pursuant to this chapter shall be secured as follows:

a. If a depository is a credit union, then public deposits in the credit union shall be secured pursuant to sections 12C.16 through 12C.19 and sections 12C.23 and 12C.24.

b. If a depository is a bank, public deposits in the bank shall be secured pursuant to sections 12C.23A and 12C.24.

4. Ambiguities in the application of this section shall be resolved in favor of preventing the loss of public funds on deposit in a depository.

[C24, 27, §139, 4319, 5548, 5651, 7404; C31, 35, §7420-d1; C39, §**7420.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §453.1; 81 Acts, ch 148, §1; 82 Acts, ch 1202, §1]

83 Acts, ch 97, §1, 3; 83 Acts, ch 186, §1014, 10201; 84 Acts, ch 1230, §5; 85 Acts, ch 194, §2; 89 Acts, ch 39, §12; 92 Acts, ch 1156, §20 – 22

C93, §12C.1

93 Acts, ch 48, §3; 97 Acts, ch 185, §5; 99 Acts, ch 117, §1 – 4, 15; 99 Acts, ch 208, §42, 74; 2001 Acts, ch 158, §4; 2001 Acts, 1st Ex, ch 4, §1, 2, 36; 2002 Acts, ch 1096, §1, 2, 17; 2003 Acts, ch 18, §1; 2003 Acts, ch 48, §1; 2003 Acts, ch 179, §58, 84; 2010 Acts, ch 1018, §1, 2; 2010 Acts, ch 1028, §1, 2, 14; 2011 Acts, ch 132, §39, 106; 2012 Acts, ch 1017, §36; 2013 Acts, ch 129, §26; 2019 Acts, ch 24, §5

Referred to in §12B.10, 12B.10A, 12B.10C, 12C.7, 12C.8, 12E.2, 16.45, 80.45A, 179.1, 181.1, 183A.1, 184.1, 184A.1, 185.1, 185C.1, 350.6, 468.528, 602.8102(64), 633D.2, 654.17C

12C.2 Approval — requirements.

The approval of a financial institution as a depository of public funds for a public body shall be by written resolution or order that shall be entered of record in the minutes of the

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approving board, and that shall distinctly name each depository approved, and specify the maximum amount that may be kept on deposit in each depository.

[C24, 27, §139; C31, 35, §7420-d2; C39, §**7420.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §453.2]

84 Acts, ch 1230, §6
C93, §12C.2
2002 Acts, ch 1096, §3, 17
Referred to in §12B.10

12C.3 Reserved.

12C.4 Location of depositories.

Deposits by the treasurer of state shall be in depositories located in this state; by a county officer or county public hospital officer or merged area hospital officer, in depositories located in the county or in an adjoining county within this state; by a memorial hospital treasurer, in a depository located within this state which shall be selected by the memorial hospital treasurer and approved by the memorial hospital commission; by a city treasurer or other city financial officer, in depositories located in the county in which the city is located or in an adjoining county, but if there is no depository in the county in which the city is located or in an adjoining county then in any other depository located in this state which shall be selected as a depository by the city council; by a school treasurer or by a school secretary in a depository within this state which shall be selected by the board of directors or the trustees of the school district; by a township clerk in a depository located within this state which shall be selected by the township clerk and approved by the trustees of the township. However, deposits may be made in depositories outside of Iowa for the purpose of paying principal and interest on bonded indebtedness of any municipality when the deposit is made not more than ten days before the date the principal or interest becomes due. Further, the treasurer of state may maintain an account or accounts outside the state of Iowa for the purpose of providing custodial services for the state and state retirement fund accounts. Deposits made for the purpose of completing an electronic financial transaction pursuant to section 8.89 or 331.427 may be made in any depository located in this state.

[C24, 27, §139, 4319, 5548, 5651, 7404; C31, 35, §7420-d4; C39, §**7420.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §453.4; 82 Acts, ch 1202, §2]

84 Acts, ch 1230, §8; 86 Acts, ch 1243, §31
C93, §12C.4
2003 Acts, ch 18, §2; 2003 Acts, 1st Ex, ch 2, §35, 209; 2013 Acts, ch 129, §27
Referred to in §12B.10

12C.5 Refusal of deposits — procedure.

If the approved depositories will not accept the deposits under the conditions prescribed or authorized in this chapter, the funds may be deposited, on the same or better terms as were offered to the depositories, in one or more approved depositories conveniently located within the state.

[C24, 27, §5653; C31, 35, §7420-d5; C39, §**7420.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §453.5; 81 Acts, ch 149, §1]

84 Acts, ch 1230, §9
C93, §12C.5
2001 Acts, ch 68, §3, 24; 2018 Acts, ch 1026, §7

12C.6 Interest rate — notice.

1. Public deposits shall be deposited with reasonable promptness in a depository legally designated as depository for the funds.

2. *a.* The treasurer of state, in consultation with subject matter experts as needed, shall establish a minimum rate to be earned on state funds placed in time deposits.

b. State funds invested in depository time certificates of deposit shall draw interest at not less than the rate established, effective on the date of investment.

c. An interest rate established by the treasurer of state under this section shall be in effect

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commencing on the eighth calendar day following the day the rate is established and until a different rate is established and takes effect.

d. The treasurer of state shall give advisory notice of an interest rate established under this section. This notice may be given by publication in one or more newspapers, by publication in the Iowa administrative bulletin, by ordinary mail to persons directly affected, by any other method determined by the treasurer of state, or by a combination of these. In all cases, the notice shall be published in the Iowa administrative bulletin.

e. The notice shall contain the following words:

> The rate of interest has been determined by the treasurer of state of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the treasurer of state with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

f. The notice shall also provide the name and address of a state official to whom inquiries can be sent. Actions of the treasurer of state under this section are exempt from chapter 17A.

3. Public funds invested in depositories' time certificates of deposit by a public body or officer other than the treasurer of state shall draw interest at rates to be determined by the public body or officer and the depository, which rates shall not be less than the minimum rate set under this section for state funds.

[C24, 27, §140, 4319, 5548, 5651, 7404; C31, 35, §7420-d6; C39, §**7420.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §453.6; 81 Acts, ch 39, §2, ch 149, §2]

84 Acts, ch 1230, §10

C93, §12C.6

96 Acts, ch 1021, §1; 2008 Acts, ch 1032, §201; 2024 Acts, ch 1170, §139; 2025 Acts, ch 35, §2

Referred to in §12B.10, 12C.7, 384.58, 573.12, 573.14, 602.8109

For interest rates on public obligations and special assessments, see §74A.6

12C.6A Eligibility for state public funds — procedures. Repealed by 2025 Acts, ch 35, §4.

12C.7 Interest — where credited.

1. A depository may pay interest to a public officer on deposits of public funds, and a public officer may take or receive interest on deposits of public funds.

2. Interest or earnings on investments and time deposits made in accordance with the provisions of sections 12.8, 12B.10, 12C.1, and 12C.6 shall be credited to the general fund of the governmental body making the investment or deposit, with the exception of specific funds for which investments are otherwise provided by law, constitutional funds, or when legally diverted to the state sinking fund for public deposits. Funds so excepted shall receive credit for interest or earnings derived from such investments or time deposits made from such funds.

[C31, 35, §7420-d7; C39, §**7420.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §453.7]

84 Acts, ch 1230, §12

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C93, §12C.7
95 Acts, ch 25, §1; 2013 Acts, ch 5, §1
Referred to in §2.12B, 8.55, 8.56, 8.57, 8.57A, 8.57B, 8.57C, 8.57D, 8.57E, 8.57G, 8.57H, 8.57I, 8.90, 8.92, 8A.123, 8A.321, 8A.328, 8A.330, 8A.431, 8A.432, 8A.434, 8A.435, 8A.436, 8A.437, 8A.438, 8A.454, 8D.14, 9.13, 10A.507, 12.51, 12.72, 12.79, 12.82, 12.88, 12.88A, 12.89, 12.91, 12A.6, 12C.10, 12I.4, 15.106A, 15.111, 15.261, 15.262, 15.281, 15.412, 15.421, 15.436, 15.517, 15E.311, 15E.363, 15F.107, 15F.204, 15F.205, 15F.404, 15G.104, 15H.5, 16.5, 16.45, 16.46, 16.47, 16.48, 16.49, 16.50, 16.52, 16.57B, 16.134, 16.134A, 16.141, 16.153, 16.163, 16.181, 16.240, 29C.17A, 29D.4, 35A.5, 35A.11, 35A.13, 35A.14, 35A.16, 47.11, 80.42, 80.43, 80.44, 80.46, 80.47, 80.48, 80B.19, 84A.20, 84A.21, 84E.3, 84J.3, 99D.9B, 99D.27A, 99D.27B, 100B.4, 100B.13, 100B.52, 135.181, 135.190A, 159.21, 159A.16, 161A.80A, 161G.2, 162.2C, 163.3B, 165.18, 169A.13A, 170.3C, 187.201, 190A.5, 207.10, 216B.3, 217.25, 218.94, 225A.7, 225D.2, 234A.6, 237A.4A, 249A.13, 249A.33, 249L.4, 249M.4, 252B.13A, 256.34, 256.87, 256.189, 256.192, 256.198, 256.202, 256.205, 256.212, 256.218, 256.222, 256.226, 256.228, 256.229, 256.230, 256.231, 256.232, 256I.11, 257.51, 260H.2, 260I.2, 261B.8, 262.101, 307.19, 307.20, 312.1, 312A.2, 321G.7, 321I.8, 331.604, 357B.3, 359.43, 418.10, 418.16, 452A.79A, 453A.35A, 453E.6, 455A.18, 455A.19, 455B.112A, 455B.133B, 455B.133C, 455B.196, 455B.265A, 455C.12D, 455D.11C, 455D.15, 455E.11, 456A.17, 456A.21, 459.401, 460.303, 461.31, 466.9, 466B.45, 466B.46, 476.10C, 476.46A, 483A.3B, 502.601, 514I.11, 523C.24, 535D.14, 541A.7, 553.19, 602.8108, 692.2A, 714.16C, 714.23, 717F.9, 904.117, 904.118, 904.118A, 904.303A, 904.311A, 904.317, 904.321, 904.703, 915.47

12C.8 Liability of public officers.

An officer who is referred to in section 12C.1 is not liable for loss of funds by reason of the insolvency of the depository institution when the funds have been deposited or invested as provided in this chapter.

[C27, §1090-a20; C31, 35, §7420-d8; C39, §**7420.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §453.8]
84 Acts, ch 1230, §13
C93, §12C.8

12C.9 Investment of sinking funds — bond proceeds.

1. The treasurer of state and all other state agencies authorized to invest funds and the treasurer or other designated financial officer of each political subdivision including each school corporation shall invest the proceeds of notes, bonds, refunding bonds, and other evidences of indebtedness, and funds being accumulated for the payment of principal and interest or reserves in investments set out in section 12B.10, subsection 4, paragraph *"a"*, subparagraphs (1) through (9), section 12B.10, subsection 5, paragraph *"a"*, subparagraphs (1) through (7), an investment contract, or tax-exempt bonds. The investment shall be as defined and permitted by section 148 of the Internal Revenue Code and applicable regulations under that section. An investment contract or tax-exempt bonds shall be rated within the two highest classifications as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted pursuant to chapter 17A.

2. Earnings and interest from investments pursuant to subsection 1 shall be used to pay the principal or interest as the principal or interest comes due on the indebtedness or to fund the construction of the project for which the indebtedness was issued, or shall be credited to the capital project fund for which the indebtedness was issued.

[C27, 31, 35, §12775-b1; C39, §**7420.43;** C46, 50, 54, §454.35; C58, 62, 66, 71, 73, 75, 77, 79, 81, §453.9]
84 Acts, ch 1230, §14; 91 Acts, ch 249, §2; 92 Acts, ch 1156, §23
C93, §12C.9
95 Acts, ch 25, §2; 2008 Acts, ch 1075, §2

12C.10 Investment of funds created by election.

The governing council or board, who by law has control of any fund created by direct vote of the people, may invest any portion of the fund not currently needed, in investments authorized in section 12B.10. The treasurer of state may invest in any of the investments authorized for the Iowa public employees' retirement system in section 97B.7A except that investment in common stocks shall not be permitted. Interest or earnings on such funds shall be credited as provided in section 12C.7, subsection 2.

[C58, 62, 66, 71, 73, 75, 77, 79, 81, §453.10]
84 Acts, ch 1230, §15
C93, §12C.10
2001 Acts, ch 68, §4, 24; 2019 Acts, ch 24, §6

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12C.11 Investment officer.

A county, city, county public hospital, merged area hospital, memorial hospital or school corporation governing body may delegate its investment authority, under the provisions of this chapter, to the treasurer or other financial officer of the governmental unit, who shall thereafter be responsible for handling investment transactions until such delegation of authority is revoked.

[C66, 71, 73, 75, 77, 79, 81, §453.11]
C93, §12C.11

12C.12 Service charge by depository.

A depository may make reasonable service charges with respect to the handling of public funds, but the service charges shall not be greater than the depository customarily requires from other depositors for similar services.

[C66, 71, 73, 75, 77, 79, 81, §453.12]
84 Acts, ch 1230, §16
C93, §12C.12

12C.13 Deposit not membership.

Notwithstanding chapter 524, the deposit of public funds in a credit union as defined in section 533.102 or a mutual corporation as defined in section 524.103 does not constitute being a shareholder, stockholder, or owner of a corporation in violation of Article VIII of the Constitution of the State of Iowa or any other provision of law.

84 Acts, ch 1230, §17
C85, §453.13
C93, §12C.13
2007 Acts, ch 174, §77; 2012 Acts, ch 1017, §37

12C.14 Reserved.

12C.15 Restriction on requiring collateral.

A local government shall not require a pledge of collateral for that portion of the local government's deposits in a credit union that is covered by insurance of a federal agency or instrumentality.

84 Acts, ch 1230, §19
C85, §453.15
92 Acts, ch 1156, §24
C93, §12C.15
99 Acts, ch 117, §6, 15

12C.16 Security for deposit of public funds.

1. Before a deposit of public funds is made by a public officer with a credit union in excess of the amount federally insured, the public officer shall obtain security for the deposit by one or more of the following:

a. The credit union may give to the public officer a corporate surety bond of a surety corporation approved by the treasury department of the United States and authorized to do business in this state, which bond shall be in an amount equal to the public funds on deposit at any time. The bond shall be conditioned that the deposit shall be paid promptly on the order of the public officer making the deposit and shall be approved by the officer making the deposit.

b. (1) The credit union may deposit, maintain, pledge, and assign for the benefit of the public officer in the manner provided in this chapter, securities approved by the public officer, the market value of which is not less than one hundred percent of the total deposits of public funds placed by that public officer in the credit union, less the amount of deposits that are federally insured. The securities shall consist of any of the following:

(a) Direct obligations of, or obligations that are insured or fully guaranteed as to principal

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and interest by, the United States of America or an agency or instrumentality of the United States of America.

(b) Public bonds or obligations of this state or a political subdivision of this state.

(c) Public bonds or obligations of another state or a political subdivision of another state whose bonds are rated within the two highest classifications of prime as established by at least one of the standard rating services approved by the superintendent of banking pursuant to chapter 17A.

(d) To the extent of the guarantee, loans, obligations, or nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality of the United States of America, a corporate central credit union organized under section 533.213, or a corporate credit union whose activities are subject to regulation by the national credit union administration, and the rating of any one of such credit unions remains within the two highest classifications of prime established by at least one of the standard rating services approved by the superintendent of banking by rule pursuant to chapter 17A. The treasurer of state shall adopt rules pursuant to chapter 17A to implement this section.

(e) First lien mortgages which are valued according to practices acceptable to the treasurer of state.

(f) Investments in an open-end management investment company registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., which is operated in accordance with 17 C.F.R. §270.2a-7.

(2) Direct obligations of, or obligations that are insured or fully guaranteed as to principal and interest by, the United States of America, which may be used to secure the deposit of public funds under subparagraph (1), subparagraph division (a), include investments in an investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. §80a-1 et seq., the portfolio of which is limited to the United States government obligations described in subparagraph (1), subparagraph division (a), and to repurchase agreements fully collateralized by the United States government obligations described in subparagraph (1), subparagraph division (a), if the investment company or investment trust takes delivery of the collateral either directly or through an authorized custodian.

2. If public funds are secured by both the assets of a credit union and a bond of a surety company, the assets and bond shall be held as security for a rateable proportion of the deposit on the basis of the market value of the assets and of the total amount of the surety bonds.

84 Acts, ch 1230, §20
C85, §453.16
85 Acts, ch 194, §3; 88 Acts, ch 1090, §1; 92 Acts, ch 1156, §25 – 30
C93, §12C.16
99 Acts, ch 117, §7, 15; 2006 Acts, ch 1040, §1; 2007 Acts, ch 174, §78; 2008 Acts, ch 1032, §3; 2008 Acts, ch 1191, §27; 2009 Acts, ch 41, §263; 2014 Acts, ch 1092, §7, 164, 165; 2024 Acts, ch 1096, §1
Referred to in §12C.1

12C.17 Deposit of securities.

1. A credit union which receives public funds shall pledge securities owned by it as required by this chapter in one of the following methods:

a. The securities shall be deposited with the county, city, or other public officers at the option of the officers.

b. The securities shall be deposited pursuant to a bailment agreement with a financial institution having facilities for the safekeeping of securities and doing business in the state. A financial institution which receives securities for safekeeping is liable to the public officer to whom the securities are pledged for any loss suffered by the public officer if the financial institution relinquishes custody of the securities contrary to the provisions of this chapter or the instrument governing the pledge of the securities.

c. The securities shall be deposited with the federal reserve bank, the federal home loan bank of Des Moines, Iowa, a corporate central credit union organized under section 533.213,

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or a corporate credit union whose activities are subject to regulation by the national credit union administration pursuant to a bailment agreement or a pledge custody agreement.

d. The securities may be deposited by any combination of methods specified in paragraphs *"a"*, *"b"*, and *"c"*.

2. A deposit of securities shall not be made in a facility owned or controlled directly or indirectly by the financial institution which deposits the securities.

3. All deposits of securities, other than deposits of securities with the appropriate public officer, shall have a joint custody receipt taken for the securities with one copy delivered to the public officer and one copy delivered to the credit union. A credit union pledging securities with a public officer may cause the securities to be examined in the officer's office to show the securities are placed with the officer as collateral security and are not transferable except upon the conditions provided in this chapter.

4. Upon written request from the appropriate public officer but not less than monthly, the federal reserve bank, the federal home loan bank of Des Moines, Iowa, a corporate central credit union organized under section 533.213, or a corporate credit union whose activities are subject to regulation by the national credit union administration shall report a description, the par value, and the market value of any pledged collateral by a credit union.

84 Acts, ch 1230, §21
C85, §453.17
85 Acts, ch 194, §4; 92 Acts, ch 1156, §31 – 33
C93, §12C.17
99 Acts, ch 117, §8, 15; 2006 Acts, ch 1040, §2, 3; 2007 Acts, ch 174, §79, 80; 2008 Acts, ch 1191, §28, 29; 2014 Acts, ch 1092, §8, 9
Referred to in §12C.1

12C.18 Condition of security.

The condition of the surety bond or the deposit of securities, instruments, or a joint custody receipt, must be that the credit union will promptly pay to the parties entitled public funds, including any interest on the funds, in its custody upon lawful demand and, when required by law, pay the funds to the public officer who made the deposit.

84 Acts, ch 1230, §22
C85, §453.18
92 Acts, ch 1156, §34
C93, §12C.18
99 Acts, ch 117, §9, 15
Referred to in §12C.1

12C.19 Withdrawals, exchanges of security.

1. Securities pledged pursuant to this chapter may be withdrawn on application of the pledging depository institution, and as to securities pledged by a credit union upon approval of the public officer to whom the securities are pledged, if the deposit of securities is no longer necessary to comply with this chapter, or withdrawal is required for collection by virtue of maturity or exchange. The depository institution shall replace securities so withdrawn for collection or exchange.

2. In an exchange of deposited securities for new securities, the amount of security on deposit at any time shall not be decreased below that otherwise required by this chapter.

3. In the event of substitution, addition, or exchange of securities, the holder or custodian of the securities shall, on the same day, forward by regular mail to the public officer and the credit union, a receipt specifically describing and identifying both the substituted or additional securities.

4. The public officer which deposits public funds with a credit union shall require, if the market value of the securities deposited with or for the benefit of the officer falls below one hundred ten percent of the deposit liability to the public officer, the deposit of additional security to bring the total market value of the security to one hundred ten percent of the amount of public funds held by the credit union.

84 Acts, ch 1230, §23

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C85, §453.19
92 Acts, ch 1156, §35
C93, §12C.19
99 Acts, ch 117, §10, 15; 2002 Acts, ch 1096, §6, 17; 2003 Acts, ch 44, §6
Referred to in §12C.1

12C.20 Public funds reports.

1. On or before the tenth day of February, May, August, and November of each year, each out-of-state bank that has one or more branches in the state shall calculate and certify to the superintendent of banking in the form prescribed by the superintendent the amount of public funds on deposit at each such branch of the out-of-state bank as of the end of the previous calendar quarter.

2. A bank shall, upon request of the superintendent, certify to the superintendent the amount of public funds on deposit at the bank and at each branch of an out-of-state bank on any day specified by the superintendent in such request.

3. The superintendent may at any time make such investigation as the superintendent deems necessary and appropriate to verify the information provided to the superintendent pursuant to subsections 1 and 2.

4. On or before the twentieth day of February, May, August, and November of each year, the superintendent shall notify the treasurer of state of the amount of collateral required to be pledged as of the end of the previous calendar quarter based upon the certification provided to the superintendent under subsection 1 or 2 and a review by the superintendent of the quarterly call report filed by each bank that is not an out-of-state bank.

2002 Acts, ch 1096, §7, 17; 2012 Acts, ch 1017, §38

12C.21 Required collateral — banks. Repealed by 99 Acts, ch 117, §14, 15.

12C.22 Required collateral — banks.

1. A bank shall pledge to the treasurer of state the amount of collateral required under subsection 2 by depositing the collateral in restricted accounts at a financial institution that has been designated by the treasurer of state and that is not owned or controlled directly or indirectly by the bank pledging the collateral or any affiliate of the bank as defined in section 524.1101. Each bank shall execute as debtor and deliver to the treasurer of state a security agreement and such other documents, instruments, and agreements in form approved by the treasurer of state as are required to grant to the treasurer of state, as secured party in its capacity as agent for the depositors of all public funds from time to time deposited in the bank, a perfected security interest in the collateral described in the security agreement. The security agreement shall among other provisions contain all of the following provisions:

a. A security interest in the collateral is granted as collateral for the obligation of the bank to repay all uninsured public funds deposited in the bank.

b. In the event an assessment is paid by a bank to the treasurer of state pursuant to section 12C.23A, the bank is subrogated to the claim of a public funds depositor to the extent the claim is paid from funds paid by the bank.

c. The treasurer of state is appointed as agent of the bank to assert the claim on behalf of the bank as subrogee. Any amount recovered by the treasurer by reason of the claim shall be deposited in the state sinking fund for public deposits in banks.

2. The amount of the collateral required to be pledged by a bank shall at all times equal or exceed the total of the amount by which the public funds deposits in the bank exceeds the total capital of the bank. For purposes of this section, deposits that comply with section 12B.10, subsection 7, that are evidenced either by one or more certificates of deposit or one or more orders for the next business day settlement and issuance of certificates of deposit, by a federally insured bank or savings association other than the depository, or that are public funds placed in accordance with section 12B.10, subsection 7, shall not be deemed public funds deposits in the bank or savings association. For purposes of this chapter, unless the context otherwise requires, *"total capital of the bank"* means its tier one capital plus both of the following components of tier two capital:

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a. Qualifying subordinated debt and redeemable preferred stock.

b. Cumulative perpetual preferred stock.

3. The amount of collateral pledged by an out-of-state bank that operates a branch in Iowa shall be calculated in accordance with the following formula:

a. Total deposits of the bank.

b. Total deposits in Iowa branches of the bank.

c. The total of paragraph *"b"* divided by the total of paragraph *"a"*, in order to establish the deposits of Iowa branches as a percentage of total deposits.

d. Total capital of the bank as defined in subsection 2.

e. The total of paragraph *"d"* multiplied by the total of paragraph *"c"*, in order to establish Iowa branch capital.

f. Total public funds deposits in the bank.

g. The excess of the total of paragraph *"f"* over the total of paragraph *"e"*, if any.

4. The value of the collateral shall be its market value.

5. The treasurer of state shall adopt rules pursuant to chapter 17A to administer this section, including rules to do the following:

a. Designate not less than four financial institutions that may be custodians of collateral pledged under this chapter and establish regulations for qualification and compliance by the custodians and remedies and sanctions for noncompliance by the custodians.

b. Establish requirements for reporting to the treasurer of state by a financial institution of the amount and value of collateral held by the financial institution as custodian of collateral for the uninsured public funds on deposit in a bank.

c. Establish procedures for the valuation of collateral that does not have a readily ascertainable market value.

d. Establish procedures for adding collateral, releasing collateral, and substituting different collateral for collateral pledged under this section.

e. Establish procedures to determine the amount of the uninsured public funds of each bank or branch of an out-of-state bank as of the date of closing of a closed bank and the amount of the assessment to be made upon each bank.

f. Establish additional procedures necessary to administer this chapter and other rules as may be necessary to accomplish the purposes of this chapter.

g. Provide forms and procedures for compliance with this chapter, including electronic compliance.

h. Establish amounts and procedures for payment of fees to cover the costs of administration of this chapter.

6. The collateral used to secure public deposits shall be in one or more of the following forms acceptable to the treasurer of state:

a. Investment securities and shares in which a bank is permitted to invest under section 524.901, subsections 1, 2, 3, and 4.

b. Investment securities, as defined in section 524.901, subsection 1, paragraph *"a"*, representing general obligations of a state or a political subdivision of a state that is geographically contiguous with the state, provided that such investment securities are rated within the four highest grades according to a reputable rating service or represent unrated issues of equivalent value.

c. Investment securities, as defined in section 524.901, subsection 1, paragraph *"a"*, representing general obligations of a state or a political subdivision of a state that is not contiguous with the state, provided that such investment securities are rated within the two highest grades according to a reputable rating service.

d. Nontransferable letters of credit upon which the payment of principal and interest is fully secured or guaranteed by the United States of America or an agency or instrumentality, including government-sponsored enterprises of the United States of America.

e. Private insurance policies or bonds written by companies approved by the superintendent.

f. Certificates of deposit issued by a federal deposit insurance corporation insured bank, the payment of which is fully insured by the federal deposit insurance corporation both as to principal and accrued interest, and that have been assigned a committee on uniform security

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identification procedures number and deposited for the account of the public funds depository bank at the depository trust company.

7. A bank may borrow collateral to be pledged under subsection 2 if the collateral is free of any liens, security interests, claims, or encumbrances.

2002 Acts, ch 1096, §8, 17; 2004 Acts, ch 1080, §1 – 3, 7; 2006 Acts, ch 1015, §1; 2006 Acts, ch 1023, §5; 2012 Acts, ch 1051, §2, 3

Referred to in §12C.23A, 12C.27

12C.23 Payment of losses in a credit union.

1. *a.* The pledging of securities by a credit union pursuant to this chapter constitutes consent by the credit union to the disposition of the securities in accordance with this section.

b. The acceptance of public funds by a credit union pursuant to this chapter constitutes consent by the credit union to assessments by the treasurer of state in accordance with this chapter.

2. The credit union and the security given for the public funds in its hands are liable for payment if the credit union fails to pay a check, draft, or warrant drawn by the public officer or to account for a check, draft, warrant, order, or certificates of deposit, or any public funds entrusted to it if, in failing to pay, the credit union acts contrary to the terms of an agreement between the credit union and the public body treasurer. The credit union and the security given for the public funds in its hands are also liable for payment if the credit union fails to pay an assessment by the treasurer of state when the assessment is due.

3. If a credit union is closed by its primary regulatory officials, the public body with deposits in the credit union may sell the collateral to pay for any loss of principal and accrued interest.

a. In cooperation with the responsible regulatory officials for the credit union, the public body shall validate the amount of public funds on deposit at the defaulting credit union and the amount of deposit insurance applicable to the deposits.

b. The loss to public depositors shall be satisfied, first through any applicable deposit insurance and then through the sale of securities pledged by the defaulting credit union, and then the assets of the defaulting credit union. The priority of claims are those established pursuant to section 533.404, subsection 1, paragraph *"b"*. To the extent permitted by federal law, in the distribution of an insolvent federally chartered credit union's assets, the order of payment of liabilities if its assets are insufficient to pay in full all its liabilities for which claims are made shall be in the same order as for the equivalent type of state chartered credit union as provided in section 533.404, subsection 1, paragraph *"b"*.

c. The claim of a public depositor for purposes of this section shall be the amount of the depositor's deposits plus interest to the date the funds are distributed to the public depositor at the rate the credit union agreed to pay on the funds reduced by the portion of the funds which is insured by federal deposit insurance.

d. If the loss to public funds is not covered by insurance and the proceeds of the failed credit union's assets which are liquidated within thirty days of the closing of the credit union and pledged collateral, the treasurer shall provide coverage of the remaining loss from the state sinking fund for public deposits in credit unions. If the funds are inadequate to cover the entire loss, then the treasurer shall make an assessment against other credit unions who hold public funds. The assessment shall be determined by multiplying the total amount of the remaining loss to public depositors by a percentage that represents the average of public funds deposits held by all credit unions during the preceding twelve-month period ending on the last day of the month immediately preceding the month the credit union was closed. Each credit union shall pay its assessment to the treasurer within three business days after it receives notice of assessment. If a credit union fails to pay its assessment when due, the treasurer of state shall initiate a lawsuit to collect the assessment. If a credit union is found to have failed to pay the assessment as required by this paragraph, the court shall order it to pay the assessment, court costs, reasonable attorney's fees based upon the amount of time the attorney general's office spent preparing and bringing the action, and reasonable expenses incurred by the treasurer of state's office. Idle balances in the fund are to be invested by the treasurer with earnings credited to the fund. Fees paid by credit unions for administration

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of this chapter will be credited to the fund and the treasurer may deduct actual costs of administration from the fund.

e. Any amount realized from the sale of collateral pursuant to paragraph "*d*", in excess of the amount of a credit union's assessment, shall continue to be held by the treasurer, in the same interest-bearing investments available for public funds, as collateral until that credit union provides substitute collateral or is otherwise entitled to its release.

85 Acts, ch 194, §6
CS85, §453.23
92 Acts, ch 1156, §37 – 40
C93, §12C.23
94 Acts, ch 1023, §3; 99 Acts, ch 117, §11, 15; 99 Acts, ch 208, §43, 74; 2007 Acts, ch 174, §81; 2008 Acts, ch 1032, §201
Referred to in §12C.1, 12C.25

12C.23A Payment of losses in a bank.

1. The acceptance of public funds by a bank pursuant to this chapter constitutes all of the following:

a. Agreement by the bank to pledge collateral as required by section 12C.22.

b. Consent by the bank to the disposition of the collateral in accordance with this section.

c. Consent by the bank to assessments by the treasurer of state in accordance with this chapter.

d. Agreement by the bank to provide accurate information and to otherwise comply with the requirements of this chapter.

e. Consent to the jurisdiction and authority of the superintendent as provided under section 12C.29.

2. A bank is liable for payment if the bank fails to pay a check, draft, or warrant drawn by a public funds depositor or to account for a check, draft, warrant, order, or certificate of deposit, or any public funds entrusted to the bank if, in failing to pay, the bank acts contrary to the terms of an agreement between the bank and the public funds depositor. The bank is also liable to the treasurer of state for payment if the bank fails to pay an assessment by the treasurer of state under subsection 3 when the assessment is due.

3. If a bank is closed by its primary state or federal regulator, including a bank that has accepted public funds deposits under section 12B.10, subsection 7, each public funds depositor with deposits in the bank shall notify the treasurer of state of the amount of any claim within thirty days of the closing. The treasurer of state shall implement the following procedures:

a. In cooperation with the responsible regulatory officials for the closed bank, the treasurer shall validate the amount of public funds on deposit at the closed bank and the amount of deposit insurance applicable to the deposits.

b. Any loss to a public funds depositor shall be satisfied first by any federal deposit insurance, then by the sale or other disposition of collateral pledged by the closed bank, then from the assets of the closed bank. To the extent permitted by federal law, the priority of claims are those established pursuant to section 524.1312, subsection 2. To the extent permitted by federal law, in the distribution of an insolvent federally chartered bank's assets, the order of payment of liabilities, if its assets are insufficient to pay in full all its liabilities for which claims are made, shall be in the same order as for a state bank as provided in section 524.1312, subsection 2.

c. The claim of a public funds depositor for purposes of this section shall be the amount of the depositor's public funds deposits plus interest to the date the funds are distributed to the public funds depositor at the rate the bank agreed to pay on the public funds reduced by the portion of the public funds that is insured by federal deposit insurance.

d. If the loss of public funds is not covered by federal deposit insurance and the proceeds of the closed bank's assets that are liquidated within thirty days of the closing of the bank are not sufficient to cover the loss, then any further payments to cover the loss will come from the state sinking fund for public deposits in banks. If the balance in that sinking fund is inadequate to pay the entire loss, then the treasurer shall obtain the additional amount needed

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by making an assessment against other banks whose public funds deposits exceed federal deposit insurance coverage. A bank's assessment shall be determined by multiplying the total amount of the remaining loss to all public depositors in the closed bank by a percentage that represents the assessed bank's proportional share of the total of uninsured public funds deposits held by all banks and all branches of out-of-state banks, based upon the average of the uninsured public funds of the assessed bank or branch of an out-of-state bank as of the end of the four calendar quarters prior to the date of closing of the closed bank and the average of the uninsured public funds in all banks and branches of out-of-state banks as of the end of the four calendar quarters prior to the date of closing of the closed bank, excluding the amount of uninsured public funds held by the closed bank at the end of the four calendar quarters. Each bank shall pay its assessment to the treasurer of state within three business days after it receives notice of assessment. For purposes of this section, when calculating uninsured public funds, a bank shall include all deposits of customers of other financial institutions as permitted by section 12B.10, subsection 7.

e. If a bank fails to pay its assessment when due, the treasurer of state shall make additional assessments as may be necessary against other banks that hold uninsured public funds to satisfy any unpaid assessment. Any additional assessments shall be determined, collected, and satisfied in the same manner as the first assessment except that in calculating the amount of each such additional assessment, the amount of uninsured public funds held by the bank that fails to pay the assessment shall not be counted.

f. If a bank fails to pay its assessment when due, the treasurer of state shall notify the superintendent or the comptroller of the currency, as applicable, of the failure to pay the assessment. If the bank that has failed to pay the assessment is a nationally chartered financial institution, the superintendent shall immediately notify the bank's primary federal regulator. If the assessment is not paid within thirty days after the bank received the notice of assessment, the treasurer of state shall initiate a lawsuit to collect the amount of the assessment. If a bank is found to have failed to pay the assessment as required by this subsection and is ordered to pay the assessment, the court shall also order that the bank pay court costs and reasonable attorney fees based on the amount of time the attorney general's office spent preparing and bringing the action, and reasonable expenses incurred by the treasurer of state.

g. Following collection of the assessments, the treasurer of state shall distribute funds to the public depositors of the closed bank according to their validated claims unless a public depositor requests in writing that the claims of other public depositors be paid prior to payment to the public depositor making the request. By receiving payment under this section, a public depositor shall be deemed to have assigned to the treasurer of state any claim the public depositor may have against the closed bank by reason of the deposit of its public funds and all rights the public depositor may have in funds that subsequently become available to depositors of the closed bank.

99 Acts, ch 117, §12, 15; 99 Acts, ch 208, §44, 45, 74; 2002 Acts, ch 1096, §9, 17; 2003 Acts, ch 44, §7; 2004 Acts, ch 1080, §4 – 7; 2006 Acts, ch 1023, §6; 2010 Acts, ch 1028, §3, 14; 2012 Acts, ch 1051, §4

Referred to in §12C.1, 12C.22, 12C.25

12C.24 Liability.

When public deposits are made in accordance with this chapter in a financial institution that is eligible to accept public funds deposits at the time a deposit of public funds is made, a public body depositing public funds, and any person that is an agent, employee, officer, or board member of the public funds depositor, is exempt from liability for any loss resulting from the loss of public funds in the absence of negligence, malfeasance, misfeasance, or nonfeasance on the part of the public body or such person.

85 Acts, ch 194, §7
CS85, §453.24
C93, §12C.24
2002 Acts, ch 1096, §10, 17

Referred to in §12C.1

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12C.25 State sinking funds created.

1. There are created in the treasurer of state's office the following funds:

a. A state sinking fund for public deposits in banks.

b. A state sinking fund for public deposits in credit unions.

2. Idle balances in the state sinking fund for public deposits in banks shall be invested by the treasurer of state with earnings credited to that fund. Fees paid by banks for administration of this chapter shall be credited to the state sinking fund for public deposits in banks and the treasurer of state may deduct actual costs of administration from that fund.

3. The funds shall be used to receive and disburse moneys pursuant to section 12C.23, subsection 3, paragraph *"d"* and section 12C.23A, subsection 3, paragraph *"d"*.

85 Acts, ch 194, §8
CS85, §453.25
86 Acts, ch 1237, §28
C93, §12C.25
99 Acts, ch 117, §13, 15; 2000 Acts, ch 1154, §2; 2002 Acts, ch 1096, §11, 17

12C.26 Refund from sinking funds.

1. If at the end of any calendar year the amount in the sinking fund exceeds three million one hundred thousand dollars, then to the extent the amount in the sinking fund exceeds three million dollars, the treasurer shall, on or before January 31 of the following year, refund to each bank that paid an assessment after the year 1999 to the sinking fund resulting from the closing of a bank, its pro rata share of the unreimbursed portion of the total assessment paid by all banks. If assessments remain unreimbursed by reason of the closing of more than one bank, the reimbursements shall be made to the banks that paid assessments by reason of the bank which closed first until those banks are reimbursed in full, and then to the banks that paid assessments by reason of the bank which closed next. Such a refund shall not be made to a bank if the refund would exceed the amount of previous assessments paid by the bank.

2. Upon recovery of a loss of public funds due to a closed credit union, the treasurer of state may refund all or a portion of the recovered amount to the credit unions that paid an assessment under this chapter as a result of the closing of that credit union.

2000 Acts, ch 1232, §22, 40; 2002 Acts, ch 1096, §12, 17

12C.27 Failure to maintain required collateral.

If the treasurer of state determines that a bank fails to comply with section 12C.22, subsections 2 and 3, the treasurer of state may restrict that bank from accepting uninsured public funds and shall notify the office of thrift supervision, the office of the comptroller of the currency, or the superintendent as applicable, who may take such action against the bank, its board of directors and officers as permitted by law.

2002 Acts, ch 1096, §13, 17; 2003 Acts, ch 179, §93

12C.28 Electronic reporting.

Any notice, information, report, or other communication required by this chapter shall be deemed effective and in compliance with this chapter if sent or given electronically as provided in rules adopted pursuant to chapter 17A by the appropriate superintendent or the treasurer of state.

2002 Acts, ch 1096, §14, 17; 2010 Acts, ch 1028, §4, 14

12C.29 Authority of superintendent to issue orders.

1. If it appears to the superintendent that a bank is violating or has violated, or the superintendent has reasonable cause to believe that a bank is about to violate, any provision of this chapter or any rules adopted pursuant thereto, or if a bank is less than well capitalized as defined in 12 U.S.C. §1831o(b)(1)(A), or if a bank is subject to a final order or written agreement subject to the public disclosure requirements of 12 U.S.C. §1818(u), the superintendent may issue an order requiring the bank to do one or more of the following:

a. Not accept uninsured public funds deposits.

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b. Reduce the amount of uninsured public funds accepted.

c. Return to the depositors some or all uninsured public funds held in demand deposits and, when deposit instruments or agreements mature, return to the depositors some or all uninsured deposits representing proceeds of such instruments or agreements.

d. Pledge collateral to the treasurer of state, with such collateral having a value at all times up to one hundred ten percent of the public funds held by the bank.

e. Comply with such other requirements as the superintendent may impose.

2. An order issued pursuant to this section shall become effective upon service of the order on the bank and shall remain effective except to such extent modified, terminated, or set aside by action of the superintendent or of the district court of Polk county as provided in subsection 3.

3. An order issued pursuant to this section shall contain a concise statement of the facts forming the basis for issuing the order and shall provide the bank an opportunity to appeal the order by requesting a hearing. If the bank requests a hearing, the hearing shall be fixed for a date not later than thirty days after the service of the order unless a later date is set at the request of the bank. If upon the record made at the hearing, the superintendent finds that the grounds for the order have been established, the superintendent may issue and serve upon the bank an order upholding the original order. If the superintendent finds the grounds for the order have not been established, the superintendent shall set aside the original order or modify the order, as the superintendent deems appropriate. An administrative law judge may assist the superintendent at the hearing or, at the superintendent's request, preside over the hearing. The hearing shall not be open to the public. The superintendent's decision shall be subject to judicial review in Polk county district court in accordance with the provisions of chapter 17A.

4. An order issued pursuant to this section shall be confidential, and the Polk county district court shall review the record in camera and shall maintain filings of any judicial review filed pursuant to subsection 3 under seal.

5. This section is intended to provide the superintendent additional authority and regulatory flexibility in regulating a bank that accepts public funds deposits and whose financial condition, level of public funds, or level of collateral may pose a greater than normal risk of loss coverage from the state sinking fund applicable for uninsured and unsecured public funds.

6. An act or omission by the superintendent pursuant to this section shall not subject the state to liability.

2010 Acts, ch 1028, §5, 14
Referred to in §12C.23A

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CHAPTER 12D

IOWA EDUCATIONAL SAVINGS PLAN TRUST

Referred to in §12G.2, 232D.503, 422.7(11), 422.7(22)(c), 422.7(23), 422.7(24)(a), 422.35, 627.6, 633.108, 633.555, 633.678, 633.681

12D.1 Purpose and definitions.
12D.2 Creation of Iowa educational savings plan trust.
12D.3 Participation agreements for trust.
12D.4 Program and administrative funds — investment and payments.
12D.4A Administrative fund — appropriation. Repealed by 2000 Acts, ch 1231, §39; 2001 Acts, ch 24, §72, 74.
12D.5 Cancellation of agreements.
12D.6 Repayment and ownership of payments and investment income — transfer of ownership rights.
12D.7 Effect of payments on determination of need and eligibility for student financial aid.
12D.8 Annual audited financial report to governor and general assembly.
12D.9 Tax considerations.
12D.10 Property rights to assets in trust.
12D.11 Construction.

12D.1 Purpose and definitions.

1. The general assembly finds that the general welfare and well-being of the state are directly related to educational levels and skills of the citizens of the state, and that a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of formal education by the greatest number of citizens of the state. The general welfare of the citizens of the state will be enhanced by establishing a program which allows citizens of the state to invest money in a public trust for future application to the payment of qualified education expenses. The creation of the means of encouragement for citizens to invest in such a program represents the carrying out of a vital and valid public purpose. In order to make available to the citizens of the state an opportunity to fund future formal education needs, it is necessary that a public trust be established in which moneys may be invested for future educational use.

2. As used in this chapter, unless the context otherwise requires:

a. "Account balance limit" means the maximum allowable aggregate balance of accounts established for the same beneficiary. Account earnings, if any, are included in the account balance limit.

b. "Administrative fund" means the administrative fund established under section 12D.4.

c. "Beneficiary" means the individual designated by a participation agreement to benefit from advance payments of qualified education expenses on behalf of the beneficiary.

d. "Benefits" means the payment of qualified education expenses on behalf of a beneficiary by the trust during the beneficiary's attendance at a qualified educational institution.

e. "Institution of higher education" means an institution described in section 481 of the federal Higher Education Act of 1965, 20 U.S.C. §1088, which is eligible to participate in the United States department of education's student aid programs.

f. "Internal Revenue Code" means the same as defined in section 12I.1.

g. "Iowa educational savings plan trust" or *"trust"* means the trust created under section 12D.2.

h. "Participant" means an individual, individual's legal representative, trust, estate, or an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the Internal Revenue Code, that has entered into a participation agreement under this chapter for the advance payment of qualified education expenses on behalf of a beneficiary.

i. "Participation agreement" means an agreement between a participant and the trust entered into under this chapter.

j. "Program fund" means the program fund established under section 12D.4.

k. "Qualified education expenses" means the same as *"qualified higher education expenses"* as defined in section 529(e)(3) of the Internal Revenue Code, and shall include elementary and secondary school expenses for tuition described in section 529(c)(7) of

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the Internal Revenue Code, subject to the limitations imposed by section 529(e)(3)(A) of the Internal Revenue Code. *"Qualified education expenses"* includes expenses for the participation in an apprenticeship program registered and certified with the United States secretary of labor under section 1 of the National Apprenticeship Act, 29 U.S.C. §50, and amounts paid as principal or interest on any qualified education loan on behalf of a beneficiary or a sibling of the beneficiary, subject to the limitations imposed by section 529(c)(9)(B) and (C) of the Internal Revenue Code.

l. *"Qualified education loan"* means the same as *"qualified education loan"* as defined in section 221(d) of the Internal Revenue Code.

m. *"Qualified educational institution"* means an institution of higher education, or any elementary or secondary public, private, or religious school described in section 529(c)(7) of the Internal Revenue Code.

n. *"Sibling"* means a brother, sister, stepbrother, or stepsister of the beneficiary.

o. *"Tuition"* means the quarter, semester, or annual charges imposed to attend a qualified educational institution and required as a condition of enrollment or attendance.

98 Acts, ch 1172, §1; 2000 Acts, ch 1163, §1, 6; 2004 Acts, ch 1079, §1, 17; 2008 Acts, ch 1032, §201; 2016 Acts, ch 1107, §1, 2, 5; 2018 Acts, ch 1161, §135, 147, 148; 2020 Acts, ch 1118, §127, 128, 131, 132; 2026 Acts, ch 1007, §1

Referred to in §422.7(22)(c)
Subsection 2, paragraph k amended

12D.2 Creation of Iowa educational savings plan trust.

An Iowa educational savings plan trust is created. The treasurer of state is the trustee of the trust, and has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the trust, including the power to do all of the following:

1. Make and enter into contracts necessary for the administration of the trust created under this chapter.
2. Enter into agreements with any qualified educational institution, the state, or any federal or other state agency, or other entity as required to implement this chapter.
3. Carry out the duties and obligations of the trust pursuant to this chapter.
4. Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation which the treasurer of state shall deposit into the administrative fund or the program fund.
5. Carry out studies and projections so the treasurer of state may advise participants regarding present and estimated future qualified education expenses and levels of financial participation in the trust required in order to enable participants to achieve their educational funding objectives.
6. Participate in any federal, state, or local governmental program for the benefit of the trust.
7. Procure insurance against any loss in connection with the property, assets, or activities of the trust.
8. Enter into participation agreements with participants.
9. Make payments to qualified educational institutions, participants, or beneficiaries, pursuant to participation agreements on behalf of beneficiaries.
10. Make refunds to participants upon the termination of participation agreements, and partial nonqualified distributions to participants, pursuant to the provisions, limitations, and restrictions set forth in this chapter.
11. Invest moneys from the program fund in any investments which are determined by the treasurer of state to be appropriate.
12. Engage investment advisors, if necessary, to assist in the investment of trust assets.
13. Contract for goods and services and engage personnel as necessary, including consultants, actuaries, managers, legal counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice to the treasurer of state regarding trust administration and operation.

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14. Establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges.

15. Administer the funds of the trust.

16. Adopt rules pursuant to chapter 17A for the administration of the trust.

98 Acts, ch 1172, §2; 99 Acts, ch 114, §1; 99 Acts, ch 122, §1, 10; 2004 Acts, ch 1079, §2 – 6, 17; 2018 Acts, ch 1161, §136, 147, 148

Referred to in §12D.1

12D.3 Participation agreements for trust.

The trust may enter into participation agreements with participants on behalf of beneficiaries pursuant to the following terms and agreements:

1. Each participation agreement may require a participant to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary. A participant shall not be required to make an annual contribution on behalf of a beneficiary. The maximum contribution that may be deducted for Iowa income tax purposes shall not exceed five thousand five hundred dollars per beneficiary per year adjusted annually to reflect increases in the consumer price index. The treasurer of state shall set an account balance limit to maintain compliance with section 529 of the Internal Revenue Code. A contribution shall not be permitted to the extent it causes the aggregate balance of all accounts established for the same beneficiary under the trust to exceed the applicable account balance limit.

2. The execution of a participation agreement by the trust shall not guarantee in any way that qualified education expenses will be equal to projections and estimates provided by the trust or that the beneficiary named in any participation agreement will attain any of the following:

a. Be admitted to a qualified educational institution.

b. If admitted, be determined a resident for tuition purposes by the qualified educational institution.

c. Be allowed to continue attendance at the qualified educational institution following admission.

d. Graduate from the qualified educational institution.

3. *a.* A beneficiary under a participation agreement may be changed as permitted under rules adopted by the treasurer of state upon written request of the participant as long as the substitute beneficiary is eligible for participation.

b. Participation agreements may otherwise be freely amended throughout their terms in order to enable participants to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule.

4. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions, and upon payment of applicable fees and costs set forth and contained in the rules adopted by the treasurer of state.

5. A participant may designate a successor in accordance with rules adopted by the treasurer of state. The designated successor shall succeed to the ownership of the account in the event of the death of the participant. In the event a participant dies and has not designated a successor to the account, the following criteria shall apply:

a. The beneficiary of the account, if eighteen years of age or older, shall become the owner of the account as well as remain the beneficiary upon filing the appropriate forms in accordance with rules adopted by the treasurer of state.

b. If the beneficiary of the account is under the age of eighteen, account ownership shall be transferred to the first surviving parent or other legal guardian of the beneficiary to file the appropriate forms in accordance with rules adopted by the treasurer of state.

98 Acts, ch 1172, §3; 99 Acts, ch 122, §2 – 4, 10; 2000 Acts, ch 1163, §2 – 4, 6; 2004 Acts, ch 1079, §7, 8, 17; 2018 Acts, ch 1161, §137, 138, 147, 148; 2024 Acts, ch 1147, §1, 3

Referred to in §12D.9, 12I.3, 12I.10, 422.7(22)(a)

2024 amendment to subsection 1 applies retroactively to January 1, 2024, for tax years beginning on or after that date; 2024 Acts, ch 1147, §3

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12D.4 Program and administrative funds — investment and payments.

1. *a.* The treasurer of state shall segregate moneys received by the trust into two funds: the program fund and the administrative fund.

b. All moneys paid by participants in connection with participation agreements shall be deposited as received into separate accounts within the program fund.

c. Contributions to the trust made by participants may only be made in the form of cash.

d. A participant or beneficiary may, directly or indirectly, direct the investment of any contributions to the trust or any earnings thereon no more than two times in a calendar year.

e. The amount of cash distributions from the trust and all other qualified state tuition programs under section 529 of the Internal Revenue Code to a beneficiary during any taxable year shall, in the aggregate, include no more than ten thousand dollars in expenses for tuition in connection with enrollment at an elementary or secondary public, private, or religious school incurred during the taxable year.

2. Moneys accrued by participants in the program fund of the trust may be used for payments to any qualified educational institution. Payments can be made to the qualified educational institution, the participant, or the beneficiary.

98 Acts, ch 1172, §4; 2004 Acts, ch 1079, §9, 17; 2018 Acts, ch 1161, §139, 147, 148
Referred to in §12D.1, 12D.9

12D.4A Administrative fund — appropriation. Repealed by 2000 Acts, ch 1231, §39; 2001 Acts, ch 24, §72, 74.

12D.5 Cancellation of agreements.

A participant may cancel a participation agreement at will. Upon cancellation of a participation agreement, a participant shall be entitled to the return of the participant's account balance.

98 Acts, ch 1172, §5; 99 Acts, ch 96, §1; 99 Acts, ch 122, §6, 7, 10; 2003 Acts, ch 142, §1, 11; 2004 Acts, ch 1079, §10, 17

12D.6 Repayment and ownership of payments and investment income — transfer of ownership rights.

1. *a.* A participant retains ownership of all payments made under a participation agreement up to the date of utilization for payment of qualified education expenses for the beneficiary.

b. All income derived from the investment of the payments made by the participant shall be considered to be held in trust for the benefit of the beneficiary.

2. In the event the program is terminated prior to payment of qualified education expenses for the beneficiary, the participant is entitled to a refund of the participant's account balance.

3. The qualified educational institution shall obtain ownership of the payments made for the qualified education expenses paid to the institution at the time each payment is made to the institution.

4. Any amounts which may be paid to any person or persons pursuant to the Iowa educational savings plan trust but which are not listed in this section are owned by the trust.

5. A participant may transfer ownership rights to another participant, or may transfer funds to another plan under the trust or to an ABLE account as permitted under section 529(c)(3)(C) of the Internal Revenue Code. The transfer shall be made and the property distributed in accordance with rules adopted by the treasurer of state or with the terms of the participation agreement.

6. A participant shall not be entitled to utilize any interest in the trust as security for a loan.

98 Acts, ch 1172, §6; 99 Acts, ch 96, §2; 99 Acts, ch 114, §2; 99 Acts, ch 122, §8, 10; 2004 Acts, ch 1079, §11, 12, 17; 2018 Acts, ch 1161, §140, 141, 147, 148
Referred to in §12D.9, 422.7(22)(c)

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12D.7 Effect of payments on determination of need and eligibility for student financial aid.

A student loan program, student grant program, or other program administered by any agency of the state, except as may be otherwise provided by federal law or the provisions of any specific grant applicable to that law, shall not take into account and shall not consider amounts available for the payment of qualified education expenses pursuant to the Iowa educational savings plan trust in determining need and eligibility for student aid.

98 Acts, ch 1172, §7; 2018 Acts, ch 1161, §142, 147, 148

12D.8 Annual audited financial report to governor and general assembly.

1. *a.* The treasurer of state shall submit an annual audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the trust by November 1 to the governor and the general assembly.

b. The annual audit shall be made either by the auditor of state or by an independent certified public accountant designated by the auditor of state and shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.

2. The annual audit shall be supplemented by all of the following information prepared by the treasurer of state:

a. Any related studies or evaluations prepared in the preceding year.

b. A summary of the benefits provided by the trust including the number of participants and beneficiaries in the trust.

c. Any other information which is relevant in order to make a full, fair, and effective disclosure of the operations of the trust.

98 Acts, ch 1172, §8; 2008 Acts, ch 1032, §201

12D.9 Tax considerations.

1. For federal income tax purposes, the Iowa educational savings plan trust shall be considered a qualified state tuition program exempt from taxation pursuant to section 529 of the Internal Revenue Code. The Iowa educational savings plan trust meets the requirements of section 529(b), of the Internal Revenue Code, as follows:

a. Pursuant to section 12D.3, subsection 1, a participant may make contributions to an account which is established for the purpose of meeting the qualified education expenses of the designated beneficiary of the account.

b. Pursuant to section 12D.3, subsection 1, a maximum contribution level is established.

c. Pursuant to section 12D.4, subsection 1, paragraph *"b"*, a separate account is established for each beneficiary.

d. Pursuant to section 12D.4, subsection 1, paragraph *"c"*, contributions may only be made in the form of cash.

e. Pursuant to section 12D.4, subsection 1, paragraph *"d"*, a participant or beneficiary shall not provide investment direction regarding program contributions or earnings held by the trust.

f. Pursuant to section 12D.6, subsection 6, a participant shall not pledge any interest in the trust as security for a loan.

2. State income tax treatment of the Iowa educational savings plan trust shall be as provided in section 422.7, subsections 11, 22, and 23.

3. For a death occurring before January 1, 2025, state inheritance tax treatment of interests in Iowa educational savings plans shall be as provided in section 450.4, subsection 8. This subsection shall apply to all Iowa educational savings plans existing on or after July 1, 1998.

98 Acts, ch 1172, §9; 99 Acts, ch 122, §9, 10; 2003 Acts, ch 142, §2, 11; 2004 Acts, ch 1079, §13, 14, 17; 2005 Acts, ch 179, §107; 2008 Acts, ch 1164, §1; 2018 Acts, ch 1161, §99, 133, 134, 143, 147, 148; 2021 Acts, ch 177, §1; 2025 Acts, ch 148, §24, 53, 54

2018 amendment to subsection 2 is effective January 1, 2023, and applies to tax years beginning on or after that date; 2018 Acts, ch 1161, §133, 134; 2021 Acts, ch 177, §1

2025 amendment to subsection 3 applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

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12D.10 Property rights to assets in trust.

1. The assets of the trust shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries.
2. No property rights in the trust shall exist in favor of the state.
3. The assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

98 Acts, ch 1172, §10; 2004 Acts, ch 1079, §15, 17

12D.11 Construction.

This chapter shall be construed liberally in order to effectuate its purpose.

98 Acts, ch 1172, §11

CHAPTER 12E

TOBACCO SETTLEMENT AUTHORITY

Referred to in §12.30, 12B.10, 12B.10A, 12B.10B, 12B.10C

12E.1 Title.
12E.2 Definitions.
12E.3 Tobacco settlement authority — created — purposes — powers — restrictions.
12E.3A Endowment for Iowa's health account — purposes.
12E.4 Powers not restricted — law complete in itself.
12E.5 Governing board.
12E.6 Staff — assistance by state officers, agencies, and departments.
12E.7 Limitation of liability.
12E.8 General powers.
12E.9 Authorization of the sale of rights in the master settlement agreement.
12E.10 Tobacco settlement program plan.
12E.11 Authority — bonds.
12E.12 Tobacco settlement trust fund — established — investment — liability.
12E.13 Moneys of the authority.
12E.14 Exemption from competitive bid laws.
12E.15 Annual report.
12E.16 Bankruptcy.
12E.17 Dissolution of the authority.
12E.18 Liberal interpretation.

12E.1 Title.

This chapter shall be known and may be cited as the "*Tobacco Settlement Authority Act*".

2000 Acts, ch 1208, §1, 25

12E.2 Definitions.

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

1. "*Authority*" means the tobacco settlement authority created in this chapter.
2. "*Board*" means the governing board of the authority.
3. "*Bonds*" means bonds, notes, and other obligations and financing arrangements issued or entered into by the authority pursuant to this chapter.
4. "*Financial institution*" means a bank or credit union as defined in section 12C.1.
5. "*Interest rate agreement*" means an interest rate swap or exchange agreement, an agreement establishing an interest rate floor or ceiling or both, or any similar agreement. Any such agreement may include the option to enter into or cancel the agreement or to reverse or extend the agreement.
6. "*Master settlement agreement*" means the master settlement agreement as defined in section 453C.1.
7. "*Net proceeds*" means the amount of proceeds remaining following each sale of bonds which are not required by the authority to establish and fund reserve funds and to pay the costs of issuance and other expenses and fees directly related to the authorization and issuance of bonds.

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8. *"Notes"* means notes, warrants, loan agreements, and all other forms of evidence of indebtedness authorized under this chapter.

9. *"Program plan"* means the tobacco settlement program plan dated February 14, 2001, including exhibits to the program plan, submitted by the authority to the legislative council and the executive council, to provide the state with a secure and stable source of funding for the purposes designated by section 12E.3A and other provisions of this chapter.

10. *"Qualified investments"* means investments of the authority authorized pursuant to this chapter.

11. *"Sales agreement"* means any agreement authorized pursuant to this chapter in which the state provides for the sale of all or a portion of the state's share to the authority.

12. *"State's share"* means all of the following:

a. All payments required to be made by tobacco product manufacturers to the state, and the state's rights to receive such payments, under the master settlement agreement.

b. To the extent that such amounts have been assigned to the state, all payments of attorney fees required to be made by tobacco product manufacturers under the master settlement agreement, and all rights to receive such attorney fees.

13. *"Tax-exempt bonds"* means bonds issued by the authority that are accompanied by a written opinion of legal counsel to the authority that the bonds are excluded from the gross income of the recipients for federal income tax purposes.

14. *"Taxable bonds"* means bonds issued by the authority that are not accompanied by a written opinion of legal counsel to the authority that the bonds are excluded from the gross income of the recipients for federal income tax purposes.

15. *"Tobacco settlement trust fund"* means the tobacco settlement trust fund created in this chapter.

2000 Acts, ch 1208, §2, 25; 2000 Acts, ch 1232, §13, 15; 2001 Acts, ch 164, §2 – 5, 21; 2008 Acts, ch 1186, §9, 10, 19

12E.3 Tobacco settlement authority — created — purposes — powers — restrictions.

1. A tobacco settlement authority is created and constitutes a public instrumentality and agency of the state, separate and distinct from the state, exercising public and essential governmental functions.

2. The purposes of the authority include all of the following:

a. To implement and administer the program plan and to establish a stable source of revenue to be used for the purposes designated in section 12E.3A and other provisions of this chapter.

b. To enter into sales agreements.

c. To issue bonds and enter into funding options, consistent with this chapter, including refunding and refinancing its debt and obligations.

d. To sell, pledge, or assign, as security or consideration, all or a portion of the state's share sold to the authority pursuant to a sales agreement, to provide for and secure the issuance and repayment of its bonds.

e. To invest funds available under this chapter to provide for a source of revenue in accordance with the program plan.

f. To enter into agreements with the state for the periodic distribution of amounts due the state under any sales agreement.

g. To refund and refinance the authority's debts and obligations, and to manage its funds, obligations, and investments as necessary and if consistent with its purpose.

h. To sell, pledge, or assign, as security or consideration, all or a portion of the state's share to implement alternative funding options.

i. To implement the purposes of this chapter.

3. The authority shall invest its funds and accounts in accordance with this chapter and shall not take action or invest in any manner that would cause the state to become a stockholder in any corporation or that would cause the state to assume or agree to pay the debt or liability of any corporation in violation of the United States Constitution or the Constitution of the State of Iowa.

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4. The authority shall not create any obligation of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitation.

5. The authority shall not pledge the credit or taxing power of this state or any political subdivision of this state, or make its debts payable out of any moneys except those of the authority specifically pledged for their payment.

6. The authority shall not pledge or make its debts payable out of the moneys deposited in the tobacco settlement trust fund.

2000 Acts, ch 1208, §3, 25; 2000 Acts, ch 1232, §14, 15; 2001 Acts, ch 164, §6, 21; 2008 Acts, ch 1186, §11, 19

12E.3A Endowment for Iowa's health account — purposes.

1. The general assembly reaffirms and reenacts the purposes stated for the use of moneys deposited in the healthy Iowans tobacco trust, as the purposes were enacted in 2000 Iowa Acts, ch. 1232, §12, and codified in section 12.65, Code 2007, as the purposes for the endowment for Iowa's health account. The purposes include those purposes related to health care, substance use disorder treatment and enforcement, tobacco use prevention and control, and other purposes related to the needs of children, adults, and families in the state.

2. Any net proceeds from the sale of taxable bonds or tax-exempt bonds issued to provide funds for the purposes stated in section 12.65, Code 2007, and as reaffirmed and reenacted in subsection 1 shall continue to be used for such purposes, including but not limited to any such proceeds deposited in the endowment for Iowa's health account or transferred or otherwise credited to the general fund of the state.

2008 Acts, ch 1186, §12, 19; 2014 Acts, ch 1026, §143; 2023 Acts, ch 19, §17

Referred to in §12E.2, 12E.3, 12E.9, 12E.10, 12E.11, 12E.12

12E.4 Powers not restricted — law complete in itself.

This chapter shall not restrict or limit the powers which the authority has under any other law of this state, but is cumulative as to any such powers. A proceeding, notice, or approval is not required for the creation of the authority or the issuance of obligations or an instrument as security, except as provided in this chapter.

2000 Acts, ch 1208, §4, 25

12E.5 Governing board.

1. The powers of the authority are vested in and shall be exercised by a board consisting of the treasurer of state, the auditor of state, and the director of the department of management. Notwithstanding the provisions of section 12.30, subsection 2, regarding ex officio nonvoting status, the treasurer of state shall act as a voting member of the authority.

2. Two members of the board constitute a quorum.

3. The members shall elect a chairperson, vice chairperson, and secretary, annually, and other officers as the members determine necessary. The treasurer of state shall serve as treasurer of the authority.

4. Meetings of the board shall be held at the call of the chairperson or when a majority of the members so requests.

5. The members of the board shall not receive compensation by reason of their membership on the board.

2000 Acts, ch 1208, §5, 25

12E.6 Staff — assistance by state officers, agencies, and departments.

1. The staff of the office of the treasurer of state shall also serve as staff of the authority under the supervision of the treasurer.

2. State officers, agencies, and departments may render services to the authority within their respective functions, as requested by the authority.

2000 Acts, ch 1208, §6, 25

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12E.7 Limitation of liability.

Members of the board and persons acting on the authority's behalf, while acting within the scope of their employment or agency, are not subject to personal liability resulting from carrying out the powers and duties conferred on them under this chapter.

2000 Acts, ch 1208, §7, 25

12E.8 General powers.

1. The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including but not limited to all of the following powers:

a. The power to issue its bonds and to enter into other funding options as provided in this chapter.

b. The power to have perpetual succession as a public instrumentality and agency of the state, until dissolved in accordance with this chapter.

c. The power to sue and be sued in its own name.

d. The power to make and execute agreements, contracts, and other instruments, with any public or private person, in accordance with this chapter.

e. The power to hire and compensate legal counsel, notwithstanding chapter 13.

f. The power to hire investment advisors and other persons as necessary to fulfill its purpose.

g. The power to invest or deposit moneys of or held by the authority in any manner determined by the authority, notwithstanding chapter 12B or 12C.

h. The power to procure insurance, other credit enhancements, and other financing arrangements, and to execute instruments and contracts and to enter into agreements convenient or necessary to facilitate financing arrangements of the authority and to fulfill the purposes of the authority under this chapter, including but not limited to such arrangements, instruments, contracts, and agreements as municipal bond insurance, liquidity facilities, interest rate agreements, and letters of credit.

i. The power to accept appropriations, gifts, grants, loans, or other aid from public or private entities.

j. The power to adopt rules, consistent with this chapter and in accordance with chapter 17A, as the board determines necessary.

k. The power to acquire, own, hold, administer, and dispose of property.

l. The power to determine, in connection with the issuance of bonds, and subject to the sales agreement, the terms and other details of financing, and the method of implementation of the program plan.

m. The power to perform any act not inconsistent with federal or state law necessary to carry out the purposes of the authority.

2. The authority is exempt from the requirements of chapter 8A, subchapter III.

2000 Acts, ch 1208, §8, 25; 2001 Acts, ch 164, §7, 8, 21; 2003 Acts, ch 145, §132

12E.9 Authorization of the sale of rights in the master settlement agreement.

1. *a.* The governor or the governor's designee shall sell and assign all or a portion of the state's share to the authority pursuant to one or more sales agreements for the purpose of securitization as described in the program plan and as specified in section 12E.10. The attorney general shall assist the governor in the preparation and review of all necessary documentation to effect such a sale as soon as reasonably practicable.

b. Any sales agreement shall be consistent with the program plan and this chapter. The terms and conditions of the sale established in such sales agreement may include but are not limited to any of the following:

(1) A requirement that the state enforce, at the sole expense of the authority, the provisions of the master settlement agreement that require payment of the state's share that has been sold to the authority under a sales agreement.

(2) A requirement that the state not agree to any amendment of the master settlement agreement that materially and adversely affects the authority's ability to receive the state's share that has been sold to the authority.

(3) An agreement that the anticipated use by the state of bond proceeds received pursuant

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to the sales agreement shall be for capital projects, certain debt service on outstanding obligations that funded capital projects, payment of attorney fees related to the master settlement agreement, and to provide a secure and stable source of funding to the state for purposes designated by section 12E.3A and other provisions of this chapter.

(4) A statement that the net proceeds from the sale of bonds shall be deposited in the tobacco settlement trust fund established under section 12E.12 and that in no event shall the amounts in the trust fund be available or be applied for payment of bonds or any claim against the authority or any debt or obligation of the authority.

(5) A requirement that the net proceeds received by the authority from the sale of any tax-exempt bonds issued to provide funds for capital projects, certain debt service, and attorney fees related to the master settlement agreement be paid by the authority to the state as consideration for the sale of that portion of the state's share, that such net proceeds be deposited by the state upon receipt in the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund, and that such proceeds are to be held by the authority solely for the benefit of the state, subject to annual appropriation by the state in accordance with section 12E.10, subsection 1, paragraph *"b"*.

(6) A requirement that the net proceeds received by the authority from the sale of taxable bonds or tax-exempt bonds issued to provide funds for the purposes specified in section 12E.3A be deposited in the endowment for Iowa's health account of the tobacco settlement trust fund as moneys of the authority until transferred to the state pursuant to section 12E.12, subsection 1, paragraph *"b"*, subparagraph (3). Each amount transferred shall be the consideration received by the state for that portion of the state's share.

(7) An agreement that the effective date of the sale is the date of receipt of the bond proceeds by the authority and the deposits of the net proceeds of the tax-exempt bonds and any taxable bonds in the respective accounts of the tobacco settlement trust fund.

2. The sale made under this section shall be irrevocable during the time when bonds are outstanding under this chapter, and shall be a part of the contractual obligation owed to the bondholders. The sale shall constitute and be treated as a true sale and absolute transfer of the property so transferred and not as a pledge or other security interest for any borrowing. The characterization of such a sale as an absolute transfer shall not be negated or adversely affected by the fact that only a portion of the state's share is being sold, or by the state's acquisition or retention of an ownership interest in the residual assets.

3. On or after the effective date of such sale, the state shall not have any right, title, or interest in the portion of the master settlement agreement sold and such portion shall be the property of the authority and not the state, and shall be owned, received, held, and disbursed by the authority or its trustee or assignee, and not the state.

4. On or before the effective date of the sale, the state shall notify the escrow agent under the master settlement agreement of the sale and shall instruct the escrow agent that subsequent to that date, all payments constituting the portion sold shall be made directly to the authority.

5. The authority, the treasurer of state, and the attorney general shall report to the legislative council and the executive council on or before the date of the sale, advising them of the status of the sale, its terms, and conditions.

2000 Acts, ch 1208, §9, 25; 2001 Acts, ch 164, §9, 10, 21; 2008 Acts, ch 1186, §13, 19

12E.10 Tobacco settlement program plan.

1. *a.* (1) The authority shall implement the program plan and shall proceed with a securitization to maximize the transference of risks associated with the master settlement agreement.

(2) The authority shall issue tax-exempt bonds as necessary in amounts determined by the authority sufficient to provide net proceeds for deposit in the tax-exempt bond proceeds restricted capital funds account of the tobacco settlement trust fund, to be used for capital projects, certain debt service on outstanding obligations which funded capital projects, and attorney fees related to the master settlement agreement.

(3) The authority may also issue taxable bonds or tax-exempt bonds to provide additional amounts to be used for the purposes specified in section 12E.3A.

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(4) Notwithstanding subparagraphs (1) and (2), the authority is not required to issue tax-exempt bonds if the authority determines that the issuance would not be in the best interest of the state due to market conditions.

b. It is the expectation of the state that not less than eighty-five percent of the proceeds of any issue of tax-exempt bonds will be expended within five years from the effective date of the sale, consistent with the requirements of federal law, and that the specific capital projects, debt service, and attorney fees payments shall be determined annually through appropriations authorized by a constitutional majority of each house of the general assembly and approved by the governor.

c. The authority may issue tax-exempt bonds if the securitization of any remaining tobacco settlement payments will result in the deposit of net proceeds of not less than one hundred eighty-three million dollars for tax-exempt bonds issued after July 1, 2008.

2. The authority shall periodically report to the legislative council and the governor regarding implementation of the program plan and shall, prior to any public offering of bonds, submit a report to the legislative council and the governor describing the terms of the proposed bond issue.

3. Any amendment to the program plan shall be authorized by a constitutional majority of each house of the general assembly and approved by the governor.

4. To the extent that any provision of the program plan is inconsistent with this chapter, the provisions of this chapter shall govern.

2000 Acts, ch 1208, §10, 25; 2001 Acts, ch 164, §11, 21; 2008 Acts, ch 1179, §45 – 47; 2008 Acts, ch 1186, §14, 19

Referred to in §12E.9

12E.11 Authority — bonds.

1. The authority may issue bonds and, if bonds are issued, shall make the proceeds from the bonds available to the state pursuant to the sales agreement to fund capital projects, certain debt service on outstanding obligations that funded capital projects, and attorney fees related to the master settlement agreement, and to provide a secure and stable source of funding to the state, consistent with the purposes of section 12E.3A and other provisions of this chapter. In connection with the issuance of bonds and subject to the terms of the sales agreement, the authority shall determine the terms and other details of the financing and the method of implementation of the program plan. Bonds issued pursuant to this section may be secured by a pledge of all or a portion of the state's share and any moneys derived from the state's share, and any other sources available to the authority with the exception of moneys in the tobacco settlement trust fund. The authority may also issue refunding bonds, including advance refunding bonds, for the purpose of refunding previously issued bonds, and may issue other types of bonds, debt obligations, and financing arrangements necessary to fulfill its purposes or the purposes of this chapter.

2. The authority may issue its bonds in principal amounts which, in the opinion of the authority, are necessary to provide sufficient funds for achievement of its purposes, the payment of interest on its bonds, the establishment of reserves to secure the bonds, the costs of issuance of its bonds, and all other expenditures of the authority incident to and necessary to carry out its purposes or powers. The bonds are investment securities and negotiable instruments within the meaning of and for the purposes of the uniform commercial code, chapter 554.

3. Bonds issued by the authority are payable solely and only out of the moneys, assets, or revenues pledged by the authority and are not a general obligation or indebtedness of the authority or an obligation or indebtedness of the state or any subdivision of the state. The authority shall not pledge the credit or taxing power of the state or any political subdivision of the state, or create a debt or obligation of the state, or make its debts payable out of any moneys except those of the authority, excluding those moneys deposited in the tobacco settlement trust fund.

4. Bonds shall state on their face that they are payable both as to principal and interest solely out of the assets of the authority pledged for their purpose and do not constitute an indebtedness of the state or any political subdivision of the state; are secured solely by and

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payable solely from assets of the authority pledged for such purpose; constitute neither a general, legal, or moral obligation of the state or any of its political subdivisions; and that the state has no obligation or intention to satisfy any deficiency or default of any payment of the bonds.

5. Any amount pledged by the authority to be received under the master settlement agreement shall be valid and binding at the time the pledge is made. Amounts so pledged and then or thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act. The lien of any such pledge shall be valid and binding as against all parties having claims of any kind against the authority, whether such parties have notice of the lien. Notwithstanding any other provision to the contrary, the resolution of the authority or any other instrument by which a pledge is created need not be recorded or filed to perfect such pledge.

6. The proceeds of bonds issued by the authority and not required for deposit in the tobacco settlement trust fund may be invested in any manner approved by the board and specified in the trust indenture or resolution pursuant to which the bonds must be issued, notwithstanding any other provision to the contrary.

7. The bonds shall comply with all of the following:

a. The bonds shall be in a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, as the board prescribes in the resolution authorizing their issuance.

b. The bonds shall be fully negotiable instruments under the laws of this state and may be sold at prices, at public or private sale, and in a manner as prescribed by the board. Chapters 73A, 74, 74A, and 75 shall not apply to the sale or issuance of bonds under this chapter.

c. The bonds shall be subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest which may be fixed or variable during any period the bonds are outstanding, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter and as determined by resolution of the board authorizing their issuance.

8. The bonds issued under this chapter are securities in which insurance companies and associations and other persons engaged in the business of insurance; banks, trust companies, savings associations, and investment companies; administrators, guardians, executors, trustees, and other fiduciaries; and other persons authorized to invest in bonds or other obligations of the state may properly and legally invest funds, including capital, in their control or belonging to them.

9. Bonds must be authorized by a resolution of the board. However, a resolution authorizing the issuance of bonds may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds by an appropriate certificate of the authorized officer.

10. To comply with federal law with respect to the issuance of bonds, the interest of which is tax-exempt pursuant to the Internal Revenue Code, the authority may issue a certain series of bonds, or periodically issue several series of bonds, so that interest on the bonds remains exempt from federal taxation or to comply with the purposes specified in this chapter.

11. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of the authority, including the power to terminate the authority, except that a law shall not be enacted that impairs any obligation made pursuant to a sales agreement or any contract entered into by the authority with or on behalf of the holders of the bonds to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa or Article I, section 10, of the Constitution of the United States.

2000 Acts, ch 1208, §11, 25; 2001 Acts, ch 164, §12 – 14, 21; 2005 Acts, ch 3, §10; 2008 Acts, ch 1186, §15, 19; 2012 Acts, ch 1017, §39

12E.12 Tobacco settlement trust fund — established — investment — liability.

1. *a.* A tobacco settlement trust fund is established, separate and apart from all other public moneys or funds of the state, under the control of the authority. The fund shall consist of moneys paid to the authority and not pledged to the payment of bonds or otherwise

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obligated. Such moneys shall include but are not limited to payments received from the master settlement agreement which are not pledged to the payment of bonds or which are subsequently released from a pledge to the payment of any bonds; payments which, in accordance with any sales agreement with the state, are to be paid to the state and not pledged to the bonds, including that portion of the proceeds of any bonds designated for purchase of all or a portion of the state's share, which are designated for deposit in the fund, together with all interest, dividends, and rents on the bonds; and all securities or investment income and other assets acquired by and through the use of the moneys belonging to the fund and any other moneys deposited in the fund. Moneys in the fund are to be used solely and only for the payment of all amounts due and to become due to the state, and shall not be used for any other purpose. Such moneys shall not be available for the payment of any claim against the authority or any debt or obligation of the authority.

b. The fund shall consist of the following accounts:

(1) The tax-exempt bond proceeds restricted capital funds account. The net proceeds of tax-exempt bonds issued to provide funds for capital projects, certain debt service, and attorney fees related to the master settlement agreement which the state treasurer is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund capital projects, certain debt service, and the payment of attorney fees related to the master settlement agreement. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection 3, paragraph "*c*", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

(2) The FY 2009 tax-exempt bond proceeds restricted capital funds account. The net proceeds of tax-exempt bonds issued after July 1, 2008, as a result of the securitization of any remaining tobacco settlement payments to provide funds for capital projects which the treasurer of state is authorized and directed to deposit on behalf of the state shall be deposited in the account and shall be used to fund capital projects. With respect to capital projects, it is the intent of the general assembly to fund capital projects that qualify as vertical infrastructure projects as defined in section 8.57, subsection 3, paragraph "c", to the extent practicable in any fiscal year and without limiting other qualifying capital expenditures considered and approved by a constitutional majority of each house of the general assembly and the governor.

(3) The endowment for Iowa's health account.

(a) The net proceeds of any taxable bonds or tax-exempt bonds issued to provide funds for the purposes specified in section 12E.3A, which the authority is directed to deposit in the account, any portion of the state's share which is not sold to the authority, and any other moneys appropriated by the state for deposit in the account shall be deposited in the account and shall be used for the purposes specified in section 12E.3A.

(b) For each fiscal year beginning July 1, 2009, the moneys deposited in the endowment for Iowa's health account of the tobacco settlement trust fund are transferred to the rebuild Iowa infrastructure fund.

2. The treasurer of the authority shall act as custodian and trustee of the fund and shall administer the fund as directed by the authority. The treasurer of the authority shall do all of the following:

a. Hold the funds.

b. Invest the portion of the funds which, as deemed by the authority, is not necessary for current payment of sums to the state under this chapter or the program plan.

c. Disburse funds, if directed by the authority.

d. Sell any securities or other property held by the fund and reinvest the proceeds as directed by the authority, when deemed advisable by the authority for the protection of the fund or the preservation of the value of the investment. Such sale of securities or other property held by the fund shall only be made with the advice of the board in the manner and to the extent provided in this chapter with regard to the purchase of investments.

e. Subscribe, at the direction of the authority, for the purchase of securities for future

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delivery in anticipation of future income. Such securities shall be paid for by such anticipated income or from funds from the sale of securities or other property held by the fund.

f. Pay for securities, as directed by the authority, on the receipt of the purchasing entity's paid statement or paid confirmation of purchase.

3. The authority shall execute the disposition and investment of moneys in the fund in accordance with the investment policy and goal statement established by the board.

a. In establishing the investment policy and goal statement of the fund, the standard utilized by the board shall be the exercise of judgment and care, under the prevailing circumstances, which persons of prudence, discretion, and intelligence exercise in the management of their own financial affairs, not for the purpose of speculation, but with regard to the permanent disposition of the funds, considering the probable income, as well as the probable safety, of their capital.

b. Within the limitations of the standard prescribed in this subsection and the program plan, the treasurer of the authority, the authority, and the board may acquire and retain any type of property or investment which persons of prudence, discretion, and intelligence would acquire or retain for their own financial interests.

c. The authority and the board shall give appropriate consideration to those facts and circumstances that the authority and board know or should know are relevant to the particular investment or investment policy involved, including the role the investment plays in the total value of the fund. For the purposes of this paragraph, "*appropriate consideration*" includes, but is not limited to, a determination by the authority and the board that the particular investment or investment policy is reasonably designed to further the purposes of the tobacco settlement program plan, taking into consideration the risk of loss and the opportunity for gain or other return associated with the investment or investment policy and consideration of all of the following as they relate to the tobacco settlement trust fund:

(1) The composition of the fund with regard to diversification.

(2) The liquidity and current return of the investments in the fund relative to the anticipated cash flow requirements of the program plan.

(3) The projected return of the investments relative to the funding objectives of the program plan.

d. Investments of moneys in the funds are not subject to sections 73.15 through 73.21.

e. If consistent with the investment policy established by the board, the authority may invest moneys of or held by the authority in structured notes and investment agreements, the repayment of the principal amount of which is protected or guaranteed.

4. The authority, its staff, members of the board, and the treasurer of the authority are not personally liable for actions or omissions under this chapter that do not involve malicious or wanton misconduct even if those actions or omissions violate the standards established in this section.

5. Except as provided in this section, if there is loss to the fund, the treasurer, the authority, the board, and the staff are not personally liable, and the loss shall be charged against the fund. The amount required to cover a loss may be paid from the fund.

6. *a.* Expenses incurred in the sale and purchase of securities belonging to the fund shall be charged to the fund, and the amount required for the investment management expenses may be paid from the fund, subject to the limitations stated in this subsection. The amount paid for investment management expenses for a fiscal year under this section shall not exceed the reasonable and customary charge to similar funds for similar purposes. The authority shall report the investment management expenses for a fiscal year as a percent of the market value of the fund in the annual report to the governor submitted pursuant to section 12E.15.

b. A person who has entered into a contract with the authority for investment management purposes shall meet the requirements for doing business in Iowa sufficient to be subject to taxation under the rules of the department of revenue.

7. All moneys paid to or deposited in the fund are available to the authority to be used for the exclusive purpose of the program plan in accordance with this chapter, including but not limited to all of the following:

a. For payment of amounts due to the state pursuant to the terms of the sales agreements entered into between the state and the authority.

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b. For payment of other amounts provided for in the program plan.

c. For payment of the costs of administering the program plan and the costs of the authority.

8. With respect to the payment of certain debt service, the debt service to be paid shall be those installments of debt service on bonds selected by the treasurer of state and identified in the authority's tax certificate delivered at the time of the issuance of the bonds issued pursuant to this chapter, or as otherwise selected by the treasurer of state. Once the bonds and the installments of debt service thereon are so selected, that debt service and bonds shall not be paid, or provided to be paid, from any other source including the state or any of its departments or agencies. Provided, however, that if funds are not appropriated to pay debt service on such bonds when due, the issuing agency shall pay the debt service from any available source as provided in the bond covenants. To the extent that this section does not allow proceeds of previously issued refunding bonds to be applied for the purpose of the refunding, the issuing agency may expend such proceeds to improve, remodel, or repair buildings or other infrastructure upon authorization of the issuing agency's authority.

9. Annually, on or before January 15 of each year, a state agency that received an appropriation from the tobacco settlement trust fund shall report to the legislative services agency and the department of management the status of all projects completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

2000 Acts, ch 1208, §12, 25; 2001 Acts, ch 164, §15, 16, 21; 2002 Acts, 2nd Ex, ch 1001, §35, 46; 2002 Acts, 2nd Ex, ch 1003, §229, 233; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §94, 159; 2006 Acts, ch 1179, §38; 2008 Acts, ch 1179, §48, 49; 2008 Acts, ch 1186, §16, 19; 2009 Acts, ch 184, §31, 41; 2012 Acts, ch 1021, §132

Referred to in §12E.9

12E.13 Moneys of the authority.

1. Moneys of the authority, except as otherwise provided in this chapter or specified in a trust indenture or resolution pursuant to which the bonds are issued, shall be paid to the authority and shall be deposited in a financial institution designated by the authority. The moneys shall be withdrawn on the order of the authority or its designee. Deposits shall be secured in the manner determined by the authority.

2. The auditor of state or the auditor's designee, which may include a person hired by the auditor with the approval of the board, may periodically examine the accounts and books, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other records and papers relating to its financial standing. The authority shall pay the costs of any such examination.

3. The authority may contract with the holders of its bonds relating to the custody, collection, security, investment, and payment of moneys of the authority, and relating to the moneys held in trust or otherwise for payment of bonds, with the exception of moneys in the tobacco settlement trust fund. Moneys held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of the moneys may be secured in the same manner as moneys of the authority, and financial institutions and trust companies may provide security for the deposits.

4. The authority shall submit to the governor, the attorney general, the auditor of state, the department of management, and the legislative services agency, within thirty days of its receipt, a copy of the report of every external examination of the books and accounts of the authority, other than copies of the reports of examinations of the auditor of state.

5. All moneys of the authority or moneys held by the authority shall be invested and held in the name of the authority, whether they are held for the benefit, security, or future payment to holders of bonds or to the state. All such moneys and investments shall be considered moneys and investments of the authority with the exception of moneys in the tax-exempt

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bond proceeds restricted capital funds account of the tobacco settlement trust fund which are moneys of the state.

2000 Acts, ch 1208, §13, 25; 2001 Acts, ch 164, §17, 21; 2003 Acts, ch 35, §45, 49

12E.14 Exemption from competitive bid laws.

The authority and contracts entered into by the authority in carrying out its public and essential governmental functions are exempt from the laws of the state which provide for competitive bids and hearings in connection with contracts, except as provided in section 12.30.

2000 Acts, ch 1208, §14, 25

12E.15 Annual report.

1. The authority shall submit to the governor, the general assembly, and the attorney general, on or before December 31, annually, a report including information regarding all of the following:

a. Its operations and accomplishments.

b. Its receipts and expenditures during the previous fiscal year, in accordance with classifications it establishes for its operating and capital accounts.

c. Its assets and liabilities at the end of the previous fiscal year and the status of reserve, special, and other funds.

d. A schedule of its bonds outstanding at the end of the previous fiscal year, and a statement of the amounts redeemed and issued during the previous fiscal year.

e. A statement of its proposed and projected activities.

f. Recommendations to the governor and the general assembly, as deemed necessary.

g. Any other information deemed necessary.

2. The annual report shall identify performance goals of the authority, and clearly indicate the extent of progress, during the reporting period, in attaining these goals.

2000 Acts, ch 1208, §15, 25

Referred to in §12E.12

12E.16 Bankruptcy.

Prior to the date which is three hundred sixty-six days after which the authority no longer has any bonds outstanding, the authority is prohibited from filing a voluntary petition under chapter nine of the federal bankruptcy code, 11 U.S.C. §901 et seq., or such corresponding chapter or section as may, from time to time, be in effect, and a public official or organization, entity, or other person shall not authorize the authority to be or become a debtor under chapter nine or any successor or corresponding chapter or sections during such periods. The provisions of this section shall be part of any contractual obligation owed to the holders of bonds issued under this chapter. Any such contractual obligation shall not subsequently be modified by state law, during the period of the contractual obligation.

2000 Acts, ch 1208, §16, 25; 2005 Acts, ch 3, §11

12E.17 Dissolution of the authority.

The authority shall dissolve no later than two years from the date of final payment of all outstanding bonds and the satisfaction of all outstanding obligations of the authority, except to the extent necessary to remain in existence to fulfill any outstanding covenants or provisions with bondholders or third parties made in accordance with this chapter. Upon dissolution of the authority, all assets of the authority shall be returned to the state and shall be deposited in the general fund of the state, unless otherwise directed by the general assembly, and the authority shall execute any necessary assignments or instruments, including any assignment of any right, title, or ownership to the state for receipt of payments under the master settlement agreement.

2000 Acts, ch 1208, §17, 25; 2001 Acts, ch 164, §18, 21; 2008 Acts, ch 1186, §17, 19

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12E.18 Liberal interpretation.

This chapter, being deemed necessary for the welfare of the state and its people, shall be liberally construed to effect its purpose.

2000 Acts, ch 1208, §18, 25

CHAPTER 12F

RESTRICTIONS ON SUDAN-RELATED INVESTMENTS

Referred to in §12.8, 35A.13, 97A.7, 97B.4, 262.14, 411.7, 602.9111

12F.1 Legislative findings and intent.
12F.2 Definitions.
12F.3 Identification of companies — notice.
12F.4 Prohibited investments — divestment.
12F.5 Reports.
12F.6 Legal obligations.
12F.7 Applicability.

12F.1 Legislative findings and intent.

The general assembly is deeply concerned over the human rights situation in Sudan which calls for stepped-up international efforts to end the crisis in Sudan's Darfur region, and concurs with United States policy which has officially declared that genocide is ongoing in the Sudan, and demands that the government of Sudan bring an end to these atrocities. Therefore, the general assembly intends that state funds and funds administered by the state, including public employee retirement funds, should not be invested in companies that provide power production-related services, mineral extraction activities, oil-related activities, or military equipment to the government of Sudan, or are complicit in the genocide in Darfur, given the ongoing genocide in that country, the previous atrocities perpetrated by the government of Sudan, and the abysmal human rights situation in that country.

2007 Acts, ch 39, §1

12F.2 Definitions.

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

1. *"Active business operations"* means all business operations that are not inactive business operations.

2. *"Business operations"* means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

3. *"Company"* means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for profit-making purposes.

4. *"Complicit"* means taking actions during any preceding twenty-month period which have directly supported or promoted the genocidal campaign in Darfur, including but not limited to preventing Darfur's victimized population from communicating with each other; encouraging Sudanese citizens to speak out against an internationally approved security force for Darfur; actively working to deny, cover up, or alter the record on human rights abuses in Darfur; or other similar actions.

5. *"Direct holdings"* in a company means all securities of that company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

6. *"Government of Sudan"* means the government in Khartoum, Sudan, which is led by the National Congress Party or any successor government formed on or after October 13, 2006, including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan and does not include the regional government of southern Sudan.

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7. *"Inactive business operations"* means the mere continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for such purpose.

8. *"Indirect holdings"* in a company means all securities of that company held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, private equity funds, hedge funds, and real estate funds.

9. *"Marginalized populations of Sudan"* include but are not limited to the portion of the population in the Darfur region that has been genocidally victimized; the portion of the population of southern Sudan victimized by Sudan's north-south civil war; the Beja, Rashidiya, and other similarly underserved groups of eastern Sudan; the Nubian and other similarly underserved groups in Sudan's Abyei, Southern Blue Nile, and Nuba Mountain regions; and the Amri, Hamadab, Manasir, and other similarly underserved groups of northern Sudan.

10. *"Military equipment"* means weapons, arms, military supplies, and equipment that readily may be used for military purposes including but not limited to radar systems or military-grade transport vehicles, or supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

11. *"Mineral extraction activities"* include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides, including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, as well as facilitating such activities, including by providing supplies or services in support of such activities.

12. *"Oil-related activities"* include but are not limited to owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; constructing, maintaining, or operating a pipeline, refinery, or other oil field infrastructure; and facilitating such activities, including by providing supplies or services in support of such activities, provided that the mere retail sale of gasoline and related consumer products shall not be considered oil-related activities.

13. *"Power production activities"* means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar government of Sudan entity whose purpose is to facilitate power generation and delivery including but not limited to establishing power generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project, as well as facilitating such activities, including by providing supplies or services in support of such activities.

14. *"Public fund"* means the treasurer of state, the state board of regents, the public safety peace officers' retirement system created in chapter 97A, the Iowa public employees' retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

15. *"Scrutinized company"* means any company that is not a social development company that meets any of the following criteria:

a. The company has business operations that involve contracts with or provision of supplies or services to the government of Sudan, companies in which the government of Sudan has any direct or indirect equity share, government of Sudan-commissioned consortiums or projects, or companies involved in government of Sudan-commissioned consortiums or projects; and meets any of the additional following criteria:

(1) More than ten percent of the company's revenues or assets linked to Sudan involve oil-related activities or mineral extraction activities, less than seventy-five percent of the company's revenues or assets linked to Sudan involve contracts with or provision of oil-related or mineral extracting products or services to the regional government of southern Sudan or a project or consortium created exclusively by that regional government, and the company has failed to take substantial action.

(2) More than ten percent of the company's revenues or assets linked to Sudan involve power production activities, less than seventy-five percent of the company's power production

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activities include projects whose intent is to provide power or electricity to the marginalized populations of Sudan, and the company has failed to take substantial action.

b. The company is complicit in the Darfur genocide.

c. The company supplies military equipment within Sudan, unless it clearly shows that the military equipment cannot be used to facilitate offensive military actions in Sudan or the company implements rigorous and verifiable safeguards to prevent use of that equipment by forces actively participating in armed conflict, for example, through post-sale tracking of such equipment by the company, certification from a reputable and objective third party that such equipment is not being used by a party participating in armed conflict in Sudan, or sale of such equipment solely to the regional government of southern Sudan or any internationally recognized peacekeeping force or humanitarian organization.

16. *"Social development company"* means a company that is not complicit in the Darfur genocide whose primary purpose in Sudan is to provide humanitarian goods or services, including medicine or medical equipment, agricultural supplies or infrastructure, educational opportunities, journalism-related activities, information or information materials, spiritual-related activities, services of a purely clerical or reporting nature, food, clothing, or general consumer goods that are unrelated to oil-related activities, mineral extraction activities, or power production activities.

17. *"Substantial action"* means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations; undertaking significant humanitarian efforts on behalf of one or more marginalized populations of Sudan; or, through engagement with the government of Sudan, materially improving conditions for the genocidally victimized population in Darfur.

2007 Acts, ch 39, §2

12F.3 Identification of companies — notice.

1. *a.* By July 1, 2007, the public fund shall make its best efforts to identify all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The list shall further identify whether the company has inactive business operations or active business operations. The public fund shall review and update, if necessary, the scrutinized companies list and the determination of whether a company has inactive or active business operations on an annual basis thereafter.

b. In making its best efforts to identify scrutinized companies and companies with inactive business operations or active business operations, the public fund may review and rely, in the best judgment of the public fund, on publicly available information regarding companies with business operations in Sudan, such as information provided by the Sudan divestment task force, and including other information that may be provided by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify scrutinized companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

2. *a.* For each company on the scrutinized companies list with only inactive business operations in which the public fund has direct or indirect holdings, the public fund shall send a written notice informing the company of the requirements of this chapter and encouraging it to continue to refrain from initiating active business operations in Sudan until it is able to avoid scrutinized business operations. The public fund shall continue to provide such written notice on an annual basis if the company remains a scrutinized company with inactive business operations.

b. For each company on the scrutinized companies list with active business operations in which the public fund has direct or indirect holdings, the public fund shall send a written notice informing the company of its status as a scrutinized company with active business operations and that it may become subject to divestment and restrictions on investing in the company by the public fund. The notice shall offer the company the opportunity to clarify its Sudan-related activities and shall encourage the company to either cease its scrutinized business operations or convert such operations to inactive business operations in order to

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avoid becoming subject to divestment and restrictions on investment in the company by the public fund. The public fund shall continue to provide such written notice on an annual basis if the company remains a scrutinized company with active business operations.

2007 Acts, ch 39, §3; 2023 Acts, ch 58, §2
Referred to in §12F.4, 12F.5, 12F.7

12F.4 Prohibited investments — divestment.

1. The public fund shall not acquire publicly traded securities of a company on the public fund's most recent scrutinized companies list with active business operations so long as such company remains on the public fund's scrutinized companies list as a company with active business operations as provided in this section.

2. *a.* The public fund shall sell, redeem, divest, or withdraw all publicly traded securities of a company on the public fund's list of scrutinized companies with active business operations, so long as the company remains on that list, no sooner than ninety days, but no later than eighteen months, following the first written notice sent to the scrutinized company with active business operations as required by section 12F.3.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

3. The requirements of this section shall not apply to the following:

a. A company which the United States government affirmatively declares to be excluded from its present or any future federal sanctions regime relating to Sudan.

b. Indirect holdings of a scrutinized company with active business operations. The public fund shall, however, submit letters to the managers of such investment funds containing companies with scrutinized active business operations requesting that they consider removing such companies from the fund or create a similar fund with indirect holdings devoid of such companies. If the manager creates a similar fund, the public fund is encouraged to replace all applicable investments with investments in the similar fund consistent with prudent investing standards.

2007 Acts, ch 39, §4
Referred to in §12F.5, 12F.7

12F.5 Reports.

1. *Scrutinized companies list.* Each public fund shall, within thirty days after the scrutinized companies list is created or updated as required by section 12F.3, make the list available to the public.

2. *Annual report.* On October 1, 2008, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes the following:

a. The scrutinized companies list as of the end of the fiscal year.

b. A summary of all written notices sent as required by section 12F.3 during the fiscal year.

c. All investments sold, redeemed, divested, or withdrawn as provided in section 12F.4 during the fiscal year.

2007 Acts, ch 39, §5
Referred to in §12F.7

12F.6 Legal obligations.

With respect to actions taken in compliance with this chapter, including all good faith determinations regarding companies as required by this chapter, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

2007 Acts, ch 39, §6

12F.7 Applicability.

The requirements of sections 12F.3, 12F.4, and 12F.5 of this chapter shall not apply upon the occurrence of any of the following:

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1. The Congress or president of the United States declares that the Darfur genocide has been halted for at least twelve months.
2. The United States revokes all sanctions imposed against the government of Sudan.
3. The Congress or president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.
4. A controlling circuit or district court of the United States issues an opinion that declares the mandatory divestment of the type provided for in this chapter or similar statutes of other states is preempted by the federal law of the United States.

2007 Acts, ch 39, §7

CHAPTER 12G
FINANCIAL LITERACY PROGRAM

12G.1 Iowa financial literacy program — legislative intent.
12G.2 Program created.

12G.1 Iowa financial literacy program — legislative intent.

The general assembly finds that the general welfare of this state and well-being of its citizens is directly related to the financial education of those citizens. While the state has limited resources to promote financial literacy, a vital and valid public purpose shall be served by the creation and implementation of programs which encourage and make possible the attainment of financial literacy by the largest possible number of citizens in this state, and particularly by low-income to moderate-income families.

2010 Acts, ch 1189, §46

12G.2 Program created.

An Iowa financial literacy program is created within the office of the treasurer of state. The treasurer of state shall have all powers necessary to carry out and effectuate the purposes, objectives, and provisions pertaining to the program, including the authority to do all of the following:

1. Promote the advantages of personal savings and responsible borrowing and the viability and desirability of implementing a personal savings program and responsible borrowing practices regardless of an individual's or family's financial status.
2. Create an incentive program and awards ceremony whereby individuals and families who have made significant progress toward achieving personal savings goals and engaging in responsible borrowing practices shall be officially recognized.
3. Create strategies for coordination of the program with the Iowa educational savings plan trust established in chapter 12D.
4. Make presentations to groups including but not limited to schools, hospitals, civic organizations, and privately organized clubs and groups regarding the existence of the program.
5. Coordinate conferences, meetings, and events which promote financial literacy and education.
6. Create strategies for coordination of the program with the FirstHome Iowa program trust established in chapter 12L.

2010 Acts, ch 1189, §47; 2026 Acts, ch 1115, §24
NEW subsection 6

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CHAPTER 12H

RESTRICTIONS ON IRAN-RELATED INVESTMENTS

Referred to in §12.8, 35A.13, 97A.7, 97B.4, 262.14, 411.7, 602.9111

12H.1 Legislative findings and intent.
12H.2 Definitions.
12H.3 Identification of companies — notice.
12H.4 Prohibited investments — divestment.
12H.5 Reports.
12H.6 Legal obligations.
12H.7 Applicability.

12H.1 Legislative findings and intent.

The general assembly is deeply concerned over the support the country of Iran has provided for acts of international terrorism. Therefore, the general assembly intends that state funds and funds administered by the state, including public employee retirement funds, should not be invested in companies that provide power production-related services, mineral extraction activities, oil-related activities, or military equipment to the government of Iran.

2011 Acts, ch 82, §1

12H.2 Definitions.

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

1. *"Active business operations"* means all business operations that are not inactive business operations.

2. *"Business operations"* means engaging in commerce in any form in Iran, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

3. *"Company"* means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations, that exists for profit-making purposes.

4. *"Direct holdings"* in a company means all securities of that company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

5. *"Inactive business operations"* means the mere continued holding or renewal of rights to property previously operated for the purpose of generating revenues but not presently deployed for such purpose.

6. *"Indirect holdings"* in a company means all securities of that company held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, private equity funds, hedge funds, and real estate funds.

7. *"Military equipment"* means weapons, arms, military supplies, and equipment that readily may be used for military purposes including but not limited to radar systems or military-grade transport vehicles, or supplies or services sold or provided directly or indirectly to any terrorist organization.

8. *"Mineral extraction activities"* include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides, including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc, as well as facilitating such activities, including by providing supplies or services in support of such activities.

9. *"Oil-related activities"* include but are not limited to owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; constructing, maintaining, or operating a pipeline, refinery, or other oil field infrastructure; and facilitating such activities, including by providing supplies or services in support of such activities, provided that the mere retail sale of gasoline and related consumer products shall not be considered oil-related activities.

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10. *"Power production activities"* means any business operation that involves a project commissioned by any Iranian government entity whose purpose is to facilitate power-generation and delivery including but not limited to establishing power generating plants or hydroelectric dams, selling or installing components for the project, providing service contracts related to the installation or maintenance of the project, as well as facilitating such activities, including by providing supplies or services in support of such activities.

11. *"Public fund"* means the treasurer of state, the state board of regents, the public safety peace officers' retirement system created in chapter 97A, the Iowa public employees' retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

12. *"Scrutinized company"* means any company that is not a social development company that meets any of the following criteria:

a. The company has business operations that involve contracts with or provision of supplies or services to the government of Iran, companies in which the government of Iran has any direct or indirect equity share, Iranian government-commissioned consortiums or projects, or companies involved in Iranian government-commissioned consortiums or projects; and meets any of the additional following criteria:

(1) More than ten percent of the company's revenues or assets linked to Iran involve oil-related activities or mineral extraction activities and the company has failed to take substantial action.

(2) More than ten percent of the company's revenues or assets linked to Iran involve power production activities and the company has failed to take substantial action.

b. The company supplies military equipment to Iran, unless it clearly shows that the military equipment cannot be used to facilitate international acts of terrorism.

13. *"Social development company"* means a company whose primary purpose in Iran is to provide humanitarian goods or services, including medicine or medical equipment, agricultural supplies or infrastructure, educational opportunities, journalism-related activities, information or information materials, spiritual-related activities, services of a purely clerical or reporting nature, food, clothing, or general consumer goods that are unrelated to oil-related activities, mineral extraction activities, or power production activities.

14. *"Substantial action"* means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

2011 Acts, ch 82, §2

12H.3 Identification of companies — notice.

1. *a.* By March 1, 2012, the public fund shall make its best efforts to identify or have identified all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The list shall further identify whether the company has inactive business operations or active business operations. The public fund shall review and update, if necessary, the scrutinized companies list and the determination of whether a company has inactive or active business operations on an annual basis thereafter.

b. In making its best efforts to identify or have identified scrutinized companies and companies with inactive business operations or active business operations, the public fund may review and rely, in the best judgment of the public fund, on publicly available information regarding companies with business operations in Iran, and including other information that may be provided by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify scrutinized companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

c. The Iowa public employees' retirement system, acting on behalf of the system and other public funds subject to this section, may develop and issue a request for proposals

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for third-party services to complete the identification of scrutinized companies and the compilation of a scrutinized companies list. The request for proposals may request bids for optional services related to this purpose, including but not limited to provision of notice of such scrutinized companies as required in subsection 2. The Iowa public employees' retirement system shall consult with all other public funds on the development of the request for proposals, however selection of a successful proposal and the final scope of services to be provided shall be determined only by those public funds that have agreed to utilize the third-party services. If more than one public fund decides to utilize the third-party services, the participating public funds shall equally share the costs of such services.

2. *a.* For each company on the scrutinized companies list with only inactive business operations in which the public fund has direct or indirect holdings, the public fund shall send or have sent a written notice informing the company of the requirements of this chapter and encouraging it to continue to refrain from initiating active business operations in Iran until it is able to avoid scrutinized business operations. The public fund or its representative shall continue to provide such written notice on an annual basis if the company remains a scrutinized company with inactive business operations.

b. For each company on the scrutinized companies list with active business operations in which the public fund has direct or indirect holdings, the public fund shall send or have sent a written notice informing the company of its status as a scrutinized company with active business operations and that it may become subject to divestment and restrictions on investing in the company by the public fund. The notice shall offer the company the opportunity to clarify its Iran-related activities and shall encourage the company to either cease its scrutinized business operations or convert such operations to inactive business operations in order to avoid becoming subject to divestment and restrictions on investment in the company by the public fund. The public fund or its representative shall continue to provide such written notice on an annual basis if the company remains a scrutinized company with active business operations.

2011 Acts, ch 82, §3; 2023 Acts, ch 58, §3
Referred to in §12H.4, 12H.5, 12H.7

12H.4 Prohibited investments — divestment.

1. The public fund shall not acquire publicly traded securities of a company on the public fund's most recent scrutinized companies list with active business operations so long as such company remains on the public fund's scrutinized companies list as a company with active business operations as provided in this section.

2. *a.* The public fund shall sell, redeem, divest, or withdraw all publicly traded securities of a company on the public fund's list of scrutinized companies with active business operations, so long as the company remains on that list, no sooner than ninety days, but no later than eighteen months, following the first written notice sent to the scrutinized company with active business operations as required by section 12H.3.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

3. The requirements of this section shall not apply to the following:

a. A company which the United States government affirmatively declares to be excluded from its present or any future federal sanctions regime relating to Iran.

b. Indirect holdings of a scrutinized company with active business operations. The public fund shall, however, submit letters to the managers of such investment funds containing companies with scrutinized active business operations requesting that they consider removing such companies from the fund or create a similar fund with indirect holdings devoid of such companies. If the manager creates a similar fund, the public fund is encouraged to replace all applicable investments with investments in the similar fund consistent with prudent investing standards.

2011 Acts, ch 82, §4
Referred to in §12H.5, 12H.7

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12H.5 Reports.

1. *Scrutinized companies list.* Each public fund shall, within thirty days after the scrutinized companies list is created or updated as required by section 12H.3, make the list available to the public.

2. *Annual report.* On October 1, 2012, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes the following:

a. The scrutinized companies list as of the end of the fiscal year.

b. A summary of all written notices sent as required by section 12H.3 during the fiscal year.

c. All investments sold, redeemed, divested, or withdrawn as provided in section 12H.4 during the fiscal year.

2011 Acts, ch 82, §5
Referred to in §12H.7

12H.6 Legal obligations.

With respect to actions taken in compliance with this chapter, including all good faith determinations regarding companies as required by this chapter, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

2011 Acts, ch 82, §6

12H.7 Applicability.

1. The requirements of sections 12H.3, 12H.4, and 12H.5 shall not apply upon the occurrence of any of the following:

a. The Congress or president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.

b. A controlling circuit or district court of the United States issues an opinion that declares the mandatory divestment of the type provided for in this chapter or similar statutes of other states is preempted by the federal law of the United States.

2. The requirements of sections 12H.3, 12H.4, and 12H.5 shall not apply to Iran if the United States revokes all sanctions imposed against the government of Iran.

2011 Acts, ch 82, §7

CHAPTER 12I

DISABILITIES EXPENSES SAVINGS PLAN TRUST

Referred to in §232D.503, 249A.53, 422.7(25), 450.4, 633.108, 633.555, 633.678, 633.681, 633C.2, 634A.2

12I.1	Purpose and definitions.	12I.6	Repayment and ownership of payments and investment income — transfer of ownership rights.
12I.2	Creation of Iowa ABLE savings plan trust.	12I.7	Reports — annual audited financial report — reports under federal law.
12I.3	Participation agreements for trust.	12I.8	Tax considerations.
12I.4	Program and administrative funds — investment and payment.	12I.9	Property rights to assets in trust.
12I.5	Cancellation of agreements.	12I.10	Implementation as a contracting state — tax considerations.
		12I.11	Construction.

12I.1 Purpose and definitions.

1. The general assembly finds that the general welfare and well-being of the state

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are directly related to the health, maintenance, independence, and quality of life of its disabled residents, and that a vital and valid public purpose is served by the creation and implementation of programs that encourage and make possible savings to secure funding for disability-related expenses on behalf of individuals with disabilities that will supplement, but not supplant, other benefits provided by various federal, state, and private sources. The creation of the means of encouragement for citizens to invest in such a program represents the carrying out of a vital and valid public purpose. In order to make available to the citizens of the state an opportunity to fund future disability-related expenses of individuals, it is necessary that a public trust be established in which moneys may be invested for payment of future disability-related expenses of an individual.

2. As used in this chapter, unless the context otherwise requires:

a. "Account balance limit" means the maximum allowable aggregate balance of an account established for a designated beneficiary. Account earnings, if any, are included in the account balance limit.

b. "Account owner" means an individual who is the designated beneficiary under a participation agreement under this chapter for the payment of qualified disability expenses on behalf of the designated beneficiary.

c. "Contracting state" means the same as defined in section 529A of the Internal Revenue Code.

d. "Designated beneficiary" means an individual who is a resident of this state or a resident of a contracting state and who meets the definition of *"eligible individual"* in section 529A of the Internal Revenue Code.

e. "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, and regulations promulgated thereunder.

f. "Iowa ABLE savings plan trust" or *"trust"* means the trust created under section 12I.2.

g. "Participation agreement" means an agreement establishing an account with the trust.

h. "Qualified ABLE program" means the same as defined in section 529A of the Internal Revenue Code.

i. "Qualified disability expenses" means the same as defined in section 529A of the Internal Revenue Code.

j. "Resident" shall be defined by rules adopted by the treasurer of state. The rules shall determine residency in such manner as may be required or permitted under section 529A of the Internal Revenue Code, or, in the absence of any guidance under federal law, as the treasurer of state deems advisable for the purpose of satisfying the requirements of section 529A of the Internal Revenue Code.

2015 Acts, ch 137, §76, 162, 163; 2021 Acts, ch 136, §1
Referred to in §12D.1, 12I.10, 249A.53, 633C.2, 634A.2

12I.2 Creation of Iowa ABLE savings plan trust.

An Iowa ABLE savings plan trust is created. The treasurer of state is the trustee of the trust, and has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the trust, including the power to do all of the following:

1. Make and enter into contracts necessary for the administration of the trust created under this chapter.

2. Enter into agreements with this state or any other state, or any federal or other state agency, or other entity as required to implement this chapter.

3. Carry out the duties and obligations of the trust pursuant to this chapter.

4. Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation which the treasurer of state shall deposit into the administrative fund or program fund.

5. Participate in any federal, state, or local governmental program for the benefit of the trust.

6. Procure insurance against any loss in connection with the property, assets, or activities of the trust.

7. Enter into participation agreements.

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8. Make payments to designated beneficiaries pursuant to participation agreements.

9. Make refunds to account owners upon the termination of participation agreements, and partial nonqualified distributions to account owners, pursuant to this chapter and the limitations and restrictions set forth in this chapter.

10. Invest moneys from the program fund in any investments that are determined by the treasurer of state to be appropriate.

11. Engage investment advisors, if necessary, to assist in the investment of trust assets.

12. Contract for goods and services and engage personnel as necessary, including consultants, actuaries, managers, legal counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice to the treasurer of state regarding trust administration and operation.

13. Establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges, including penalties for cancellations and late payments with respect to participation agreements.

14. Administer the funds of the trust.

15. Prepare and file reports and notices.

16. Enter into agreements with contracting states to permit residents of the contracting state to participate in the Iowa ABLE savings plan trust.

17. Adopt rules pursuant to chapter 17A for the administration of this chapter.

2015 Acts, ch 137, §77, 162, 163; 2021 Acts, ch 136, §2
Referred to in §12I.1

12I.3 Participation agreements for trust.

The trust may enter into participation agreements pursuant to the following terms and agreements:

1. *a.* Unless otherwise permitted under section 529A of the Internal Revenue Code, the treasurer of state shall allow only one participation agreement per designated beneficiary.

b. Unless otherwise permitted under section 529A of the Internal Revenue Code, the account owner must also be the designated beneficiary of the account. A person other than the account owner may enter into a participation agreement and have signature authority over the account on behalf of the account owner in accordance with section 529A of the Internal Revenue Code and regulations promulgated under that section.

c. The treasurer of state shall set an annual contribution limit and account balance limit to maintain compliance with section 529A of the Internal Revenue Code. A contribution shall not be permitted to the extent it exceeds the annual contribution limit or causes the aggregate balance of the account established for the designated beneficiary to exceed the applicable account balance limit.

d. The maximum amount that may be deducted per year for Iowa income tax purposes by an individual for contributions on behalf of any one designated beneficiary that is a resident of this state shall not exceed the maximum deductible amount determined for the year pursuant to section 12D.3, subsection 1.

e. Participation agreements may be amended to provide for adjusted levels of contributions based upon changed circumstances or changes in disability-related expenses.

f. Any person may make contributions pursuant to a participation agreement on behalf of a designated beneficiary under rules adopted by the treasurer of state.

g. Any funds retained in a medical assistance special needs trust pursuant to chapter 633C, or in a supplemental needs trust pursuant to chapter 634A, may be transferred to the Iowa ABLE savings plan trust account of a designated beneficiary who is also the beneficiary of any such trust, in accordance with the applicable provisions of chapters 633C, 634A, and this chapter.

2. The execution of a participation agreement by the trust shall not guarantee in any way that future disability-related expenses will be equal to projections and estimates provided by the trust or that the account owner or designated beneficiary is guaranteed any of the following:

a. A return of principal.

b. A rate of interest or other return from the trust.

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c. Payment of interest or other return from the trust.

3. *a.* A designated beneficiary under a participation agreement may be changed as permitted under rules adopted by the treasurer of state upon written request of the account owner as long as such change would be permitted by section 529A of the Internal Revenue Code.

b. Participation agreements may otherwise be freely amended throughout their terms in order to enable account owners to increase or decrease the level of participation, change the designated beneficiary, and carry out similar matters as authorized by rule.

4. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions, and upon payment of applicable fees and costs set forth and contained in the rules adopted by the treasurer of state.

2015 Acts, ch 137, §78, 162, 163; 2021 Acts, ch 136, §3 – 5; 2022 Acts, ch 1021, §4
Referred to in §422.7(24)(a)

12I.4 Program and administrative funds — investment and payment.

1. *a.* The treasurer of state shall segregate moneys received by the trust into two funds: the program fund and the administrative fund.

b. All moneys paid by account owners or other persons on behalf of a designated beneficiary in connection with participation agreements shall be deposited as received into separate accounts for each designated beneficiary within the program fund.

c. Contributions to the trust made on behalf of designated beneficiaries may only be made in the form of cash.

d. An account owner or designated beneficiary is not permitted to provide investment direction regarding contributions or earnings held by the trust.

2. Moneys accrued by account owners in the program fund of the trust may be used for payments of qualified disability expenses.

3. Moneys in the account of a designated beneficiary shall not be claimed by the Iowa Medicaid program as authorized in section 529A(f) of the Internal Revenue Code unless such claim is required to maintain qualified ABLE program status under section 529A of the Internal Revenue Code.

4. The trust shall comply with Pub. L. No. 113-295, §103, regarding treatment of ABLE accounts under certain federal programs.

5. Moneys in the funds are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the funds shall be credited to the funds.

2015 Acts, ch 137, §79, 162, 163; 2021 Acts, ch 136, §6
Referred to in §12I.9

12I.5 Cancellation of agreements.

An account owner may cancel a participation agreement at will. Upon cancellation of a participation agreement, an account owner shall be entitled to the return of the account owner's account balance.

2015 Acts, ch 137, §80, 162, 163

12I.6 Repayment and ownership of payments and investment income — transfer of ownership rights.

1. *a.* An account owner retains ownership of all contributions made on behalf of a designated beneficiary under a participation agreement up to the date of utilization for payment of qualified disability expenses of the designated beneficiary.

b. All income derived from the investment of the contributions made on behalf of a designated beneficiary shall be considered to be held in trust for the benefit of the designated beneficiary.

2. In the event the trust is terminated prior to payment of qualified disability expenses for the designated beneficiary, the account owner is entitled to a refund of the account owner's account balance.

3. Any amounts which may be paid to any person or persons pursuant to the Iowa ABLE savings plan trust but which are not listed in this section are owned by the trust.

4. An account owner may transfer ownership rights to another designated beneficiary,

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including a gift of the ownership rights to a designated beneficiary who is a minor, in accordance with rules adopted by the treasurer of state and the terms of the participation agreement, so long as the transfer would be permitted by section 529A of the Internal Revenue Code.

5. An account owner or designated beneficiary shall not be entitled to utilize any interest in the trust as security for a loan.

2015 Acts, ch 137, §81, 162, 163

12I.7 Reports — annual audited financial report — reports under federal law.

1. *a.* The treasurer of state shall submit an annual audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the trust by November 1 to the governor and the general assembly.

b. The annual audit shall be made either by the auditor of state or by an independent certified public accountant designated by the auditor of state and shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.

2. The annual audit shall be supplemented by all of the following information prepared by the treasurer of state:

a. Any related studies or evaluations prepared in the preceding year.

b. A summary of the benefits provided by the trust, including the number of account owners and designated beneficiaries in the trust, or, if the trust has caused this state to become a contracting state pursuant to section 12I.10, a summary of the benefits provided to Iowa residents by the contracted qualified ABLE program, including the number of account owners and designated beneficiaries in the contracted qualified ABLE program who are Iowa residents.

c. Any other information deemed relevant by the treasurer of state in order to make a full, fair, and effective disclosure of the operations of the trust or the contracted qualified ABLE program if applicable.

3. The treasurer of state shall prepare and submit to the secretary of the United States treasury or other required party any reports, notices, or statements required under section 529A of the Internal Revenue Code.

2015 Acts, ch 137, §82, 162, 163

Referred to in §12I.10

12I.8 Tax considerations.

1. For federal income tax purposes, the Iowa ABLE savings plan trust shall be considered a qualified ABLE program exempt from taxation pursuant to section 529A of the Internal Revenue Code and shall be operated so that it meets the requirements of section 529A of the Internal Revenue Code.

2. State income tax treatment of the Iowa ABLE savings plan trust shall be as provided in section 422.7, subsections 24 and 25.

3. For a death occurring before January 1, 2025, state inheritance tax treatment of interests in Iowa ABLE savings plans shall be as provided in section 450.4, subsection 9.

2015 Acts, ch 137, §83, 162, 163; 2025 Acts, ch 148, §25, 53, 54

2025 amendment to subsection 3 applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

12I.9 Property rights to assets in trust.

1. The assets of the trust shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the account owners and designated beneficiaries.

2. Except as provided in section 12I.4, subsection 3, no property rights in the trust shall exist in favor of the state.

3. Except as provided in section 12I.4, subsection 3, the assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

2015 Acts, ch 137, §84, 162, 163

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12I.10 Implementation as a contracting state — tax considerations.

1. The general assembly acknowledges that section 529A of the Internal Revenue Code permits access to qualified ABLE programs by residents of a state without such a program. The general assembly finds that becoming a contracting state may accomplish the public purpose set forth in section 12I.1, subsection 1, in the same manner as if the qualified ABLE program under the Iowa ABLE savings plan trust were to be implemented and administered by this state. To that end, the treasurer of state, as trustee of the trust, may defer implementation of the qualified ABLE program under the trust and alternatively cause this state to become a contracting state by entering into an agreement with another state with a qualified ABLE program to provide Iowa residents access to that state's qualified ABLE program. The trust shall not enter into an agreement pursuant to this section unless the treasurer, as trustee of the trust, determines that all of the following requirements are satisfied:

a. The program is a qualified ABLE program.

b. The qualified ABLE program provides comparable benefits and protections to Iowa residents as would be provided under the Iowa ABLE savings plan trust.

c. That entering into an agreement for access to the qualified ABLE program would not result in increased costs to the state or to account owners and designated beneficiaries as compared to the costs of implementing and administering the qualified ABLE program under the Iowa ABLE savings plan trust.

d. The qualified ABLE program will be audited annually by an independent certified public accountant or by the state auditor, or similar public official, of the state that has implemented the qualified ABLE program.

e. The qualified ABLE program will provide information to the treasurer of state as trustee of the trust so as to allow the trustee to fulfill the reporting requirements in section 12I.7.

2. *a.* The maximum amount that may be deducted per year for Iowa income tax purposes by an individual for contributions on behalf of any one designated beneficiary that is a resident of this state to the qualified ABLE program with which the state has contracted pursuant to this section shall not exceed the maximum deductible amount determined for the year pursuant to section 12D.3, subsection 1.

b. State income tax treatment of the qualified ABLE program with which the state has contracted pursuant to this section shall be as provided in section 422.7, subsections 24 and 25.

3. For a death occurring before January 1, 2025, state inheritance tax treatment of interests in the qualified ABLE program with which the state has contracted pursuant to this section shall be as provided in section 450.4, subsection 9.

2015 Acts, ch 137, §85, 162, 163; 2025 Acts, ch 148, §26, 53, 54

Referred to in §12I.7, 422.7(24)(a), 422.7(24)(b), 422.7(24)(c), 422.7(25), 450.4

2025 amendment to subsection 3 applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

12I.11 Construction.

This chapter shall be construed liberally in order to effectuate its purpose.

2015 Acts, ch 137, §86, 162, 163

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CHAPTER 12J

RESTRICTIONS REGARDING COMPANIES BOYCOTTING ISRAEL

Referred to in §12.8, 35A.13, 97A.7, 97B.4, 262.14, 411.7, 602.9111

12J.1 Legislative findings and intent.
12J.2 Definitions.
12J.3 Identification of companies — notice.
12J.4 Prohibited investments — divestment.
12J.5 Reports.
12J.6 Public entities — contract requirements.
12J.7 Legal obligations — immunity.

12J.1 Legislative findings and intent.

The general assembly is deeply concerned and does not support boycotts and related tactics that have become a tool of economic warfare that threaten the sovereignty and security of allies and trade partners of the United States, including the state of Israel. Therefore, the general assembly intends that state funds and funds administered by the state, including public employee retirement funds, should not be invested in, and public contracts should not be entered into with, companies that refuse to engage in commerce with Israel and boycott Israel or persons doing business in Israel or territories controlled by Israel.

2016 Acts, ch 1102, §1

12J.2 Definitions.

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

1. *"Company"* means any business or business entity, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of such business or business entity, that is publicly traded and that is not based in the United States.

2. *"Direct holdings"* in a company means all publicly traded securities of that company that are held directly by the public fund in an actively managed account or fund in which the public fund owns all shares or interests.

3. *"Indirect holdings"* in a company means all securities of that company that are held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, index funds, private equity funds, hedge funds, and real estate funds.

4. *"Public entity"* means the state, political subdivisions of the state, public school corporations, and all public officers, boards, commissions, departments, agencies, and authorities empowered by law to enter into public contracts for the expenditure of public funds, including the state board of regents and institutions under the control of the state board of regents.

5. *"Public fund"* means the treasurer of state, the state board of regents, the public safety peace officers' retirement system created in chapter 97A, the Iowa public employees' retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

6. *"Scrutinized company"* means any company that publicly states it is participating in a boycott of Israel.

2016 Acts, ch 1102, §2; 2022 Acts, ch 1009, §1

12J.3 Identification of companies — notice.

1. *a.* By March 1, 2017, the public fund shall make its best efforts to identify or have identified all scrutinized companies in which the public fund has direct or indirect holdings or could possibly have such holdings in the future and shall create and make available to the public a scrutinized companies list for that public fund. The public fund shall review on an annual basis and update, if necessary, the scrutinized companies list.

b. In making its best efforts to identify or have identified scrutinized companies, the public fund may review and rely, in the best judgment of the public fund, on publicly available information regarding companies, and including other information that may be provided

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by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify scrutinized companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

c. The Iowa public employees' retirement system, acting on behalf of the system and other public funds subject to this section, may develop and issue a request for proposals for third-party services to complete the identification of scrutinized companies and the compilation of a scrutinized companies list. The Iowa public employees' retirement system shall consult with all other public funds on the development of the request for proposals. However, selection of a successful proposal and the final scope of services to be provided shall be determined only by those public funds that have agreed to utilize the third-party services. If more than one public fund decides to utilize the third-party services, the participating public funds shall equally share the costs of such services.

2. *a.* For each company on the scrutinized companies list, the public fund shall send or have sent a written notice informing the company of its status as a scrutinized company and that it may become subject to divestment and restrictions on investment in the company by the public fund. The notice shall offer the company the opportunity to clarify its activities or to cease its activities causing its inclusion on the scrutinized companies list. The public fund or its representative shall continue to provide such written notice on an annual basis if the company remains a scrutinized company.

b. If, following notice as provided by this section, a scrutinized company ceases activity that designates it as a scrutinized company and submits a written statement to the public fund that it has ceased engaging in activities boycotting Israel, the company shall be removed from the scrutinized companies list.

2016 Acts, ch 1102, §3; 2017 Acts, ch 54, §9
Referred to in §12J.4, 12J.5, 12J.6

12J.4 Prohibited investments — divestment.

1. The public fund shall not acquire publicly traded securities of a company on the public fund's most recent scrutinized companies list so long as such company remains on the public fund's scrutinized companies list as provided in this chapter.

2. *a.* The public fund shall sell, redeem, divest, or withdraw all publicly traded securities of a company on the public fund's list of scrutinized companies, so long as the company remains on that list, within eighteen months following the first written notice sent to the scrutinized company as required by section 12J.3.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

3. The requirements of this section shall not apply to indirect holdings of a scrutinized company. The public fund shall, however, submit letters to the managers of such investment funds containing scrutinized companies requesting that they consider removing such companies from the fund or create a similar fund with indirect holdings devoid of such companies. If the manager creates a similar fund with indirect holdings devoid of such companies, the public fund is encouraged to replace all applicable investments with investments in the similar fund consistent with prudent investing standards.

2016 Acts, ch 1102, §4
Referred to in §12J.5

12J.5 Reports.

1. *Scrutinized companies list.* Each public fund shall, within thirty days after the scrutinized companies list is created or updated as required by section 12J.3, make the list available to the public.

2. *Annual report.* On October 1, 2017, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes the following:

a. The scrutinized companies list as of the end of the fiscal year.

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b. A summary of all written notices sent as required by section 12J.3 during the fiscal year.

c. All investments sold, redeemed, divested, or withdrawn as provided in section 12J.4 during the fiscal year.

2016 Acts, ch 1102, §5

12J.6 Public entities — contract requirements.

A public entity shall not enter into a contract of one thousand dollars or more with a scrutinized company included on a scrutinized companies list created by a public fund pursuant to section 12J.3 to acquire or dispose of services, supplies, information technology, or construction.

2016 Acts, ch 1102, §6; 2017 Acts, ch 54, §10

12J.7 Legal obligations — immunity.

With respect to actions taken in compliance with this chapter, including all good-faith determinations regarding companies as required by this chapter, the public fund shall be immune from any liability and exempt from any conflicting statutory or common law obligations, including any such obligations in respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

2016 Acts, ch 1102, §7

CHAPTER 12K

RESTRICTIONS ON CHINA-RELATED INVESTMENTS

Referred to in §12.8, 97A.7, 97B.4, 262.14, 411.7, 602.9111

12K.1	Definitions.	12K.4	Reports.
12K.2	Identification of companies — notice.	12K.5	Legal obligations.
12K.3	Divestment.	12K.6	Applicability.

12K.1 Definitions.

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

1. *"Company"* means any business or business entity that is publicly traded and that is not based in the United States.

2. *"Direct holdings"* in a company means all securities of a company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

3. *"Indirect holdings"* in a company means all securities of a company held in an account or fund managed by one or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to the provisions of this chapter. Indirect holdings include but are not limited to mutual funds, fund of funds, private equity funds, hedge funds, and real estate funds.

4. *"Prohibited company"* means a company that is owned or controlled by Chinese military or government services and has been designated by the United States government as a company that citizens of the United States are restricted or prohibited from entering into transactions with, limited to companies on any of the following lists:

a. The bureau of industry and security's entity list.

b. The bureau of industry and security's military end user list.

c. The department of defense's communist Chinese military companies list.

d. The office of foreign assets control's foreign sanctions evaders list.

e. The office of foreign assets control's list of foreign financial institutions subject to correspondent account or payable-through account sanctions.

f. The office of foreign assets control's non-SDN Iran sanctions list.

g. The office of foreign assets control's non-SDN Palestinian legislative council list.

h. The office of foreign assets control's sectoral sanctions identifications list.

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i. The office of foreign assets control's specially designated nationals and blocked persons list.

5. *"Public fund"* means the treasurer of state, the state board of regents, the public safety peace officers' retirement system created in chapter 97A, the Iowa public employees' retirement system created in chapter 97B, the statewide fire and police retirement system created in chapter 411, or the judicial retirement system created in chapter 602.

2023 Acts, ch 58, §4; 2023 Acts, ch 119, §34, 35

12K.2 Identification of companies — notice.

1. *a.* By January 1, 2024, a public fund shall identify or have identified all prohibited companies in which the public fund has direct or indirect holdings and shall create and make available to the public a prohibited companies list for that public fund. The public fund shall review and update, if necessary, the prohibited companies list on an annual basis thereafter.

b. In identifying or having identified prohibited companies, the public fund may review and rely, in the best judgment of the public fund, on publicly available information and other information that may be provided by nonprofit organizations, research firms, international organizations, and government entities. The public fund may also contact asset managers and institutional investors for the public fund to identify prohibited companies based upon industry-recognized lists of such companies that the public fund may have indirect holdings in.

c. The Iowa public employees' retirement system, acting on behalf of the system and other public funds subject to this section, may develop and issue a request for proposals for third-party services to complete the identification of prohibited companies and the compilation of a prohibited companies list. The request for proposals may request bids for optional services related to this purpose, including but not limited to provision of notice of such prohibited companies as required in subsection 2. The Iowa public employees' retirement system shall consult with all other public funds regarding the development of the request for proposals, however selection of a successful proposal and the final scope of services to be provided shall be determined only by those public funds that have agreed to utilize the third-party services. If more than one public fund decides to utilize the third-party services, the participating public funds shall equally share the costs of such services.

2. If a public fund determines that a company may be subject to inclusion on the prohibited companies list, the public fund shall scrutinize and engage the company for a period of not more than twelve months and shall include the company on the prohibited companies list if the public fund determines that the company is a prohibited company.

2023 Acts, ch 58, §5
Referred to in §12K.4, 12K.6

12K.3 Divestment.

1. A public fund shall not acquire any direct holdings in publicly traded securities of a prohibited company.

2. *a.* A public fund shall sell, redeem, divest, or withdraw all direct holdings in publicly traded securities of a prohibited company no later than one hundred eighty days following the date the company is included on the prohibited companies list.

b. This subsection shall not be construed to require the premature or otherwise imprudent sale, redemption, divestment, or withdrawal of an investment, but such sale, redemption, divestment, or withdrawal shall be completed as provided by this subsection.

2023 Acts, ch 58, §6
Referred to in §12K.4, 12K.6

12K.4 Reports.

1. Each public fund shall, within thirty days after the prohibited companies list is created or updated as required by section 12K.2, make the list available to the public.

2. On October 1, 2024, and each October 1 thereafter, each public fund shall make available to the public, and file with the general assembly, an annual report covering the prior fiscal year that includes all of the following:

a. The prohibited companies list as of the end of the fiscal year.

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b. All investments sold, redeemed, divested, or withdrawn as provided in section 12K.3 during the fiscal year.

c. A list of indirect holdings of the public fund in publicly traded securities of prohibited companies and the percentage of the total portfolio of the public fund the indirect holdings of securities in prohibited companies represent.

2023 Acts, ch 58, §7
Referred to in §12K.6

12K.5 Legal obligations.

With respect to actions taken in compliance with this chapter, including all good-faith determinations regarding companies as required by this chapter, the public fund shall be exempt from any conflicting statutory or common law obligations, including any such obligations with respect to choice of asset managers, investment funds, or investments for the public fund's securities portfolios.

2023 Acts, ch 58, §8

12K.6 Applicability.

The requirements of sections 12K.2, 12K.3, and 12K.4 shall not apply if the United States Congress or president of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this chapter interferes with the conduct of United States foreign policy.

2023 Acts, ch 58, §9

CHAPTER 12L

FIRSTHOME IOWA PROGRAM

Referred to in §12G.2, 232D.503, 422.7(47), 541B.4, 627.6, 633.108, 633.555, 633.678, 633.681

12L.1 FirstHome Iowa program — purpose and definitions.
12L.2 Creation of FirstHome Iowa program trust.
12L.3 Participation agreements for trust.
12L.4 FirstHome Iowa program and administrative funds — investment and payments.
12L.5 Cancellation of agreements.
12L.6 Ownership of payments and investment income — transfer of ownership rights.
12L.7 Annual audited financial report to governor and general assembly.
12L.8 Tax considerations.
12L.9 Property rights to assets in trust.
12L.10 Construction.

12L.1 FirstHome Iowa program — purpose and definitions.

1. The general assembly finds that the general welfare and well-being of the state are directly related to homeownership of the citizens of the state, and that a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of homeownership by the greatest number of citizens of the state. The general welfare of the citizens of the state will be enhanced by establishing a FirstHome Iowa program which allows citizens of the state to invest money in a public trust for future application to the payment of qualified homebuyer expenses. The creation of the means of encouragement for citizens to invest in such a program represents the carrying out of a vital and valid public purpose. In order to make available to the citizens of the state an opportunity to fund future first-time homeownership, it is necessary that a public trust be established in which moneys may be invested for future use.

2. As used in this chapter, unless the context otherwise requires:

a. *"Administrative fund"* means the administrative fund established under section 12L.4.

b. *"Beneficiary"* means the individual designated by a participation agreement to benefit from advance payments of qualified homebuyer expenses on behalf of the beneficiary.

c. *"First-time homebuyer"* means an individual who is a resident of Iowa and who does not

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own, either individually or jointly, a single-family or multifamily residence, and who has not previously owned or purchased, either individually or jointly, a single-family or multifamily residence prior to the date of the qualified purchase for which the eligible home costs are paid or reimbursed from an account.

d. "FirstHome Iowa program trust" or *"trust"* means the trust created under section 12L.2.

e. "FirstHome Iowa program trust account" or *"account"* means an account within the trust that was established for the purpose of paying or reimbursing a beneficiary's eligible qualified homebuyer expenses in connection with a qualified purchase.

f. "Individual" means a natural person.

g. "Participant" means an individual, individual's legal representative, trust, or estate that has entered into a participation agreement under this chapter, either individually or jointly with the individual's spouse, for the advance payment of qualified homebuyer expenses on behalf of a beneficiary.

h. "Participation agreement" means an agreement between a participant and the trust entered into under this chapter.

i. "Program fund" means the program fund established under section 12L.4.

j. "Qualified homebuyer expenses" means any of the following:

(1) A down payment or closing costs for the qualified purchase of a single-family residence in Iowa that is to be the homestead, as defined in section 425.11, of the beneficiary if such beneficiary is a first-time homebuyer with respect to such purchase.

(2) A cost, fee, tax, or payment incurred by, or charged or assigned to, a beneficiary as part of the purchase under subparagraph (1) and listed on the statement of receipts and disbursements for the sale, including any statement prescribed by 12 C.F.R. §1026.38, as amended.

(3) Any United States veterans administration funding fee incurred by, or charged or assigned to, a beneficiary in connection with a veterans administration home loan guaranty program.

k. "Qualified purchase" means the purchase of a single-family residence in Iowa by the account's beneficiary for which the account's beneficiary will use as a homestead, as defined in section 425.11, one year or more after the date the participant first opened the account.

l. "Resident" means the same as defined in section 422.4.

m. "Single-family residence" means a single-family residence owned and occupied by a beneficiary as the beneficiary's homestead within the meaning of section 425.1, including but not limited to a manufactured home, mobile home, condominium unit, or cooperative.

2026 Acts, ch 1115, §25
NEW section

12L.2 Creation of FirstHome Iowa program trust.

A FirstHome Iowa program trust is created. The treasurer of state is the trustee of the trust, and has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the trust, including the power to do all of the following:

1. Make and enter into contracts necessary for the administration of the trust created under this chapter.

2. Enter into agreements with any financial institution, the state, or any federal or other state agency, or other entity as required to implement this chapter.

3. Carry out the duties and obligations of the trust pursuant to this chapter.

4. Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation which the treasurer of state shall deposit into the administrative fund or the program fund.

5. Carry out studies and projections so the treasurer of state may advise participants regarding present and estimated future qualified homebuyer expenses and levels of financial participation in the trust required in order to enable participants to achieve their qualifying purchase objectives.

6. Participate in any federal, state, or local governmental program for the benefit of the trust.

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7. Procure insurance against any loss in connection with the property, assets, or activities of the trust.

8. Enter into participation agreements with participants.

9. Make payments to or on behalf of beneficiaries for qualified homebuyer expenses pursuant to participation agreements.

10. Make refunds to participants upon the termination of participation agreements, and partial nonqualified distributions to participants, pursuant to the provisions, limitations, and restrictions set forth in this chapter.

11. Invest moneys from the program fund in any investments which are determined by the treasurer of state to be appropriate.

12. Engage investment advisors, if necessary, to assist in the investment of trust assets.

13. Contract for goods and services and engage personnel as necessary, including consultants, actuaries, managers, legal counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice to the treasurer of state regarding trust administration and operation.

14. Establish, impose, and collect administrative fees and charges in connection with transactions of the trust for deposit in the administrative fund and provide for reasonable service charges.

15. Administer the funds of the trust.

16. Adopt rules pursuant to chapter 17A for the administration of the trust.

2026 Acts, ch 1115, §26
Referred to in §12L.1
NEW section

12L.3 Participation agreements for trust.

The trust may enter into participation agreements with participants on behalf of beneficiaries pursuant to the following terms and agreements:

1. Each participation agreement may require a participant to agree to invest a specific amount of money in the trust for a specific period of time for the benefit of a specific beneficiary. A participant shall not be required to make an annual contribution on behalf of a beneficiary. The maximum contribution that may be deducted for Iowa income tax purposes shall be the amount contributed by the participant during the applicable tax year, not to exceed five thousand five hundred dollars per beneficiary per year adjusted annually to reflect increases in the consumer price index.

2. The execution of a participation agreement by the trust shall not guarantee in any way that qualified homebuyer expenses will be equal to projections and estimates provided by the trust or that the beneficiary named in any participation agreement will qualify for a mortgage, home loan, or other forms of credit for a qualified purchase.

3. *a.* A beneficiary under a participation agreement may be changed as permitted under rules adopted by the treasurer of state upon written request of the participant as long as the substitute beneficiary is eligible for participation.

b. Participation agreements may otherwise be freely amended throughout their terms in order to enable participants to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule.

4. Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions, and upon payment of applicable fees and costs set forth and contained in the rules adopted by the treasurer of state.

5. A participant may designate a successor in accordance with rules adopted by the treasurer of state. The designated successor shall succeed to the ownership of the account in the event of the death of the participant. In the event a participant dies and has not designated a successor to the account, the following criteria shall apply:

a. The beneficiary of the account, if eighteen years of age or older, shall become the owner of the account as well as remain the beneficiary upon filing the appropriate forms in accordance with rules adopted by the treasurer of state.

b. If the beneficiary of the account is under the age of eighteen, account ownership shall

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be transferred to the first surviving parent or other legal guardian of the beneficiary to file the appropriate forms in accordance with rules adopted by the treasurer of state.

2026 Acts, ch 1115, §27
Referred to in §422.7(46)(a)
NEW section

12L.4 FirstHome Iowa program and administrative funds — investment and payments.

1. *a.* The treasurer of state shall segregate moneys received by the trust into two funds: the FirstHome Iowa program fund and the administrative fund to be used for administration of the program.

b. All moneys paid by participants in connection with participation agreements shall be deposited as received into separate accounts within the program fund.

c. Contributions to the trust made by participants may only be made in the form of cash.

d. A participant or beneficiary may, directly or indirectly, direct the investment of any contributions to the trust or any earnings thereon no more than four times in a calendar year.

2. Moneys accrued by participants in the program fund of the trust may be used for payments to or on behalf of a beneficiary for qualified homebuyer expenses.

2026 Acts, ch 1115, §28
Referred to in §12L.1
NEW section

12L.5 Cancellation of agreements.

A participant may cancel a participation agreement at will. Upon cancellation of a participation agreement, a participant shall be entitled to the return of the participant's account balance.

2026 Acts, ch 1115, §29
NEW section

12L.6 Ownership of payments and investment income — transfer of ownership rights.

1. *a.* A participant retains ownership of all payments made under a participation agreement up to the date of utilization for payment of qualified homebuyer expenses for the beneficiary.

b. All income derived from the investment of the payments made by the participant shall be considered to be held in trust for the benefit of the beneficiary.

2. In the event the FirstHome Iowa program is terminated prior to payment of qualified homebuyer expenses for the beneficiary, the participant is entitled to a refund of the participant's account balance.

3. Any amounts which may be paid to any person or persons pursuant to the FirstHome Iowa program trust but which are not listed in this section are owned by the trust.

4. A participant may transfer ownership rights to another participant or may transfer funds to another account under the trust. The transfer shall be made and the property distributed in accordance with rules adopted by the treasurer of state or with the terms of the participation agreement.

5. A participant shall not be entitled to utilize any interest in the trust as security for a loan.

2026 Acts, ch 1115, §30
NEW section

12L.7 Annual audited financial report to governor and general assembly.

1. *a.* The treasurer of state shall submit an annual audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the trust by November 1 to the governor and the general assembly.

b. The annual audit shall be made either by the auditor of state or by an independent certified public accountant designated by the auditor of state and shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.

2. The annual audit shall be supplemented by all of the following information prepared by the treasurer of state:

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a. Any related studies or evaluations prepared in the preceding year.

b. A summary of the benefits provided by the trust including the number of participants and beneficiaries in the trust.

c. Any other information which is relevant in order to make a full, fair, and effective disclosure of the operations of the trust.

2026 Acts, ch 1115, §31
NEW section

12L.8 Tax considerations.

State income tax treatment of the FirstHome Iowa program trust shall be as provided in section 422.7, subsections 46 and 47.

2026 Acts, ch 1115, §32
NEW section

12L.9 Property rights to assets in trust.

1. The assets of the trust shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries.

2. No property rights in the trust shall exist in favor of the state.

3. The assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

2026 Acts, ch 1115, §33
NEW section

12L.10 Construction.

This chapter shall be construed liberally in order to effectuate its purpose.

2026 Acts, ch 1115, §34
NEW section

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CHAPTER 13

ATTORNEY GENERAL

Referred to in §8.94, 8A.311C, 12E.8, 654A.7

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SUBCHAPTER I

GENERAL PROVISIONS

13.1 Department of justice.

The department of justice, with the attorney general as head thereof, shall be located at the seat of government.

[R60, §124; C73, §150, 3770; C97, §208, 211; S13, §208, 211; C24, 27, 31, 35, 39, §**148;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.1]

13.2 Duties.

1. It shall be the duty of the attorney general, except as otherwise provided by law to:

a. Prosecute and defend all causes in the appellate courts in which the state is a party or interested.

b. Prosecute and defend in any other court or tribunal, all actions and proceedings, civil or criminal, in which the state may be a party or interested, when, in the attorney general's judgment, the interest of the state requires such action, or when requested to do so by the governor, executive council, or general assembly. The attorney general may prosecute a criminal proceeding on behalf of the state even if a county attorney does not request the attorney general to act as a county attorney in a proceeding under section 331.754, subsection 7.

c. Prosecute and defend all actions and proceedings brought by or against any state officer in the officer's official capacity.

d. Prosecute and defend all actions and proceedings brought by or against any employee of a judicial district department of correctional services in the performance of an assessment of risk.

e. Give an opinion in writing, when requested, upon all questions of law submitted by the general assembly or by either house thereof, or by any state officer, elective or appointive. Questions submitted by state officers must be of a public nature and relate to the duties of such officer.

f. Prepare drafts for contracts, forms, and other writings which may be required for the use of the state.

g. Supervise county attorneys in all matters pertaining to the duties of their offices, and from time to time to require of them reports as to the condition of public business entrusted to their charge.

h. Promptly account, to the treasurer of state, for all state funds received by the attorney general.

i. Keep in proper books a record of all official opinions, and a register of all actions, prosecuted and defended by the attorney general, and of all proceedings had in relation thereto, which books shall be delivered to the attorney general's successor.

j. Perform all other duties required by law.

k. Inform prosecuting attorneys and assistant prosecuting attorneys to the state of all changes in law and matters pertaining to their office and establish programs for the continuing education of prosecuting attorneys and assistant prosecuting attorneys. The attorney general may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing duties under this paragraph.

l. Establish and administer, in cooperation with the law schools of Drake university and the state university of Iowa, a prosecutor intern program incorporating the essential elements of the pilot program denominated "law student intern program in prosecutors' office" funded by the Iowa crime commission and participating counties. The attorney general shall consult

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with an advisory committee including representatives of each participating law school and the Iowa county attorneys association, inc. concerning development, administration, and critique of this program. The attorney general shall report on the program's operation annually to the general assembly and the supreme court.

m. Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of domestic abuse cases under chapters 236 and 708.

n. Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of elder abuse of a vulnerable elder under chapter 235F.

o. Submit a report by January 15 of each year to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, to the executive council, and to the legislative services agency detailing all money settlement awards and court money awards that were awarded to the state of Iowa. The report shall specify the parties to each settlement or court proceeding, any court of jurisdiction, the settlement amount, the state's share of the settlement amount, the name of the fund in which the receipts were deposited, and the planned use of the moneys.

p. Develop written procedures and policies to be followed by prosecuting attorneys in the prosecution of elder abuse, older individual assault, theft against an older individual, consumer frauds committed against an older individual, and financial exploitation of an older individual under sections 708.2D, 714.2A, 714.16A, 726.24, and 726.25.

q. Enforce the prohibitions on guaranteed income programs as described in section 331.301, subsection 24, and section 364.3, subsection 18.

2. Executing the duties of this section shall not be deemed a violation of section 68B.6.

[R60, §124 – 127, 130, 131; C73, §150 – 153; C97, §208 – 210; S13, §208-a; C24, 27, 31, 35, 39, §**149;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.2]

95 Acts, ch 180, §1; 99 Acts, ch 112, §1; 2004 Acts, ch 1091, §1; 2008 Acts, ch 1032, §121; 2009 Acts, ch 119, §32; 2014 Acts, ch 1107, §9; 2014 Acts, ch 1138, §17; 2015 Acts, ch 30, §6; 2018 Acts, ch 1168, §18; 2022 Acts, ch 1132, §9; 2023 Acts, ch 19, §2047, 2073; 2024 Acts, ch 1109, §1, 4

Referred to in §331.756(12)

13.3 Disqualification — substitute.

1. If, for any reason, the attorney general is disqualified from appearing in any action or proceeding, the executive council shall authorize the appointment of a suitable person for that purpose. There is appropriated from moneys in the general fund not otherwise appropriated an amount necessary to pay the reasonable expense for the person appointed. The department involved in the action or proceeding shall be requested to recommend a suitable person to represent the department and when the executive council concurs in the recommendation, the person recommended shall be appointed.

2. If the governor or a department is represented by an attorney other than the attorney general in a court proceeding as provided in this section, at the conclusion of the court proceedings, the court shall review the fees charged to the state to determine if the fees are fair and reasonable. The executive council shall not authorize reimbursement of attorney fees in excess of those determined by the court to be fair and reasonable.

[C24, 27, 31, 35, 39, §**150;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.3]

92 Acts, ch 1240, §12; 2011 Acts, ch 131, §19, 158

Referred to in §8F.2, 13.7

13.4 Assistant and deputy attorneys general.

The attorney general may appoint a chief deputy attorney general and such other deputy and assistant attorneys general as may be authorized by law, who shall devote their entire time to the duties of their positions. The deputy and assistant attorneys general shall, subject to the direction of the attorney general, have the same power and authority as the attorney general.

[C97, §212; S13, §212; C24, 27, 31, 35, 39, §**151;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.4]

2023 Acts, ch 19, §2048, 2073

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13.5 Assistant for department of revenue. Repealed by 2023 Acts, ch 19, §2072, 2073.

13.6 Agency reimbursement for legal services.

The attorney general may charge departments, agencies, and other state governmental entities for the cost of performing legal services for the department, agency, or governmental entity. Upon request of the attorney general, a department or agency shall provide and equip a suitable office for an assistant attorney general or other staff providing legal services exclusively for that department or agency.

2023 Acts, ch 19, §2049, 2073

Former §13.6 repealed by 2023 Acts, ch 19, §2049, 2073

13.7 Special counsel.

1. A department, agency, or other state governmental entity shall not contract for legal services to be provided by a private attorney unless authorized by the executive council under this section or section 13.3. The executive council may authorize employment of legal assistance, at a reasonable compensation, in a pending action or proceeding to protect the interests of the state, but only upon a sufficient showing, in writing, made by the attorney general, that the department of justice cannot for reasons stated by the attorney general perform the service. The reasons and action of the executive council shall be entered upon its records. If the attorney general determines that the department of justice cannot perform legal service in an action or proceeding, the executive council shall request the department involved in the action or proceeding to recommend legal counsel to represent the department. If the attorney general concurs with the department that the person recommended is qualified and suitable to represent the department, the person recommended shall be employed. If the attorney general does not concur in the recommendation, the department shall submit a new recommendation.

2. The executive branch and the attorney general shall also comply with chapter 23B when retaining legal counsel on a contingency fee basis under this section, as appropriate.

[S13, §208-b; C24, 27, 31, 35, 39, §**152;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.7; 81 Acts, ch 22, §1]

83 Acts, ch 127, §1; 96 Acts, ch 1186, §23; 2005 Acts, ch 150, §120; 2011 Acts, ch 131, §20, 158; 2012 Acts, ch 1112, §1; 2016 Acts, ch 1073, §5; 2023 Acts, ch 19, §2050, 2073

Referred to in §8F.2, 68B.32, 217.5A, 231E.11, 252B.7, 262.9

13.8 Expenses.

The attorney general and the attorney general's assistants shall be repaid their actual and necessary expenses incurred in transacting their official duties at places other than the seat of government.

[C73, §3770; C97, §211; S13, §211; C24, 27, 31, 35, 39, §**153;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.8]

13.9 Salary.

The salary of the attorney general shall be as fixed by the general assembly, and the salaries of the chief deputy attorney general and other deputy and assistant attorneys general shall be such as may be fixed by law.

[C31, 35, §153-c1; C39, §**153.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §13.9]

2023 Acts, ch 19, §2051, 2073

13.10 Physical criminal evidence — DNA profiling. Repealed by 2005 Acts, ch 158, §17, 19. See chapter 81.

13.11 Exclusive criminal jurisdiction over election crimes.

Notwithstanding any provision of law to the contrary, the attorney general shall have exclusive jurisdiction to prosecute all criminal proceedings under chapter 39A.

2023 Acts, ch 19, §2052, 2073

Former section 13.11 repealed by 2023 Acts, ch 19, §2052, 2073; see §13.2, subsection 1, paragraph o

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13.12 Prosecution of criminal offenses committed by law enforcement officers.

The attorney general may prosecute a criminal offense committed by a law enforcement officer, as defined in section 80B.3, arising from the actions of the officer resulting in the death of another, regardless of whether the county attorney requests the assistance of the attorney general or decides to independently prosecute the criminal offense committed by the officer. If the attorney general determines that criminal charges are not appropriate, the attorney general may refer the matter to the Iowa law enforcement academy council to recommend revocation or suspension of the officer's certification if the attorney general determines that the officer committed misconduct that would be grounds for revocation or suspension of a certification under chapter 80B or 80D, or rules adopted pursuant to those chapters.

2020 Acts, ch 1037, §1
Referred to in §80B.13A, 331.756(76)(a)

SUBCHAPTER II

FARM ASSISTANCE PROGRAM

Legislative findings; 90 Acts, ch 1143, §1

13.13 Farm assistance program coordinator — contract for mediation services.

1. The attorney general or the attorney general's designee shall serve as the farm assistance program coordinator. The coordinator has the powers and duties specified in this subchapter.

2. The farm assistance program coordinator shall contract with a nonprofit organization chartered in this state to provide mediation services as provided in chapters 654A, 654B, and 654C. The contract may be terminated by the coordinator upon written notice and for good cause. The organization awarded the contract is designated as the farm mediation service for the duration of the contract. The organization may, upon approval by the coordinator, provide mediation services other than as provided by law. The farm mediation service is not a state agency for the purposes of chapter 8A, subchapter IV, and chapters 20 and 669.

90 Acts, ch 1143, §3; 95 Acts, ch 195, §1; 2003 Acts, ch 145, §133
Referred to in §654A.1, 654B.1, 654C.1

13.14 Farm mediation service — confidentiality.

1. Meetings of the farm mediation service are closed meetings and are not subject to chapter 21.

2. Confidentiality is also protected as provided in section 679C.108.

90 Acts, ch 1143, §4; 98 Acts, ch 1062, §6; 2005 Acts, ch 68, §1

13.15 Rules and forms — fees.

1. The farm mediation service shall recommend rules to the farm assistance program coordinator. The coordinator shall adopt rules pursuant to chapter 17A to set the compensation of mediators and to implement this subchapter and chapters 654A, 654B, and 654C.

2. *a.* The rules shall provide for an hourly mediation fee not to exceed fifty dollars for the borrower and one hundred dollars for the creditor. The hourly mediation fee may be waived for any party demonstrating financial hardship upon application to the farm mediation service.

b. The compensation of a mediator shall be no more than twenty-five dollars per hour, and all parties shall contribute an equal amount of the cost.

3. The coordinator shall adopt voluntary mediation application and mediation request forms.

90 Acts, ch 1143, §5; 91 Acts, ch 267, §410; 95 Acts, ch 195, §2; 2016 Acts, ch 1011, §2

13.16 Limitation on liability — immunity from special actions.

1. A member of the farm mediation staff, including a mediator, employee, or agent of the service, or member of a board for the service, is not liable for civil damages for a statement or

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decision made in the process of mediation, unless the member acts in bad faith, with malicious purpose, or in a manner exhibiting willful and wanton disregard of human rights, safety, or property.

2. A judicial action which seeks an injunction, mandamus, or similar equitable relief shall not be brought against the farm mediation service, including a mediator, employee, or agent of the service, or a member of a board for the service until completion of the mediation process.

90 Acts, ch 1143, §6

13.17 through 13.19 Reserved.

13.20 through 13.24 Repealed by 2019 Acts, ch 59, §238.

13.25 through 13.30 Reserved.

SUBCHAPTER III

VICTIM ASSISTANCE PROGRAM

13.31 Victim assistance program.

A victim assistance program is established in the department of justice, which shall do all of the following:

1. Administer grants received under the federal Victims of Crime Act pursuant to Pub. L. No. 98-473, Tit. 2, ch. 14, 42 U.S.C. §10601, as amended by the federal Children's Justice and Assistance Act, Pub. L. No. 99-401, 100 Stat. 903 (1986).

2. Administer the state crime victim compensation program as provided in chapter 915.

3. Administer the domestic abuse program provided in chapter 236 and the sexual abuse program provided in chapter 236A.

4. Administer the family violence prevention and services grants pursuant to the federal Child Abuse Amendments of 1984, Pub. L. No. 98-457, 42 U.S.C. §10401.

5. Administer payment for sexual abuse medical examinations pursuant to section 915.41.

6. Administer the violence against women program and grants received pursuant to the federal Violence Against Women Act, Tit. IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 42 U.S.C. §13701.

7. Administer an automated victim notification system as authorized pursuant to section 915.10A.

8. Establish and administer the kit tracking system established pursuant to section 915.53 for tracking the location and status of sexual abuse evidence collection kits.

9. Administer the sexual assault forensic examiner program established pursuant to section 915.46 for training and providing technical assistance to sexual assault examiners and sexual assault nurse examiners.

89 Acts, ch 279, §1; 90 Acts, ch 1251, §1; 91 Acts, ch 181, §16; 98 Acts, ch 1090, §58, 84; 2002 Acts, ch 1016, §1; 2007 Acts, ch 27, §1; 2010 Acts, ch 1061, §180; 2017 Acts, ch 121, §1; 2021 Acts, ch 107, §1; 2021 Acts, ch 108, §1

Referred to in §13.32

13.32 Victim assistance grant programs — annual report.

1. *a.* The department of justice shall compile an annual report relating to the victim assistance grant programs administered under section 13.31, subsections 1, 3, 4, and 6, which shall include all of the following:

(1) A mission statement and table of organization of the department of justice relating to the victim assistance grant programs, a program summary, and statistics, including but not limited to sources and uses of funds and the numbers of victims served.

(2) An itemization of out-of-state travel expenses incurred by an employee of the department of justice and an itemization of travel expenses paid to a contractor.

(3) An itemization of overtime paid to an employee of the department or a contractor.

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(4) An itemization of any bonuses paid to an employee of the department or a contractor.

(5) A summary of expenditures reimbursed through the programs, including but not limited to compensation paid to nonprofit organizations for travel and training expenses, utilities, payroll, benefits, equipment repairs and maintenance, rent, communications, advertising, supplies, insurance, and other direct expenses.

b. The report shall be provided to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the governor, and the legislative services agency by January 15, 2015, and each January 15 thereafter.

2. The department of justice shall adopt rules to administer claims for victim assistance grants described in subsection 1. The rules shall standardize the claim forms for contractors, including designating a place on the form for an itemization of services provided, mileage incurred, and expenses incurred. The rules shall further specify that the department of justice shall process the claims through the grants enterprise management office.

2014 Acts, ch 1138, §18, 23; 2015 Acts, ch 30, §7

13.33 Reserved.

SUBCHAPTER IV

LEGAL ASSISTANCE FOR PERSONS IN POVERTY

13.34 Legal services for persons in poverty grant program.

1. For the purposes of this section, *"eligible individual"* means an individual or household with an annual income which is less than one hundred twenty-five percent of the poverty guidelines established by the United States office of management and budget. The attorney general shall contract with an eligible nonprofit organization to provide legal assistance to eligible individuals in poverty. The contract shall be awarded within thirty days after May 30, 1996. The contract may be terminated by the attorney general after a hearing upon written notice and for good cause.

2. A nonprofit organization must comply with all of the following to be eligible for a contract under this section:

a. Be a nonprofit organization incorporated in this state.

b. Has lost or will lose funding due to a reduction in federal funding for the legal services corporation for federal fiscal year 1995-1996.

c. Employ attorneys admitted to practice before the Iowa supreme court and the United States district courts.

d. Employ attorneys and staff qualified to address legal problems experienced by eligible individuals.

3. The contracting nonprofit organization shall do all of the following:

a. Offer direct representation of eligible individuals in litigation and administrative cases, in accordance with priorities established by the organization's board.

b. Offer technical support to eligible individuals.

c. Involve private attorneys through volunteer lawyer projects to represent eligible individuals.

d. Utilize, to the fullest extent feasible, existing resources of accredited law schools within this state to provide consulting assistance to attorneys in the practice of law in their representation of persons in poverty.

e. Assist, to the fullest extent feasible, accredited law schools within this state in enhancing the schools' expertise in the practice of law representing persons in poverty so that all attorneys within the state will have a resource available to provide training and experience in the practice of law representing persons in poverty.

f. Cooperate, to the fullest extent feasible, with existing informational and referral networks among persons in poverty, providers of assistance to persons in poverty, and others concerned with assistance to persons in poverty.

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4. The contracting nonprofit organization is not a state agency for the purposes of chapter 8A, subchapter IV, and chapters 20 and 669.

5. An individual is eligible to obtain legal representation and legal assistance from the contracting nonprofit organization if the eligible individual meets all of the following criteria:

a. The eligible individual is a resident of this state.

b. The eligible individual is financially unable to acquire legal assistance, in accordance with criteria established by the organization's board.

96 Acts, ch 1216, §27; 2003 Acts, ch 145, §135

CHAPTER 13A

PROSECUTING ATTORNEYS TRAINING COORDINATOR

13A.1	Definitions.	13A.6	Report required.
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		13A.8	Duties.
13A.3	Membership and terms.	13A.9	Authority.
13A.4	Organization.	13A.10	Receipt of funds.
13A.5	Meetings.	13A.11	Citation.

13A.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Coordinator"* means the prosecuting attorneys training coordinator.

2. *"Council"* means the prosecuting attorneys training coordination council.

3. *"Office"* means the office of prosecuting attorneys training coordinator established in this chapter.

4. *"Prosecuting attorneys"* means county attorney, district attorney, or any attorney charged with responsibility of prosecution of violation of state laws.

[C77, 79, 81, §13A.1]

13A.2 Establishment of office and council — coordinator.

1. The office of the prosecuting attorneys training coordinator is established as an entity in the department of justice.

2. The prosecuting attorneys training coordination council is established to consult with and advise the attorney general and the coordinator on the operation of the office.

3. The attorney general shall, with the advice and consent of the council, appoint an attorney with knowledge and experience in prosecution to the office of prosecuting attorneys training coordinator. The prosecuting attorneys training coordinator shall be the administrator of the office of the prosecuting attorneys training coordinator. The coordinator's term of office is four years, beginning on July 1 of the year of appointment and ending on June 30 of the year of expiration.

4. If a vacancy occurs in the office of prosecuting attorneys training coordinator, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment was made.

5. The attorney general may, with the advice of the council, remove the prosecuting attorneys training coordinator for malfeasance or nonfeasance in office, for any cause which renders the coordinator ineligible for appointment, or for any cause which renders the coordinator incapable or unfit to discharge the duties of office. The prosecuting attorneys training coordinator may also be removed upon the unanimous vote of the council. The removal of a prosecuting attorneys training coordinator under this section is final.

[C77, 79, 81, §13A.2]

86 Acts, ch 1245, §2056; 93 Acts, ch 171, §16, 17

13A.3 Membership and terms.

1. The council shall consist of five members as follows:

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a. The attorney general or the attorney general's designated representative.

b. The president of the Iowa county attorneys association or its successor.

c. Three members elected by the Iowa county attorneys association or its successor.

2. A member shall vacate an appointment upon termination of the member's official position as a prosecuting attorney or an attorney general. A vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy created other than by expiration of a term on the council shall be appointed for the unexpired term of the member whom the new member is to succeed in the same manner as the original appointment. Any member may be reappointed for an additional term.

3. The terms of the elected members shall be three years and shall be staggered so that one member is elected each year.

[C77, 79, 81, §13A.3]

2008 Acts, ch 1031, §12

13A.4 Organization.

The council shall designate from among its members a chairperson and vice chairperson who shall serve for one-year terms and who may be reelected. Membership on the council shall not constitute holding a public office, and members of the council shall not be required to take and file oaths of office before serving on the council. A member of the council shall not be disqualified from holding any public office or employment by reason of membership on the council, nor shall one member forfeit the office or employment, by reason of appointment under this chapter, notwithstanding the provisions of any law, ordinance or city charter.

[C77, 79, 81, §13A.4]

13A.5 Meetings.

The council shall hold meetings when called by the chairperson, or in the absence of the chairperson, by the vice chairperson or when called by the chairperson upon the written request of three members of the council. The council shall establish its own procedures and requirements with respect to quorum, place, and conduct of its meetings and other matters.

[C77, 79, 81, §13A.5]

2024 Acts, ch 1170, §85

13A.6 Report required.

The prosecuting attorneys training coordinator shall make an annual report to the attorney general, the governor, and to the Iowa county attorneys association or its successor regarding the efforts of the office to implement the purposes of this chapter.

[C77, 79, 81, §13A.6]

86 Acts, ch 1245, §2057

13A.7 Expenses paid.

The members of the council shall serve without compensation but shall be entitled to their actual expenses in attending meetings and in the performance of their duties.

[C77, 79, 81, §13A.7]

13A.8 Duties.

The office shall keep the prosecuting attorneys and assistant prosecuting attorneys of the state informed of all changes in law and matters pertaining to their office to the end that a uniform system of conduct, duty and procedure is established in each county of the state.

[C77, 79, 81, §13A.8]

86 Acts, ch 1245, §2058

13A.9 Authority.

The prosecuting attorneys training coordinator may:

1. Enter into agreements with other public or private agencies or organizations to implement this chapter.

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2. Cooperate with and assist other public or private agencies or organizations to implement this chapter.

3. Make recommendations to the general assembly on matters pertaining to the responsibilities of the office under this chapter.

[C77, 79, 81, §13A.9]

86 Acts, ch 1245, §2059; 2012 Acts, ch 1023, §157

13A.10 Receipt of funds.

The office of the prosecuting attorneys training coordinator may accept funds, grants and gifts from any public or private source which shall be used to defray the expenses incident to implementing the responsibilities of the office under this chapter.

[C77, 79, 81, §13A.10]

86 Acts, ch 1245, §2060

13A.11 Citation.

This chapter shall be known and may be cited as the *"Prosecuting Attorneys Training Coordinator Act of 1975"*.

[C77, 79, 81, §13A.11]

CHAPTER 13B

PUBLIC DEFENDERS

Referred to in §23B.5, 600A.6B, 600A.6C, 815.9

13B.1 Definitions.
13B.2 Position established.
13B.2A Indigent defense — report — court-appointed counsel fees.
13B.3 Qualifications of state public defender.
13B.4 Duties and powers of state public defender.
13B.4A Confidentiality of indigent defense claim records.
13B.4B Confidentiality of indigent defense claim records. Transferred to §13B.4A; 2018 Acts, ch 1041, §127
13B.5 Staff.
13B.6 Account established.
13B.7 Legal services to inmates.
13B.8 Office of local public defender.
13B.8A Public defender property. Repealed by 2007 Acts, ch 126, §113.
13B.9 Powers and duties of local public defenders — referrals to outside counsel.
13B.10 Determination of indigence.
13B.11 State appellate defender.
13B.12 Gideon fellowship.
13B.13 State public defender — project to preserve families.

13B.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"Appointed attorney"* means an attorney appointed by the court and compensated by the state to represent an indigent defendant.

2. *"Claimant"* means an attorney or other person seeking reimbursement of costs or fees payable from the appropriations under section 815.11.

3. *"Department"* means the department of inspections, appeals, and licensing.

4. *"Financial statement"* means a full written disclosure of all assets, liabilities, current income, dependents, and other information required to determine if a client qualifies for legal assistance by an appointed attorney.

5. *"State public defender"* means the state public defender appointed pursuant to this chapter.

[81 Acts, ch 23, §1, 8]

88 Acts, ch 1161, §1; 91 Acts, ch 268, §408, 439; 96 Acts, ch 1040, §1; 96 Acts, ch 1193, §1; 2006 Acts, ch 1041, §1; 2023 Acts, ch 19, §1725

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13B.2 Position established.

The position of state public defender is established within the department of inspections, appeals, and licensing. The governor shall appoint the state public defender, who shall serve at the pleasure of the governor, subject to confirmation by the senate, no less frequently than once every four years, whether or not there has been a new state public defender appointed during that time, and shall establish the state public defender's salary.

[81 Acts, ch 23, §2, 8]

86 Acts, ch 1245, §516; 88 Acts, ch 1161, §2; 2023 Acts, ch 19, §1726

Confirmation, see §2.32

13B.2A Indigent defense — report — court-appointed counsel fees.

1. The state public defender shall file a written report every three years with the governor and the general assembly by January 1 of a year in which a report is due relating to the recommendations and activities of the state public defender relating to the state indigent defense system. The first such report shall be due on January 1, 2012.

2. The report shall contain recommendations to the general assembly regarding the hourly rates paid to court-appointed counsel and per case fee limitations. These recommendations shall be consistent with the constitutional requirement to provide effective assistance of counsel to those indigent persons for whom the state is required to provide counsel.

99 Acts, ch 135, §2; 2008 Acts, ch 1156, §15, 58; 2010 Acts, ch 1031, §414

13B.3 Qualifications of state public defender.

Only persons admitted to practice law in this state shall be appointed state public defender or assistant state public defender.

[81 Acts, ch 23, §3, 8]

88 Acts, ch 1161, §3

13B.4 Duties and powers of state public defender.

1. *a.* The state public defender shall coordinate the provision of legal representation to all indigents under arrest or charged with a crime who face the possibility of imprisonment under the applicable criminal statute or ordinance.

b. The state public defender shall also coordinate the provision of legal representation to all indigents seeking postconviction relief, against whom a contempt action is pending, in proceedings under section 811.1A or chapter 229A or 812, in juvenile proceedings, on appeal in criminal cases, and on appeal in proceedings to obtain postconviction relief when ordered to do so by the district court in which the judgment or order was issued, and may provide for the representation of indigents in proceedings instituted pursuant to chapter 908.

c. The state public defender shall not engage in the private practice of law.

2. The state public defender shall file a notice with the clerk of the district court in each county served by a public defender designating which public defender office shall receive notice of appointment of cases. The state public defender may also designate a person admitted to practice law in this state or a nonprofit organization employing persons admitted to practice law in this state to be appointed by the court as a designee of the state public defender. In each county in which the state public defender files a designation, the state public defender's designee shall be appointed by the court to represent all eligible persons or to serve as guardian ad litem for eligible children in juvenile court in all cases and proceedings specified in the designation. The appointment shall not be made if the state public defender or the state public defender's designee notifies the court that the state public defender's designee will not provide services in certain cases as identified in the designation by the state public defender.

3. The state public defender may contract with persons admitted to practice law in this state and nonprofit legal organizations for the provision of legal services to indigent persons. The contract may incorporate administrative rules into the terms of the contract or expressly provide that payments may be paid that are other than on an hourly rate basis for legal services provided, including but not limited to a fixed rate per case or per month.

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4. *a.* The state public defender shall establish fee limitations for particular categories of cases. The fee limitations shall be reviewed at least every three years. In establishing and reviewing the fee limitations, the state public defender shall consider public input during the establishment and review process, and any available information regarding ordinary and customary charges for like services; the number of cases in which legal services to indigents are anticipated; the seriousness of the charge; an appropriate allocation of resources among the types of cases; experience with existing hourly rates, claims, and fee limitations; and any other factors determined to be relevant.

b. The state public defender shall establish a procedure for the submission of all claims for payment of indigent defense costs, including the submission of interim claims in appropriate cases.

c. The state public defender may review any claim for payment of indigent defense costs and may take any of the following actions:

(1) If the charges are appropriate and reasonable, approve the claim for payment.

(2) Deny the claim under any of the following circumstances:

(a) If it is not timely.

(b) If it is not payable as an indigent defense claim under chapter 815.

(c) If it is not payable under the contract between the claimant and the state public defender.

(d) If the claimant was appointed contrary to section 814.11 or 815.10, or the claimant failed to comply with section 814.11, subsection 7, or section 815.10, subsection 5.

(3) Request additional information or return the claim to the claimant, if the claim is incomplete.

(4) If any portion of the claim is excessive, notify the claimant that the claim is excessive and will be reduced to an amount which is not excessive, and reduce and approve the balance of the claim.

(5) If any portion of the claim is not payable within the scope of appointment of the claimant, notify the claimant that a portion of the claim is not within the scope of appointment and is not payable, deny those portions of the claim that are not payable, and approve the balance of the claim.

d. Notwithstanding chapter 17A, the claimant may seek review of any action or intended action denying or reducing any claim by filing a motion with the court with jurisdiction over the original appointment for review.

(1) The motion must be filed within twenty days of any action taken by the state public defender.

(2) The motion shall be set for hearing by the court and the state public defender shall be provided with at least ten days' notice of the hearing. The state public defender shall not be required to file a resistance to the motion filed under this paragraph "*d*".

(3) The state public defender or the claimant may participate by telephone. If the state public defender participates by telephone, the state public defender shall be responsible for initiating and paying for all telephone charges.

(4) The filing of a motion shall not delay the payment of the amount approved by the state public defender.

(5) If a claim or portion of the claim is denied, the action of the state public defender shall be affirmed unless the action conflicts with a statute or an administrative rule.

(6) If the claim is reduced for being excessive, the claimant shall have the burden to establish by a preponderance of the evidence that the amount of compensation and expenses is reasonable and necessary.

(7) The decision of the court following a hearing on the motion is a final judgment appealable by the state public defender or the claimant.

(8) If the state public defender is not first notified and given an opportunity to be heard, any court order entered after the state public defender has taken action on a claim, which affects that claim, is void.

5. In reviewing a claim for compensation submitted by an attorney who had been retained or agreed to represent an indigent person prior to appointment, the state public defender may consider any moneys earned or paid to the attorney prior to the appointment in determining

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whether the claim is reasonable and necessary or excessive. The attorney shall provide the state public defender with a copy of any representation agreement, and information on any moneys earned or paid to the attorney prior to the appointment.

6. The state public defender is authorized to contract with county attorneys to provide collection services related to court-ordered indigent defense restitution.

7. The state public defender shall not revise the allocations to the office of the state public defender and the allocations for indigent defense of adults and juveniles, unless prior notice of the revisions is given to the legislative services agency, the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, and the co-chairpersons and ranking members of the house and senate committees on appropriations.

8. The state public defender shall adopt rules, as necessary, pursuant to chapter 17A to administer this chapter and chapter 815.

9. Executing the duties of this section shall not be deemed a violation of section 68B.6.

[81 Acts, ch 23, §4, 8]

85 Acts, ch 36, §1; 88 Acts, ch 1161, §4; 89 Acts, ch 51, §1; 91 Acts, ch 268, §411, 439; 92 Acts, ch 1242, §18; 93 Acts, ch 175, §15; 94 Acts, ch 1107, §20; 94 Acts, ch 1187, §17; 96 Acts, ch 1040, §2; 99 Acts, ch 12, §1; 99 Acts, ch 135, §3 – 6; 99 Acts, ch 208, §46; 2000 Acts, ch 1154, §3; 2002 Acts, ch 1067, §1 – 5; 2002 Acts, ch 1119, §116; 2003 Acts, ch 35, §46, 49; 2003 Acts, ch 51, §1 – 3; 2004 Acts, ch 1040, §1 – 3; 2004 Acts, ch 1084, §1; 2004 Acts, ch 1091, §2; 2004 Acts, ch 1175, §195; 2005 Acts, ch 107, §1, 14; 2006 Acts, ch 1041, §2 – 4; 2007 Acts, ch 22, §7; 2008 Acts, ch 1061, §1; 2009 Acts, ch 178, §23, 24; 2012 Acts, ch 1063, §1; 2017 Acts, ch 88, §1, 2

Referred to in §13B.4A, 13B.9, 22.7(44), 814.11, 815.7, 815.10, 815.10A, 815.14, 908.2A

13B.4A Confidentiality of indigent defense claim records.

1. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment of costs incurred in the legal representation of an indigent person from the indigent defense fund established in section 815.11 shall be kept confidential by the state public defender except as otherwise provided in subsection 2.

2. *a.* The claim and supporting documents shall be released to the client on whose behalf the costs were incurred, or the client's designee, upon written request by the client.

b. Summary claims data may be released if the data does not contain information that is required to be kept confidential pursuant to an attorney's obligations under the Iowa rules of professional conduct. Such summary data may include:

(1) The name of the attorney or vendor who provided the legal services.

(2) The name of the county in which legal services were provided.

(3) The case number and name of the client unless the information is a confidential juvenile record under section 232.147.

(4) The type of claim and the type of cases for which legal services were provided.

(5) The number of hours and expenses claimed, and the total amount paid.

c. The state public defender may in the state public defender's sole discretion release claims and supporting documents, including any information that would otherwise be confidential under sections 232.147 through 232.150, to the auditor of state, the Iowa supreme court attorney disciplinary board, the grievance commission of the supreme court of Iowa, or to other state or local agencies to the extent necessary to investigate fraud or other criminal activity against the attorney or vendor submitting the claim.

d. The state public defender may release the claim and supporting documents to the court with respect to a hearing held under section 13B.4, subsection 4, paragraph *"d"*.

2013 Acts, ch 116, §1; 2014 Acts, ch 1026, §6; 2014 Acts, ch 1038, §1; 2015 Acts, ch 29, §3; 2018 Acts, ch 1041, §127

C2019, §13B.4A

Referred to in §22.7(10), 232.151

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13B.4B Confidentiality of indigent defense claim records. Transferred to §13B.4A; 2018 Acts, ch 1041, §127

13B.5 Staff.

The state public defender may appoint assistant state public defenders who, subject to the direction of the state public defender, shall have the same duties as the state public defender and shall not engage in the private practice of law. The salaries of the staff shall be fixed by the state public defender. The state public defender and the state public defender's staff shall receive actual and necessary expenses, including travel at the state rate set forth in section 8A.363.

[81 Acts, ch 23, §5, 8]

88 Acts, ch 1161, §5; 2003 Acts, ch 145, §136

13B.6 Account established.

1. There is established in the state general fund an account to be known as the state public defender operating account. The state public defender may bill a county for services rendered to the county by the office of the state public defender. Receipts shall be deposited in the operating account established under this section. There is appropriated from the state general fund all amounts deposited in the state public defender operating account for use in maintaining the operations of the office of state public defender.

2. The department of inspections, appeals, and licensing shall provide internal accounting and related fiscal services for the state public defender.

[81 Acts, ch 23, §6, 8]

83 Acts, ch 200, §10; 86 Acts, ch 1245, §517; 88 Acts, ch 1161, §6; 2023 Acts, ch 19, §1727

13B.7 Legal services to inmates.

The state public defender may supervise the provision of legal services, funded by an appropriation to the Iowa department of corrections, to inmates of adult correctional institutions in civil cases involving prison litigation.

83 Acts, ch 96, §160; 83 Acts, ch 203, §12; 88 Acts, ch 1161, §7

13B.8 Office of local public defender.

1. The state public defender may establish or abolish local public defender offices. In determining whether to establish or abolish a local public defender office, the state public defender shall consider the following:

a. The number of cases or potential cases where a local public defender is or would be involved.

b. The population of the area served or to be served.

c. The willingness of the local private bar to participate in cases where a public defender is or would be involved.

d. Other factors which the state public defender deems to be important.

2. The state public defender may appoint and may, for cause, remove the local public defender, assistant local public defenders, clerks, investigators, secretaries, or other employees. Each local public defender, and any assistant local public defender, must be an attorney admitted to the practice of law before the Iowa supreme court.

3. The compensation of the local public defender and staff of the local public defender offices shall be fixed by the state public defender.

4. *a.* The state public defender shall provide separate and suitable office space, furniture, equipment, computers, support staff, and supplies for each office of the local public defender out of funds appropriated to the state public defender for this purpose.

b. The state public defender may enter into agreements with the department of management to provide or procure suitable computer networks and other information technology services to or for each office of the state public defender, including the central administrative office and the office of the state appellate defender, and to each office of the local public defender.

5. An employee of a local public defender office shall not have access to any confidential

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client information in any other local public defender office, and the state public defender shall not have access to such confidential information.

88 Acts, ch 1161, §8; 91 Acts, ch 268, §412, 439; 95 Acts, ch 67, §3; 99 Acts, ch 135, §7; 2000 Acts, ch 1115, §1; 2000 Acts, ch 1154, §4; 2002 Acts, ch 1067, §6 – 8; 2002 Acts, ch 1119, §117; 2017 Acts, ch 88, §3; 2024 Acts, ch 1185, §103

13B.8A Public defender property. Repealed by 2007 Acts, ch 126, §113.

13B.9 Powers and duties of local public defenders — referrals to outside counsel.

1. The local public defender shall do all of the following:

a. Represent an indigent person who is under arrest or charged with a crime if the indigent person requests representation or the court orders representation when the type of case, the county, and the court have been designated for such representation by the state public defender. The local public defender shall counsel and defend an indigent defendant at every stage of the criminal proceedings and prosecute before or after conviction any appeals or other remedies which the local public defender considers to be in the interest of justice unless other counsel is appointed to the case.

b. Represent an indigent party, upon order of the court, in child in need of assistance, family in need of assistance, delinquency, and termination of parental rights proceedings pursuant to chapter 232 when designated by the state public defender to represent the indigent party in the type of case for that county. The local public defender shall counsel and represent an indigent party in all proceedings pursuant to chapter 232 to which the local public defender is appointed and prosecute before or after judgment any appeals or other remedies which the local public defender considers to be in the interest of justice unless other counsel is appointed to the case. A local public defender office or designee shall represent in a subsequent adoption proceeding a party including a nonindigent party who files an adoption petition pursuant to section 600.3 to adopt a child who was the subject of a termination of parental rights proceeding pursuant to chapter 232 in which the local public defender office was involved as provided under this paragraph. If a conflict of interest arises, the representation shall be provided through referral of the party to outside counsel with whom the state public defender has contracted, subject to the fees for legal services incorporated in the contract.

c. Serve as guardian ad litem for each child in all cases in which the local public defender office is the state public defender's designee. The local public defender shall be responsible for determining who shall perform the duties of the guardian ad litem as defined in section 232.2 and shall be responsible for assuring the court that the duties of the guardian ad litem have been fulfilled. A local public defender office or designee shall serve as guardian ad litem for each child in a subsequent adoption proceeding pursuant to section 600.3 to adopt a child who was the subject of a termination of parental rights proceeding pursuant to chapter 232 in which the local public defender office was involved as provided under this paragraph. If a conflict of interest arises, the guardian ad litem for the child shall be provided through retention of outside counsel with whom the state public defender has contracted, subject to the fees for guardian ad litem services incorporated in the contract.

2. An attorney appointed under this section is not liable to a person represented by the attorney for damages as a result of a conviction in a criminal case unless the court determines in a postconviction proceeding or on direct appeal that the person's conviction resulted from ineffective assistance of counsel, and the ineffective assistance of counsel is the proximate cause of the damage. In juvenile or civil proceedings, an attorney appointed under this section is not liable to a person represented by the attorney for damages unless it has been determined that the attorney has provided ineffective assistance of counsel and the ineffective assistance of counsel is the proximate cause of the damage.

3. The local public defender shall handle every case to which the local public defender is appointed if the local public defender can reasonably handle the case. The local public defender shall be responsible for assigning cases to individual attorneys within the local public defender office and for making decisions concerning cases in which the local public defender has been appointed.

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4. *a.* If a conflict of interest arises or if the local public defender is unable to handle a case because of a temporary overload of cases, the local public defender shall return the case to the court. If the case is returned and the state public defender has filed a successor designation, the court shall appoint the successor designee. If there is no successor designee on file, the court shall make the appointment pursuant to section 815.10. As used in this subsection, *"successor designee"* may include another local public defender office, or a nonprofit organization or a person admitted to practice law in this state that has contracted with the state public defender under section 13B.4, subsection 3.

b. If a conflict of interest arises in any case, subsection 1 does not affect the local public defender's obligation to withdraw as counsel or as guardian ad litem.

88 Acts, ch 1161, §9; 89 Acts, ch 83, §4; 91 Acts, ch 268, §413, 439; 94 Acts, ch 1187, §18, 19; 96 Acts, ch 1040, §3, 4; 99 Acts, ch 135, §8 – 10; 2002 Acts, ch 1067, §9 – 12; 2003 Acts, ch 51, §4; 2004 Acts, ch 1017, §1; 2004 Acts, ch 1040, §4; 2005 Acts, ch 19, §13; 2008 Acts, ch 1061, §2, 3; 2012 Acts, ch 1063, §2, 3; 2021 Acts, ch 161, §1; 2023 Acts, ch 134, §1

13B.10 Determination of indigence.

For purposes of this chapter, a determination of indigence shall be made pursuant to section 815.9.

88 Acts, ch 1161, §10; 89 Acts, ch 83, §5; 93 Acts, ch 175, §16; 96 Acts, ch 1193, §2; 99 Acts, ch 135, §11

13B.11 State appellate defender.

The state public defender shall appoint a state appellate defender who shall represent indigents on appeal in criminal cases and on appeal in proceedings to obtain postconviction relief when appointed to do so by the district court in which the judgment or order was issued, and may represent indigents in proceedings instituted pursuant to chapter 908 when required to do so by the state public defender, and shall not engage in the private practice of law.

89 Acts, ch 51, §2

13B.12 Gideon fellowship.

The state public defender may establish a Gideon fellowship program for the entry level hiring and training of public defender attorneys. The state public defender may appoint up to four Gideon fellows for a term of up to two years and may assign each fellow to a local public defender office or appellate defender office. Each fellow shall be a licensed attorney admitted to practice law in this state prior to commencement of the fellowship.

2014 Acts, ch 1071, §1

13B.13 State public defender — project to preserve families.

1. Notwithstanding any other provision of the law to the contrary, the state public defender shall administer and maintain the project to preserve families to assist families involved in the child welfare system.

2. The state public defender may administer and maintain the project to preserve families throughout the state.

3. The project to preserve families shall implement, administer, and study innovative models of legal representation, through a team approach or other methods, to achieve positive outcomes for families, reduce trauma to young children, and deliver financial benefits to families and their communities.

4. The state public defender may coordinate with other agencies and organizations to administer and maintain, seek grant funding for, and analyze the outcomes of the project to preserve families.

5. The state public defender may appoint an attorney to represent an indigent person prior to initiation of formal proceedings, without court order, if such representation is deemed appropriate by the state public defender and relates to the purposes of the project to preserve families.

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6. The state public defender may adopt rules pursuant to chapter 17A to administer this section.

2020 Acts, ch 1040, §1; 2023 Acts, ch 10, §1; 2026 Acts, ch 1019, §1
Referred to in §815.11
Section amended

CHAPTER 13C

ORGANIZATIONS SOLICITING PUBLIC DONATIONS

This chapter not enacted as a part of this title; transferred from chapter 122 in Code 1993

13C.1 Definitions.
13C.2 Registration permit required — disclosure.
13C.3 Use of another organization's name in solicitation.
13C.4 through 13C.7 Reserved.
13C.8 Enforcement — penalty.

13C.1 Definitions.

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

1. *"Charitable organization"* means a person who solicits or purports to solicit contributions for a charitable purpose and which receives contributions. *"Charitable organization"* does not include a political organization, a religious organization, or a state, regionally, or nationally accredited college or university.

2. *"Charitable purpose"* means a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental, conservation, civic, or other charitable objective. In the case of law enforcement, emergency medical technician, paramedic, and fire fighter organizations, *"charitable purpose"* does not include funds raised through the sale of advertisements, products, or tickets for an event unless the organization represents that part of proceeds will be used to assist individuals other than the organization, its members, or their families.

3. *"Political organization"* means a political party, a candidate for office, or a political action committee required to file financial information with federal or state election or campaign commissions.

4. *"Professional commercial fund-raiser"* means any person who for compensation solicits contributions in Iowa for a charitable organization other than the person. A person whose sole responsibility is to mail fundraising literature is not a professional commercial fund-raiser. A lawyer, investment counselor, or banker who advises a person to make a charitable contribution is not, as a result of such advice, a professional commercial fund-raiser. A bona fide salaried officer, employee, or volunteer of a charitable organization is not a professional commercial fund-raiser.

5. *"Religious organization"* means a religious corporation, trust, foundation, association, or organization incorporated or established for religious purposes.

6. *"Solicit"* or *"solicitation"* means the request, directly or indirectly, for a contribution on the pleas or representation that the contribution will be used for a charitable purpose. A solicitation is deemed to have taken place whether or not the person making the solicitation receives a contribution. *"Solicitation"* does not include an application for a grant from any governmental entity or private nonprofit foundation.

[S13, §5077-c; C24, §1916; C27, 31, 35, §1921-b1; C39, §**1915.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §122.1]

89 Acts, ch 93, §1; 90 Acts, ch 1202, §1
C93, §13C.1
2015 Acts, ch 30, §8; 2023 Acts, ch 64, §5
Referred to in §714H.3

13C.2 Registration permit required — disclosure.

1. *a.* A professional commercial fund-raiser shall not solicit contributions for charitable

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purposes in this state unless the professional commercial fund-raiser has registered with the attorney general, has provided the attorney general with a listing of the professional commercial fund-raiser's clients, and has obtained a registration permit from the attorney general. The attorney general may require that registration information be updated on a quarterly basis.

b. The attorney general shall prescribe and furnish the registration permit application form which shall include provisions for financial disclosure information concerning contributions received and disbursements made during the previous year by the professional commercial fund-raiser applying for registration. Financial disclosure information shall not include an applicant's donor lists.

c. In lieu of filing the financial disclosure information at the time of registration, the professional commercial fund-raiser may file a statement with its permit application where it agrees to provide, without cost, the financial disclosure information required to be disclosed pursuant to this subsection to a person or governmental entity requesting the information within one day of the request. The statement shall include the telephone number, mailing address, and names of persons to be contacted to obtain the financial disclosure information of the fund-raiser. Failure to provide this information upon request shall be a violation of this chapter.

2. A charitable organization shall provide, upon request and without cost to the requesting party, financial disclosure information concerning contributions received and disbursements for the organization's last complete fiscal year, or, if the organization has not completed a full fiscal year, for its current fiscal year, to the attorney general or a person requesting the information within five days of the request.

3. *a.* If a professional commercial fund-raiser or charitable organization fails to provide financial information as required or requested, the fund-raiser or organization shall file the financial disclosure information with the attorney general within seven days of its failure to have provided the disclosure information and, thereafter, file, if required by the attorney general, annual financial disclosure information with the attorney general.

b. The attorney general may seek an injunction pursuant to section 714.16 prohibiting the professional commercial fund-raiser or charitable organization from soliciting contributions until the required financial information has been disclosed to the attorney general, person, or governmental entity making the request.

4. The client lists of a professional commercial fund-raiser, if required to be filed as part of the application for registration, shall be confidential and may be used only for law enforcement purposes.

5. The attorney general shall collect a fee of ten dollars for each registration permit issued. A permit shall expire twelve months following the date of issuance.

6. The attorney general may make reasonable rules to enforce the provisions of this chapter.

[S13, §5077-c; C24, §1917; C27, 31, 35, §1921-b2; C39, §**1915.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §122.2]

89 Acts, ch 93, §2; 90 Acts, ch 1202, §2

C93, §13C.2

2016 Acts, ch 1073, §6, 7

13C.3 Use of another organization's name in solicitation.

A charitable organization shall not solicit contributions for a charitable purpose in this state, where the charitable organization claims that a portion or all of the contributions received will be given to another charitable organization in this state, without permission from the other charitable organization that its name may be referred to as part of the solicitation.

90 Acts, ch 1202, §3

C93, §13C.3

13C.4 through 13C.7 Reserved.

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13C.8 Enforcement — penalty.

1. The attorney general shall enforce the provisions of this chapter.

2. A violation of this chapter is a violation of section 714.16, subsection 2, paragraph "*a*". The provisions of section 714.16, including but not limited to provisions relating to investigation, injunctive relief, and penalties, shall apply to this chapter.

[C24, §1918; C27, 31, 35, §1921-b3; C39, §**1915.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §122.3]

89 Acts, ch 93, §3; 90 Acts, ch 1202, §4

C91, §122.8

C93, §13C.8

2016 Acts, ch 1011, §121

CHAPTER 14

RESERVED

CHAPTER 14A

DEPUTIES OF STATE OFFICERS

14A.1 Deputies. 14A.2 Deputy to qualify.

14A.1 Deputies.

The secretary, auditor, treasurer of state, and secretary of agriculture may each appoint, in writing, any person, except one holding a state office, as deputy, for whose acts the appointing officer shall be responsible, and from whom the appointing officer shall require bond, which appointment and bond must be approved by the officer having the approval of the principal's bond, and such appointment may be revoked in the same manner. The appointment and revocation shall be filed with and kept by the secretary of state. The state shall pay the reasonable cost of the bonds required by this section.

[C51, §411 – 413, 416; R60, §642 – 644, 647; C73, §766 – 768, 770, 3756 – 3758; C97, §87, 99, 116; S13, §87, 99, 116; C24, 27, 31, 35, 39, §**430;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §27.1]

C93, §14A.1

14A.2 Deputy to qualify.

The deputy shall qualify by taking the oath of the principal, to be endorsed upon and filed with the certificate of appointment, and when so qualified shall, in the absence or disability of the appointing officer, unless otherwise provided, perform all the duties pertaining to the office of the appointing officer.

[C51, §411, 412, 416; R60, §642, 643, 647; C73, §766, 767, 770; C97, §87, 99, 116; S13, §87, 99, 116; C24, 27, 31, 35, 39, §**431;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §27.2]

C93, §14A.2

Deputy may not act on executive council, §7D.1

Oath of principal, §63.10

CHAPTER 14B

INFORMATION TECHNOLOGY DEPARTMENT

Repealed by 2003 Acts, ch 145, §291; see chapter 8, subchapter XI

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SUBTITLE 5

ECONOMIC DEVELOPMENT

Referred to in §476A.6

CHAPTER 15

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Referred to in §15E.362

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SUBCHAPTER I

AUTHORITY — ORGANIZATION

15.101 Findings and purpose — collaboration described.

1. The general assembly finds that economic development is an important public purpose and that both the public and private sectors have a shared interest in fostering the economic vitality of the state. Therefore, it is the purpose of this subchapter to implement economic development policy in the state by means of a collaboration between government and the private sector.

2. The collaboration shall involve the economic development authority and the bioscience development corporation, which shall work together to further economic development policy according to the provisions of this subchapter.

86 Acts, ch 1245, §801; 2011 Acts, ch 118, §1, 89; 2020 Acts, ch 1062, §4; 2024 Acts, ch 1043, §18

15.102 Definitions.

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

1. *"Authority"* means the economic development authority created in section 15.105.

2. *"Bioscience-based economic development"* means economic development related to industries involved in any of the bioscience development platforms.

3. *"Bioscience development platforms"* means industries involved in any of the following:

a. Vaccines and immunotherapeutics.

b. Biobased chemicals.

c. Precision and digital agriculture.

d. Medical devices and medical diagnostics.

4. *"Board"* means the members of the authority appointed by the governor and in whom the powers of the authority are vested pursuant to section 15.105.

5. *"Business enterprise"* means a work or improvement located within the state, including but not limited to real property, buildings, equipment, furnishings, and any other real and personal property or any interest therein, financed, refinanced, acquired, owned, constructed, reconstructed, extended, rehabilitated, improved, or equipped, directly or indirectly, in whole or in part, by the authority or through loans made by it and which is designed and intended for the purpose of providing facilities for manufacturing, industrial, processing, warehousing, wholesale or retail commercial, recreational, hotel, office, research, business, or other related purposes, including but not limited to machinery and equipment deemed necessary or desirable for the operation thereof.

6. *"Chief executive officer"* means the chief executive officer of the corporation.

7. *"Corporation"* means a bioscience development corporation created pursuant to section 15.107.

8. *"Director"* means the director of the authority, appointed pursuant to section 15.106C, or the director's designee.

9. *"Financial assistance"* means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

10. *"Small business"* means any enterprise which is located in this state, which is operated for profit and under a single management, and which has either fewer than twenty employees or an annual gross income of less than four million dollars computed as the average of the three preceding fiscal years. This definition does not apply to any program or activity for

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which a definition for small business is provided for the program or activity by federal law or regulation or other state law.

11. *"Targeted industries"* means the industries of advanced manufacturing, biosciences, and information technology.

12. *a. "Targeted small business"* means a small business which is fifty-one percent or more owned, operated, and actively managed by one or more women, minority persons, service-disabled veterans, or persons with a disability provided the business meets all of the following requirements:

(1) Is located in this state.

(2) Is operated for profit.

(3) Has an annual gross income of less than four million dollars computed as an average of the three preceding fiscal years.

b. As used in this subsection:

(1) *"Disability"* means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of physical or mental impairment that substantially limits one or more of the major life activities of the individual, or being regarded as an individual with a physical or mental impairment that substantially limits one or more of the major life activities of the individual. *"Disability"* does not include any of the following:

(a) Homosexuality or bisexuality.

(b) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders.

(c) Compulsive gambling, kleptomania, or pyromania.

(d) Psychoactive substance use disorders resulting from current illegal use of drugs.

(2) *"Major life activity"* includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

(3) *"Minority person"* means an individual who is an African American, Latino, Asian or Pacific Islander, American Indian, or Alaskan Native American.

(4) *"Service-disabled veteran"* means the same as defined in 15 U.S.C. §632.

86 Acts, ch 1245, §802; 90 Acts, ch 1156, §2; 91 Acts, ch 103, §1; 94 Acts, ch 1076, §2; 2007 Acts, ch 207, §3 – 5, 18; 2008 Acts, ch 1178, §1; 2009 Acts, ch 41, §11; 2010 Acts, ch 1070, §1; 2011 Acts, ch 118, §2 – 4, 89; 2012 Acts, ch 1126, §28; 2013 Acts, ch 34, §5; 2015 Acts, ch 136, §33, 34, 54, 55; 2019 Acts, ch 139, §3, 4; 2023 Acts, ch 19, §18

Referred to in §4A.14, 8A.311, 12.34, 15.313, 15.371, 15E.52, 15G.101, 15J.2, 73.15, 314.13A, 422.33, 476.46A, 476C.1

15.103 Economic development board. Repealed by 2012 Acts, ch 1021, §119; 2012 Acts, ch 1126, §38.

15.104 Duties of the board. Repealed by 2012 Acts, ch 1126, §38.

15.105 Economic development authority.

1. The economic development authority is created, and constituted a public instrumentality and agency of the state exercising public and essential governmental functions, to undertake programs which implement economic development policy in the state, and to undertake certain finance programs.

a. (1) The powers of the authority are vested in and shall be exercised by a board of eleven voting members selected at large and appointed by the governor subject to confirmation by the senate.

(2) Of the voting members appointed pursuant to subparagraph (1), the governor shall appoint the following:

(a) One person who is a member of the Iowa innovation council established in section 15.117A.

(b) One person who has professional experience in finance, insurance, or investment banking.

(c) One person who has professional experience in advanced manufacturing.

(d) One person with professional experience in small business development.

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(e) One person with professional experience representing the interests of organized labor.

(f) Six persons who are actively employed in the private, for-profit sector of the economy or who otherwise have substantial expertise in economic development.

(3) The governor shall not appoint to the authority board any person who is either the spouse or a relative within the first degree of consanguinity of a serving member of the authority board or the board of directors of the corporation.

b. There shall be four ex officio, nonvoting legislative members consisting of the following:

(1) Two state senators, one appointed by the president of the senate after consultation with the majority leader of the senate and one appointed by the minority leader of the senate from their respective parties.

(2) Two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties.

c. (1) There shall be three ex officio, nonvoting members consisting of the following:

(a) The president of the state board of regents, or the president's designee.

(b) One person, selected by the Iowa association of independent colleges and universities, who is the president of a private college or university in the state, or that person's designee.

(c) One person, selected by the Iowa association of community college presidents, who is the president of a community college, or that person's designee.

(2) A person serving as a designee pursuant to subparagraph (1) shall serve a one-year term as an ex officio member of the authority board.

2. Members of the authority shall be appointed for staggered terms of four years beginning and ending as provided in section 69.19. A person appointed to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. A member of the authority may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing. Members of the authority board shall not serve as directors of the corporation.

3. *a.* Seven voting members of the authority constitute a quorum.

b. The affirmative vote of a majority of the quorum described in paragraph *"a"* is necessary for any action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose.

c. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

4. Members of the authority are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

5. Members of the authority and the director shall give bond as required for public officers in chapter 64.

6. Meetings of the authority shall be held at the call of the chairperson or when two members so request.

7. Members shall elect a chairperson and vice chairperson annually, and other officers as they determine, but the director shall serve as secretary to the authority.

8. *a.* The members of the authority shall develop a strategic plan for economic development in the state.

b. (1) The strategic plan shall identify the authority's goals for the next calendar year and shall include a set of metrics that will be used to gauge and assess the extent to which the authority achieves those goals. Such metrics shall include, but are not limited to:

(a) The number of net new jobs created in the state.

(b) The average wage and benefit levels for such jobs.

(c) The impact to average household income for Iowa families as a result of the jobs created.

(d) Such other information as the authority or the director deems relevant.

(2) The strategic plan shall be submitted to the general assembly and the governor's office on or before January 31 of each year.

9. The net earnings of the authority, beyond that necessary to implement the public

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purposes and programs herein authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority, including any such net earnings of the authority, shall vest in the state. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of the authority, including the power to terminate the authority, except that no law shall impair the obligation of any contract or contracts entered into by the authority to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa, or Article I, section 10, of the Constitution of the United States.

10. Members of the authority, or persons acting on behalf of the authority while acting within the scope of their agency or employment, are not subject to personal liability resulting from carrying out the powers and duties in this chapter.

11. The authority shall be the successor entity to the economic development board and the department of economic development which are hereby eliminated. The authority shall assume all duties and responsibilities previously assigned to the economic development board and the department of economic development to the extent that such duties and responsibilities are not otherwise assigned by the provisions of this subchapter.

12. The authority may establish and utilize such ad hoc advisory committees as determined necessary by the authority. The authority shall establish appointment provisions, membership terms, operating guidelines, and any other operational requirements for committees established pursuant to this subsection. Members of committees established pursuant to this subsection shall serve without compensation but may be reimbursed for actual expenses.

86 Acts, ch 1245, §805; 2011 Acts, ch 118, §5, 89; 2015 Acts, ch 30, §9; 2024 Acts, ch 1170, §70, 144

Referred to in §7E.5, 15.102, 15.106, 15.107, 15.107B, 15E.1, 15E.26, 15E.202, 15F.101, 404A.1, 470.1, 473.1, 496B.2
Confirmation, see §2.32

15.106 Conflicts of interest.

1. *a.* If a member or employee of the authority has an interest, either direct or indirect, in a contract to which the authority is, or is to be, a party, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority.

b. The member or employee having the interest shall not participate in any action of the authority with respect to that contract. A violation of a provision of this subsection is misconduct in office under section 721.2. However, a resolution of the authority is not invalid because of a vote cast by a member in violation of this subsection or of section 15.105, subsection 3, unless the vote was decisive in the passage of the resolution.

c. For the purposes of this subsection, *"action of the authority with respect to that contract"* means only an action directly affecting a separate contract, and does not include an action which benefits the general public or which affects all or a substantial portion of the contracts included in a program of the authority.

2. The director shall not have an interest in a bank or other financial institution in which the funds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under a trust indenture to which the authority is a party. The director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending, or aiding in any purchase or sale of property, or loan, made by the authority, nor shall the director be pecuniarily interested, either as principal, coprincipal, agent, or beneficiary, either directly or indirectly, or through any substantial interest in any other corporation or business unit, in any such purchase, sale, or loan.

3. Not more than one principal executive, employee, or other representative from a business or its affiliates may serve concurrently on the authority board, the board of directors

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of the corporation, or any combination thereof. For purposes of this subsection, *"affiliate"* means the same as defined in section 423.1.

86 Acts, ch 1245, §806; 88 Acts, ch 1158, §1; 2001 Acts, ch 11, §2; 2001 Acts, ch 61, §1; 2003 Acts, ch 145, §137; 2009 Acts, ch 82, §12; 2011 Acts, ch 118, §6, 89

15.106A General powers of the authority — legislative findings.

1. The authority has any and all powers necessary and convenient to carry out its purposes and duties and exercise its specific powers, including but not limited to the power to:

a. Sue and be sued in its own name.

b. Have and alter a corporate seal.

c. Make and alter bylaws for its management consistent with the provisions of this chapter.

d. Make and execute agreements, contracts, and other instruments of any and all types on such terms and conditions as the authority may find necessary or convenient to the purposes of the authority, with any public or private entity, including but not limited to contracts for goods and services. All political subdivisions, other public agencies, and state departments and agencies may enter into contracts and otherwise cooperate with the authority.

e. Adopt by rule pursuant to chapter 17A procedures relating to competitive bidding, including the identification of those circumstances under which competitive bidding by the authority, either formally or informally, shall be required. In any bidding process, the authority may administer its own bidding and procurement or may utilize the services of the department of administrative services or any other agency. Except when such rules apply, the authority and all contracts made by it in carrying out its public and essential governmental functions with respect to any of its programs shall be exempt from the provisions and requirements of all laws or rules of the state which require competitive bids in connection with the letting of such contracts.

f. Acquire, hold, improve, mortgage, lease, and dispose of real and personal property, including but not limited to the power to sell at public or private sale, with or without public bidding, any such property, or other obligation held by it.

g. Procure insurance against any loss in connection with its operations and property interests.

h. Accept appropriations, gifts, grants, loans, or other aid from public or private entities. A record of all gifts or grants, stating the type, amount, and donor, shall be clearly set out in the authority's annual report along with the record of other receipts.

i. Provide to public and private entities technical assistance and counseling related to the authority's purposes.

j. In cooperation with other local, state, or federal governmental agencies, conduct research studies, develop estimates of unmet economic development needs, gather and compile data useful to facilitating decision making, and enter into agreements to carry out programs within or without the state which the authority finds to be consistent with the goals of the authority.

k. Enter into agreements with the federal government, tribes, and other states to undertake economic development activities in the state of Iowa.

l. Own or acquire intellectual property rights including but not limited to copyrights, trademarks, service marks, and patents, and enforce the rights of the authority with respect to such intellectual property rights.

m. Make, alter, interpret, and repeal rules consistent with the provisions of this chapter, and subject to chapter 17A.

n. Form committees or panels as necessary to facilitate the authority's duties. Committees or panels formed pursuant to this paragraph shall be subject to the provisions of chapters 21 and 22.

o. Establish one or more funds within the state treasury under the control of the authority. Moneys deposited in or accruing to such a fund are appropriated to the authority for purposes of administering the economic development programs in this chapter, chapter 15E, or such other programs as directed by law. Notwithstanding section 8.33 or 12C.7, or any other provision to the contrary, moneys invested by the treasurer of state pursuant to this subsection

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shall not revert to the general fund of the state and interest accrued on the moneys shall be moneys of the authority and shall not be credited to the general fund. The nonreversion of moneys allowed under this paragraph does not apply to moneys appropriated to the authority by the general assembly.

p. Select projects to receive assistance by the exercise of diligence and care.

q. Exercise generally all powers typically exercised by private enterprises engaged in business pursuits unless the exercise of such a power would violate the terms of this chapter or the Constitution of the State of Iowa.

r. Issue negotiable bonds and notes as provided in section 15.106D.

2. The general assembly finds and declares the following:

a. That through this section and section 15.106B, the authority has been granted broad general powers and specific program powers over all of the authority's statutory programs, including but not limited to the programs created pursuant to chapters 15, 15A, 15E, and 15J.

b. That the broad general powers and the specific program powers described in paragraph *"a"* of this subsection and subsection 1, paragraph *"m"*, specifically include the power to interpret any rules adopted by the authority for the administration of the programs referenced in paragraph *"a"*.

3. Notwithstanding any other provision of law, any purchase or lease of real property, other than on a temporary basis, when necessary in order to implement the programs of the authority or protect the investments of the authority, shall require written notice from the authority to the government oversight standing committees of the general assembly and the prior approval of the executive council.

4. The powers enumerated in this section are cumulative of and in addition to those powers enumerated elsewhere in this chapter and such powers do not limit or restrict any other powers of the authority.

2011 Acts, ch 118, §7, 89; 2012 Acts, ch 1126, §34; 2017 Acts, ch 3, §1, 4, 5; 2018 Acts, ch 1067, §2; 2023 Acts, ch 19, §2249

Referred to in §15.106B, 15.111, 15.231, 15.313, 15.338, 15.371, 15.431, 15.436, 15F.107, 15F.404, 15G.104, 16.57A

15.106B Specific program powers — fees.

1. In addition to the general powers described in section 15.106A, the authority shall have all powers convenient and necessary to carry out its programs.

2. For purposes of this section, *"powers convenient and necessary"* includes but is not limited to the power to:

a. Undertake more extensive research and discussion of the strategic plan developed by the members of the authority in order to better formulate and implement state economic development policy.

b. Establish a nonprofit corporation pursuant to section 15.107, for the purpose of receiving and disbursing funds from public or private sources to be used to enhance bioscience-based economic development in the state and to further the overall development and economic well-being of the state.

c. Provide export documentation to Iowa businesses that are exporting goods and services if no other government entity is providing export documentation in a form deemed necessary for international commerce.

d. (1) Pursuant to a contract executed between the authority and the corporation, the authority may delegate to the corporation the performance of the following functions on behalf of the authority:

(a) Marketing and promotional activities.

(b) Policy research.

(c) Economic analysis.

(d) Expansion of international markets for Iowa-produced or Iowa-based products.

(e) Consulting services.

(f) Services related to statewide commercialization development as provided for in section 15.411, subsection 1.

(g) Services related to outreach and assistance to businesses for small business innovation research and technology transfer pursuant to section 15.411, subsection 3, or services related

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to accelerating the generation and development of innovative ideas and businesses pursuant to section 15.411, subsection 4.

(h) Services related to the administration of an entrepreneur investment awards program pursuant to section 15E.362.

(i) Services to expand, enhance, and advance the bioscience development platforms.

(2) A contract executed pursuant to this paragraph *"d"* shall not delegate an essential government function, including the budgetary or personnel management responsibilities of the authority, and shall not delegate any sovereign power of the state.

(3) The terms of a contract executed pursuant to this paragraph *"d"* may provide for compensation at the fair market value of the services to be provided under the contract.

(4) Notwithstanding section 8A.311 and any rules promulgated thereunder by the department of administrative services, the authority may enter into contracts with the corporation for the sole source procurement of services. In entering into such sole source contracts, the authority shall negotiate a fair and reasonable price for the services and shall thoroughly document the circumstances of such sole source procurements.

(5) A contract executed pursuant to this paragraph *"d"* shall be drafted and executed with the assistance and advice of the attorney general.

3. The authority may enter into contracts on behalf of the Iowa innovation council established in section 15.117A. Such contracts may delegate the performance of functions to the corporation only if the contracts meet the requirements of subsection 2, paragraph *"d"*.

4. *a.* If the authority enters into a contract, including but not limited to a contract executed pursuant to subsection 2, paragraph *"d"*, with a nonprofit corporation organized under chapter 504 or under the similar laws of another jurisdiction, the authority shall ensure that the terms of the contract shall provide for the disclosure of all gifts, grants, bequests, donations, or other conveyances of financial assistance to the corporation from all private and public sources. Such disclosure shall include information from the corporation's current fiscal year and its most recent three fiscal years and shall include the name and address of the person or entity making the conveyance and the amount.

b. If the authority enters into a contract for the provision of financial assistance to a business, the authority shall ensure that the terms of the contract provide for the disclosure of all donations the business has ever made to the corporation. The authority shall not consider the amount or frequency of such donations when evaluating the merits of the business's application or when determining the amount of financial assistance to be awarded to the business.

c. The authority shall not enter into a contract for services, including a contract executed pursuant to subsection 2, paragraph *"d"*, that exceeds three years in duration.

5. *a.* The authority may charge fees to businesses or individuals who receive financial assistance under this chapter or chapter 15E. The amount of such fees shall be determined based on the costs of the authority associated with its performance of contract administration and compliance duties relating to economic development programs.

b. Fees collected by the authority pursuant to this subsection shall be deposited in a fund within the state treasury created pursuant to section 15.106A, subsection 1, paragraph *"o"*, and are appropriated to the authority for the purposes set out in section 15.106A, subsection 1, paragraph *"o"*. However, fees collected by the authority pursuant to section 15.330, subsection 12, Code 2025, and section 15.354, subsection 3, paragraph *"b"*, shall be used exclusively for costs associated with the administration of due diligence and compliance.

2011 Acts, ch 118, §8, 89; 2012 Acts, ch 1126, §29; 2013 Acts, ch 34, §1; 2013 Acts, ch 126, §1, 4, 5; 2014 Acts, ch 1130, §29; 2019 Acts, ch 139, §5, 6; 2024 Acts, ch 1167, §1; 2025 Acts, ch 136, §28, 59

Referred to in §15.106A, 15.107, 15.107A, 15.107C, 15.411, 15E.362

15.106C Director — responsibilities.

1. *a.* The operations of the authority shall be administered by a director who shall be appointed by the governor, subject to confirmation by the senate, and who shall serve at the pleasure of the governor.

b. The director of the economic development authority under paragraph *"a"* shall also

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serve as the director of, and administer the operations of, the Iowa finance authority pursuant to section 16.6.

2. The director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view or to favor a political candidate for office. The director shall ensure that the authority is operated free from political influence.

3. The director shall advise the authority on matters relating to economic development and act on the authority's behalf to carry out all directives from the authority board in regard to the operation of the authority.

4. The director shall employ personnel as necessary to carry out the duties and responsibilities of the authority. For nonprofessional employees, employment shall be consistent with chapter 8A, subchapter IV. The employment of professional employees shall be exempt from the provisions of chapter 8A, subchapter IV, and chapter 20.

5. A person shall not be employed concurrently by both the authority and the corporation.

6. A person leaving employment with the authority shall not be employed by the corporation until a period of two years has passed. A person leaving employment with the corporation shall not be employed by the authority until a period of two years has passed.

7. *a.* The director may create organizational divisions within the authority in the manner the director deems most efficient to carry out the duties and responsibilities of the authority.

b. In structuring the authority, the director shall create a small business development division and ensure that the division focuses administrative efforts, program resources, and financial assistance awards on small businesses.

2011 Acts, ch 118, §9, 87, 89; 2023 Acts, ch 19, §2131
Referred to in §15.102, 16.1, 16.6
Confirmation, see §2.32

15.106D Private activity bonds and notes.

1. The authority may issue its negotiable bonds and notes in principal amounts as, in the opinion of the authority, are necessary to finance the cost of business enterprises, to finance the working capital needs of businesses, to refinance existing indebtedness incurred for any of the foregoing purposes or any combination of the foregoing, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the authority incident to and necessary or convenient to carry out the purposes of this section. The bonds and notes shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code, chapter 554.

2. All bonds issued by the authority shall be limited obligations of the authority. The principal of and interest on such bonds shall be payable solely out of the revenues derived from the business enterprise to be financed by the bonds so issued under the provisions of this section. Bonds and interest coupons issued under authority of this section shall not constitute an indebtedness of the authority within the meaning of any state constitutional provision or statutory limitation, and shall not constitute nor give rise to a pecuniary liability of the authority or a charge against its general credit. Bonds or notes are not an obligation of this state or any political subdivision of this state, other than the authority, within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this section, and the authority may not pledge the credit or taxing power of this state or any political subdivision of this state, other than the authority, or make its debts payable out of any moneys except as provided in this section.

3. Bonds and notes must be authorized by a resolution of the authority. However, a resolution authorizing the issuance of bonds or notes may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certificate of such authorized officer.

4. Bonds shall:

a. State the date and series of the issue, be consecutively numbered, and state on their face that they are payable both as to principal and interest solely out of the revenues derived from the business enterprise to be financed by the bonds so issued under the provisions of this

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section, constitute special obligations of the authority, and do not constitute an indebtedness of the authority, this state, or any political subdivision of this state within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the authority prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the chairperson or vice chairperson, attested by the manual or facsimile signature of the secretary, have impressed or imprinted thereon the seal of the authority or a facsimile of the seal of the authority, and the coupons attached shall be signed with the facsimile signature of the chairperson or vice chairperson, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance.

5. The authority may issue its bonds for the purpose of refunding any bonds or notes of the authority then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to the provisions of this section in the same manner and to the same extent as other bonds issued pursuant to this section.

6. The authority may issue negotiable bond anticipation notes and may renew them from time to time, but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Notes are payable solely out of the revenues derived from the business enterprise to be financed by the notes so issued under the provisions of this section, or from the proceeds of the sale of bonds of the authority in anticipation of which the notes were issued. Notes shall be issued in the same manner and for the same purposes as bonds. Notes and the resolutions authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this subsection, which the bonds or a bond resolution of the authority may contain. Notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided in the resolution authorizing their issuance. Notes shall be as fully negotiable as bonds of the authority.

7. It is the intent of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

8. Neither the members of the authority nor any person executing its bonds, notes, or other obligations shall be liable personally on the bonds, notes, or other obligations or be subject to any personal liability or accountability by reason of the issuance of the authority's bonds or notes.

2011 Acts, ch 118, §10, 89
Referred to in §15.106A

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15.106E Application or award — prohibition.

1. The authority may prohibit a person from receiving an award of financial assistance, or from being selected as a vendor to provide goods or services to the authority in any of the following circumstances:

a. An act or omission by the person seriously affects or threatens public health, public safety, or the environment.

b. The person is charged with or convicted of a crime involving dishonesty.

c. An act or omission by the person indicates a lack of integrity or honesty.

d. The person violates the terms of an agreement or transaction that detrimentally impacts the integrity of a program administered by the authority, or other governmental entity as defined in section 8A.101.

e. A compelling cause exists that is relevant to and affects the person's obligations under the programs administered by the authority, or is relevant to and affects the provision of goods and services to the authority by a vendor.

2. Upon a determination by the authority, a person shall be prohibited from receiving an award of financial assistance, or from being selected as a vendor pursuant to subsection 1. The authority shall provide written notice to the prohibited person stating the reason for the prohibition. The authority may immediately disqualify a prohibited person from receiving financial assistance, or from being selected as a vendor.

3. A prohibited person may request a review of the determination made by the authority pursuant to subsection 2.

a. The request to review the determination shall be made within thirty-five calendar days of the date the authority provided written notice to the prohibited person. The request to review the determination must be in writing and state the specific reasons or legal basis for review.

b. Within sixty calendar days of the receipt of the request to review, the authority shall approve, deny, or modify the determination, if the authority finds that the determination is based on a clear error of material fact or law, or if the authority finds the determination was arbitrary, capricious, or an abuse of discretion.

c. The authority shall issue its decision in writing and provide written notice of the decision to the prohibited person.

d. The decision of the authority pursuant to this subsection shall be considered final agency action. A petition for judicial review of the decision of the authority shall be filed pursuant to section 17A.19.

4. The authority shall adopt rules as necessary pursuant to chapter 17A to administer this section.

2024 Acts, ch 1167, §2

15.107 Bioscience development corporation.

1. The authority shall establish a bioscience development corporation as a nonprofit corporation organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from taxation. Unless otherwise provided in this subchapter, the corporation is subject to the provisions of chapter 504. The corporation shall be established for the purpose of providing services and receiving and disbursing funds from public or private sources to enhance bioscience-based economic development in the state and to further the overall development and economic well-being of the state.

2. The corporation shall collaborate with the authority as described in this subchapter, but the corporation shall not be considered, in whole or in part, an agency, department, or administrative unit of the state.

a. The corporation shall not receive appropriations from the general assembly.

b. The corporation shall not be required to comply with any requirements that apply to a state agency, department, or administrative unit and shall not exercise any sovereign power of the state.

c. The corporation shall not have authority to pledge the credit of the state, and the state

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shall not be liable for the debts or obligations of the corporation. All debts and obligations of the corporation shall be payable solely from the corporation's funds.

3. *a.* The corporation shall be established so that donations and bequests to the corporation qualify as tax deductible under state income tax laws and under section 501(c)(3) of the Internal Revenue Code.

b. The corporation shall be established for the purpose of expanding bioscience-based economic development opportunities in the state of Iowa and for Iowa businesses, and to further the overall development and economic well-being of the state. The corporation may effectuate this purpose by performing certain functions delegated to it by the authority pursuant to section 15.106B.

4. The articles of the corporation shall provide for its governance and its efficient management. In providing for its governance, the articles of the corporation shall address the following:

a. A board of directors to govern the corporation.

(1) The board of directors shall initially be comprised of seven members appointed by the governor to concurrent terms of three years. Two of such members shall be subject to confirmation by the senate.

(2) For appointments subsequent to the initial appointments pursuant to subparagraph (1), two of the members shall be appointed by the governor, subject to confirmation by the senate, to staggered terms of three years each, and the remaining five members shall be selected by a majority vote of the board of directors of the corporation for terms the length of which shall be provided in the articles of the corporation.

(3) The governor and the board of directors of the corporation shall not appoint or select any person who is either the spouse or a relative within the first degree of consanguinity of a serving member of the board of directors or of the authority board.

b. The appointment of a chief executive officer by the board to manage the corporation's daily operations.

c. The delegation of such powers and responsibilities to the chief executive officer as may be necessary for the corporation's efficient operation.

d. The employment of personnel necessary for the efficient performance of the duties assigned to the corporation. All such personnel shall be considered employees of a private, nonprofit corporation and shall be exempt from the personnel requirements imposed on state agencies, departments, and administrative units.

e. The financial operations of the corporation including the authority to receive and expend funds from public and private sources and to use its property, money, or other resources for the purpose of the corporation.

5. The board of directors of the corporation and the chief executive officer shall act to ensure all of the following:

a. That the corporation reviews and, at the board's direction, implements the applicable portions of the strategic plan developed by members of the authority pursuant to section 15.105.

b. That the corporation prepares an annual budget that includes funding levels for the corporation's activities and that shows sufficient moneys are available to support those activities.

c. That the corporation annually completes and files an information return as described in section 422.15 and that the information return is submitted to the general assembly.

86 Acts, ch 1245, §807; 2011 Acts, ch 118, §12, 89; 2012 Acts, ch 1021, §6; 2013 Acts, ch 30, §4; 2019 Acts, ch 139, §7

Referred to in §15.102, 15.106B
Confirmation, see §2.32

15.107A Duties and responsibilities of the corporation.

1. The corporation's board of directors and the chief executive officer shall determine the activities and priorities of the corporation within the general parameters of the duties and responsibilities described in this section and in this subchapter.

2. The corporation shall, to the extent its articles so provide and within its public purpose,

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do all of the following with the purpose of increasing innovation in Iowa's economy, bringing more innovative businesses to the state, and enhancing and expanding the bioscience development platforms:

a. Consult with the Iowa innovation council in the creation of a comprehensive strategic plan as described in section 15.117A, subsection 6, paragraph *"a"*.*

b. Act as an innovation intermediary by aligning local technologies, assets, and resources to work together on advancing innovation and the bioscience development platforms.

c. Perform any functions delegated by the authority pursuant to section 15.106B, subsection 2, paragraph *"d"*.

(1) In performing such functions, the corporation shall not subcontract the performance of a delegated function except as provided in subparagraph (2).

(2) The corporation may subcontract services under the following conditions:

(a) The services are necessary to accomplish the functions delegated to the corporation.

(b) The contract delegating the function contains a list of the services that may be subcontracted pursuant to this subparagraph (2).

(c) The contract delegating the function requires that any agreement to subcontract a service must be approved by the authority prior to the execution of such an agreement by the corporation.

d. Encourage, stimulate, and support the development and expansion of the state's economy.

e. Develop and implement effective marketing and promotional programs.

f. Provide pertinent information to prospective new businesses.

g. Formulate and pursue programs for encouraging the location of new businesses in the state and for retaining and fostering the growth of existing businesses.

h. Solicit the involvement of the private sector, including support and funding, for economic development initiatives in the state.

i. Coordinate the economic development efforts of other state and local entities in an effort to achieve policy consistency.

j. Collect and maintain any economic data and research that is relevant to the formulation and implementation of effective policies.

k. Cooperate with and provide information to state agencies, local governments, community colleges, and the board of regents on economic development matters, including the areas of workforce development and job training.

2011 Acts, ch 118, §13, 89; 2019 Acts, ch 139, §8, 9
Referred to in §15.107C
*Section 15.117A, subsection 6, paragraph a, stricken by 2024 Acts, ch 1170, §152; corrective legislation is pending

15.107B Annual reporting requirements.

1. On or before January 31 of each year, the director shall submit to the authority board and the general assembly a report that describes the activities of the authority during the preceding fiscal year. The report shall include detailed information about jobs created, capital invested, wages paid, and awards made under the programs the authority administers. The report may include such other information as the director deems necessary or as otherwise required by law. Subsequent to submitting the report and within the same session of the general assembly, the director shall discuss and review the report with the general assembly's standing committees on economic growth and rebuild Iowa.

2. The report submitted pursuant to subsection 1 shall at a minimum include the following:

a. A summary of the report filed by December 1 of each year by the department of administrative services with the authority regarding targeted small business procurement activities conducted during the previous fiscal year.

b. A summary of certifications of targeted small businesses. At a minimum, the summary shall include the number of certified targeted small businesses for the previous year, the increase or decrease in that number during the previous fiscal year compared to the prior fiscal year, and the number of targeted small businesses that have been decertified in the previous fiscal year.

c. A list of the procurement goals established pursuant to section 73.16, subsection 2, and

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compiled by the authority's targeted small business marketing and compliance manager and the performance of each agency in meeting the goals. The performance of each agency shall be determined based upon the reports required pursuant to section 73.16, subsection 2.

d. An assessment of economic development efforts in the state as measured by the goals and metrics contained in the strategic plan developed by the members of the authority pursuant to section 15.105.

3. The director may, notwithstanding any provision of law to the contrary, include in the report submitted pursuant to subsection 1, any other annual report relating to a program or activity required to be prepared by the authority, the director, or the board, and submitted to the general assembly.

2011 Acts, ch 118, §14, 89; 2012 Acts, ch 1126, §35; 2013 Acts, ch 13, §2; 2017 Acts, ch 160, §6; 2024 Acts, ch 1182, §118

Referred to in §15.120, 15.275, 15.320, 15.525, 15.534, 15E.29, 15E.52, 15E.63, 15F.107, 15J.4

Annual report to general assembly by November 1, 2026, detailing financial assistance awarded during the prior fiscal year by the economic development authority; 2026 Acts, ch 1193, §4

15.107C Oversight of corporation.

1. In performing delegated functions pursuant to section 15.107A or when engaged in activities that utilize public funding, the corporation shall comply with the provisions of this section.

2. *a.* The corporation shall submit an annual report to the governor, general assembly, and the auditor of state by January 15. The report shall include the corporation's operations and activities during the prior fiscal year to the extent that such operations and activities pertain to the functions delegated to the corporation by the authority, as provided in sections 15.106B and 15.107A.

b. The report shall describe how the operations and activities serve the interests of the state, enhance bioscience-based economic development in the state, and further economic development.

c. An annual audit of the corporation performed by a certified public accountant in accordance with generally accepted accounting principles shall be filed with the office of auditor of state and made available to the public.

3. The deliberations or meetings of the board of directors of the corporation that pertain to the performance of delegated functions or activities that utilize public funding shall be conducted in accordance with chapter 21.

4. All of the following shall be subject to chapter 22:

a. Minutes of the meetings conducted in accordance with subsection 3.

b. All records pertaining to the performance by the corporation of delegated functions or activities that utilize public funding.

5. Notwithstanding other provisions of this section to the contrary, if the corporation receives confidential information from the authority under the process described in section 15.118, the corporation shall comply with the provisions of section 15.118 in the same manner as the authority.

2011 Acts, ch 118, §15, 89; 2019 Acts, ch 139, §10

15.108 Primary responsibilities.

The authority has the following areas of primary responsibility:

1. *Finance.* To provide for financial assistance to businesses, local governments, and educational institutions through loans and grants of state and federal funds to enable them to promote and achieve economic development within the state. To carry out this responsibility, the authority shall:

a. Expend federal funds received as community development block grants as provided in section 8.41.

b. Provide staff assistance to the corporation formed under authority of sections 15E.11 through 15E.16 to receive and disburse funds to further the overall development and well-being of the state.

2. *Marketing.* To aid in all of the following:

a. The marketing and promotion of Iowa products and services.

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b. The promotion and development of the agricultural processing industry in the state.

3. *Local government and service coordination.* To coordinate the development of state and local government economic development-related programs in order to promote efficient and economic use of federal, state, local, and private resources.

a. To carry out this responsibility, the authority shall:

(1) Provide the mechanisms to promote and facilitate the coordination of management and technical assistance services to Iowa businesses and industries and to communities by the authority, by the community colleges, and by the state board of regents institutions, including the small business development centers, the center for industrial research and service, and extension activities. In order to achieve this goal, the authority may establish periodic meetings with representatives from the community colleges and the state board of regents institutions to develop this coordination. The community colleges and the state board of regents institutions shall cooperate with the authority in seeking to avoid duplication of economic development services through greater coordinating efforts in the utilization of space, personnel, and materials and in the development of referral and outreach networks. The authority shall also establish a registry of applications for federal funds related to management and technical assistance programs.

(2) Provide office space and staff assistance to the city development board as provided in section 368.9.

(3) Provide technical and financial assistance to local and regional government organizations in Iowa, analyze intergovernmental relations in Iowa, and recommend policies to state agencies, local governments, the governor, and the general assembly as these pertain to economic development.

(4) Train field experts in local development and through them provide continuing support to small local organizations.

(5) Encourage cities, counties, local and regional government organizations, and local and regional economic development organizations to develop and implement comprehensive community and economic development plans.

b. In addition to the duties specified in paragraph *"a"*, the authority may:

(1) Perform state and interstate comprehensive planning and related activities.

(2) Perform planning for metropolitan or regional areas or areas of rapid urbanization including interstate areas.

(3) Provide planning assistance to cities, counties, local and regional government organizations, and local and regional economic development organizations. Subject to the availability of funds for this purpose, the authority may provide financial assistance to cities, counties, local and regional government organizations, and local and regional economic development organizations for the purpose of developing community and economic development plans.

(4) Assist public or private universities and colleges and urban centers to:

(a) Organize, initiate, develop, and expand programs which will provide special training in skills needed for economic and efficient community development.

(b) Support state and local research that is needed in connection with community development.

4. *Exporting.* To promote and aid in the marketing and sale of Iowa industrial and agricultural products and services outside of the state. To carry out this responsibility, the authority shall:

a. Perform the duties and activities specified for the agricultural marketing program under sections 15.201 and 15.202.

b. Seek assistance and advice from the Iowa district export council which advises the United States department of commerce.

5. *Tourism.* To promote Iowa's public and private recreation and tourism opportunities to Iowans and out-of-state visitors and aid promotional and development efforts by local governments and the private sector. To carry out this responsibility, the authority shall:

a. Build general public consensus and support for Iowa's public and private recreation, tourism, and leisure opportunities and needs.

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b. Recommend high quality site management and maintenance standards for all public and private recreation and tourism opportunities.

c. Coordinate and develop with the department of transportation, the department of natural resources, other state agencies, and local and regional entities public interpretation, marketing, and education programs that encourage Iowans and out-of-state visitors to participate in the recreational and leisure opportunities available in Iowa. The authority shall establish and administer a program that helps connect both Iowa residents and residents of other states to new and existing Iowa experiences as a means to enhance the economic, social, and cultural well-being of the state. The program shall include a broad range of new opportunities, both rural and urban, including main street destinations, green space initiatives, and artistic and cultural attractions.

d. Promote the contributions of Iowa's recreation, tourism, and leisure resources on a national level.

e. Consolidate and coordinate the many existing sources of information about local, regional, statewide, and national opportunities into a comprehensive, state-of-the-art information delivery system for Iowans and out-of-state visitors.

f. Formulate and direct marketing and promotion programs to specific out-of-state market populations exhibiting the highest potential for consuming Iowa's public and private tourism products.

g. Provide ongoing long-range planning on a statewide basis for improvements in Iowa's public and private tourism opportunities.

h. Provide the private sector and local communities with advisory services including analysis of existing resources and deficiencies, general development and financial planning, marketing guidance, hospitality training, and others.

i. Measure the change in public opinion of Iowans regarding the importance of recreation, tourism, and leisure.

j. Provide annual monitoring of tourism visitation by Iowans and out-of-state visitors to Iowa attractions, public and private employment levels, and other economic indicators of the recreation and tourism industry and report predictable trends.

k. Identify new business investment opportunities for private enterprise in the recreation and tourism industry.

l. Seek coordination with and assistance from the state department of natural resources in regard to the Mississippi river parkway under chapter 308 for the purposes of furthering tourism efforts.

m. Collect, assemble, and publish a list of farmers who have agreed to host overnight guests, for purposes of promoting agriculture in the state and farm tourism, to the extent that funds are available.

n. Establish a revolving fund to receive contributions to be used for cooperative advertising efforts. Fees and royalties obtained as a result of licensing the use of logos and other creative materials for sale by private vendors on selected products may be deposited in the fund. The authority shall adopt by rule a schedule for fees and royalties to be charged.

6. *Small business.* To provide assistance to small business, targeted small business, microenterprises, and entrepreneurs creating small businesses to ensure continued viability and growth. To carry out this responsibility, the authority shall:

a. Receive and review complaints from individual small businesses that relate to rules or decisions of state agencies, and refer questions and complaints to a governmental agency where appropriate.

b. Establish and administer the regulatory information service provided for in section 15E.17.

c. Provide aid for the development and implementation of the Iowa targeted small business procurement Act established in sections 73.15 through 73.22.

d. (1) Establish standards and procedures, by rule, for certifying that targeted small businesses are eligible to participate in the procurement program established in sections 73.15 through 73.21 and are eligible for financial and technical assistance provided for under this subsection. The rules for certifying eligibility adopted pursuant to this paragraph shall not recognize self-certification by a business. The authority may also establish, by rule,

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the appropriate level of public access to differing classes of electronic records and other records under the procurement program to ensure the confidentiality of any records that are required by law to be confidential.

(2) Maintain a current directory of targeted small businesses certified pursuant to this paragraph. The authority shall also provide information to the department of administrative services necessary for the identification of targeted small businesses under section 8A.111, subsection 6.

e. If determined necessary by the board, provide training for bank loan officers to increase their level of expertise in regard to business loans.

f. Encourage and assist small businesses, including small businesses owned and operated by disabled veterans, to obtain state contracts and subcontracts by cooperating with the directors of purchasing in the department of administrative services, the state board of regents, and the state department of transportation in performing the following functions:

(1) Developing a uniform small business vendor application form which can be adopted by all agencies and departments of state government to identify small businesses and targeted small businesses which desire to sell goods and services to the state. This form shall also contain information which can be used to determine certification as a targeted small business pursuant to paragraph *"d"*.

(2) Compiling and maintaining a comprehensive source list of small businesses.

(3) Assuring that responsible small businesses are solicited on each suitable purchase.

(4) Assisting small businesses in complying with the procedures for bidding and negotiating for contracts.

(5) Simplifying procurement specifications and terms in order to increase the opportunities for small business participation.

(6) When economically feasible, dividing total purchases into tasks or quantities to permit maximum small business participation.

(7) Preparing timely forecasts of repetitive contracting requirements by dollar volume and types of contracts to enhance the participation of responsible small businesses in the public purchasing process.

(8) Developing a mechanism to measure and monitor the amount of participation by small businesses in state procurement.

7. *Cultural affairs.* To develop the state's interest in the areas of the arts, history, and other cultural matters. To carry out this responsibility, the authority shall:

a. Accept, receive, and administer grants or other funds or gifts from public or private agencies, including the federal government, for the authority.

b. Design a comprehensive, statewide, long-range plan with the assistance of the Iowa arts council to develop the arts in Iowa. The authority is designated as the state agency for carrying out the plan.

c. Establish advisory groups as necessary for the receipt of federal funds or grants or the administration of any of the authority's programs.

d. Provide technical assistance for the production of film, television, and video projects in the state.

8. *Economic development planning and research activities.* To provide leadership and support for economic and community development activities statewide. To carry out this responsibility, the authority may establish a research center for economic development programs and services whose duties may include but are not limited to the following:

a. Implementation of a comprehensive statewide economic development planning process and provision of leadership, coordination, and support to regional and local economic and community planning efforts.

b. Coordination of the delivery of economic and community development programs with other local, regional, state, federal, and private sector programs and activities.

c. Collection and analysis of data and information, development of databases and performing research to keep abreast of Iowa's present economic base, changing market demands, and emerging trends, including identification of targeted markets and development of marketing strategies.

d. Provision of access to databases to facilitate sales and exports by Iowa businesses.

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e. Establishment of a database of community and economic information to aid local, regional, and statewide economic development and service delivery efforts.

9. *Housing development.*

a. To provide assistance to local governments, housing organizations, economic development groups, and other local entities to increase the development of housing in the state and to improve the quality of existing housing in order to maximize the effects of other economic development efforts.

b. To carry out this responsibility, the authority shall:

(1) Provide housing needs assessments.

(2) Provide a one-stop source, in coordination with other agencies of the state, for housing development assistance.

(3) Establish programs which assist communities or local entities in developing housing to meet a range of community needs, including programs to assist in the development of housing to enhance economic development opportunities in the community.

10. *Miscellaneous.* To provide other necessary services, the authority shall do all of the following:

a. Collect and assemble, or cause to have collected and assembled, all pertinent information available regarding the industrial, agricultural, and public and private recreation and tourism opportunities and possibilities of the state of Iowa, including raw materials and products that may be produced from the raw materials; power and water resources; transportation facilities; available markets; the banking and financing facilities; the availability of industrial sites; the advantages of the state as a whole, and particular sections of the state, as industrial locations; the development of a grain alcohol motor fuel industry and its related products; and other fields of research and study as the board deems necessary. This information shall consider the encouragement of new industrial enterprises in the state and the expansion of industries now existing within the state, and allied fields to those industries. The information shall also consider the changing composition of the Iowa family, the level of poverty among different age groups, and different family structures in Iowa society and their impact on Iowa families.

b. Apply for, receive, contract for, and expend federal funds and grants, and funds and grants from other sources.

c. Except as otherwise provided in sections 8A.110, 260C.14, and 262.9, provide that an inventor whose research is funded in whole or in part by the state shall assign to the state a proportionate part of the inventor's rights to a letter patent resulting from that research. The state's portion of the royalties or earnings derived from a letter patent shall be paid to the treasurer of state and credited by the treasurer to the general fund of the state. The authority, in conjunction with other state agencies including the board of regents, shall provide incentives to inventors whose research is funded in whole or in part by the state to encourage the inventors to have the invented products produced in the state. The incentives may include the state receiving a smaller portion of the inventor's royalties or earnings than would otherwise occur under this paragraph or other provisions of law.

d. Administer or oversee federal rural economic development programs in the state.

e. At the director's discretion, accept payment by credit card of any fees, interest, penalties, subscriptions, registrations, purchases, or other payments, or any portion of such payments, which are due or collected by the authority. The authority may adjust the amount of the payment to reflect the costs of processing the payment as determined by the treasurer of state. Payment by credit card shall include, in addition to all other charges, any discount charged by the credit card issuer.

f. Provide technical assistance to individuals who are pursuing the purchase and operation of employee-owned businesses.

g. Administer the Iowa energy center established in section 15.120. This paragraph "*g*" is repealed July 1, 2027.

h. Administer the partner state program created in section 15.421.

86 Acts, ch 1142, §1; 86 Acts, ch 1238, §44; 86 Acts, ch 1245, §808; 87 Acts, ch 101, §2; 87 Acts, ch 106, §1; 88 Acts, ch 1098, §1; 88 Acts, ch 1273, §6 – 8; 89 Acts, ch 196, §1; 89 Acts, ch 209, §1; 89 Acts, ch 258, §12; 90 Acts, ch 1047, §1; 90 Acts, ch 1140, §1; 90 Acts, ch 1156, §3;

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90 Acts, ch 1255, §2; 91 Acts, ch 28, §1; 91 Acts, ch 109, §1; 92 Acts, ch 1089, §1; 92 Acts, ch 1244, §11; 93 Acts, ch 167, §9; 93 Acts, ch 180, §34, 35; 94 Acts, ch 1023, §4; 94 Acts, ch 1199, §16; 96 Acts, ch 1186, §1 – 4, 23; 97 Acts, ch 15, §1, 2; 97 Acts, ch 214, §1; 98 Acts, ch 1175, §1, 2; 99 Acts, ch 197, §20, 23; 2001 Acts, ch 61, §2 – 5; 2003 Acts, ch 44, §9; 2003 Acts, ch 71, §1; 2003 Acts, ch 145, §138, 286; 2003 Acts, 1st Ex, ch 1, §76, 133

[2003 Acts, 1st Ex, ch 1, §76, 133, amendment adding new paragraph g to subsection 9, stricken pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2006 Acts, ch 1100, §1; 2007 Acts, ch 126, §5; 2007 Acts, ch 207, §6, 18; 2008 Acts, ch 1122, §4, 7 – 9; 2008 Acts, ch 1178, §2; 2010 Acts, ch 1031, §261; 2010 Acts, ch 1049, §1; 2011 Acts, ch 118, §85, 89; 2011 Acts, ch 122, §11, 14; 2013 Acts, ch 13, §3 – 5; 2016 Acts, ch 1115, §15; 2017 Acts, ch 160, §7 – 9; 2017 Acts, ch 169, §34, 49; 2021 Acts, ch 80, §6; 2022 Acts, ch 1007, §1, 12; 2023 Acts, ch 19, §1728, 2077 – 2080, 2216; 2024 Acts, ch 1167, §3 – 11; 2024 Acts, ch 1170, §145, 146; 2024 Acts, ch 1182, §119, 120; 2025 Acts, ch 147, §30

Referred to in §8A.111, 15.436, 15.466, 73.16, 308.1, 455B.199B

15.109 Additional duties.

The economic development authority shall coordinate the development of state and local government programs in order to promote efficient and economic use of federal, state, local, and private resources. The authority shall:

1. Provide technical and financial assistance to local and regional government organizations in Iowa, analyze intergovernmental relations in Iowa, and recommend policies to state agencies, local governments, the governor, and the general assembly.

2. Apply for, receive, administer, and use federal or other funds available for achieving the purposes of this chapter. For purposes of this subsection, the term *"federal funds"* includes federal tax credits, grants, or other economic benefits allocated or provided by the United States government to encourage investment in low-income or other specified areas or to otherwise promote economic development. The authority may enter into an agreement pursuant to chapter 28E, or any other agreement, with a person, including for-profit and nonprofit legal entities, in order to directly or indirectly apply for, receive, administer, and use federal funds. As part of such agreements and in furtherance of this public purpose and in addition to powers and duties conferred under other provisions of law, the authority may, including for or on behalf of for-profit or nonprofit legal entities, appoint, remove, and replace board members and advisors; provide oversight; make its personnel and resources available to perform administrative, management, and compliance functions; coordinate investments; and engage in other acts as reasonable and necessary to encourage investment in low-income or other areas or to promote economic development. The authority, including authority officials and employees in their official and personal capacities, are immune from liability for all acts or omissions under this subsection.

3. At the time the authority approves assistance for an applicant, provide the person with information regarding the nature and source of other technical assistance available in the state to assist the applicant on design and management matters concerning energy efficiency and waste reduction. The authority shall review the extent to which recommendations made to grantees are in fact implemented by the grantees.

4. Establish a sustainable community development initiative. The purpose of the initiative is to improve the sustainability of Iowa communities by ensuring long-term economic growth and fostering environmentally conscious growth and development. In establishing the initiative, the authority shall:

a. Create a plan to ensure that all of the authority's current community growth and development programs, efforts, and initiatives incorporate an environmentally conscious approach and policies that promote sustainability.

b. Cooperate with local governments by providing information, technical assistance, and financial incentives to communities pursuing sustainable growth.

[C71, 73, 75, 77, 79, 81, §7A.3, 7A.7; 82 Acts, ch 1210, §5]

C83, §7A.3

86 Acts, ch 1245, §101, 102

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C87, §15.109
90 Acts, ch 1252, §2; 2004 Acts, ch 1175, §318; 2008 Acts, ch 1190, §31; 2011 Acts, ch 118, §85, 89

15.110 Restrictions relating to councils of governments.

The authority shall not require a city or county to be a dues paying member of a council of governments.

90 Acts, ch 1262, §23; 2011 Acts, ch 118, §87, 89
Councils of governments; see chapter 28H

15.111 Assistance for certain programs and projects.

1. *a.* Under the authority provided in section 15.106A, there shall be established one or more funds within the state treasury, under the control of the authority, to be used for purposes of this section.

b. A fund established for purposes of this section shall consist of any moneys appropriated to the authority for purposes of this section, or moneys otherwise accruing to the authority and deposited in the fund for purposes of this section.

c. Interest or earnings on moneys in a fund used for the purposes of this section, and all repayments or recaptures of the assistance provided under this section, shall accrue to the authority and shall be used for purposes of this section, notwithstanding section 12C.7. Moneys in a fund are not subject to section 8.33.

2. *a.* The moneys in a fund established for purposes of this section, as described in subsection 1, shall be allocated by the authority in appropriate amounts to be used for the following purposes:

(1) For program support. For purposes of this subparagraph, *"program support"* means the services necessary for the efficient administration of a program administered by the authority, including but not limited to administrative costs, conducting a statewide laborshed study in coordination with the department of workforce development, outreach to business and marketing programs, the procurement of technical assistance, and the implementation of information technology.

(2) For deposit in the innovation and commercialization development fund created pursuant to section 15.412.

(3) For providing financial assistance to businesses engaged in disaster recovery. For purposes of this subparagraph, *"business engaged in disaster recovery"* means a business located in an area declared a disaster area by a federal official, that has sustained physical damage, has closed as a result of a natural disaster, and has a plan for reopening that includes employing a substantial number of the employees the business employed before the natural disaster occurred.

(4) For deposit in the entrepreneur investment awards program fund pursuant to section 15E.363.

(5) For deposit in a fund created for purposes of the strategic infrastructure program established pursuant to section 15.313.

(6) For deposit in the nuisance property remediation fund established pursuant to section 15.338.

(7) For deposit in the community catalyst building remediation fund established pursuant to section 15.231.

(8) For providing financial assistance to eligible businesses for the business incentives for growth program pursuant to section 15.504.

b. Each fiscal year, the authority shall estimate the amount of revenues available for purposes of this section and shall develop a budget appropriate for the expenditure of the revenues available.

2025 Acts, ch 136, §8, 20
Referred to in §8.55, 15.511, 15E.351

15.112 Mass layoffs and business closures.

If an entity that is awarded a tax incentive or other financial assistance under any of the programs administered by the authority experiences a business closure or a mass layoff for

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which notice is required under chapter 84C, the authority may reduce or eliminate some or all of the financial assistance awarded by the authority to the entity.

2025 Acts, ch 136, §133

15.113 Tax lien and delinquency search requirement.

Before authorizing tax incentives or disbursing moneys to a person or business applying for assistance under any of the authority's programs, the authority shall conduct a search for outstanding state or local tax liability, tax liens, or other related delinquencies. The authority shall not authorize tax incentives or disburse moneys if the result of the search shows that the applicant is currently delinquent in the payment of state or local taxes or is otherwise in substantial noncompliance with Iowa tax law.

2012 Acts, ch 1126, §36

15.114 Microenterprise development advisory committee. Repealed by 2010 Acts, ch 1031, §263.

15.115 Technology commercialization specialist.

The authority shall ensure that businesses in the state are well informed about the technology patents, licenses, and options available to them from colleges and universities in the state and to ensure the authority's business development and marketing efforts are conducted in a way that maximizes the advantage to the state of research and technology commercialization efforts at colleges and universities in the state. The authority shall establish a technology commercialization specialist position which shall be responsible for the obligations imposed by this section and for performance of all of the following activities:

1. Establishing and maintaining communication with personnel in charge of intellectual property management and technology at colleges and universities in the state.
2. Meeting at least quarterly with personnel in charge of intellectual property management and technology commercialization regarding new technology disclosures and technology patents, licenses, or options available to Iowa businesses at colleges and universities in the state.
3. Being knowledgeable regarding intellectual property, patent, license, and option policies of colleges and universities in the state as well as applicable federal law.
4. Establishing and maintaining an internet site to link other internet sites which provide electronic access to information regarding available patents, licenses, or options for technology at colleges and universities in the state.
5. Establishing and maintaining communications with business and development organizations in the state regarding available technology patents, licenses, and options.
6. Cooperating with colleges and universities in the state in establishing technology fairs or other public events designed to make businesses in the state aware of available technology patents, licenses, or options available to businesses in the state.

2005 Acts, ch 150, §27; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 90, §257

15.116 Technology commercialization committee.

To evaluate and make recommendations to the authority on appropriate funding for the projects and programs applying for financial assistance from the innovation and commercialization development fund created in section 15.412, the economic development authority shall create a technology commercialization committee composed of members with expertise in the areas of biosciences, engineering, manufacturing, pharmaceuticals, materials, information solutions, software, and energy. At least one member of the technology commercialization committee shall be a member of the economic development authority. An organization designated by the authority, composed of members from both the public and private sectors and composed of subunits or subcommittees in the areas of already identified bioscience platforms, education and workforce development, commercialization, communication, policy and governance, and finance, shall provide funding recommendations to the technology commercialization committee. Members of the committee shall be eligible for a per diem as specified in section 7E.6 for each day spent in

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performance of duties as members, and shall receive compensation for mileage to and from meetings.

2005 Acts, ch 150, §28; 2009 Acts, ch 123, §22, 33; 2011 Acts, ch 118, §84, 87, 89; 2024 Acts, ch 1170, §147

15.117 Chief technology officer. Repealed by 2024 Acts, ch 1170, §368.

15.117A Iowa innovation council.

1. An Iowa innovation council is established within the authority. The authority shall provide the council with staff and administrative support. The authority may expend moneys allocated to the innovation and commercialization division in order to provide such support. The authority may adopt rules for the implementation of this section.

2. The council shall consist of the following members:

a. Nine voting members as follows:

(1) Three members selected by the board to serve staggered, two-year terms beginning and ending as provided in section 69.19. The members selected pursuant to this subparagraph shall have expertise in the targeted industries and reflect the size and diversity of businesses in the targeted industries.

(2) The director of the authority.

(3) The director of the department of workforce development, or the director's designee.

(4) The president of the state university of Iowa, or the president's designee.

(5) The president of Iowa state university of science and technology, or the president's designee.

(6) The president of the university of northern Iowa, or the president's designee.

(7) One community college president, selected by the Iowa association of community college trustees.

b. Four members of the general assembly serving two-year terms in a nonvoting, ex officio capacity, with two from the senate and two from the house of representatives and not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the president of the senate after consultation with the majority leader of the senate, and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

c. A vacancy on the council shall be filled in the same manner as the original selection and shall be for the remainder of the term.

3. To be eligible to serve as a designee pursuant to subsection 2, a person must have sufficient authority to make decisions on behalf of the organization being represented. A person named as a designee pursuant to subsection 2 shall not name a designee nor permit a substitute to attend council meetings.

4. The council shall select the chairperson of the council, who shall be responsible for convening meetings of the council and coordinating its activities. The council shall annually elect one of the voting members to serve as vice chairperson. A majority of the members of the council constitutes a quorum. However, the chairperson shall not convene a meeting of the council unless the director of the authority, or the director's designee, is present at the meeting.

5. The purpose of the council is to advise the authority on the development and implementation of public policies that enhance innovation and entrepreneurship in the targeted industries, with a particular focus on the information, technology, and skills that increasingly dominate the twenty-first century economy. Such advice may include evaluating Iowa's competitive position in the global economy, reviewing the technology typically utilized in the state's manufacturing sector, assessing the state's overall scientific research capacity, keeping abreast of the latest scientific research and technological breakthroughs and offering guidance as to their impact on public policy, recommending strategies that foster innovation, increase new business formation, and otherwise promote economic

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growth in the targeted industries, and offering guidance about future developments in the targeted industries.

6. The council shall do all of the following:

a. Act as a forum where issues affecting the research community, the targeted industries, and policymakers can be discussed and addressed and where collaborative relationships can be formed.

b. Conduct industry research and draft documents that provide background information for use in decision making by the general assembly, the governor, the authority, and other policymaking bodies within state government.

7. A committee appointed by the director and the chairperson of the council shall review and make recommendations on all applications received by the authority for financial assistance under the Iowa strategic infrastructure program pursuant to section 15.313. Persons appointed to a committee pursuant to this subsection are not required to be members of the council.

2010 Acts, ch 1070, §4; 2011 Acts, ch 34, §4; 2011 Acts, ch 118, §16, 85, 89; 2012 Acts, ch 1018, §3; 2012 Acts, ch 1023, §6; 2012 Acts, ch 1126, §30; 2014 Acts, ch 1124, §13, 25; 2019 Acts, ch 139, §11; 2024 Acts, ch 1170, §148 – 153; 2025 Acts, ch 147, §1

Referred to in §15.105, 15.106B, 15.107A, 15.313

15.118 Confidentiality of information in financial assistance applications.

1. The board and the authority shall give due regard to the confidentiality of certain information disclosed by applicants for financial assistance during the application process, the contract administration process, and the period following closeout of a contract in the manner described in this section.

2. All information contained in an application for financial assistance submitted to the authority shall remain confidential while the authority is reviewing the application, processing requests for confidentiality, negotiating with the applicant, and preparing the application for consideration by the director or the board. The authority may release certain information in an application for financial assistance to a third party for technical review. If the authority releases such information to a third party, the authority shall ensure that the third party protects such information from public disclosure. After the authority has considered a request for confidentiality pursuant to subsection 3, any information not deemed confidential shall be made publicly available. Any information deemed confidential by the authority shall also be kept confidential during and following administration of a contract executed pursuant to a successful application. Information deemed confidential may be treated as such for as long as the authority deems necessary to protect an applicant's competitive position, and the confidential treatment of the information shall apply whether the authority is in possession of the information or whether the information has been sent to off-site storage or to the state archivist.

3. The authority shall consider the written request of an applicant or award recipient to keep confidential certain details of an application, a contract, or the materials submitted in support of an application or a contract. If the request includes a sufficient explanation as to why the public disclosure of such details would give an unfair advantage to competitors, the authority shall keep certain details confidential. If the authority elects to keep certain details confidential, the authority shall release only the nonconfidential details in response to a request for records pursuant to chapter 22. If confidential details are withheld from a request for records pursuant to chapter 22, the authority shall release an explanation of why the information was deemed confidential and a summary of the nature of the information withheld and the reasons for withholding it. In considering requests for confidential treatment, the authority shall narrowly construe the provisions of this section in order to appropriately balance an applicant's need for confidentiality against the public's right to information about the authority's activities.

4. If a request for confidentiality is denied by the authority, an applicant may withdraw the application and any supporting materials, and the authority shall not retain any copies of the application or supporting materials. Upon notice that an application has been withdrawn,

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the authority shall not release a copy in response to a request for records pursuant to chapter 22.

5. The authority shall adopt by rule a process for considering requests to keep information confidential pursuant to this section. The authority may adopt emergency rules pursuant to chapter 17A to implement this section. The rules shall include criteria for guiding the authority's decisions about the confidential treatment of applicant information. The criteria may include but are not limited to the following:

a. The nature and extent of competition in the applicant's industry sector.

b. The likelihood of adverse financial impact to the applicant if the information were to be released.

c. The risk that the applicant will locate in another state if the request is denied.

d. Any other factor the authority reasonably considers relevant.

2008 Acts, ch 1149, §1; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1018, §9
Referred to in §15.107C

15.119 Aggregate tax credit limit for certain business development programs.

1. *a.* Notwithstanding any provision to the contrary in any of the business development programs listed in subsection 2, the authority, except as provided in paragraph *"b"*, shall not authorize for any one fiscal year an amount of tax credits for the programs specified in subsection 2 that is in excess of one hundred ten million dollars.

b. (1) The authority may authorize an amount of tax credits during a fiscal year that is in excess of the amount specified in paragraph *"a"*, but the amount of such excess shall not exceed twenty percent of the amount specified in paragraph *"a"*, and shall be counted against the total amount of tax credits that may be authorized for the next fiscal year.

(2) Any amount of tax credits authorized and awarded during a fiscal year for a program specified in subsection 2 which are irrevocably declined by the awarded business or revoked by the authority on or before June 30 of the next fiscal year may be reallocated, authorized, and awarded during the fiscal year in which the declination or revocation occurs. Tax credits authorized pursuant to this subparagraph shall not be considered for purposes of subparagraph (1).

2. The aggregate tax credit limit specified in subsection 1 shall be allocated to business development programs as follows:

a. The tax credits for investments in an innovation fund pursuant to chapter 15E, subchapter VI, and the seed investor tax credit pursuant to chapter 15E, subchapter IV. In allocating tax credits pursuant to this subsection, the authority shall allocate ten million dollars for purposes of this paragraph, and the board shall determine the tax credit amount allocated to each program under this paragraph each fiscal year.

b. The renewable chemical production tax credit pursuant to subchapter II, part 12, and the sustainable aviation fuel production tax credit program pursuant to subchapter II, part 36. In allocating tax credits pursuant to this subsection, the authority shall allocate ten million dollars for purposes of this paragraph, and the board shall determine the tax credit amount allocated to each program specified in this paragraph for each fiscal year.

c. The research and development tax credit program pursuant to subchapter II, part 35. In allocating tax credits pursuant to this subsection, the authority shall allocate forty million dollars for purposes of this paragraph.

d. The business incentives for growth program administered pursuant to subchapter II, part 33. In allocating tax credits pursuant to this subsection for the fiscal year beginning July 1, 2026, and for each fiscal year thereafter, the authority shall not allocate more than fifty million dollars for purposes of this paragraph.

3. The authority shall submit to the department of revenue on or before August 15 of each year a report on the tax credits awarded under each of the programs described in subsection 2.

2009 Acts, ch 135, §1, 3; 2010 Acts, ch 1138, §4; 2011 Acts, ch 34, §5; 2011 Acts, ch 116, §1, 2; 2011 Acts, ch 118, §87, 89; 2011 Acts, ch 130, §36, 47, 71; 2012 Acts, ch 1110, §2; 2012 Acts, ch 1136, §30, 39 – 41; 2013 Acts, ch 126, §6 – 10; 2014 Acts, ch 1130, §12, 24 – 26, 30; 2015 Acts, ch 138, §108, 126, 127; 2016 Acts, ch 1065, §1, 3, 15, 16; 2017 Acts, ch 134, §1; 2019

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Acts, ch 159, §15, 16, 31, 32; 2021 Acts, ch 177, §25 – 27, 35, 40; 2022 Acts, ch 1002, §45, 54, 55; 2022 Acts, ch 1148, §21; 2023 Acts, ch 116, §1; 2024 Acts, ch 1043, §19 – 22; 2025 Acts, ch 136, §1

Referred to in §15.318, 15.508, 15.523, 15.524, 15.533, 15E.27, 15E.28, 15E.52

Subsection 2, paragraph a, subparagraph (2) and subsection 2, paragraph e repealed by their own terms effective July 1, 2026, and former paragraph a, subparagraph (1) redesignated as an unnumbered paragraph; 2025 Acts, ch 136, §1

15.120 The Iowa energy center.

1. The Iowa energy center is established within the authority with the following purposes:

a. To expand workforce and career opportunities for workers in the energy sector to ensure that the state is able to attract and train professionals to meet the state's future energy needs.

b. To support technology-based development by encouraging public-private partnerships and innovative manufacturers to develop and bring to market new energy technologies.

c. To support rural and underserved areas and vulnerable populations by creating opportunities for greater access to energy efficiency expertise, training, programs, and cyber security preparedness for small utilities.

d. To support the expansion of natural gas infrastructure to rural and underserved areas of the state where the absence is a limiting factor to economic development.

e. To promote and fund research, development, and commercialization of biomass technology to benefit the state economically and environmentally by further realizing the value-added attributes of biomass in the development of bioenergy, biofuels, and biochemicals.

f. To encourage growth of the alternative fuel vehicle market, particularly for electric vehicles, and the infrastructure necessary to support the market.

g. To support efforts to modernize the electric grid infrastructure of the state to support increased capacity and new technologies.

h. To support research and development of strategies for carbon management.

2. *a.* A governing board is established consisting of the following members appointed by the governor:

(1) One member representing Iowa state university of science and technology, in consultation with the president of that university.

(2) One member representing the university of Iowa, in consultation with the president of that university.

(3) One member representing the university of northern Iowa, in consultation with the president of that university.

(4) One member representing private colleges and universities within the state, in consultation with the Iowa association of independent colleges and universities.

(5) One member representing community colleges, in consultation with the Iowa association of community college trustees.

(6) One member representing the economic development authority, in consultation with the director of the economic development authority.

(7) One member representing the state department of transportation, in consultation with the director of the department of transportation.

(8) One member representing the office of consumer advocate, in consultation with the consumer advocate.

(9) One member representing the utilities commission, in consultation with the chair of the utilities commission.

(10) One member representing rural electric cooperatives, in consultation with the Iowa association of electric cooperatives.

(11) One member representing municipal utilities, in consultation with the Iowa association of municipal utilities.

(12) Two members representing investor-owned utilities, one representing gas utilities, and one representing electric utilities, in consultation with the Iowa utility association.

b. The terms of the members shall begin and end as provided in section 69.19 and any vacancy shall be filled by the governor as provided for in this subsection. The terms shall

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be for four years and shall be staggered as determined by the director of the economic development authority.

c. The board shall oversee, approve, and provide direction concerning the programs established by the center and shall coordinate with the center and the director of the authority for the implementation of such programs. In overseeing the center and its programs, the board shall ensure that all ratepayer moneys remitted by the utilities commission pursuant to section 476.10A, Code 2022, are expended on programs and projects designed to provide benefits to gas and electric utility ratepayers.

d. The deliberations or meetings of the governing board shall be conducted in accordance with chapter 21.

e. The board, in consultation with center staff, shall adopt rules for the administration of the center and its programs pursuant to chapter 17A.

3. *a.* The center shall employ necessary support staff. The center staff shall be employees of the authority. Moneys appropriated to the center shall be used to sponsor grants and projects submitted on a competitive basis by Iowa businesses, colleges and universities, and private nonprofit agencies and foundations, and for the salaries and benefits of the employees of the center. The center may also solicit additional grants and funding from public and private nonprofit agencies and foundations.

b. The center shall prepare an annual report in coordination with the authority. The center shall submit the report to the general assembly and the legislative services agency by January 15 of each year or shall provide the report to the authority to include as part of the annual report under section 15.107B.

4. The governing board shall oversee the center in the development of a budget, on the policies and procedures of the center, in the funding of grant proposals, and in matters relating to program planning and review. The center's annual budget shall be approved by the board.

5. This section is repealed July 1, 2027.

2017 Acts, ch 169, §35, 49; 2022 Acts, ch 1007, §2, 3, 12; 2024 Acts, ch 1170, §369; 2024 Acts, ch 1182, §121

Referred to in §15.108, 476.46, 476.46A

15.120A Load forecasting report and analysis of electric transmission system expansion plans.

To support economic development in the state, the authority shall commission Iowa state university of science and technology to produce a report forecasting the probable future growth of the use of electricity within Iowa and within the midwest region. The report shall include a load forecast and an analysis of electric transmission system expansion plans. The authority must commission such report from the university at least every two years. In developing the report, the university shall solicit the input of residential, commercial, and industrial consumers and the electric industry. The published report shall only rely on information provided by utilities as required by section 476.2 in aggregate form and exclude identifying information about an individual utility's electric system. The load forecast and state electric transmission system expansion planning analysis must be published by December 31, 2028, and biennially published on or before December 31 thereafter. The authority may commission other reports as necessary to evaluate energy needs including but not limited to natural gas. A report commissioned pursuant to this section must be publicly available on the authority's internet site.

2026 Acts, ch 1199, §21

Referred to in §476.2, 476.10C

NEW section

15.121 State historic preservation officer.

1. The director shall appoint and the governor shall certify the state historic preservation officer pursuant to federal requirements. The recommendations and decisions of the state historic preservation officer shall be subject to the review and approval of the director of the economic development authority.

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2. The state historic preservation officer shall conduct historic preservation activities pursuant to federal and state requirements, including but not limited to all of the following:

a. Identifying and documenting historic properties.

b. Preparing and maintaining a state register of historic places, including those listed on the national register of historic places.

c. Conducting historic preservation activities pursuant to federal and state requirements.

d. Publishing matters of historical value to the public, and pursuing historical, architectural, and archaeological research and development which may include but is not limited to continuing surveys, excavation, scientific recording, interpretation, and publication of the historical, architectural, archaeological, and cultural sites, buildings, and structures in the state.

e. Developing standards and criteria for the preservation, restoration, and maintenance of historical sites.

3. Pursuant to section 103A.42, the state historic preservation officer, in response to an adequately documented request, shall issue an opinion stating whether a property is either included in or appears to meet criteria for inclusion in the national register of historic places.

4. Pursuant to section 8A.712, subsection 6, paragraph *"h"*, the state historic preservation officer must approve a city or county government as a certified local government prior to a grant or loan fund award to the city or county government for a project in the historic preservation category.

5. Pursuant to section 15.122, the state historic preservation officer shall require that a rural electric cooperative or a municipal utility that is constructing an electric distribution and transmission facility for which it is receiving federal funding conduct an archeological site survey.

6. Pursuant to section 427.16, subsections 4 and 12, the state historic preservation officer shall be responsible for approving applications for certified substantial rehabilitation.

7. Before modifying a historical site in a manner that could impact a site's listing on, or eligibility for, the national register of historic places, a state agency which owns, manages, or administers the historical site must consult with the state historic preservation officer to ensure the proper management, maintenance, and development of the site. The state agency and the state historic preservation officer may, at the discretion of the state historic preservation officer, enter into an agreement relating to the proper management, maintenance, and development of the site. The authority may, in consultation with the state historic preservation officer, adopt rules to implement this subsection.

2023 Acts, ch 19, §2126; 2024 Acts, ch 1182, §172, 173

15.122 Rural electric cooperatives and municipal utilities — historic properties — archeological site surveys.

1. The state historic preservation officer shall only recommend that a rural electric cooperative or a municipal utility constructing electric distribution and transmission facilities for which it is receiving federal funding conduct an archeological site survey of its proposed route when, based upon a review of existing information on historic properties within the area of potential effects of the construction, the state historic preservation officer has determined that a historic property, as defined by the federal National Historic Preservation Act of 1966, Pub. L. No. 89-665, as amended and codified at 16 U.S.C. §470 et seq., is likely to exist within the proposed route.

2. The state historic preservation officer shall not require a level of archeological identification effort which is greater than the reasonable and good faith effort required by the federal agency. Such effort shall reflect the public interest and shall take into account the likelihood and magnitude of potential impacts to historic properties and project costs.

2011 Acts, ch 4, §2, 3; 2011 Acts, ch 131, §92, 102
CS2011, §303.18
2018 Acts, ch 1026, §107; 2023 Acts, ch 19, §2129
C2024, §15.122
Referred to in §15.121

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15.123 Iowa-Ireland trade commission.

1. There is created the Iowa-Ireland trade commission. The authority shall provide administrative support for the commission.

2. The commission shall be composed of the following members:

a. Two state senators appointed by the majority leader of the senate. Each senator shall have knowledge of or current or past involvement in organizations that promote Irish affairs or shall have interest in the well-being of trade relations between the state and the Republic of Ireland.

b. Two state representatives appointed by the speaker of the house of representatives. Each representative shall have knowledge of or current or past involvement in organizations that promote Irish affairs or shall have interest in the well-being of trade relations between the state and the Republic of Ireland.

c. A representative of a private sector association headquartered in the state and focused on the promotion of international trade, appointed by the chair of the legislative council.

d. A representative of the authority, appointed by the governor.

e. A representative of an Iowa private industry, appointed by the majority leader of the senate.

f. A representative of an Iowa private industry, appointed by the speaker of the house of representatives.

3. Each member of the commission shall serve for a term of two years and may be reappointed without limit. A vacancy on the commission shall be filled by the original appointing authority for the remainder of the term.

4. A commission member shall not receive compensation for services.

5. At the initial meeting of the commission and biennially thereafter, the commission members shall select a chairperson from the state senators and state representatives appointed to serve on the commission.

6. The commission shall meet a minimum of once per quarter, at the call of the chairperson. The commission may meet or hold hearings at any location that will best serve the citizens of the state. All meetings or hearings of the commission shall be scheduled and conducted in compliance with chapter 21.

7. The commission's records shall be considered public records pursuant to chapter 22.

8. A majority of the members of the commission is a quorum, and a majority of a quorum may act in any matter within the jurisdiction of the commission.

9. The Iowa-Ireland trade commission shall do all of the following:

a. Promote the advancement of bilateral trade and investment between this state and the Republic of Ireland.

b. Recommend joint action on policy issues of mutual interest to this state and the Republic of Ireland.

c. Promote business and academic exchanges between this state and the Republic of Ireland.

d. Encourage mutual economic support between this state and the Republic of Ireland.

e. Encourage mutual investment in the infrastructure of this state and the Republic of Ireland.

f. Address other issues as determined by the commission.

10. The commission shall submit a report to the governor and the general assembly within one calendar year of the date of the commission's organizational meeting, and by February 1 of each year thereafter. The report shall detail the commission's meetings, activities, and expenses for the immediately preceding calendar year.

2026 Acts, ch 1030, §1
NEW section

15.124 through 15.200 Reserved.

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SUBCHAPTER II

ACTIVITIES

PART 1

15.201 Agricultural marketing program.

The authority shall operate an agricultural marketing program designed to lead to more advantageous marketing of Iowa agricultural products. The authority may develop and carry out activities to implement this program, and shall:

1. Investigate the subject of marketing agricultural products and recommend efficient and economical methods of marketing.
2. Promote the sales, distribution, and merchandising of agricultural products.
3. Furnish information and assistance to the public concerning the marketing of agricultural products.
4. Cooperate with the division of agriculture of the Iowa state university of science and technology in farm marketing education and research and avoid unnecessary duplications.
5. Gather and diffuse useful information concerning all phases of the marketing of Iowa farm products in cooperation with other public or private agencies.
6. Ascertain sources of supply of Iowa agricultural products, and prepare and publish from time to time lists of names and addresses of producers and consignors and furnish the lists to persons applying for them.
7. Aid in the promotion and development of the agricultural processing industry in the state.

86 Acts, ch 1245, §809; 2011 Acts, ch 118, §87, 89
Referred to in §15.108

15.202 Grants and gifts.

The authority may accept grants and allotments of funds from the federal government and enter into cooperative agreements with the secretary of agriculture of the United States for projects to effectuate any of the purposes of the agricultural marketing program; and may accept grants, gifts, or allotments of funds from any person for the purpose of carrying out the agricultural marketing program. The authority shall make an itemized accounting of such funds to the director at the end of each fiscal year.

86 Acts, ch 1245, §810; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1021, §7
Referred to in §15.108

15.203 Agricultural products advisory council — duties. Repealed by 2010 Acts, ch 1031, §264.

15.204 Value-added agricultural linked investment loan program — eligibility requirements. Repealed by 2006 Acts, ch 1165, §8.

15.205 through 15.220 Reserved.

PART 2

15.221 through 15.225 Repealed by 2008 Acts, ch 1031, §70.

15.226 through 15.230 Reserved.

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PART 3

15.231 Community catalyst building remediation program — fund.

1. *a.* The economic development authority shall, pursuant to section 15.106A, subsection 1, paragraph *"o"*, establish a community catalyst building remediation fund for the purpose of providing grants to cities for the remediation of underutilized buildings. The authority shall administer the fund in a manner to make grant moneys annually available to cities for the purposes of this section.

b. The fund may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

c. The authority shall use any moneys specifically appropriated for purposes of this section only for the purposes of this section. The authority may use all other moneys in the fund, including interest, earnings, and recaptures for purposes of this section, or the authority may transfer the other moneys to other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

d. Notwithstanding section 8.33, moneys in the community catalyst building remediation fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

e. The authority may use not more than five percent of the moneys in the fund at the beginning of the fiscal year for purposes of administrative costs, marketing, and technical assistance and other program support.

2. *a.* The authority shall use moneys in the fund to provide grants to cities for the remediation of underutilized buildings. The authority may provide grants under this section using a competitive scoring process. Notwithstanding subsection 3, an emergency project shall be eligible for a grant under this section.

b. As used in this section, unless the context otherwise requires:

(1) *"Emergency project"* means remediation of an underutilized building that may present a unique and immediate opportunity, or a unique and immediate threat.

(2) *"Unique and immediate opportunity"* means remediation of an underutilized building is time-sensitive and remediation is reasonably expected to result in economic growth for the city in which the underutilized building is located.

(3) *"Unique and immediate threat"* means remediation of an underutilized building may involve an unforeseen challenge or problem that has the potential to result in a catastrophic failure of the building's integrity and structural system. An unforeseen challenge or problem may include an act of nature such as a fire, flood, or storm, or an unexpected structural deficiency such as a compromised load-bearing wall. A challenge or problem caused by deferred maintenance on the underutilized building does not qualify as a unique and immediate threat.

3. In providing grants under this section, the authority shall dedicate forty percent of the moneys available at the beginning of each fiscal year to cities with populations of less than one thousand five hundred as shown by the most recent federal decennial census. If at the end of each application period the amount of grants awarded to cities with a population of less than one thousand five hundred is less than the amount to be dedicated to such cities under this subsection, the balance may be awarded to any approved applicant city regardless of city population.

4. The authority shall enter into an agreement with each city for the receipt of grants under this section. For a city to receive grant moneys under this section, the agreement must require the city to provide resources, including financial or in-kind resources, to the remediation project. The authority may negotiate the terms of the agreement.

5. In providing grants under this section, the authority shall coordinate with a city to develop a plan for the use of grant moneys that is consistent with the community development, housing, and economic development goals of the city. The terms of the agreement entered

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into pursuant to subsection 4 and the use of grants provided under this section shall reflect the plan developed.

6. If a city receives a grant under this section, the amount of any lien created for costs related to the remediation of the building shall not include any moneys that the city received pursuant to this section.

2016 Acts, ch 1135, §14; 2019 Acts, ch 120, §1; 2024 Acts, ch 1182, §122
Referred to in §15.111

15.232 through 15.239 Reserved.

PART 4

15.240 Community microenterprise development organization grant program. Repealed by 2013 Acts, ch 34, §6.

15.241 Iowa "self-employment loan program". Repealed by 2003 Acts, ch 71, §6.

15.242 through 15.245 Reserved.

15.246 Case management program. Repealed by 2024 Acts, ch 1167, §14.

15.247 Targeted small business financial assistance program. Repealed by 2013 Acts, ch 13, §9.

15.248 through 15.250 Reserved.

PART 5

15.251 Industrial new job training program certificates — fee.

The authority may charge, within thirty days following the sale of certificates under chapter 260E, the board of directors of the merged area a fee of up to one percent of the gross sale amount of the certificates issued. The amount of this fee shall be deposited and allowed to accumulate in a job training fund created in the authority. Moneys in the fund are appropriated to the authority for purposes of workforce development program coordination and activities including salaries, support, maintenance, legal and compliance, and miscellaneous purposes.

86 Acts, ch 1245, §816; 89 Acts, ch 270, §1; 90 Acts, ch 1255, §3; 93 Acts, ch 180, §40; 94 Acts, ch 1199, §17; 99 Acts, ch 183, §1; 2001 Acts, ch 61, §7; 2011 Acts, ch 118, §87, 89; 2013 Acts, ch 137, §31

15.252 Rules.

The authority shall adopt rules pursuant to chapter 17A to implement this part.

86 Acts, ch 1238, §45; 86 Acts, ch 1245, §817; 89 Acts, ch 270, §2; 2011 Acts, ch 118, §87, 89

15.253 through 15.260 Reserved.

PART 6

15.261 Vacant buildings demolition fund.

1. A vacant buildings demolition fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund.

2. Moneys in the vacant buildings demolition fund are appropriated to the authority for purposes of funding a grant program for the demolition of vacant buildings owned by the

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state or by a county that has purchased real property from the federal government which are no longer used for a state or federal purpose. Grant program criteria shall provide that no more than fifty percent of the cost of a project for the demolition of vacant buildings shall be funded from a grant under the program. The authority shall give preference to applicants that have not previously been awarded money from this fund.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the vacant buildings demolition fund shall be credited to the vacant buildings demolition fund. Notwithstanding section 8.33, moneys in the vacant buildings demolition fund that remain unencumbered or unobligated at the close of a fiscal year shall be deposited in the rebuild Iowa infrastructure fund created in section 8.57.

2019 Acts, ch 137, §14; 2021 Acts, ch 167, §11; 2022 Acts, ch 1150, §15, 20, 21; 2025 Acts, ch 167, §6, 8

15.262 Vacant buildings rehabilitation fund.

1. A vacant buildings rehabilitation fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund.

2. Moneys in the vacant buildings rehabilitation fund are appropriated to the authority for purposes of funding a loan program for the rehabilitation or redevelopment of vacant buildings owned by the state or by a county that has purchased real property from the federal government which are no longer used for a state or federal purpose. The authority shall give preference to applicants that have not previously been awarded money from this fund.

3. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the vacant buildings rehabilitation fund shall be credited to the vacant buildings rehabilitation fund. Notwithstanding section 8.33, moneys in the vacant buildings rehabilitation fund that remain unencumbered or unobligated at the close of a fiscal year shall be deposited in the rebuild Iowa infrastructure fund created in section 8.57.

2019 Acts, ch 137, §15; 2022 Acts, ch 1150, §16, 20, 21; 2025 Acts, ch 167, §7, 8

15.263 through 15.268 Reserved.

15.269 Cogeneration pilot program. Repealed by its own terms; 2003 Acts, ch 159, §1.

15.270 Reserved.

PART 7

15.271 Statement of purpose — intent. Repealed by 2024 Acts, ch 1167, §14.

15.272 Statewide welcome center program. Repealed by 2024 Acts, ch 1167, §14.

15.273 Cooperative tourism program.

1. The authority shall assist the department of natural resources in promoting the state parks, state recreation areas, lakes, rivers, and streams under the jurisdiction of the natural resource commission for tourism purposes. The department of natural resources shall provide the authority with brochures and other printed information concerning hunting and fishing opportunities, recreational opportunities in state parks and recreation areas, and other natural and historic information of interest to tourists.

2. The authority shall disseminate the brochures and other information provided by the department of natural resources through the welcome centers, sports and vacation shows, direct information requests, and other programs implemented by the authority to promote tourism and related forms of economic development in this state.

89 Acts, ch 236, §9; 2011 Acts, ch 118, §85, 89

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15.274 Promotional program for national historic landmarks and cultural and entertainment districts.

The authority, in cooperation with the state department of transportation, shall establish and administer a program designed to promote knowledge of and access to buildings, sites, districts, structures, and objects located in this state that have been designated by the secretary of the interior of the United States as a national historic landmark, unless the national historic landmark is protected under section 22.7, subsection 20. The program shall be designed to maximize the visibility and visitation of national historic landmarks in this state. Methods used to maximize the visibility and visitation of such locations may include the use of tourism literature, signage on highways, maps of the state and cities, and internet sites. For purposes of this section, *"highway"* means the same as defined in section 325A.1.

2005 Acts, ch 109, §1; 2006 Acts, ch 1010, §7; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 90, §257; 2023 Acts, ch 19, §2081; 2025 Acts, ch 147, §31; 2026 Acts, ch 1040, §9

Section amended

15.275 Statewide tourism marketing services and efforts.

1. From the moneys transferred to the authority from the beer and liquor control fund pursuant to section 123.17, subsection 7, the authority shall award contracts to one or more entities to conduct statewide tourism marketing services and efforts and to provide services to campaigns, workshops, and conferences that promote travel and tourism throughout the state. Each contract awarded by the authority shall specify that the entity must conduct statewide tourism marketing services and efforts that meet all of the following requirements:

a. The marketing services and efforts shall be of professional quality and shall be coordinated with, and not duplicate, existing programs or services conducted by the authority that are related to tourism marketing.

b. The marketing services and efforts shall include hosting and leveraging tourism advocacy events.

c. The marketing services and efforts shall be accessible to tourism-focused organizations.

d. The marketing services and efforts shall advocate for the travel and tourism industry and the sectors connected to Iowa's visitor economy to leverage public and private partnerships to market and promote the state as a travel destination.

2. The authority shall report to the general assembly on or before September 1 of each fiscal year, or report as part of the annual report under section 15.107B, on the effectiveness of each entity that conducted statewide tourism marketing services and efforts in the immediately preceding fiscal year pursuant to a contract awarded under subsection 1. The report shall be provided in an electronic format and shall include metrics and criteria that allow the general assembly to quantify and evaluate the effectiveness and economic impact of each entity's statewide tourism marketing services and efforts.

2022 Acts, ch 1148, §18; 2024 Acts, ch 1182, §123

Referred to in §123.17

15.276 through 15.280 Reserved.

PART 8

15.281 Destination Iowa fund.

1. For purposes of this section:

a. *"Eligible applicant"* means a city, county, or not-for-profit organization.

b. *"Rural community"* means a community that has a population of fewer than twenty thousand persons as determined by the most recent population estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

c. *"Vertical infrastructure"* means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, recreational trails, and water trails. *"Vertical infrastructure"* does not include routine,

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recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

2. A destination Iowa fund is created in the state treasury under the control of the authority. The fund shall consist of all moneys appropriated to the fund. The board will oversee and administer the destination Iowa fund.

3. Moneys in the destination Iowa fund are appropriated to the authority for purposes of providing grants to eligible applicants for any of the following types of projects:

a. Economically significant projects that increase tourism opportunities.

b. Development and enhancement of outdoor recreational opportunities.

c. Projects that contribute to quality of life in rural communities.

4. Projects must meet all of the following criteria to be eligible for a grant to an eligible applicant from the fund:

a. The project must be primarily vertical infrastructure.

b. The project must be available for year-round use by the public.

c. An eligible applicant must intend to own the property that is the subject of the project upon completion.

5. The board shall prioritize making awards to applicants that have not been awarded money from the destination Iowa fund or other programs intended to support community attraction and tourism projects after July 1, 2018. The board shall prioritize awarding grants to projects that include primarily new construction over projects that primarily renovate or replace existing facilities. The board shall not award a grant in an amount exceeding fifty percent of the total cost of the project.

6. At the beginning of each fiscal year, the authority shall allocate fifty percent of the moneys available in the destination Iowa fund to projects in rural communities. If any portion of the moneys allocated under this subsection has not been awarded by April 1 of the fiscal year for which the allocation is made, the portion which has not been awarded may be awarded to any eligible project in the state. If a county is the applicant, a project will be deemed to be located in a rural community if the geographic location of the project is in or near a city that is a rural community.

7. Applications for grants from the destination Iowa fund shall be submitted to the authority. For those applications that meet the eligibility criteria described in subsection 4, the authority shall forward the applications and provide a staff evaluation to the board. Work completed and costs incurred prior to the date of board approval of a grant are ineligible for reimbursement, except the acquisition of real estate.

8. The board shall make final funding decisions on each application and may approve, deny, defer, or modify applications for grants under the program. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. In making final funding decisions pursuant to this subsection, the board and the authority are exempt from chapter 17A.

9. If an application is approved, the authority shall enter into an agreement with the applicant to provide a grant awarded from the fund.

10. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the destination Iowa fund shall be credited to the destination Iowa fund. Notwithstanding section 8.33, moneys credited to the destination Iowa fund shall not revert at the close of a fiscal year. The authority shall not use more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs and program support.

2023 Acts, ch 118, §10

15.282 through 15.288 Repealed by 2001 Acts, ch 61, §19.

15.289 and 15.290 Reserved.

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PART 9

Referred to in §422.11V, 422.33, 422.60, 432.12L, 533.329

15.291 Definitions.

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

1. *"Abandoned public building"* means a vertical improvement, as defined in section 15J.2, constructed for use primarily by a political subdivision of the state for a public purpose and whose current use is outdated or prevents a better or more efficient use of the property by the current owner. *"Abandoned public building"* includes vacant, blighted, obsolete, or otherwise underutilized property.

2. *"Brownfield site"* means an abandoned, idled, or underutilized industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination. A brownfield site includes property contiguous with the property on which the individual or commercial facility is located. A brownfield site does not include property which has been placed, or is proposed for placement, on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.

3. *"Grayfield site"* means an abandoned public building or an industrial or commercial property that meets all of the following requirements:

a. The property has been developed and has infrastructure in place but the property's current use is outdated or prevents a better or more efficient use of the property. Such property includes vacant, blighted, obsolete, or otherwise underutilized property.

b. The property's improvements and infrastructure are at least twenty-five years old and one or more of the following conditions exists:

(1) Thirty percent or more of a building located on the property that is available for occupancy has been vacant or unoccupied for a period of twelve months or more.

(2) The assessed value of the improvements on the property has decreased by twenty-five percent or more.

(3) The property is currently being used as a parking lot.

(4) The improvements on the property no longer exist.

4. *"Green development"* means development which meets or exceeds the sustainable design standards established by the state building code commissioner pursuant to section 103A.8B.

5. *"Political subdivision"* means a city, county, township, or school district.

6. *"Previously remediated or redeveloped"* means any prior remediation or redevelopment, including development for which an award of tax credits under this part has been made.

7. *"Qualifying investment"* means costs that are directly related to a qualifying redevelopment project and that are incurred after the project has been registered and approved by the board. *"Qualifying investment"* only includes the purchase price, the cleanup costs, and the redevelopment costs.

8. *"Qualifying redevelopment project"* means a brownfield or a grayfield site being redeveloped or improved by the property owner. *"Qualifying redevelopment project"* does not include a previously remediated or redeveloped brownfield or grayfield site.

9. *"Redevelopment tax credits program"* means the tax credits program administered pursuant to sections 15.293A and 15.293B.

2000 Acts, ch 1101, §1; 2008 Acts, ch 1173, §1; 2011 Acts, ch 116, §3, 12; 2014 Acts, ch 1081, §1 – 3, 13; 2025 Acts, ch 147, §3

Referred to in §15A.1

15.292 Brownfield redevelopment program. Repealed by 2025 Acts, ch 147, §9.

15.293 Brownfield redevelopment fund. Repealed by 2025 Acts, ch 147, §9.

15.293A Redevelopment tax credits.

1. *a.* A redevelopment tax credit shall be allowed against the taxes imposed in chapter

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422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's equity investment, as provided in subsection 3, in a qualifying redevelopment project.

b. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

c. (1) Except as provided in subparagraph (2), any tax credit in excess of the taxpayer's liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

(2) (a) A tax credit in excess of the taxpayer's liability for the tax year is refundable if all of the following conditions are met:

(i) The taxpayer is an investor making application for tax credits provided in this section and is an entity organized under chapter 504 and qualifying under section 501(c)(3) of the Internal Revenue Code as an organization exempt from federal income tax under section 501(a) of the Internal Revenue Code.

(ii) The taxpayer establishes during the application process described in section 15.293B that the requirement in subparagraph division (a) is satisfied. The authority, when issuing a certificate to a taxpayer that meets the requirements in this subparagraph (2), shall indicate on the certificate that such requirements have been satisfied.

(b) For a tax credit deemed refundable pursuant to subparagraph division (a), the following percentage of the tax credit in excess of the taxpayer's liability for the tax year is refundable:

(i) For the tax year beginning on or after January 1, 2023, but before January 1, 2024, ninety-five percent.

(ii) For the tax year beginning on or after January 1, 2024, but before January 1, 2025, ninety percent.

(iii) For the tax year beginning on or after January 1, 2025, but before January 1, 2026, eighty-five percent.

(iv) For the tax year beginning on or after January 1, 2026, but before January 1, 2027, eighty percent.

(v) For tax years beginning on or after January 1, 2027, seventy-five percent.

(3) A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer first receives the tax credit.

2. *a.* To claim a redevelopment tax credit under this section, a taxpayer must include one or more tax credit certificates with the taxpayer's tax return. A tax credit certificate shall not be included with a return filed for a taxable year beginning prior to the tax year listed on the certificate.

b. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the qualifying investor, any other information required by the department of revenue, and a place for the name and tax identification number of a transferee and the amount of the tax credit being transferred.

c. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, subchapters II, III, and V, and in chapter 432, and for the moneys and credits tax imposed in section 533.329, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this section.

d. Tax credit certificates issued under this section may be transferred to any person or entity, except a tax credit certificate that is refundable under subsection 1, paragraph "*c*", subparagraph (2), shall not be transferable. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue.

e. Within thirty days of receiving the transferred tax credit certificate and the transferee's

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statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared in the transferred tax credit certificate. Tax credit certificate amounts of less than the minimum amount established by rule of the economic development authority shall not be transferable.

f. A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, subchapters II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, subchapters II, III, and V.

3. The amount of the tax credit shall be determined by the board and shall not exceed the following amount, as applicable:

a. Twelve percent of the taxpayer's qualifying investment in a grayfield site.

b. Fifteen percent of the taxpayer's qualifying investment in a grayfield site if the qualifying redevelopment project meets the requirements of a green development.

c. Twenty-four percent of the taxpayer's qualifying investment in a brownfield site.

d. Thirty percent of the taxpayer's qualifying investment in a brownfield site if the qualifying redevelopment project meets the requirements of a green development.

4. For purposes of individual and corporate income taxes and the franchise tax, the increase in the basis of the redeveloped property that would otherwise result from the qualified redevelopment costs shall be reduced by the amount of the credit computed under this part.

5. The maximum amount of a tax credit for a qualifying investment in any one qualifying redevelopment project shall not exceed ten percent of the maximum amount of tax credits available in any one fiscal year pursuant to subsection 6.

6. Except as provided in section 15.293B, subsection 6, the board shall not award in any one fiscal year an amount of tax credits that exceeds fifteen million dollars.

7. An investment shall be deemed to have been made on the date the qualifying redevelopment project is completed.

8. This section is repealed on June 30, 2031.

2008 Acts, ch 1173, §2; 2011 Acts, ch 116, §5 – 7, 12; 2011 Acts, ch 118, §84, 85, 89; 2012 Acts, ch 1021, §10, 11; 2012 Acts, ch 1110, §3; 2014 Acts, ch 1081, §4 – 9, 13; 2014 Acts, ch 1093, §3; 2020 Acts, ch 1062, §94; 2021 Acts, ch 177, §41, 44; 2022 Acts, ch 1002, §46, 47, 54, 55; 2025 Acts, ch 136, §2; 2025 Acts, ch 147, §4

Referred to in §2.48, 15.291, 15.293B

2022 amendment to subsection 1, paragraph c, subparagraph (2) effective January 1, 2023, and applies to tax years beginning on or after January 1, 2023; 2022 Acts, ch 1002, §54, 55

2022 amendment to subsection 2, paragraph d effective January 1, 2023, and applies to tax years beginning on or after January 1, 2023; 2022 Acts, ch 1002, §54, 55

15.293B Application — registration — agreement.

1. *a.* The authority shall develop a system for the application, review, registration, and authorization of projects awarded tax credits pursuant to this part and shall control the issuance of all tax credit certificates to investors pursuant to this part.

b. The authority shall accept and review applications for tax credits provided in section 15.293A and make tax credit award recommendations regarding the applications to the board. The authority may engage outside experts to complete a technical, financial, or other review.

c. Applications for redevelopment tax credits shall be accepted during an annual application period established by the authority.

d. Upon review of an application, the authority may register the project with the redevelopment tax credits program. If the authority registers the project, the authority

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may make a preliminary determination as to the amount of tax credit for which an award recommendation will be made to the board.

e. After registering the project, the authority shall notify the investor of successful registration under the redevelopment tax credits program. The notification may include the amount of tax credit for which an award recommendation will be made to the board. If an award recommendation is included in the notification, such notification shall include a statement that the award recommendation is a recommendation only. The amount of tax credit included on a tax credit certificate issued pursuant to this section shall be contingent upon an award by the board and upon completion of the requirements in this section.

f. (1) All completed applications shall be reviewed and scored on a competitive basis by the authority. In reviewing and scoring applications, the authority may consider any factors the authority deems appropriate for a competitive application process, including but not limited to the financial need, quality, and feasibility of a qualifying redevelopment project.

(2) For purposes of this paragraph:

(a) *"Feasibility"* means the likelihood that the project will obtain the financing necessary to allow for full completion of the project and the likelihood that the proposed redevelopment or improvement that is the subject of the project will be fully completed.

(b) *"Financial need"* means the difference between the total costs of the project less the total financing that will be received for the project.

(c) *"Quality"* means the merit of the project after considering and evaluating its total characteristics and measuring those characteristics in a uniform, objective manner against the total characteristics of other projects that have applied for the tax credit provided in section 15.293A during the same annual application period.

g. Upon reviewing and scoring all applications that are part of an annual application period, the board may award tax credits provided in section 15.293A.

h. If the applicant for a tax credit provided in section 15.293A has also applied to an agency of the federal government or to the authority, the board, or any other agency of state government for additional financial assistance, the authority and the board shall consider the amount of funding to be received from such public sources when making a tax credit award pursuant to this section.

i. An applicant that is unsuccessful in receiving a tax credit award during an annual application period may make additional applications during subsequent annual application periods. Such applicants shall be required to submit a new application, which shall be competitively reviewed and scored in the same manner as other applications in that annual application period.

2. An investor applying for a tax credit shall provide the authority with all of the following:

a. Information showing the total costs of the qualifying redevelopment project, including the costs of land acquisition, cleanup, and redevelopment.

b. Information about the financing sources of the investment which are directly related to the qualifying redevelopment project for which the investor is seeking approval for a tax credit provided in section 15.293A.

c. Any other information deemed necessary by the authority to review and score the application pursuant to subsection 1.

3. If an investor is awarded a tax credit pursuant to this section, the authority and the investor shall enter into an agreement concerning the qualifying redevelopment project. If the investor fails to comply with any of the requirements of the agreement, the authority may find the investor in default under the agreement and may revoke all or a portion of the tax credit award. After a final determination by the authority, the authority shall notify the department of revenue of any required repayment or recapture of a tax credit. The repayment or recapture of a tax credit pursuant to this subsection shall be considered a tax payment due and payable to the department of revenue by any taxpayer who has claimed the tax credit, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form.

4. A registered project shall be completed within thirty months of the date the project was registered unless the authority, with the approval of the board, provides additional time to

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complete the project. If the registered project is not completed within the time required, the project is not eligible to claim a redevelopment tax credit provided in section 15.293A.

5. *a.* The investor shall engage a certified public accountant authorized to practice in this state to conduct an examination of the project in accordance with the American institute of certified public accountants' statements on standards for attestation engagements. Upon completion of a registered project, the examination, along with a statement of the amount of final qualifying investment, shall be submitted to the authority.

b. Upon review of the examination and statement submitted pursuant to paragraph *"a"*, the authority may issue a tax credit certificate to the investor stating the amount of tax credit under section 15.293A the investor may claim.

6. *a.* (1) Tax credits revoked under subsection 3 including tax credits revoked up to five years prior to July 1, 2021, and tax credits not awarded under subsection 4 or 5, may be awarded in the next annual application period established in subsection 1, paragraph *"c"*.

(2) Any amount of tax credits authorized and awarded during a fiscal year which are irrevocably declined by the awarded investor on or before June 30 of the immediately succeeding fiscal year may be awarded in the next annual application period established in subsection 1, paragraph *"c"*.

b. Tax credits awarded pursuant to paragraph *"a"* shall not be counted against the limit under section 15.293A, subsection 6.

7. The authority, in conjunction with the department of revenue, shall adopt rules to administer the redevelopment tax credits program.

8. This section is repealed on June 30, 2031.

2008 Acts, ch 1173, §3; 2011 Acts, ch 116, §8 – 10; 2011 Acts, ch 118, §87, 89; 2014 Acts, ch 1081, §10, 13; 2015 Acts, ch 136, §44 – 46; 2015 Acts, ch 138, §133, 135, 136; 2018 Acts, ch 1026, §8; 2021 Acts, ch 177, §42 – 44; 2022 Acts, ch 1021, §183, 187; 2025 Acts, ch 136, §3, 29, 59; 2025 Acts, ch 147, §5 – 8

Referred to in §15.291, 15.293A

15.294 Brownfield redevelopment advisory council. Repealed by 2025 Acts, ch 147, §9.

15.295 Rules. Repealed by 2025 Acts, ch 147, §9.

15.296 through 15.299 Reserved.

PART 10

15.300 Findings and intent. Repealed by 2020 Acts, ch 1063, §389.

15.301 Save our small businesses fund and program. Repealed by 2020 Acts, ch 1063, §389.

15.302 through 15.310 Reserved.

PART 11

15.311 Title.

This part shall be known as the *"Iowa Strategic Infrastructure"* program.

92 Acts, ch 1244, §16; 2014 Acts, ch 1124, §14, 25

15.312 Purpose.

The purpose of this part shall be to provide a mechanism for the funding of programs which meet the descriptions provided in section 15.313, subsection 2.

92 Acts, ch 1244, §17; 2002 Acts, ch 1041, §1

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15.313 Strategic infrastructure program — fund.

1. *a.* The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph *"o"*, for purposes of financing strategic infrastructure projects as described in this section. A fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*. Any moneys appropriated to a fund for purposes of this section shall be used for purposes of the strategic infrastructure program.

b. Notwithstanding section 8.33, moneys in a fund established for purposes of this section at the end of each fiscal year shall not revert to any other fund but shall remain in the strategic infrastructure fund for expenditure for subsequent fiscal years.

c. Moneys in a fund established for purposes of this section, except for moneys appropriated to a fund for purposes of this section, may be transferred to other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

2. The program shall be used by the authority to provide financial assistance for strategic infrastructure projects that are intended to lead to relocation or expansion projects for existing businesses as well as financial assistance for new businesses.

3. A committee appointed pursuant to section 15.117A, subsection 7, shall review each application received by the economic development authority for financial assistance under the program and shall make recommendations to the board regarding all of the following:

a. The completeness of the application.

b. Whether the board should approve an application for financial assistance, and if so, the amount of such financial assistance.

4. For purposes of this section, unless the context otherwise requires:

a. "Financial assistance" means the same as defined in section 15.102.

b. "Strategic infrastructure" means projects that develop commonly utilized assets that provide an advantage to one or more private sector entities or that create necessary physical infrastructure in the state, and such projects are not adequately provided by the public or private sectors. Such projects may include vertical improvement developments, facilities and equipment upgrades, or the redevelopment or repurposing of underutilized property or other assets, provided that each project is intended to attract additional public or private sector investment and result in broad-based prosperity in this state.

c. "Vertical improvement" means the same as defined in section 15J.2.

5. The authority shall adopt rules to implement and administer this section. In adopting such rules, the authority shall narrowly construe the provisions of this section.

92 Acts, ch 1244, §18; 94 Acts, ch 1119, §2, 3; 96 Acts, ch 1219, §95; 99 Acts, ch 197, §21; 2000 Acts, ch 1230, §14; 2002 Acts, ch 1041, §2; 2003 Acts, ch 71, §4; 2004 Acts, ch 1101, §12; 2008 Acts, ch 1032, §122; 2009 Acts, ch 123, §24; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 13, §7; 2014 Acts, ch 1124, §15 – 20, 25; 2025 Acts, ch 147, §2

Referred to in §15.111, 15.117A, 15.312

15.314 Reserved.

PART 12

Referred to in §15.119

15.315 Short title.

This part shall be known and may be cited as the *"Renewable Chemical Production Tax Credit Program"*.

2016 Acts, ch 1065, §4, 15, 16

Referred to in §2.48, 15.322

For future repeal of this section effective July 1, 2039, see §15.322

15.316 Definitions.

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

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1. *"Biobased content percentage"* means, with respect to any renewable chemical, the amount, expressed as a percentage, of renewable organic material present as determined by testing representative samples using the American society for testing and materials standard D6866.

2. *"Biomass feedstock"* means sugar, polysaccharide, crude glycerin, lignin, fat, grease, or oil derived from a plant or animal, or a protein capable of being converted to a building block chemical by means of a biological or chemical conversion process.

3. *"Building block chemical"* means a molecule converted from biomass feedstock as a first product or a secondarily derived product that can be further refined into a higher-value chemical, material, or consumer product. *"Building block chemical"* includes but is not limited to high-purity glycerol, oleic acid, lauric acid, methanoic or formic acid, arabonic acid, erythonic acid, glyceric acid, glycolic acid, lactic acid, 3-hydroxypropionate, propionic acid, malonic acid, succinic acid, fumaric acid, malic acid, aspartic acid, 3-hydroxybutyrolactone, acetoin, itaconic acid, furfural, levulinic acid, glutamic acid, xylonic acid, xylaric acid, xylitol, arabitol, citric acid, aconitic acid, 5-hydroxymethylfurfural, gluconic acid, glucaric acid, sorbitol, gallic acid, ferulic acid, butyric acid, nonfuel butanol, nonfuel ethanol, or such additional molecules as may be included by the authority by rule after consultation with appropriate experts from Iowa state university, including but not limited to the Iowa state university center for biorenewable chemicals.

4. *"Crude glycerin"* means glycerin with a purity level below ninety-five percent.

5. *"Eligible business"* means a business meeting the requirements of section 15.317.

6. *"Food additive"* means a building block chemical that is not primarily consumed as food but which, when combined with other components, improves the taste, appearance, odor, texture, or nutritional content of food. The authority, in its discretion, shall determine whether or not a building block chemical is primarily consumed as food.

7. *"High-purity glycerol"* means glycerol with a purity level of ninety-five percent or higher.

8. *"Pre-eligibility production threshold"* means, with respect to each eligible business, the number of pounds of renewable chemicals produced, if any, by an eligible business during the calendar year prior to the calendar year in which the business first qualified as an eligible business pursuant to section 15.317.

9. *"Program"* means the renewable chemical production tax credit program administered pursuant to this part.

10. *"Renewable chemical"* means a building block chemical with a biobased content percentage of at least fifty percent. *"Renewable chemical"* does not include a chemical sold or used for the production of food, feed, or fuel. *"Renewable chemical"* includes cellulosic ethanol, starch ethanol, or other ethanol derived from biomass feedstock, fatty acid methyl esters, or butanol, but only to the extent that such molecules are produced and sold for uses other than food, feed, or fuel. *"Renewable chemical"* also includes a building block chemical that can be a food additive as long as the building block chemical is not primarily consumed as food and is also sold for uses other than food. *"Renewable chemical"* also includes supplements, vitamins, nutraceuticals, and pharmaceuticals, but only to the extent that such molecules do not provide caloric value so as to be considered sustenance as food or feed.

11. *"Sugar"* means the organic compound glucose, fructose, xylose, arabinose, lactose, sucrose, starch, cellulose, or hemicellulose.

2016 Acts, ch 1065, §5, 15, 16; 2016 Acts, ch 1135, §16; 2023 Acts, ch 116, §2, 17

Referred to in §2.48, 15.322

For future repeal of this section effective July 1, 2039, see §15.322

2023 amendment to subsection 3 applies to all applications submitted to the renewable chemical production tax credit program on or after July 1, 2023; 2023 Acts, ch 116, §17

15.317 Eligibility requirements.

To be eligible to receive the renewable chemical production tax credit pursuant to the program, a business shall meet all of the following requirements:

1. The business is physically located in this state.

2. The business is operated for profit and under single management.

3. The business is not an entity providing professional services, health care services, or medical treatments or is not an entity engaged primarily in retail operations.

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4. The business organized, expanded, or located in the state on or after April 6, 2016.

5. The business shall not be relocating or reducing operations as follows, and as determined under the discretion of the authority:

a. The business shall not be solely relocating operations from one area of the state. A project that does not create new jobs or involve a substantial amount of new capital investment shall be presumed to be a relocation. In determining whether a business is solely relocating operations for purposes of this paragraph, the authority shall consider a letter of support for the move from the affected local community.

b. The business shall not be in the process of reducing operations in one community while simultaneously applying for the program. For purposes of this paragraph, a reduction in operations within twelve months before or after an application is submitted to the authority shall be presumed to be a reduction in operations while simultaneously applying for assistance under the program.

c. This subsection shall not be construed to prohibit a business from expanding its operation in a community if existing operations of a similar nature in this state are not closed or substantially reduced.

6. The business is in compliance with all agreements entered into under this program or other programs administered by the authority.

2016 Acts, ch 1065, §6, 15, 16; 2021 Acts, ch 76, §4; 2025 Acts, ch 136, §30, 59

Referred to in §2.48, 15.316, 15.318, 15.320, 15.322

For future repeal of this section effective July 1, 2039, see §15.322

15.318 Eligible business application and agreement — maximum tax credits.

1. *Application.*

a. An eligible business that produces a renewable chemical in this state from biomass feedstock during a calendar year may apply to the authority for the renewable chemical production tax credit provided in section 15.319.

b. The application shall be made to the authority in the manner prescribed by the authority.

c. The application shall be made during the calendar year following the calendar year in which the renewable chemicals are produced.

d. The authority may accept applications on a continuous basis or may establish, by rule, an annual application deadline.

e. The application shall include all of the following information:

(1) The amount of renewable chemicals produced in the state from biomass feedstock by the eligible business during the calendar year, measured in pounds.

(2) Any other information reasonably required by the authority in order to establish and verify eligibility under the program.

f. All complete applications submitted by eligible businesses shall be reviewed and scored on a competitive basis by the authority pursuant to rules adopted by the authority.

2. *Agreement and fees.*

a. Before being issued a tax credit under section 15.319, an eligible business shall enter into an agreement with the authority for the successful completion of all requirements of the program. As part of the agreement, the eligible business shall agree to collect and provide any information reasonably required by the authority in order to allow the board to fulfill its reporting obligation under section 15.320.

b. Compliance cost fees shall apply to all agreements entered into under this program and shall be collected by the authority in the amount and manner as follows:

(1) The imposition of a one-time compliance cost fee of five hundred dollars to be collected by the authority prior to the issuance of a tax incentive certificate.

(2) The imposition of a compliance cost fee equal to one-half of one percent of the value of tax incentives claimed pursuant to an agreement that has an aggregate tax incentive value of one hundred thousand dollars or greater. The authority shall collect the fee from the business after the tax incentive is claimed by the business from the department of revenue.

c. An eligible business shall fulfill all the requirements of the program and the agreement before the authority issues the business a tax credit certificate or enters into a subsequent

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agreement with the business under this section. The authority may decline to enter into a subsequent agreement with the business under this section or to issue a tax credit if an agreement is not successfully fulfilled.

d. Upon establishing that all requirements of the program and the agreement have been fulfilled, the authority shall issue a tax credit certificate to the eligible business stating the amount of renewable chemical production tax credit the eligible business may claim.

3. *Maximum tax credit amount.*

a. The maximum amount of tax credit that the authority may issue under section 15.319 to an eligible business for the production of renewable chemicals in a calendar year is one million dollars.

b. An eligible business shall not receive a tax credit for renewable chemicals produced before the date the business first qualified as an eligible business pursuant to section 15.317.

c. An eligible business shall only receive a tax credit for renewable chemicals produced in a calendar year to the extent such production exceeds the eligible business's pre-eligibility production threshold.

d. The authority shall not issue an eligible business more than five tax credit certificates under the program.

e. In each fiscal year beginning on or after July 1, 2025, and ending on or before June 30, 2036, the authority may award an amount of tax credits under the program not to exceed the maximum aggregate amount determined by the board pursuant to section 15.119, subsection 2, paragraph *"b"*.

4. *Termination and repayment.* The failure by an eligible business in fulfilling any requirement of the program or any of the terms and obligations of an agreement entered into pursuant to this section may result in the reduction, termination, or rescission of the tax credits under section 15.319 and may subject the eligible business to the repayment or recapture of tax credits claimed. After a final determination by the authority, the authority shall notify the department of revenue of any required repayment or recapture of a tax credit. The repayment or recapture of a tax credit pursuant to this subsection shall be considered a tax payment due and payable to the department of revenue by any taxpayer who has claimed the tax credit, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form.

5. *Confidentiality.*

a. Except as provided in paragraph *"b"*, any information or record in the possession of the authority with respect to the program shall be presumed by the authority to be a trade secret protected under chapter 550 or common law and shall be kept confidential by the authority unless otherwise ordered by a court.

b. The identity of a tax credit recipient and the amount of the tax credit shall be considered public information under chapter 22.

2016 Acts, ch 1065, §7, 15, 16; 2017 Acts, ch 54, §76; 2023 Acts, ch 116, §3 – 5, 17; 2025 Acts, ch 136, §4, 31, 32, 59

Referred to in §2.48, 15.319, 15.320, 15.322

For future repeal of this section effective July 1, 2039, see §15.322

15.319 Renewable chemical production tax credit.

1. An eligible business that has entered into an agreement pursuant to section 15.318 may claim a tax credit in an amount equal to the product of five cents multiplied by the number of pounds of renewable chemicals produced in this state from biomass feedstock by the eligible business during the calendar year in excess of the eligible business's pre-eligibility production threshold. However, an eligible business shall not receive a tax credit for the production of a secondarily derived building block chemical if that chemical is also the subject of a credit at the time of production as a first product. The renewable chemical production tax credit shall not be available for any renewable chemical produced before the 2017 calendar year or after the 2035 calendar year.

2. The tax credit shall be allowed against taxes imposed under chapter 422, subchapter II or III.

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3. The tax credit shall be claimed for the tax year during which the eligible business was issued the tax credit.

4. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, cooperative, estate, or trust.

5. Any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year.

6. *a.* To claim a tax credit under this section, a taxpayer shall include one or more tax credit certificates with the taxpayer's tax return.

b. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the eligible business, and any other information required by the department of revenue.

c. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, subchapters II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of the program.

d. Tax credit certificates issued pursuant to this section shall not be transferred to any other person.

2016 Acts, ch 1065, §8, 15, 16; 2020 Acts, ch 1062, §94; 2023 Acts, ch 116, §6
Referred to in §2.48, 15.318, 15.322, 422.10B, 422.33
For future repeal of this section effective July 1, 2039, see §15.322

15.320 Reports to general assembly.

1. For purposes of this section, *"successful tax credit applicant"* includes, with respect to each calendar year, an eligible business that was issued a tax credit certificate for production of renewable chemicals during that calendar year.

2. By January 31 of each year, the board, in cooperation with the department of revenue, shall submit to the general assembly and to the governor, or provide to the authority for inclusion in the annual report under section 15.107B, a report describing the activities of the program for the most recent calendar year for which the tax credit application period has ended pursuant to section 15.318, subsection 1, paragraph *"d"*. The report shall, at a minimum, include the following information:

a. The aggregate number of pounds, and a list of each type, of renewable chemicals produced in Iowa by all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

b. The aggregate number of pounds, and a list of each type, of renewable chemicals produced in Iowa by all successful tax credit applicants during each calendar year.

c. The number of employees located in Iowa of all successful tax credit applicants during the calendar year prior to the calendar year for which the successful applicants first applied for a tax credit under the program.

d. The number of employees located in Iowa of all successful tax credit applicants during each calendar year.

e. For each eligible business issued a renewable chemical production tax credit during each calendar year:

(1) The identity of the eligible business.

(2) The amount of the tax credit.

(3) The manner in which the eligible business first qualified as an eligible business under section 15.317, subsection 4, whether by organizing, expanding, or locating in the state.

f. The total amount of all renewable chemical production tax credits claimed during each calendar year, and the portion of the claims issued as a refund.

3. To protect the presumption of confidentiality established in section 15.318, subsection

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5, the board shall report all information in an aggregate form to prevent, as much as possible, information being attributable to any particular eligible business, except as provided in subsection 2, paragraph *"e"*.

2016 Acts, ch 1065, §9, 15, 16; 2023 Acts, ch 116, §7 – 9, 17; 2024 Acts, ch 1182, §124

Referred to in §2.48, 15.318, 15.322

For future repeal of this section effective July 1, 2039, see §15.322

2023 amendment to subsection 1 applies to all applications submitted to the renewable chemical production tax credit program on or after July 1, 2023, and to all eligible businesses placed on a wait list pursuant to section 15.318, subsection 3, paragraph e on or before June 30, 2023; 2023 Acts, ch 116, §17

15.321 Rules.

The authority and the department of revenue shall each adopt rules as necessary for the implementation and administration of this part.

2016 Acts, ch 1065, §10, 15, 16

Referred to in §2.48, 15.322

For future repeal of this section effective July 1, 2039, see §15.322

15.322 Future repeal.

Sections 15.315, 15.316, 15.317, 15.318, 15.319, 15.320, 15.321, and this section, are repealed July 1, 2039.

2016 Acts, ch 1065, §11, 15, 16; 2023 Acts, ch 116, §10; 2024 Acts, ch 1043, §23

Referred to in §2.48

15.323 and 15.324 Reserved.

15.325 Negotiations — state and local officials — restrictions. Repealed by 2009 Acts, ch 123, §8.

PART 13

Referred to in §15.354

15.326 Short title. Repealed by 2025 Acts, ch 136, §21, 24.

For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.327 Definitions. Repealed by 2025 Acts, ch 136, §21, 24.

For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.328 Reserved.

15.329 Eligible business. Repealed by 2025 Acts, ch 136, §21, 24.

For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.330 Agreement. Repealed by 2025 Acts, ch 136, §21, 24.

For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.330A Maintenance of agreements. Repealed by 2025 Acts, ch 136, §21, 24.

For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.331 New jobs credit from withholding. Repealed by 2005 Acts, ch 150, §67 – 69.

15.331A Sales and use tax refund. Repealed by 2025 Acts, ch 136, §21, 24.

For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.331B Exemption from land ownership restrictions for nonresident aliens. Repealed by 2005 Acts, ch 150, §67 – 69.

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15.331C Third-party developer tax credit. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.332 Value-added property tax exemption. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.333 Investment tax credit. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.333A Insurance premium tax credits. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.334 and 15.334A Repealed by 2005 Acts, ch 150, §67 – 69.

15.335 Research activities credit. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.335A Tax incentives. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.335B Assistance for certain programs and projects. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.335C Wage thresholds for brownfield and grayfield projects and economically distressed areas. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.336 Other incentives. Repealed by 2025 Acts, ch 136, §21, 24.
For transition and preservation of existing rights provisions related to the repeal of the high quality jobs program, see 2025 Acts, ch 136, §22, 23

15.337 Waiver of program qualification requirements. Repealed by 2005 Acts, ch 150, §67 – 69.

PART 14

15.338 Nuisance property remediation assistance — fund.

1. *a.* The economic development authority shall establish a nuisance property remediation fund pursuant to section 15.106A, subsection 1, paragraph *"o"*, for purposes of providing financial assistance to cities for the remediation of nuisance properties and abandoned buildings and other structures. The authority shall administer the fund in a manner designed to make funds annually available to cities for purposes of this section.

b. The authority may administer a fund established for purposes of this section as a revolving fund. The fund may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

c. The authority shall use any moneys specifically appropriated for purposes of this section only for the purposes of this section. The authority may use all other moneys in the fund, including interest, earnings, recaptures, and repayments for purposes of this section or the authority may transfer the other moneys to other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

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d. Notwithstanding section 8.33, moneys in the nuisance property remediation fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

e. The authority may use not more than five percent of the moneys in the fund at the beginning of the fiscal year for purposes of administrative costs, finance, compliance, marketing, and program support.

2. The authority shall use moneys in the fund to provide financial assistance to cities for the remediation of nuisance properties and abandoned buildings and other structures. Such financial assistance may include loans or forgivable loans. The authority may provide financial assistance under this section using a competitive scoring process.

3. In providing financial assistance under this section, the authority may give priority to cities with severe blighted areas, widespread dilapidated housing stock, or high rates of low or moderate income residents.

4. The authority shall enter into an agreement with each city for the receipt of financial assistance under this section. The authority may negotiate the terms of the agreement.

5. In providing financial assistance under this section, the authority shall coordinate with a city to develop a plan for the use of funds that is consistent with the community development, housing, and economic development goals of the city. The terms of the agreement entered into pursuant to subsection 4 and the use of financial assistance provided under this section shall reflect the plan developed based on a city's goals.

6. If a city receives financial assistance under this section, the amount of any lien created for costs related to remediation of the property shall not include any moneys that the city received pursuant to this section to remediate the property.

2015 Acts, ch 136, §48, 54, 55; 2016 Acts, ch 1073, §8; 2024 Acts, ch 1182, §125
Referred to in §15.111

15.339 and 15.340 Reserved.

PART 15

15.341 through 15.344 Transferred to §84G.1 through 84G.5; 2023 Acts, ch 19, §2222.

15.345 through 15.348 Reserved.

PART 16

15.349 Shelter assistance fund. Repealed by 2010 Acts, ch 1031, §267. See §16.41.

15.350 Reserved.

PART 17

15.351 Short title.

This part shall be known and may be cited as the "*Workforce Housing Tax Incentives Program*".

2014 Acts, ch 1130, §13, 24 – 26

15.352 Definitions.

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

1. "*Brownfield site*" means an abandoned, idled, or underutilized property where expansion or redevelopment is complicated by real or perceived environmental contamination. A brownfield site includes property contiguous with the site on which the property is located. A brownfield site does not include property which has been placed, or

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is proposed for placement, on the national priorities list established pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601 et seq.

2. *"Community"* means a city or county.

3. *"Grayfield site"* means a property meeting all of the following requirements:

a. The property has been developed and has infrastructure in place but the property's current use is outdated or prevents a better or more efficient use of the property. Such property includes vacant, blighted, obsolete, or otherwise underutilized property.

b. The property's improvements and infrastructure are at least twenty-five years old and one or more of the following conditions exists:

(1) Thirty percent or more of a building located on the property that is available for occupancy has been vacant or unoccupied for a period of twelve months or more.

(2) The assessed value of the improvements on the property has decreased by twenty-five percent or more.

(3) The property is currently being used as a parking lot.

(4) The improvements on the property no longer exist.

4. *"Greenfield site"* means a site that does not meet the definition of a brownfield site or grayfield site. A project proposed at a site located on previously undeveloped land or agricultural land shall be presumed to be a greenfield site.

5. *"Housing business"* means a business that is a housing developer, housing contractor, or nonprofit organization that completes a housing project in the state.

6. *"Housing project"* means a project located in this state meeting the requirements of section 15.353.

7. *"Multi-use building"* means a building whose street-level ground story is used for a purpose that is other than residential, and whose upper story or stories are currently used primarily for a residential purpose, or will be used primarily for a residential purpose after completion of the housing project associated with the building.

8. *"Program"* means the workforce housing tax incentives program administered under this part.

9. *a.* *"Qualifying new investment"* means costs that are directly related to the acquisition, repair, rehabilitation, or redevelopment of a housing project in this state.

b. *"Qualifying new investment"* includes costs that are directly related to new construction of dwelling units if the new construction occurs in a distressed workforce housing community.

c. The amount of costs that may be used to compute *"qualifying new investment"* shall not exceed the costs used for the first one hundred fifty thousand dollars of value for each dwelling unit that is part of a housing project.

d. *"Qualifying new investment"* does not include the following:

(1) The portion of the total cost of a housing project that is financed by federal, state, or local government tax credits, grants, forgivable loans, or other forms of financial assistance that do not require repayment, excluding the tax incentives provided under this part.

(2) If a housing project includes the rehabilitation, repair, or redevelopment of an existing multi-use building, the portion of the total acquisition costs of the multi-use building, including a proportionate share of the total acquisition costs of the land upon which the multi-use building is situated, that are attributable to the street-level ground story that is used for a purpose that is other than residential.

10. *"Small city"* means any of the following:

a. Any city or township located in this state, except those located wholly within one or more of the eleven most populous counties in the state, as determined by either the most recent population estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

b. Any city or township located wholly within one or more of the eleven most populous counties in the state, as determined pursuant to paragraph *"a"*, and that meets all of the following requirements:

(1) The city or township has a population less than or equal to two thousand five hundred as determined by either the most recent population estimate produced by the United States

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bureau of census or the most recent decennial census released by the United States bureau of census.

(2) The city or township had population growth of less than thirty percent as calculated by comparing the population in the most recent decennial census released by the United States census bureau to the population in the decennial census released ten years prior.

11. *"Urban area"* means any city or township, except for a small city, that is wholly located within one or more of the eleven most populous counties in the state, as determined by either the most recent population estimate produced by the United States bureau of census or the most recent decennial census released by the United States bureau of census.

2014 Acts, ch 1130, §14, 24 – 26; 2017 Acts, ch 134, §2; 2019 Acts, ch 159, §17, 31, 32; 2022 Acts, ch 1007, §6, 7, 12, 13

Referred to in §524.901

2022 amendment to subsection 10 and 2022 enactment of subsection 11 apply retroactively to July 1, 2021, to all eligible housing businesses the authority has not notified of the amount the business may claim as a refund of sales and use tax under section 15.355, subsection 2, and to all eligible housing businesses the authority has not issued a tax credit certificate stating the amount of workforce housing investment tax credits that the business may claim under section 15.355, subsection 3; 2022 Acts, ch 1007, §13

15.353 Housing project requirements.

To receive workforce housing tax incentives pursuant to the program, a proposed housing project shall meet all of the following requirements:

1. The project includes at least one of the following:

a. Four or more single-family dwelling units, except for a project located in a small city, then two or more single-family dwelling units.

b. One or more multiple dwelling unit buildings each containing three or more individual dwelling units.

c. Two or more dwelling units located in the upper story of an existing multi-use building.

2. The project consists of any of the following:

a. Rehabilitation, repair, or redevelopment at a brownfield or grayfield site that results in new dwelling units.

b. The rehabilitation, repair, or redevelopment of dilapidated dwelling units.

c. The rehabilitation, repair, or redevelopment of dwelling units located in the upper story of an existing multi-use building.

d. Construction of new dwelling units at a greenfield site.

e. For a housing project located in any county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance, development at a greenfield site.

3. *a.* Except as provided in paragraph *"b"*, the average dwelling unit cost does not exceed the maximum amount established by the board for each fiscal year for the applicable project type and project location. The board shall establish the maximum average dwelling unit cost for a project that includes single-family dwelling units that is located in a small city and for a project that includes single-family dwelling units that is located in an urban area. The board shall establish the maximum average dwelling unit cost for a project that includes multiple dwelling unit buildings and is located in a small city and for a project that includes multiple dwelling unit buildings and is located in an urban area. In establishing each maximum average dwelling unit cost, the board shall primarily consider the most recent annual United States census bureau building permits survey and historical program data.

b. If the project involves the rehabilitation, repair, redevelopment, or preservation of property described in section 404A.1, subsection 6, paragraph *"a"*, the average dwelling unit cost shall not exceed one hundred twenty-five percent of the maximum average dwelling unit cost established by the board for the applicable project type and project location as provided in paragraph *"a"*.

4. The dwelling units, when completed and made available for occupancy, meet the United

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States department of housing and urban development's housing quality standards and all applicable local safety standards.

2014 Acts, ch 1130, §15, 24 – 26; 2014 Acts, ch 1141, §17, 29; 2016 Acts, ch 1073, §9; 2017 Acts, ch 134, §3 – 6; 2019 Acts, ch 159, §18, 31, 32; 2022 Acts, ch 1007, §8, 9, 12, 13; 2023 Acts, ch 116, §11

Referred to in §15.352, 15.354, 403.17

2022 repeal of subsection 2, former paragraph e, and 2022 amendment to subsection 3 apply retroactively to July 1, 2021, to all eligible housing businesses the authority has not notified of the amount the business may claim as a refund of sales and use tax under section 15.355, subsection 2, and to all eligible housing businesses the authority has not issued a tax credit certificate stating the amount of workforce housing investment tax credits that the business may claim under section 15.355, subsection 3; 2022 Acts, ch 1007, §13

15.354 Housing project application and agreement.

1. *Application.*

a. A housing business seeking workforce housing tax incentives provided in section 15.355 shall make application to the authority in the manner prescribed by the authority. The authority may accept applications during one or more annual application periods to be determined by the authority by rule.

b. The application shall include all of the following:

(1) The following information establishing local participation for the housing project:

(a) A resolution in support of the housing project by the community where the housing project will be located.

(b) Documentation of local matching funds pledged for the housing project in an amount equal to at least one thousand dollars per dwelling unit, including but not limited to a funding agreement between the housing business and the community where the housing project will be located. For purposes of this paragraph, local matching funds shall be in the form of cash or cash equivalents, or in the form of a local property tax exemption, rebate, refund, or reimbursement.

(2) A report submitted to the authority by a business together with its application describing all violations of environmental law or worker safety law within the last five years. If, upon review of the application, the authority finds that the business has a record of violations of the law, statutes, or rules that tends to show a consistent pattern, the authority shall not provide incentives or assistance to the business unless the authority finds either that the violations did not seriously affect public health, public safety, or the environment, or, if such violations did seriously affect public health, public safety, or the environment, that mitigating circumstances were present.

(3) Information showing the total costs and funding sources of the housing project sufficient to allow the authority to adequately determine the financing that will be utilized for the housing project, the actual cost of the dwelling units, and the amount of qualifying new investment.

(4) Any other information deemed necessary by the authority to evaluate the eligibility and financial need of the housing project under the program.

c. In addition to complying with all applicable requirements in paragraph "*b*", a housing business that chooses to be considered as an applicant for tax credits reserved for disaster recovery housing projects shall also submit a certification that the applicant's housing project is located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and is also a county in which individuals are eligible for federal individual assistance. The housing business must also submit documentation that provides evidence that the qualified housing project is needed due to impact of the disaster that is the subject of the presidential major disaster declaration.

2. *Application review — tax incentive award.*

a. All completed applications shall be reviewed and scored on a competitive basis by the authority pursuant to rules adopted by the authority. In scoring applications, the authority may award additional points for all of the following:

(1) A housing project located in a community where no housing project has been awarded a tax incentive under the program in the immediately preceding three application periods.

(2) A housing project located in a community where a recent or planned business expansion, or a new business, has received a tax incentive or financial assistance under the

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high quality jobs program administered pursuant to part 13, the major economic growth attraction program administered pursuant to part 32, or the business incentives for growth program administered pursuant to part 33.

b. Upon review and scoring of all applications received during an application period, the authority may make a tax incentive award to a housing project, which tax incentive award shall represent the maximum amount of tax incentives the housing project may qualify for under the program. In determining a tax incentive award, the authority shall not use an amount of project costs that exceeds the amount included in the application of the housing business. Tax incentive awards shall be approved by the director of the authority.

c. After making a tax incentive award, the authority shall notify the housing business of its tax incentive award. The notification shall include the amount of tax incentives under section 15.355 for which the housing business has received an award and a statement that the housing business has no right to receive a tax incentive certificate or claim a tax incentive until all requirements of the program, including all requirements imposed by the agreement entered into pursuant to subsection 3, are satisfied. The amount of tax credits included on a tax credit certificate issued pursuant to this section, or a claim for refund of sales and use taxes, shall be contingent upon completion of all requirements in subsection 3.

d. An applicant that does not receive a tax incentive award during an application period may make additional applications during subsequent application periods. Such applicant shall be required to submit a new application, which shall be competitively reviewed and scored in the same manner as other applications in that application period.

3. *Agreement and fees.*

a. Upon receipt of a tax incentive award by the housing project, the housing business shall enter into an agreement with the authority for the successful completion of all requirements of the program. The agreement shall identify the tax incentive award amount, the tax incentive award date, the project completion deadline, and the total costs of the housing project.

b. Compliance cost fees shall apply to all agreements entered into under this program and shall be collected by the authority in the amount and manner as follows:

(1) The imposition of a one-time compliance cost fee of five hundred dollars to be collected by the authority prior to the issuance of a tax incentive certificate.

(2) The imposition of a compliance cost fee equal to one-half of one percent of the value of tax incentives available pursuant to an agreement that has an aggregate tax incentive value of one hundred thousand dollars or greater. The authority shall collect the fee from the housing business prior to the issuance of a tax incentive.

c. (1) Except as provided in subparagraph (2), a housing business shall complete its housing project within three years from the date the housing project is registered by the authority.

(2) The authority may for good cause within the discretion of the authority extend a housing project's completion deadline by up to twelve months upon application by the housing business, which application shall be made prior to the expiration of the three-year completion deadline in subparagraph (1). The authority may approve a second extension of up to twelve months if prior to the expiration of the first twelve-month extension the housing business applies and substantiates to the satisfaction of the authority that the second extension is warranted due to extenuating circumstances outside the control of the housing business. An application by a housing business shall be made in the manner and form prescribed by the authority by rule.

d. Upon completion of a housing project, a housing business shall submit all of the following to the authority:

(1) An examination of the project in accordance with the American institute of certified public accountants' statements on standards for attestation engagements, completed by a certified public accountant authorized to practice in this state.

(2) A statement of the final amount of qualifying new investment for the housing project.

(3) Any information the authority deems necessary to ensure compliance with the agreement signed by the housing business pursuant to paragraph "*a*", the requirements of this part, and rules the authority and the department of revenue adopt pursuant to section 15.356.

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e. (1) Upon review of the examination, verification of the amount of the qualifying new investment, and review of any other information submitted pursuant to paragraph "*d*", subparagraph (3), the authority may notify the housing business of the amount that the housing business may claim as a refund of the sales and use tax under section 15.355, subsection 2, and may issue a tax credit certificate to the housing business stating the amount of workforce housing investment tax credits under section 15.355, subsection 3, the eligible housing business may claim. The sum of the amount that the housing business may claim as a refund of the sales and use tax and the amount of the tax credit certificate shall not exceed the amount of the tax incentive award.

(2) If upon review of the examination in subparagraph (1) the authority determines that a housing project has incurred project costs in excess of the amount submitted in the application made pursuant to subsection 1 and identified in the agreement, the authority shall do one of the following:

(a) If the project costs do not cause the housing project's average dwelling unit cost to exceed the applicable maximum amount authorized in section 15.353, subsection 3, the authority may consider the agreement fulfilled and may issue a tax credit certificate.

(b) If the project costs cause the housing project's average dwelling unit cost to exceed the applicable maximum amount authorized in section 15.353, subsection 3, but do not cause the average dwelling unit cost to exceed one hundred fifty percent of such applicable maximum amount, the authority may consider the agreement fulfilled and may issue a tax credit certificate. In such case, the authority shall reduce the tax incentive award and the corresponding amount of tax incentives the eligible housing project may claim under section 15.355, subsections 2 and 3, by the same percentage that the housing project's average dwelling unit cost exceeds the applicable maximum amount under section 15.353, subsection 3, and such tax incentive reduction shall be reflected on the tax credit certificate. If the authority issues a certificate pursuant to this subparagraph division, the department of revenue shall accept the certificate notwithstanding that the housing project's average dwelling unit costs exceed the maximum amount specified in section 15.353, subsection 3.

(c) If the project costs cause the housing project's average dwelling unit cost to exceed one hundred fifty percent of the applicable maximum amount authorized in section 15.353, subsection 3, the authority shall determine the eligible housing business to be in default under the agreement, shall revoke the tax incentive award, and shall not issue a tax credit certificate. The housing business shall not be allowed a refund of sales and use tax under section 15.355, subsection 2.

4. *Maximum tax incentives amount.*

a. (1) In the fiscal year beginning July 1, 2025, and ending June 30, 2026, the authority shall not award an amount of tax credits in excess of thirty-nine million five hundred thousand dollars.

(2) In the fiscal year beginning July 1, 2026, and ending June 30, 2027, the authority shall not award an amount of tax credits in excess of thirty-six million five hundred thousand dollars.

(3) In the fiscal year beginning July 1, 2027, and for each fiscal year thereafter, the authority shall not award an amount of tax credits in excess of thirty-five million dollars.

b. Of the tax credits allocated under paragraph "*a*", fifty percent of the allocation available in each fiscal year shall be reserved for allocation to qualified housing projects in small cities.

c. Notwithstanding paragraph "*b*", if the sum of the amount of tax incentives awarded in a given fiscal year for housing projects located in small cities based on the authority's review and scoring of applications does not exceed the amount reserved for housing projects located in small cities pursuant to paragraph "*b*", the authority may award the remaining amount of tax incentives reserved for housing projects located in small cities to other housing projects during that same fiscal year.

d. Tax credits revoked by the authority or irrevocably declined by a housing business before June 30 of the fiscal year following the award may be awarded during the fiscal year the revocation or declination occurs. Tax credits awarded pursuant to this paragraph shall not be counted against the tax credit limit established in paragraph "*a*".

e. The maximum aggregate amount of tax incentives that may be awarded and issued

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under section 15.355 to a housing business for a housing project shall not exceed one million dollars.

f. If a housing business qualifies for a higher amount of tax incentives under section 15.355 than is allowed by the limitation imposed in paragraph *"e"*, the authority and the housing business may negotiate an apportionment of the reduction in tax incentives between the sales tax refund provided in section 15.355, subsection 2, and the workforce housing investment tax credits provided in section 15.355, subsection 3, provided the total aggregate amount of tax incentives after the apportioned reduction does not exceed the amount in paragraph *"e"*.

g. The authority shall issue tax incentives under the program on a first-come, first-served basis until the maximum amount of tax incentives allowed under paragraph *"a"* is reached.

5. *Termination and repayment.* The failure by a housing business in completing a housing project to comply with any requirement of this program or any of the terms and obligations of an agreement entered into pursuant to this section may result in the revocation, reduction, termination, or rescission of the tax incentive award or the approved tax incentives and may subject the housing business to the repayment or recapture of tax incentives claimed under section 15.355. After a final determination by the authority, the authority shall notify the department of revenue of any required repayment or recapture of a tax credit. The repayment or recapture of a tax credit pursuant to this subsection shall be considered a tax payment due and payable to the department of revenue by any taxpayer who has claimed the tax credit, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form.

6. *Disaster recovery housing projects.*

a. For purposes of this subsection, *"disaster recovery housing project"* means a qualified housing project located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance.

b. Notwithstanding subsection 1, the authority may establish a disaster recovery application period following the declaration of a major disaster by the president of the United States for a county in Iowa.

c. Upon review, and scoring of all applications received during a disaster recovery application period, the authority may make a tax incentive award to a disaster recovery housing project. The tax incentive award shall represent the maximum amount of tax incentives that the disaster recovery housing project may qualify for under the program. In determining a tax incentive award, the authority shall not use an amount of project costs that exceeds the amount included in the application of the housing business. Tax incentive awards shall be approved by the director of the authority.

d. The authority shall administer tax credit allocations for disaster recovery housing projects separately from the maximum tax credit amounts specified in subsection 4, paragraphs *"a"* and *"b"*.

2014 Acts, ch 1130, §16, 24 – 26; 2015 Acts, ch 138, §129, 131, 132; 2017 Acts, ch 54, §76; 2017 Acts, ch 134, §7; 2018 Acts, ch 1157, §1, 3; 2019 Acts, ch 159, §19 – 25, 31, 32; 2021 Acts, ch 76, §5; 2021 Acts, ch 80, §9; 2021 Acts, ch 177, §36 – 38; 2022 Acts, ch 1007, §10 – 13; 2025 Acts, ch 136, §5 – 7, 33 – 36, 59

Referred to in §8.55, 15.106B, 15.355

15.355 Workforce housing tax incentives.

1. A housing business that has entered into an agreement pursuant to section 15.354 is eligible to receive the tax incentives described in subsections 2 and 3.

2. *a.* A housing business may claim a refund of the sales and use taxes paid under chapter 423 prior to the completion of the housing project that are directly related to a housing project and specified in the agreement.

b. To receive a refund, a claim shall be filed by the housing business with the department of revenue as follows:

(1) The contractor or subcontractor shall state under oath, on forms provided by the department of revenue, the amount of sales and use taxes paid under chapter 423 prior

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to the completion of the housing project that are directly related to a housing project and specified in the agreement.

(2) The contractor or subcontractor shall file the forms with the housing business before final settlement is made.

(3) (a) The housing business shall, after the agreement completion date, make application to the department of revenue for any refund of the amount of sales and use taxes paid under chapter 423 prior to the completion of the housing project that were directly related to a housing project and specified in the agreement. The application shall be made in the manner and upon forms to be provided by the department of revenue. The department of revenue shall audit the claim and, if approved, issue a warrant to the housing business. The application must be made within one year after the agreement completion date. A claim filed by the housing business in accordance with this subsection shall not be denied by reason of a time limitation for filing a refund claim set forth in section 423.47.

(b) For purposes of this subparagraph, *"agreement completion date"* means the date on which the authority notifies the department of revenue that all applicable requirements of the agreement entered into pursuant to section 15.354, subsection 3, paragraph *"a"*, and all applicable requirements of this part, including the rules the authority and the department of revenue adopt pursuant to section 15.356, are satisfied.

c. A contractor or subcontractor who willfully makes a false claim under oath in violation of the provisions of this subsection shall be guilty of a simple misdemeanor and in addition to any other penalty, the contractor or subcontractor shall be liable for the payment of the tax and any applicable penalty and interest.

3. *a.* A housing business may claim a tax credit in an amount not to exceed the following:

(1) For a housing project not located in a small city, ten percent of the qualifying new investment of a housing project specified in the agreement.

(2) For a housing project located in a small city, twenty percent of the qualifying new investment of a housing project specified in the agreement.

(3) For a housing project located in a county that has been declared a major disaster by the president of the United States on or after March 12, 2019, and that is also a county in which individuals are eligible for federal individual assistance, twenty percent of the qualifying new investment of a housing project.

b. The tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329.

c. An individual may claim a tax credit under this subsection of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

d. Any tax credit in excess of the taxpayer's liability for the tax year is not refundable but may be credited to the tax liability for the following five years or until depleted, whichever is earlier.

e. (1) To claim a tax credit under this subsection, a taxpayer shall include one or more tax credit certificates with the taxpayer's tax return.

(2) The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the eligible housing business, any other information required by the department of revenue, and a place for the name and tax identification number of a transferee and the amount of the tax credit being transferred.

(3) The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, subchapters II, III, and V, and in chapter 432, and for the moneys and credits tax imposed in section 533.329, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of this program.

(4) Tax credit certificates issued under section 15.354, subsection 3, paragraph *"e"*, may be transferred to any person. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement

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containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue. However, tax credit certificate amounts of less than the minimum amount established by rule of the authority shall not be transferable.

(5) Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared on the transferred tax credit certificate.

(6) A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, subchapters II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, subchapters II, III, and V.

f. For purposes of the individual and corporate income taxes and the franchise tax, the increase in the basis of the property that would otherwise result from the qualifying new investment shall be reduced by the amount of the tax credit computed under this subsection.

2014 Acts, ch 1130, §17, 24 – 26; 2015 Acts, ch 138, §130 – 132; 2017 Acts, ch 134, §8; 2019 Acts, ch 159, §26 – 28, 31, 32; 2020 Acts, ch 1062, §94; 2021 Acts, ch 177, §39; 2022 Acts, ch 1138, §57 – 59; 2025 Acts, ch 136, §37, 59

Referred to in §15.354, 422.11C, 422.33, 422.60, 432.12G, 533.329

2022 strike and rewrite of subsection 2 applies to claims for refunds filed on or after June 17, 2022; 2022 Acts, ch 1138, §59

15.356 Rules.

The authority and the department of revenue shall adopt rules as necessary for the implementation and administration of this part.

2014 Acts, ch 1130, §18, 24 – 26

Referred to in §15.354, 15.355

15.357 through 15.360 Reserved.

PART 18

15.361 through 15.367 Repealed by 98 Acts, ch 1225, §21, 40.

15.368 World food prize award and support.

1. Commencing with the fiscal year beginning July 1, 2009, there is annually appropriated from the general fund of the state to the authority one million dollars for the support of the world food prize award.

2. The Iowa state capitol is designated as the primary location for the annual ceremony to award the world food prize.

2008 Acts, ch 1191, §30; 2011 Acts, ch 118, §87, 89

For temporary exceptions to appropriations contained in this section, see appropriations and other noncodified enactments in annual Acts of the general assembly

15.369 and 15.370 Reserved.

PART 19

15.371 Manufacturing 4.0 technology investment program.

1. This section shall be known as and may be cited as the "*Manufacturing 4.0 Technology Investment Program*".

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2. For purposes of this section unless the context otherwise requires:

a. "Financial assistance" means the same as defined in section 15.102.

b. "Manufacturing 4.0 technology investments" means projects that are intended to lead to the adoption of, and integration of, smart technologies into existing manufacturing operations located in the state by mitigating the risk to the manufacturer of significant technology investments. Projects may include investments in specialized hardware, software, or other equipment intended to assist a manufacturer in increasing the manufacturer's productivity, efficiency, and competitiveness.

3. *a.* A manufacturing 4.0 technology investment fund is created within the state treasury under the control of the authority for the purpose of financing manufacturing 4.0 technology investments as described in this section.

b. The fund may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority. Any moneys appropriated to the fund shall be used for purposes of the manufacturing 4.0 technology investment program. The authority may use all other moneys in the fund, including interest, earnings, and recaptures, for purposes of this section.

c. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

d. Notwithstanding any law to the contrary, the authority may transfer any unobligated and unencumbered moneys in the fund, except for moneys appropriated for purposes of this section, to any fund created pursuant to section 15.106A, subsection 1, paragraph "*o*".

4. The authority shall establish and administer a manufacturing 4.0 technology investment program and shall use moneys in the fund to award financial assistance to eligible manufacturers for manufacturing 4.0 technology investments.

5. To be eligible for a financial assistance award under the manufacturing 4.0 technology investment program, a manufacturer must do all of the following:

a. Manufacture goods at a facility located in this state.

b. Have a North American industry classification system number within the manufacturing sector range of 31-33.

c. Have been an established business for a minimum of three years prior to the date of application to the program.

d. Derive a minimum of fifty-one percent of the manufacturer's gross revenue from the sale of manufactured goods.

e. Employ a minimum of three full-time employees and no more than one hundred twenty-five full-time employees across all of the manufacturer's locations.

f. Have an assessment of the manufacturer's proposed manufacturing 4.0 technology investment completed by the center for industrial research and service at Iowa state university of science and technology.

g. Demonstrate the ability to provide matching financial support for the manufacturer's manufacturing 4.0 technology investment on a one-to-one basis. The matching financial support must be obtained from private sources.

6. Eligible manufacturers shall submit applications to the manufacturing 4.0 technology investment program in the manner prescribed by the authority by rule.

7. *a.* The authority may accept applications during one or more application periods each fiscal year as determined by the authority. All completed applications shall be reviewed and scored on a competitive basis pursuant to rules adopted by the authority. The authority may engage an outside technical review panel to complete technical reviews of applications. The board shall review the recommendations of the authority and of the technical review panel, if applicable, and shall approve, defer, or deny each application.

b. In making recommendations to the board, the authority and the technical review panel, if applicable, shall consider all of the following:

(1) The completeness of the manufacturer's application.

(2) Whether the board should approve or deny an application.

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(3) If the board approves an application, the type and amount of financial assistance that should be awarded to the applicant.

(4) The percentage of the manufacturer's gross revenue that is derived from the sale of manufactured goods pursuant to subsection 5, paragraph *"d"*.

(5) Whether the manufacturer's proposed manufacturing 4.0 technology investment is consistent with the assessment completed by the center for industrial research and service at Iowa state university of science and technology pursuant to subsection 5, paragraph *"f"*.

c. The board shall not approve an application for financial assistance for a manufacturing 4.0 technology investment that was made prior to the date of the application.

8. From moneys appropriated to the manufacturing 4.0 technology investment fund from the general fund of the state and any other state moneys lawfully available to the authority for the manufacturing 4.0 technology investment program, the maximum amount of financial assistance awarded from such moneys to an eligible manufacturer shall not exceed seventy-five thousand dollars.

9. The authority shall adopt rules pursuant to chapter 17A necessary to implement and administer this section.

2021 Acts, ch 174, §9; 2021 Acts, ch 177, §29; 2024 Acts, ch 1167, §12

15.372 and 15.373 Repealed by 2000 Acts, ch 1174, §30. See chapter 15F.

15.374 through 15.380 Reserved.

PART 20

15.381 through 15.387 Repealed by 2005 Acts, ch 150, §67 – 69.

15.388 through 15.390 Reserved.

PART 21

15.391 through 15.393 Repealed by 2012 Acts, ch 1136, §38 – 41.

15.394 through 15.400 Reserved.

PART 22

15.401 Renewable fuels. Repealed by 2008 Acts, ch 1169, §26, 30. See §159A.14.

15.402 through 15.409 Reserved.

PART 23

15.410 Definitions.

As used in this part, unless the context otherwise requires, *"innovative business"* means the same as defined in section 15E.52.

2013 Acts, ch 90, §7, 257; 2024 Acts, ch 1182, §135

15.411 Innovative and other business development — technical and financial assistance.

1. The authority may contract with service providers on a case-by-case basis for services related to statewide commercialization development of innovative businesses. Services provided shall include all of the following:

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a. Assistance provided directly to businesses by experienced serial entrepreneurs for all of the following activities:

(1) Business plan development.

(2) Due diligence.

(3) Market assessments.

(4) Technology assessments.

(5) Other planning activities.

b. Operation and coordination of various available competitive seed and prototype development funds.

c. Connecting businesses to private angel investors and the venture capital community.

d. Assistance in obtaining access to an experienced pool of managers and operations talent that can staff, mentor, or advise start-up enterprises.

e. Support and advice for accessing sources of early stage financing.

2. The authority shall establish and administer a program to provide financial and technical assistance to encourage prototype and concept development activities by innovative businesses that have a clear potential to lead to commercially viable products or services within a reasonable period of time. Financial assistance shall be awarded on a per project basis upon board approval. In order to receive financial assistance, an applicant must demonstrate the ability to secure one dollar of nonstate moneys for every two dollars received from the authority. For purposes of this section, *"financial assistance"* means assistance provided only from the funds, rights, and assets legally available to the authority pursuant to this chapter and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

3. *a.* (1) The authority shall establish and administer an outreach program for purposes of assisting businesses with applications to the federal small business innovation research and small business technology transfer programs.

(2) The goals of this assistance are to increase the number of successful grant and contract proposals in the state, increase the amount of such grant and contract funds awarded in the state, stimulate subsequent investment by industry, venture capital, and other sources, and encourage businesses to commercialize promising technologies.

b. (1) In administering the program, the authority may provide technical and financial assistance to businesses. Financial assistance provided pursuant to this subsection may be awarded to a business in an amount not to exceed one hundred thousand dollars for any individual federal award under this subsection.

(2) The authority may require successful applicants to repay the amount of financial assistance received, but shall not require unsuccessful applicants to repay such assistance. Any moneys repaid pursuant to this subsection may be used to provide financial assistance to other applicants.

c. The authority may also provide financial assistance for purposes of helping businesses meet the requirements of the federal small business innovation research and small business technology transfer programs.

d. The authority may contract with outside service providers for assistance with the programs described in this subsection or may delegate the functions to be performed under this subsection to the corporation pursuant to section 15.106B.

4. *a.* The authority shall establish and administer a program to accelerate the generation and development of innovative ideas and businesses. The program shall include assistance for the expansion of the proof of commercial relevance concept, the expansion of investment in applied research, and support for a manufacturing extension partnership program.

b. The authority may contract with outside service providers for assistance with the program described in this subsection or may delegate the functions to be performed under this subsection to the corporation pursuant to section 15.106B.

5. The board shall adopt rules pursuant to chapter 17A necessary for the administration of this section.

2007 Acts, ch 122, §1; 2008 Acts, ch 1122, §17 – 19; 2009 Acts, ch 82, §1; 2010 Acts, ch 1009, §2, 4; 2011 Acts, ch 118, §85, 89; 2012 Acts, ch 1021, §17; 2012 Acts, ch 1126, §31; 2013 Acts,

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ch 90, §8; 2014 Acts, ch 1132, §41; 2015 Acts, ch 138, §78, 80, 81; 2016 Acts, ch 1109, §12; 2024 Acts, ch 1182, §136
Referred to in §15.106B, 15.412, 15E.26

15.412 Innovation and commercialization development fund.

1. *a.* An innovation and commercialization development fund is created in the state treasury under the control of the authority. The fund shall consist of moneys appropriated to the authority and any other moneys available to or obtained or accepted by the authority for placement in the fund.

b. Payments of interest, repayments of moneys loaned pursuant to this section, and recaptures of financial assistance shall be credited to the fund. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

2. Moneys in the fund are appropriated to the authority and, with the approval of the board, shall be used to facilitate agreements and enhance commercialization in innovative businesses. Such moneys shall not be used for the support of retail businesses, health care businesses, or other businesses requiring a professional license.

3. Moneys in the fund may also be used for the following purposes:

a. For assistance to entities engaged in prototype and concept development activities.

b. For developing a statewide commercialization network.

c. For establishing and administering the programs described in section 15.411.

2009 Acts, ch 82, §2; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1126, §32; 2024 Acts, ch 1182, §137, 138; 2025 Acts, ch 30, §7
Referred to in §15.111, 15.116

15.413 through 15.420 Reserved.

PART 24

15.421 Partner state program.

1. *a.* A partner state program is created which shall be administered by the authority. The purpose of the partner state program is to establish and maintain relationships between the state and foreign countries, provinces, states, regions, oblasts, municipalities, districts, divisions, counties, prefectures, towns, cities, villages, boroughs, and any other similar political subdivisions to facilitate mutually beneficial exchanges, collaboration, and cooperation with regard to agriculture, culture, education, manufacturing, science and technology, sports and recreation, tourism, and the arts.

b. A partner state relationship must be formalized in a partner state agreement approved by the governor.

c. A partner state agreement may be modified or terminated only with the approval of the governor.

2. *a.* A partner state program fund is created in the state treasury under the control of the authority and consisting of any moneys appropriated to the fund by the general assembly and any other moneys available and obtained or accepted by the authority for placement in the fund. The fund shall be used to administer the partner state program. The authority shall use any moneys specifically appropriated for purposes of this section only for the purposes of this section.

b. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall accrue to the authority and shall be used for purposes of this section. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

2023 Acts, ch 19, §2152 – 2154
Referred to in §15.108
Section applies to sister state agreements entered into by the state before April 4, 2023, including those listed in 2023 Acts, ch 19, §2154, and to partner state agreements entered into by the state on or after April 4, 2023; 2023 Acts, ch 19, §2154

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15.422 through 15.430 Reserved.

PART 25

15.431 Downtown loan guarantee program.

1. The economic development authority, in partnership with the Iowa finance authority, shall establish and administer a downtown loan guarantee program to encourage Iowa downtown businesses and banks to reinvest and reopen following the COVID-19 pandemic.

2. In order for a loan to be guaranteed, all of the following conditions must be true:

a. The loan finances an eligible downtown resource center community catalyst building remediation grant project or main street Iowa challenge grant within a designated district.

b. The loan finances a rehabilitation project, or finances acquisition or refinancing costs associated with the project.

c. At least twenty-five percent of the project costs are used for construction on the project or renovation.

d. The project includes a housing component.

e. The loan is used for construction of the project, permanent financing of the project, or both.

f. A federally insured financial lending institution issued the loan.

g. The loan does not reimburse the borrower for working capital, operations, or similar expenses.

h. The project meets downtown resource center and main street Iowa design review.

3. *a.* For a loan amount less than or equal to five hundred thousand dollars, the economic development authority may guarantee up to fifty percent of the loan amount.

b. For a loan amount greater than five hundred thousand dollars, the economic development authority may provide a maximum loan guarantee of up to two hundred fifty thousand dollars.

4. A project loan must be secured by a mortgage against the project property.

5. The economic development authority may guarantee loans for up to five years. The economic development authority may extend the loan guarantee for an additional five years if an underwriting review finds that an extension would be beneficial.

6. The lender shall pay an annual loan guarantee fee as set forth by rule.

7. The economic development authority reserves the right to deny a loan guarantee for unreasonable bank loan fees or interest rate.

8. The loan must not be insured or guaranteed by another local, state, or federal guarantee program.

9. The loan guarantee is not transferable if the loan or the project is sold or transferred.

10. In the event of a loss due to default, the loan guarantee proportionally pays the guarantee percentage of the loss to the lender.

11. Moneys for the program may consist of any moneys appropriated by the general assembly for purposes of this section, and any other moneys that are lawfully available to the economic development authority, including moneys transferred or deposited from other funds created pursuant to section 15.106A, subsection 1, paragraph *"o"*.

2021 Acts, ch 177, §45

15.432 through 15.435 Reserved.

PART 26

15.436 Arts and culture enhancement fund.

1. The authority shall, pursuant to section 15.106A, subsection 1, paragraph *"o"*, establish the arts and culture enhancement fund to be used for the purposes of this section. The fund shall consist of any moneys appropriated by the general assembly for purposes of this section and any other moneys that are lawfully available to the authority. Notwithstanding section

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12C.7, subsection 2, interest or earnings on moneys in the fund shall accrue to the authority and shall be used for purposes of this section. Notwithstanding section 8.33, moneys in the fund at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

2. The authority shall allocate moneys in the arts and culture enhancement fund in appropriate amounts to be used for the following purposes:

a. To provide support to municipal and nonprofit arts and cultural organizations that serve as significant attractions or community resources.

b. To support artists and entities that foster artistic and cultural expression, promote lifelong learning and engagement in the arts, advance community development goals, or emphasize Iowa's diverse heritage through the creation, performance, or presentation of artworks.

c. To increase access to arts and culture in rural and underserved communities in the state.

d. For the promotion of and investment in film, television, and video projects produced in the state.

e. To address other goals and priorities as reflected in the comprehensive, statewide, long-range plan designed by the authority with the assistance of the Iowa arts council pursuant to section 15.108, subsection 7.

f. For administrative costs related to this section.

3. The authority may adopt by rule eligibility and priority criteria for allocation of moneys in the arts and culture enhancement fund.

90 Acts, ch 1272, §77
C91, §303.3
91 Acts, ch 120, §2; 97 Acts, ch 212, §32; 2004 Acts, ch 1049, §191; 2004 Acts, ch 1175, §393; 2023 Acts, ch 19, §2084, 2125
C2024, §15.436
2025 Acts, ch 147, §32; 2026 Acts, ch 1040, §10
Referred to in §99F.11
Subsection 1 amended

15.437 Arts and cultural conferences and caucuses. Repealed by 2025 Acts, ch 147, §37.

15.438 Cultural and entertainment districts. Repealed by 2025 Acts, ch 147, §37.

15.439 Iowa great places program. Repealed by 2025 Acts, ch 147, §37.

15.440 Iowa great places program fund. Repealed by 2025 Acts, ch 147, §37.

15.441 Culture, history, and arts teams program. Repealed by 2025 Acts, ch 147, §37.

15.442 through 15.444 Reserved.

PART 27

15.445 Definitions.

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

1. *"Area of historical significance"* means contiguous pieces of property of no greater area than one hundred sixty acres under diverse ownership which:

a. Are significant in American history, architecture, archaeology and culture, and

b. Possess integrity of location, design, setting, materials, skill, feeling and association, and

c. Are associated with events that have been a significant contribution to the broad patterns of our history, or

d. Are associated with the lives of persons significant in our past, or

e. Embody the distinctive characteristics of a type; period; method of construction;

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represent the work of a master; possess high artistic values; represent a significant and distinguishable entity whose components may lack individual distinction.

f. Have yielded, or may be likely to yield, information important in prehistory or history.

2. *"Commission"* means the five-person body, elected by the registered voters in the historical preservation district from persons living in the district for the purpose of administering this part.

3. *"District"* means a historical preservation district established under this part.

4. *"Exterior features"* means the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, *"exterior features"* means the style, material, size and location of the sign.

5. *"Property owner"* means an individual or corporation who is the owner of real estate for taxation purposes.

[C77, 79, 81, §303.20; 82 Acts, ch 1238, §14]
86 Acts, ch 1245, §1315; 95 Acts, ch 67, §53; 2023 Acts, ch 19, §2092 – 2094, 2125
C2024, §15.445
2024 Acts, ch 1043, §24
Referred to in §8C.8, 15.458, 15.459, 331.301, 427.16

15.446 Petition.

1. The eligible voters in an area of asserted historical significance may petition the authority for a referendum for the establishment of a district.

2. The petition must be signed by not less than ten percent of the eligible voters in the area of asserted historical significance and shall contain both a description of the property suggested for inclusion in the district and the reasons justifying the creation of the district.

[C77, 79, 81, §303.21; 82 Acts, ch 1238, §15]
2001 Acts, ch 24, §45; 2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §129; 2023 Acts, ch 19, §2095, 2125
C2024, §15.446
Referred to in §15.458, 15.459

15.447 Action by the authority.

1. The authority shall hold a hearing not less than thirty days and not more than sixty days after the petition is received. The authority shall publish notice of the hearing, at a reasonable time before the hearing is to take place, and shall post notice of the hearing in a reasonable number of places within the suggested district. The cost of notification shall be paid by the persons who petition for the establishment of a district.

2. At the hearing the authority shall hear interested persons, accept written presentations, and shall determine whether the suggested district is an area of historical significance which may properly be established as a historical preservation district pursuant to this part. The authority may determine the boundaries which shall be established for the district. The authority shall not include property which is not included in the suggested district unless the owner of the property is given an opportunity to be heard.

3. If the authority determines that the suggested district meets the criteria for establishment as a historical preservation district, the authority shall indicate the owners of the property and residents included and shall forward a list of owners and residents to the county commissioner of elections.

4. If the authority determines that the suggested district does not meet the criteria for establishment as a historical preservation district, the authority shall so notify the petitioners.

[C77, 79, 81, §303.22; 82 Acts, ch 1238, §16]
2016 Acts, ch 1011, §121; 2023 Acts, ch 19, §2096, 2125
C2024, §15.447
Referred to in §15.458, 15.459

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15.448 Referendum.

Within thirty days after the receipt of the list of owners of property and residents within the suggested historical preservation district, the authority shall fix a date not more than forty-five days from the receipt of the petition seeking a referendum on the question of establishment of a historical preservation district. The authority, after consultation with the county commissioner of elections, shall specify the polling place within the suggested district that will best serve the convenience of the voters and shall appoint three judges and two clerks of election from residents of the proposed district.

[C77, 79, 81, §303.23; 82 Acts, ch 1238, §17]
2023 Acts, ch 19, §2097, 2125
C2024, §15.448
Referred to in §15.458, 15.459

15.449 Notice.

The authority, after consultation with the county commissioner of elections, shall post notice of the referendum in a reasonable number of places within the suggested district a reasonable time before the referendum is to take place. The notice shall state the purpose of the referendum, a description of the district, the date of the referendum, the location of the polling place, and the hours the polls will be open.

[C77, 79, 81, §303.24; 82 Acts, ch 1238, §18]
2023 Acts, ch 19, §2098, 2125
C2024, §15.449
Referred to in §15.458, 15.459

15.450 Voting.

1. A person shall be qualified to vote at the referendum if such person is a registered voter of the area embraced by the proposed historic district.

2. A historic preservation district is established if a majority of the persons voting at the referendum votes in favor of its establishment.

[C77, 79, 81, §303.25]
94 Acts, ch 1169, §64; 2023 Acts, ch 19, §2125
C2024, §15.450
Referred to in §15.458, 15.459

15.451 Commission.

1. At the same time the referendum is held, an election shall be held for the commission. Each voter at the referendum may write upon the ballot the names of not more than five persons who are eligible voters within the district to be members of the commission.

2. The five persons receiving the highest number of votes shall constitute the commission. In the event one of the five receiving the highest number of votes elects not to serve on the commission, the person receiving the next highest number of votes shall serve.

3. Of the initial commission, the person receiving the highest number of votes shall serve a five-year term of office, the next highest shall serve a four-year term, the next highest shall serve a three-year term, the next highest shall serve a two-year term, and the fifth highest shall serve a one-year term. Thereafter, an election shall be held annually in the district to elect a member to a five-year term as each term expires.

4. Vacancies in the commission occurring between elections shall be filled by the remaining members of the commission by majority vote. Should a majority of those voting vote not to establish the district, the election shall be void.

[C77, 79, 81, §303.26]
2016 Acts, ch 1011, §121; 2023 Acts, ch 19, §2099, 2125
C2024, §15.451
Referred to in §15.458, 15.459

15.452 Controls.

After the establishment of a district, an exterior portion of any building, exterior fixture, or other exterior structure, or any aboveground utility structure or any type of outdoor

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advertising sign shall not be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the commission.

[C77, 79, 81, §303.27]
2023 Acts, ch 19, §2125
C2024, §15.452
Referred to in §15.458, 15.459

15.453 Interior.

The commission shall not consider or attempt to control the interior arrangement of any building in the district.

[C77, 79, 81, §303.28]
2023 Acts, ch 19, §2125
C2024, §15.453
Referred to in §15.458, 15.459

15.454 Use of structures.

A change in the use of any structure or property within a designated historical district shall not be permitted until an application for a certificate of appropriateness has been submitted to, and been approved by, the commission. For purposes of this section, *"use"* means the legal enjoyment of property that consists in its employment, exercise, or practice.

[C77, 79, 81, §303.29]
2023 Acts, ch 19, §2100, 2125
C2024, §15.454
Referred to in §15.458, 15.459

15.455 Procedures.

1. Prior to issuance or denial of a certificate of appropriateness the commission shall take such action as may reasonably be required to inform persons likely to be materially affected by the application, and shall give the applicant and such persons an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. The commission shall vote upon any application for a certificate of appropriateness within sixty days after its submission to the commission.

2. If the commission determines that the proposed construction, reconstruction, alteration, restoration, moving, demolition, or the change in use is appropriate, it shall forthwith approve such application and shall issue to the applicant a certificate of appropriateness.

3. If the commission determines that the proposed construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs or natural features, or the proposed change in use would be incongruous with the historical, architectural, archaeological or cultural aspects of the district, a certificate of appropriateness shall not be issued, and the commission shall place upon its records the reasons for such determination and shall notify the applicant of such determination, furnishing the applicant an attested copy of its reasons and its recommendations, if any, as appearing in the records of the commission.

4. The commission may approve the application in any case where a person would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness was issued. Any applicant aggrieved by a determination of the commission may appeal to the district court for the county in which the land concerned is located within sixty days of the commission's action.

[C77, 79, 81, §303.30]
2016 Acts, ch 1011, §121; 2023 Acts, ch 19, §2125
C2024, §15.455
Referred to in §15.458, 15.459

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15.456 Action by commission.

The commission shall take action to enjoin any attempts to construct, reconstruct, alter, restore, move, or demolish any exterior feature, or to change the use of the property within the district without a certificate of appropriateness.

[C77, 79, 81, §303.31]
2023 Acts, ch 19, §2125
C2024, §15.456
Referred to in §15.458, 15.459

15.457 Ordinary maintenance and repair.

This part shall not be construed to prevent the ordinary maintenance or repair of any exterior feature in a district which does not involve a change in design, material or outer appearance, nor prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which is required for public safety reasons due to an unsafe or dangerous condition.

[C77, 79, 81, §303.32]
2023 Acts, ch 19, §2101, 2125
C2024, §15.457
Referred to in §15.458, 15.459

15.458 Termination of district.

1. Two years after the establishment of a district, a referendum for the termination of the district shall be held if ten percent of the eligible voters in the district so request. If the registered voters, by a majority of those voting, favor termination, sections 15.445 through 15.457 will no longer have any effect on the property formerly included in the district.

2. If an election is held to terminate a district under this section and such attempt fails, another referendum for termination of the district in question shall not take place for a period of two years.

[C77, 79, 81, §303.33]
95 Acts, ch 67, §53; 96 Acts, ch 1034, §18; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §2125
C2024, §15.458
Referred to in §15.459

15.459 Areas of historical significance.

The provisions of sections 15.445 through 15.458 do not apply within the limits of a city. However, in order for a city to designate an area which is deemed to merit preservation as an area of historical significance, the following shall apply:

1. An area of historical significance shall be proposed by the governing body of the city on the governing body's own motion or upon receipt by the governing body of a petition signed by residents of the city. The city shall submit a description of the proposed area of historical significance or the petition describing the proposed area, if the proposed area is a result of the receipt of a petition, to the state historic preservation officer who shall determine if the proposed area meets the criteria in subsection 2 and may make recommendations concerning the proposed area. Any recommendations made by the state historic preservation officer shall be made available by the city to the public for viewing during normal working hours at a city government place of public access.

2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section 15.445, subsection 1, paragraphs *"a"* through *"f"*.

3. A city may provide by ordinance for the establishment of a commission to deal with matters involving areas of historical significance but shall provide by ordinance for such commission upon the enactment of the ordinance designating an area as an area of historical significance as required in subsection 4. Upon the establishment of the commission the city shall provide by ordinance for the method of appointment, the number, and terms, of members of the commission and for the duties and powers of the commission. The commission shall contain not less than three members. The members of the commission shall be appointed with due regard to proper representation of residents and property

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owners of the city and their relevant fields of knowledge including but not limited to history, urban planning, architecture, archaeology, law, and sociology. At least one resident of each designated area of historical significance shall be appointed to the commission. Cities with a population of more than fifty thousand shall not appoint more than one-third of the members to the commission of an area of historical significance that are members of a city zoning commission appointed pursuant to chapter 414. The commission shall have the power to approve or deny applications for proposed alterations to exterior features within an area designated as an area of historical significance. An aggrieved party may appeal the commission's action to the governing body of the city. If not satisfied by the decision of the governing body, the party may appeal within sixty days of the governing body's decision to the district court for the county in which the designated area is located. On appeal the governing body or the district court as the case may be shall consider whether the commission has exercised its powers and followed the guidelines established by the law and ordinance, and whether the commission's action was patently arbitrary or capricious.

4. An area shall be designated an area of historical significance upon enactment of an ordinance by the city. Prior to enactment of the ordinance or enactment of an amendment to the ordinance, the governing body of the city shall submit the ordinance or amendment to the state historic preservation officer for review and recommendations.

[C81, §303.34; 82 Acts, ch 1238, §19]

89 Acts, ch 145, §1; 92 Acts, ch 1204, §7; 2019 Acts, ch 59, §84; 2020 Acts, ch 1063, §130; 2023 Acts, ch 19, §2102, 2125

C2024, §15.459

Referred to in §8C.7A, 364.3, 414.2, 427.16

15.460 through 15.464 Reserved.

PART 28

15.465 Arts council.

1. The Iowa arts council is created as an advisory council, consisting of fifteen members, appointed by the governor from among citizens of Iowa who are recognized for their interest or experience in connection with the performing and fine arts. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations and groups concerned with or engaged in the production or presentation of the performing and fine arts.

2. The term of office of each member of the Iowa arts council is three years. The council may elect a chairperson and a vice chairperson from the members of the council. All vacancies shall be filled for the balance of any unexpired term in the same manner as original appointments. The members of the council shall not receive compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the council. Members may also be eligible for compensation as provided in section 7E.6.

86 Acts, ch 1245, §1325

C87, §303.86

2002 Acts, ch 1119, §151; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §2125

C2024, §15.465

2025 Acts, ch 147, §33

15.466 Duties of Iowa arts council.

The Iowa arts council shall review programs to be supported and make recommendations on the programs to the director to ensure that Iowa citizens and communities have access to the cultural, civic, economic, and educational benefits of the arts. The council may solicit public input including but not limited to input on the comprehensive, statewide, long-range

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plan created by the authority with the assistance of the Iowa arts council pursuant to section 15.108, subsection 7.

86 Acts, ch 1245, §1326
C87, §303.87
90 Acts, ch 1065, §3; 91 Acts, ch 157, §11; 2023 Acts, ch 19, §2103, 2125
C2024, §15.466
2025 Acts, ch 147, §34

15.467 Authority's powers.

The authority shall:

1. Accept any federal funds granted by Act of Congress or by executive order for any purposes of this part, and receive and disburse as the official agent of the state any funds made available by the national endowment for the arts.

2. Accept gifts, contributions, endowments, bequests, or other moneys available for any purposes of this part. Interest earned on the gifts, contributions, endowments, bequests, or other moneys accepted under this part shall be credited to the fund or funds to which the gifts, contributions, endowments, bequests, or other moneys have been deposited, and is available for any purposes of the authority under this part.

86 Acts, ch 1245, §1327
C87, §303.88
88 Acts, ch 1158, §60; 2023 Acts, ch 19, §2104, 2125
C2024, §15.467

15.468 and 15.469 Reserved.

PART 29

15.470 State poet laureate designated — nominating committee.

1. A state poet laureate nominating committee is created. At the request of the governor, the executive director of humanities Iowa and the executive director of the Iowa arts council shall each appoint three persons who reside in this state to a poet laureate nominating committee. At its initial meeting held at the call of the executive directors of humanities Iowa and the Iowa arts council, the state poet laureate nominating committee shall elect a chairperson and vice chairperson from among its members and adopt rules of procedure. The members of the state poet laureate nominating committee shall be invited to serve without compensation for their services. The nominating committee is charged with considering the diversity of the people and poetry of Iowa.

2. If more than one meeting is required, the state poet laureate nominating committee shall meet at the call of the chairperson or as determined by the nominating committee and select a list of three nominees, along with biographical and professional information and supporting representative material, who are residents of Iowa and who, based on their poetic accomplishments, deserve recognition as the state poet laureate. The list of nominees shall be transmitted to the governor. The governor may select the state poet laureate from the list of nominees for a two-year term of office. The state poet laureate is an honorary state office and the incumbent is entitled to no compensation as a result of the appointment.

99 Acts, ch 161, §1
CS99, §303.89
2023 Acts, ch 19, §2125
C2024, §15.470

15.471 through 15.475 Reserved.

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PART 30

15.476 Short title. Repealed by 2025 Acts, ch 147, §37.

15.477 Legislative findings. Repealed by 2025 Acts, ch 147, §37.

15.478 Definitions. Repealed by 2025 Acts, ch 147, §37.

15.479 Iowa cultural trust and trust fund. Repealed by 2025 Acts, ch 147, §37.

15.480 Board of trustees. Repealed by 2024 Acts, ch 1170, §368.

15.481 Powers and duties. Repealed by 2025 Acts, ch 147, §37.

15.482 Iowa cultural trust grant account. Repealed by 2025 Acts, ch 147, §37.

15.483 and 15.484 Reserved.

PART 31

15.485 Court reporter equipment incentive program. Repealed by 2025 Acts, ch 157, §14.

15.486 Court reporter equipment incentive fund. Repealed by 2025 Acts, ch 157, §14.

15.487 through 15.489 Reserved.

PART 32

Referred to in §15.354

15.490 Short title.

This part shall be known and may be cited as the *"Major Economic Growth Attraction Program"* or *"MEGA Program"*.

2024 Acts, ch 1090, §2, 15

15.491 Definitions.

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

1. *"Actively engaged in farming"* means any of the following:

a. Performing physical work which significantly contributes to crop or livestock production.

b. Making or taking part in making decisions contributing to or affecting the success of a farm's operations.

c. Entering into a contractual relationship with an outside entity to farm agricultural land as part of a farm's operations.

2. *"Affiliate"* means the same as defined in section 423.1.

3. *"Agricultural land"* means the same as defined in section 9I.1.

4. *"Base employment level"* means the number of full-time equivalent positions at a business, as established by the authority and the business using the business's payroll records, as of the date the business applies for tax incentives under the program.

5. *"Benefit"* means nonwage compensation provided to an employee. *"Benefits"* include medical and dental insurance, a pension, a retirement plan, a profit-sharing plan, child care, life insurance, vision insurance, and disability insurance.

6. *"Certified site"* means a site that has been issued a certificate of readiness by the authority pursuant to section 15E.18.

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7. *"Community"* means a city, county, or entity established pursuant to chapter 28E.

8. *"Contract completion"* means the date of completion of the terms of a contract between a contractor and an eligible business.

9. *"Contractor"* means a person that has executed a contract with an eligible business for the provision of property, materials, or services for the construction or equipping of a facility that is part of the eligible business's project.

10. *"Created jobs"* or *"create jobs"* means new, permanent, full-time equivalent positions added to an eligible business's payroll, at the location of the eligible business's project, in excess of the eligible business's base employment level.

11. *"Data center business"* means the same as defined in section 423.3, subsection 95.

12. *"Eligible business"* means a business that meets the requirements of section 15.492.

13. *"Foreign adversary"* means the following:

a. A foreign government or foreign non-government person as determined in 15 C.F.R. §7.4, and that is listed in 15 C.F.R. §7.4(a) at any time from March 4, 2024, through July 17, 2024.

b. A foreign government or foreign non-government person as determined in 15 C.F.R. §791.4, and that is listed in 15 C.F.R. §791.4 at any time from July 18, 2024, through the termination of the program.

14. *"Foreign adversary entity"* means any of the following:

a. A foreign business subject to the jurisdiction of or organized under the laws of a foreign adversary.

b. A foreign business owned, directed, or controlled by a foreign adversary.

15. *"Foreign business"* means the same as defined in section 9I.1.

16. *"Full-time equivalent position"* means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a *"full-time equivalent position"* requires two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

17. *"Maintenance period"* means the period of time between the project completion date and the maintenance period completion date during which an eligible business must maintain all created jobs per the agreement under section 15.494.

18. *"Maintenance period completion date"* means the date on which the maintenance period ends.

19. *"Mega site"* means a certified site greater than one thousand acres.

20. *"Program"* means the major economic growth attraction program.

21. *"Project"* means an activity or set of activities directly related to the start-up or location of an eligible business, proposed in an eligible business's application to the program, that will accomplish the goals of the program.

22. *"Project completion date"* means the date by which an eligible business that has been approved by the authority to participate in the program agrees to complete the terms and conditions of the agreement under section 15.494.

23. *"Project completion period"* means the period of time between the date the authority approves an eligible business to participate in the program and the project completion date.

24. *"Qualifying investment"* means a capital investment in real property, including the purchase price of the land, site preparation, infrastructure, and building construction for use in the operation of an eligible business. *"Qualifying investment"* also means a capital investment in depreciable assets for use in the operation of an eligible business.

25. *"Qualifying wage threshold"* means the mean wage level represented by the wages within two standard deviations of the mean wage within the laborshed area in which the eligible business is located, as calculated by the authority by rule, using the most current covered wage and employment data available from the department of workforce development for the laborshed area in which the eligible business is located.

26. *"Rural county"* means a county in this state with a population of fifty thousand persons or less based on the most recent decennial census released by the United States bureau of census.

27. *"Subcontractor"* means a person that contracts with a contractor for the provision of

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property, materials, or services for the construction or equipping of a facility that is part of an eligible business's project.

28. *"Tax incentives"* means tax credits, tax refunds, or tax exemptions authorized under the program by the authority for an eligible business.

2024 Acts, ch 1090, §3, 15; 2024 Acts, ch 1094, §64; 2026 Acts, ch 1199, §13; 2026 Acts, 1st Ex, ch 1001, §1, 8

Subsections 2 and 26 effective October 2, 2026; 2026 Acts, 1st Ex, ch 1001, §8

Section amended and editorially internally renumbered

15.492 Eligible business.

1. To be eligible to receive tax incentives under the program, a business must meet all of the following requirements:

a. (1) (a) For a business's proposed project receiving tax credits under section 15.496, subsection 1, paragraph *"a"*, subparagraph (1), the project must be located on a site where the business has a controlling interest in or located on a certified site greater than two hundred fifty acres.

(b) For a business's proposed project receiving tax credits under section 15.496, subsection 1, paragraph *"a"*, subparagraph (2), the business's proposed project must be located on a site where the business has a controlling interest in or a certified site greater than two hundred fifty acres or the business must document to the authority that the business has completed a site evaluation commensurate with a certified site.

(2) The authority determines that the site is suitable for the project.

b. The business's qualifying investment in the proposed project must exceed one billion dollars.

c. The community in which the proposed project is located must approve the project either by ordinance or resolution.

d. (1) The business must be primarily engaged in advanced manufacturing, biosciences, or research and development. The business shall not be a data center business, a retail business, or a business where a cover charge or membership requirement restricts certain individuals from entering the business.

(2) Factors the authority shall consider to determine if a business is primarily engaged in advanced manufacturing, biosciences, or research and development shall include but are not limited to all of the following:

(a) The business's North American industry classification system code.

(b) The business's main sources of revenue.

(c) The business's customer base.

e. (1) The business must not be solely relocating operations from one area of the state to another area of the state. A proposed project that does not create jobs or involve a substantial amount of new capital investment shall be presumed to be a relocation of operations. For purposes of this subparagraph, the authority shall consider a letter from the affected local community's government officials supporting the business's move away from the affected local community in making a determination whether the business is solely relocating operations.

(2) This paragraph shall not be construed to prohibit a business from expanding the business's operations in a community if the business has similar operations in this state that are not closing or undergoing a substantial reduction in operations.

f. The business must create jobs as part of the business's proposed project. The business must demonstrate that the created jobs will pay at least one hundred forty percent of the qualifying wage threshold by the project completion date, and through the maintenance period completion date.

g. The business must provide comprehensive benefits to each employee employed in a created job. The authority may adopt rules under chapter 17A to determine the requirements for comprehensive benefits.

h. (1) The business must not have a record of violations of the law or of regulations, including but not limited to antitrust, environmental, trade, or worker safety, that over a

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period of time show a consistent pattern or that establish the business's intentional, criminal, or reckless conduct in violation of such laws or regulations.

(2) If the authority determines that the business has a record of violations described in subparagraph (1), and the authority finds that the violations did not seriously affect public health, public safety, or the environment, the business may be eligible to qualify for the program.

(3) If the authority determines that the business has a record of violations described in subparagraph (1), and the authority finds that there were mitigating circumstances related to the violations, the business may be eligible to qualify for the program.

(4) In making determinations and findings under subparagraphs (2) and (3), and making a determination whether a business is disqualified from the program, the authority shall be exempt from chapter 17A.

2. In determining if a business is eligible to participate in the program, the authority shall consider a variety of factors, including but not limited to all of the following:

a. The quality of the business's proposed project's created jobs. The authority shall place greater emphasis on created jobs that are high wage, low turnover, that provide comprehensive benefits, and that expose employees to minimal occupational hazards. A business that pays wages substantially below that of similar businesses located in the same geographic area shall not be given priority under the program.

b. The impact of the business's proposed project on businesses that are in competition with the business. The authority shall make a good-faith effort to identify existing Iowa businesses in competition with the business being considered for the program. The authority shall make a good-faith effort to determine the probability that any proposed tax incentives will displace employees of the competing businesses. In determining the impact on the competing businesses, created jobs resulting from employees being displaced from the competing businesses shall not be counted as created jobs for the applying business's project.

c. The business's proposed project's economic impact on the state. The authority shall place greater emphasis on businesses and proposed projects that meet the following requirements:

(1) The business has a high proportion of in-state suppliers.

(2) The proposed project will diversify the state economy.

(3) The business has few in-state competitors.

(4) The proposed project has the potential to create jobs on an ongoing basis.

(5) Any other factors the authority deems relevant in determining the economic impact of a proposed project.

2024 Acts, ch 1090, §4, 15; 2026 Acts, 1st Ex, ch 1001, §2, 8
Referred to in §15.491, 15.494, 15.498
2026 amendment to subsection 1, paragraph a effective October 2, 2026; 2026 Acts, 1st Ex, ch 1001, §8
Subsection 1, paragraph a stricken and rewritten

15.493 Applications — authorization of tax credits and exemptions.

1. Applications for the program shall be submitted to the authority in the form and manner prescribed by the authority by rule. Each application must be accompanied by an application fee in an amount determined by the authority by rule.

2. In determining the eligibility of a business to participate in the program, the authority may engage outside experts to complete a technical, financial, or other review of an application submitted by a business if such review is outside the expertise of the authority.

3. *a.* The authority and the board may negotiate with an eligible business regarding the terms of, and the aggregate value of, the tax incentives the eligible business may receive under the program.

b. The board may authorize any combination of tax incentives available under the program for an eligible business.

4. The board may authorize an exemption to restrictions on agricultural land holdings if all of the requirements of section 15.498 are met.

2024 Acts, ch 1090, §5, 15
Referred to in §15.494, 15.498

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15.494 Agreement.

1. An eligible business that is approved by the authority to participate in the program shall enter into an agreement with the authority that specifies the criteria for the successful completion of all requirements of the program. The agreement must contain, at a minimum, provisions related to all of the following:

a. The eligible business must certify to the authority annually that the business is in compliance with the agreement.

b. If the eligible business fails to comply with any requirements of the program or the agreement as determined by the authority, the eligible business may be required to repay any tax incentives the authority issued to the eligible business. After a final determination, the authority shall notify the department of revenue of any required repayment of a tax incentive. Any repayment, including repayment for which an affiliate of the eligible business is liable, shall be considered a tax payment due and payable to the department of revenue by any taxpayer that claimed the tax incentive, and the failure to make the repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due, or required to be shown due, with the filing of a return or deposit form. In addition, the county shall have the authority to take action to recover the value of property taxes not collected as a result of the exemption provided to the business under this part.

c. If the eligible business undergoes a layoff or permanently closes any of its facilities within the state, the eligible business may be subject to all of the following:

(1) A reduction or elimination of some or all of the tax incentives the authority issued to the eligible business.

(2) Repayment of any tax incentives that the business has claimed, and payment of any penalties assessed by the department of revenue.

d. The project completion date, the maintenance period completion date, the required number of created jobs, the qualifying wage threshold that is applicable to the project, the amount of qualifying investment, the maximum aggregate value of the tax incentives authorized by the board, and any other terms and obligations the authority deems necessary.

e. The eligible business shall only employ individuals legally authorized to work in this state. If the eligible business is found to knowingly employ individuals who are not legally authorized to work in this state, in addition to any penalties provided by law, all or a portion of any tax incentives issued by the authority shall be subject to recapture by the authority or the department of revenue.

f. The maximum amount of gross wages, not to exceed three percent, that the eligible business may withhold under section 15.497, and the time period, not to exceed the term of the agreement, during which the specified amount of gross wages may be withheld.

g. Any terms deemed necessary by the authority to effect the eligible business's ongoing compliance with section 15.492.

2. The business shall satisfy all applicable terms of the agreement by the project completion date; however, the board may for good cause extend the project completion date or otherwise amend the terms of the agreement. The board shall not amend the terms of the agreement to allow an increase in the maximum aggregate value of the tax incentives authorized by the board under section 15.493, subsection 3.

3. The eligible business shall comply with all applicable terms of the agreement during the maintenance period.

4. The eligible business shall not assign the agreement to another entity without the advance written approval of the board.

5. The authority may enforce the terms of the agreement as necessary and appropriate.

2024 Acts, ch 1090, §6, 15; 2025 Acts, ch 136, §131; 2026 Acts, 1st Ex, ch 1001, §3, 8
Referred to in §15.491, 15.496, 15.497, 15.498
2026 amendment to subsection 1, paragraph b effective October 2, 2026; 2026 Acts, 1st Ex, ch 1001, §8
Subsection 1, paragraph b amended

15.495 Sales and use tax refund.

1. An eligible business that has been issued a tax incentive certificate under the program shall be entitled to a refund of the sales and use taxes paid under chapter 423 for gas, electricity, water, and sewer utility services, tangible personal property, or on services

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rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract for the construction or equipping of a facility that is part of the eligible business's project. Taxes attributable to intangible property and furniture and furnishings shall not be refunded.

2. To receive the sales and use tax refund, the eligible business shall file a claim with the department of revenue as follows:

a. The contractor or subcontractor shall state under oath, on forms provided by the department of revenue, the amount of the sales of tangible personal property or services rendered, furnished, or performed including water, sewer, gas, and electric utility services upon which sales or use tax has been paid during the period for which the refund is claimed, and shall submit the forms to the eligible business before contract completion.

b. The eligible business shall, no more frequently than quarterly, submit an application to the department of revenue for a refund of the amount of the sales and use taxes paid pursuant to chapter 423 upon any tangible personal property, or services rendered, furnished, or performed, including water, sewer, gas, and electric utility services. The application shall be submitted in the form and manner prescribed by the department of revenue. The department of revenue shall audit the application and, if approved, issue a warrant or warrants to the eligible business in the amount of the sales or use tax which has been paid to the state of Iowa under subsection 1. The eligible business's application must be submitted to the department of revenue within one year after the project completion date. An application filed by the eligible business in accordance with this section shall not be denied by reason of a time limitation for filing a refund claim set forth in section 423.47.

c. The refund shall be remitted by the department of revenue to the eligible business as soon as practicable after completion of an audit pursuant to paragraph *"b"*. Interest shall not accrue on any part of the refund that has not yet been remitted by the department of revenue to the eligible business.

3. A contractor or subcontractor that willfully makes a false report of tax paid under this section is guilty of an aggravated misdemeanor, and shall be liable for payment of the tax and any applicable penalty and interest.

2024 Acts, ch 1090, §7, 15; 2025 Acts, ch 136, §132

15.496 Qualifying investment tax credit.

1. *a.* The authority may authorize either, but not both, of the following:

(1) A tax credit for up to two eligible businesses that is up to five percent of each eligible business's qualifying investment. The authority shall not issue a tax credit certificate to the eligible business until the eligible business's project has been placed in service or until a designated portion of the project has been placed in service, and at least fifty percent of the created jobs associated with the project or a designated portion of the project pursuant to the agreement under section 15.494 have been added to the eligible business's payroll, and the jobs pay at least one hundred forty percent of the qualifying wage threshold. The department of revenue shall remit the tax credit to the eligible business under this subparagraph equally over five tax years.

(2) (a) A tax credit for one eligible business that is up to ten percent of the eligible business's qualifying investment that is located in a rural county. The authority shall not issue a tax credit certificate to the eligible business until the eligible business's project has been placed in service or until a designated portion of the eligible business's project has been placed in service, and at least fifty percent of the created jobs associated with the project or a designated portion of the project pursuant to the agreement under section 15.494 have been added to the eligible business's payroll, and the jobs pay at least one hundred forty percent of the qualifying wage threshold. The department of revenue shall remit the tax credit to the eligible business under this subparagraph equally over ten tax years.

(b) (i) Tax credit certificates issued under this subparagraph are refundable and may be transferred to another person or entity, subject to the approval of the authority. Prior to approving a transfer, the authority shall verify that the transferee is not associated with a foreign adversary or foreign adversary entity. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with

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a statement containing the transferee's name, tax identification number, and address; the denomination that each replacement tax credit certificate is to carry; and any other information required by the department of revenue.

(ii) Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate and must have the same expiration date that appeared in the transferred tax credit certificate.

(iii) A tax credit shall not be claimed by a transferee under this subparagraph until a replacement tax credit certificate identifying the transferee as the proper holder has been issued. The transferee may use the amount of the tax credit transferred against the taxes for any tax year the original transferor could have claimed the tax credit. Any credit in excess of the tax liability of the transferee for the tax year is refundable or, at the election of the transferee, may be credited to the tax liability of the transferee in any of the following ten consecutive tax years or until depleted, whichever occurs first. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, subchapters II, III, and V. Any consideration paid for the transfer of the tax credit shall not be deducted from income under chapter 422, subchapters II, III, and V.

(iv) This subparagraph division does not apply to agreements entered into after December 31, 2027.

b. The tax credit shall be allowed against taxes imposed under chapter 422, subchapter II, III, or V, and chapter 432, and against the moneys and credits tax imposed in section 533.329. If the eligible business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust.

c. (1) For any tax credit authorized pursuant to paragraph *"a"*, subparagraph (1), in excess of the eligible business's tax liability for the tax year may be refunded or, at the eligible business's election, may be credited to the eligible business's tax liability in any of the following five consecutive tax years or until depleted, whichever occurs first.

(2) For any tax credit authorized pursuant to paragraph *"a"*, subparagraph (2), in excess of the eligible business's tax liability for the tax year may be refunded or, at the eligible business's election, may be credited to the eligible business's tax liability in any of the following ten tax years or until depleted, whichever occurs first.

(3) The eligible business shall make such election prior to the authority issuing a tax credit certificate to the eligible business, and the eligible business's election shall be noted on the tax credit certificate. A tax credit shall not be carried back to a tax year prior to the tax year in which the tax credit is first claimed by the eligible business.

2. *a.* If an eligible business obtains a tax credit certificate from the authority by way of a prohibited activity, the eligible business and any transferee of a tax credit certificate shall be jointly and severally liable to the state for the amount of the tax credit issued, interest and penalties allowed under chapter 422, and reasonable attorney fees and litigation costs, except that the liability of the transferee shall not exceed an amount equal to the amount of the tax credit acquired by the transferee. The department of revenue, upon notification or discovery that a tax credit certificate was issued to an eligible business by way of a prohibited activity, shall revoke any outstanding tax credit and seek repayment of the value of any tax credit already claimed, and the failure to make such a repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due or required to be shown due with the filing of a return or deposit form. However, a qualifying transferee of a tax credit certificate is not subject to the liability, revocation, and repayment imposed under this paragraph.

b. For purposes of this subsection:

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(1) *"Control"* means when a person, directly or indirectly or acting through or together with one or more persons, satisfies any of the following:

(a) Owns, controls, or has the power to vote fifty percent or more of any class of voting securities or voting membership interests of another person.

(b) Controls, in any manner, the election of a majority of the directors, managers, trustees, or other persons exercising similar functions of another person.

(c) Has the power to exercise a controlling influence over the management or policies of another person.

(2) *"Prohibited activity"* means a breach or default under the agreement with the authority, the violation of any warranty provided by the eligible business to the authority or the department of revenue, the claiming of a tax credit issued under this section for expenditures that are not a qualifying investment, misrepresentation, fraud, a violation of any other requirements or rules of this part, or any other unlawful act or omission.

(3) *"Qualifying transferee"* means a transferee who acquires a tax credit certificate issued under this section for value, in good faith, without express or implied notice of a prohibited activity of the eligible business who was originally issued the tax credit, and without express or implied notice of any other claim to or defense against the tax credit, and which transferee is not associated with the eligible business by being one or more of the following:

(a) An owner, member, shareholder, or partner of the eligible business who directly or indirectly owns and controls, in whole or in part, the eligible business.

(b) A director, officer, or employee of the eligible business.

(c) A relative of the eligible business or a person listed in subparagraph division (a) or (b) or, if the eligible business or an owner, member, shareholder, or partner of the eligible business is a legal entity, the natural persons who ultimately own such legal entity.

(d) A person who is owned or controlled, in whole or in part, by a person listed in subparagraph division (a) or (b).

(4) *"Relative"* means an individual related by consanguinity within the second degree as determined by common law, a spouse, or an individual related to a spouse within the second degree as determined by common law, and includes an individual in an adoptive relationship within the second degree.

3. For an eligible business receiving a tax credit under subsection 1, paragraph *"a"*, subparagraph (1), if within five years of the date the authority issues the eligible business a tax credit under subsection 1, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the land, buildings, or other existing structures are sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

a. One hundred percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within one year after the date the authority issued the tax credit to the eligible business.

b. Eighty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within two years after the date the authority issued the tax credit to the eligible business.

c. Sixty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within three years after the date the authority issued the tax credit to the eligible business.

d. Forty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within four years after the date the authority issued the tax credit to the eligible business.

e. Twenty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to

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be eligible for the tax credit within five years after the date the authority issued the tax credit to the eligible business.

4. For an eligible business receiving a tax credit under subsection 1, paragraph *"a"*, subparagraph (2), if within ten years of the date the authority issues an eligible business a tax credit under subsection 1, the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other structures for which the tax credit was claimed by any taxpayer under this section, the tax liability of the eligible business for the year in which all or part of the land, buildings, or other existing structures are sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

a. One hundred percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within one year after the date the authority issued the tax credit to the eligible business.

b. Ninety percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within two years after the date the authority issued the tax credit to the eligible business.

c. Eighty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within three years after the date the authority issued the tax credit to the eligible business.

d. Seventy percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within four years after the date the authority issued the tax credit to the eligible business.

e. Sixty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within five years after the date the authority issued the tax credit to the eligible business.

f. Fifty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within six years after the date the authority issued the tax credit to the eligible business.

g. Forty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within seven years after the date the authority issued the tax credit to the eligible business.

h. Thirty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within eight years after the date the authority issued the tax credit to the eligible business.

i. Twenty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within nine years after the date the authority issued the tax credit to the eligible business.

j. Ten percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within ten years after the date the authority issued the tax credit to the eligible business.

2024 Acts, ch 1090, §8, 15; 2026 Acts, 1st Ex, ch 1001, §4, 8
Referred to in §15.492, 15.501, 422.11F, 422.33, 422.60, 432.12C, 432.12P, 533.329
2026 amendment effective October 2, 2026; 2026 Acts, 1st Ex, ch 1001, §8
Section amended

15.497 Withholding tax credit.

1. From the remittance due to the department of revenue pursuant to section 422.16,

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an eligible business may withhold an amount, pursuant to section 15.494, subsection 1, paragraph *"f"*, of the gross wages paid to each employee in a created job that pays at least the qualifying wage threshold pursuant to the agreement under section 15.494.

2. If the amount withheld under subsection 1 is less than three percent of the gross wages paid to each employee in a created job that pays at least one hundred forty percent of the qualifying wage threshold, the eligible business shall receive a credit against the remaining withholding taxes due from the eligible business, or the eligible business may carry the credit forward up to five consecutive tax years or until depleted, whichever is earlier.

3. In any tax year, the aggregate amount of withholding tax credit under this section and under any other program for which an eligible business is receiving a withholding tax credit shall not exceed the amount the eligible business is required to deduct and remit to the department of revenue under section 422.16 for that tax year.

2024 Acts, ch 1090, §9, 15
Referred to in §15.494

15.498 Foreign businesses — acquisition of agricultural land.

1. The board may authorize an exemption to restrictions on agricultural land holdings for a foreign business if all of the following requirements are satisfied:

a. The foreign business qualifies as an eligible business pursuant to section 15.492.

b. As part of the application of the foreign business under section 15.493, the foreign business provides documentation to the authority, as deemed necessary by the authority, to establish that the foreign business is not associated with a foreign adversary or foreign adversary entity.

c. The agricultural land for which the exemption is provided is a mega site or included in a mega site or the eligible business documents to the satisfaction of the authority that the eligible business has completed a site evaluation commensurate with a certified site.

d. The foreign business is not actively engaged in farming.

2. *a.* A foreign business under subsection 1 that is approved by the authority to participate in the program shall enter into an agreement with the authority pursuant to section 15.494. The agreement shall include a provision that requires the foreign business to comply with chapter 9I, and specifies that failure to do so may result in revocation of all tax incentives issued by the authority to the foreign business.

b. The authority may grant the foreign business one or more one-year extensions in which the foreign business must comply with section 9I.4. The authority shall not grant more than five one-year extensions. The community in which the agricultural land is located must approve each one-year extension by ordinance or resolution prior to the authority granting each extension. The foreign business shall comply with the remaining provisions of chapter 9I to the extent the provisions do not conflict with this section.

2024 Acts, ch 1090, §10, 15; 2026 Acts, 1st Ex, ch 1001, §5, 8
Referred to in §9I.3, 15.493
2026 amendment to subsection 1, paragraph c effective October 2, 2026; 2026 Acts, 1st Ex, ch 1001, §8
Subsection 1, paragraph c amended

15.499 Other incentives.

1. Except for the targeted jobs withholding credit pursuant to section 403.19A, an eligible business may apply for and be eligible to receive other federal, state, and local incentives in addition to the tax incentives issued by the authority to the eligible business under the program.

2. The authority, in its discretion, may prohibit an eligible business that has been issued tax incentives under the program from receiving any additional tax incentive, tax credit, grant, loan, or other financial assistance under any program administered by the authority.

2024 Acts, ch 1090, §11, 15; 2025 Acts, ch 136, §38, 59

15.500 Property tax exemption.

1. A community in which an eligible business's project is located may grant the eligible business a property tax exemption for a portion of the actual value added by improvements to real property directly related to the eligible business's created jobs. The community may

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allow a property tax exemption for a period not to exceed twenty years beginning the year that the improvements to real property are first assessed for taxation.

2. For purposes of this section, *"improvements"* means new construction, and rehabilitation of and additions to existing structures.

3. A property tax exemption granted under subsection 1 shall apply to all taxing districts, except for school districts, in which the real property is located.

2024 Acts, ch 1090, §12, 15

15.501 Restrictions on board.

The board shall not authorize tax incentives available under the program, or an exemption to restrictions on agricultural land holdings pursuant to this part, for more than two eligible businesses, or one eligible business if issued a credit pursuant to section 15.496, subsection 1, paragraph *"a"*, subparagraph (2), or on or after January 1, 2030, whichever occurs first.

2024 Acts, ch 1090, §13, 15; 2026 Acts, ch 1199, §14; 2026 Acts, 1st Ex, ch 1001, §6, 8

2026 amendment by 2026 Acts, 1st Ex, ch 1001, §6, effective October 2, 2026; 2026 Acts, 1st Ex, ch 1001, §8 Section amended

PART 33

Referred to in §15.119, 15.354

15.502 Short title.

This part shall be known and may be cited as the *"Business Incentives for Growth Program"* or *"BIG Program"*.

2025 Acts, ch 136, §9, 20

15.503 Definitions.

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

1. *"Base employment level"* means the number of full-time equivalent positions at a business, as established by the authority and the business using the business's payroll records, as of the date the business applies for tax incentives under the program.

2. *"Benefits"* means nonwage compensation provided to an employee. *"Benefits"* include medical and dental insurance, a pension, a retirement plan, a profit-sharing plan, child care, life insurance, vision insurance, and disability insurance.

3. *"Community"* means a city, county, or entity established pursuant to chapter 28E.

4. *"Contract completion"* means the date of completion of the terms of a contract between a contractor and an eligible business.

5. *"Contractor"* means a person that has executed a contract with an eligible business for the provision of property, materials, or services for the construction or equipping of a facility that is part of the eligible business's project.

6. *"Created jobs"* or *"create jobs"* means new, permanent, full-time equivalent positions added to an eligible business's payroll, at the location of the eligible business's project, in excess of the eligible business's base employment level.

7. *"Data center business"* means the same as defined in section 423.3, subsection 95.

8. *"Eligible business"* means a business that meets the requirements of section 15.504.

9. *"Full-time equivalent position"* means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a full-time equivalent position requires two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

10. *"Program"* means the business incentives for growth program.

11. *"Project"* means an activity or set of activities directly related to the start-up, location, modernization, or expansion of an eligible business and proposed in an eligible business's application to the program, that will accomplish the goals of the program.

12. *"Project completion date"* means the date by which an eligible business that has been approved by the authority to participate in the program agrees to complete the terms and conditions of the agreement under section 15.506.

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13. *"Project completion period"* means the period of time between the date the authority approves an eligible business to participate in the program and the project completion date.

14. *"Qualifying investment"* means a capital investment in real property, including the purchase price of the land and existing buildings and structures, site preparation, improvements to the real property, building construction, and long-term lease costs. *"Qualifying investment"* also means a capital investment in depreciable assets for use in the operation of an eligible business.

15. *"Qualifying wage threshold"* means the mean wage level represented by the wages within two standard deviations of the mean wage within the laborshed area in which the eligible business is located, as calculated by the authority by rule, using the most current covered wage and employment data available from the department of workforce development for the laborshed area in which the eligible business is located.

16. *"Retained job"* means a full-time equivalent position that is in existence at the time an eligible business applies for the program that remains continuously filled, and that is at risk of elimination if the proposed project for which the eligible business is applying to the program does not proceed.

17. *"Subcontractor"* means a person that contracts with a contractor for the provision of property, materials, or services for the construction or equipping of a facility that is part of an eligible business's project.

18. *"Tax incentives"* means tax credits, tax refunds, or tax exemptions authorized under the program by the authority for an eligible business.

2025 Acts, ch 136, §10, 20

15.504 Eligible business.

1. To be eligible to receive tax incentives under the program, a business must meet all of the following requirements:

a. The community in which the proposed project is located must approve the project either by ordinance or resolution.

b. (1) The business must be primarily engaged in advanced manufacturing, bioscience, insurance and finance, or technology and innovation. The business shall not be a data center business, a retail business, or a business where a cover charge or membership requirement restricts certain individuals from entering the business.

(2) Factors the authority shall consider to determine if a business is primarily engaged in advanced manufacturing, biosciences, insurance and finance, or technology and innovation shall include but are not limited to all of the following:

(a) The business's North American industry classification system code.

(b) The business's main sources of revenue.

(c) The business's customer base.

c. (1) The business must not be solely relocating operations from one area of the state to another area of the state. A proposed project that does not create jobs or involve a substantial amount of new capital investment shall be presumed to be a relocation of operations. For purposes of this subparagraph, the authority shall consider a letter from the affected local community's government officials supporting the business's move away from the affected local community in making a determination whether the business is solely relocating operations.

(2) This paragraph shall not be construed to prohibit a business from expanding the business's operations in a community if the business has similar operations in this state that are not closing or undergoing a substantial reduction in operations.

d. The business must offer comprehensive benefits to each full-time equivalent employee employed at the project. The authority may adopt rules under chapter 17A to determine the procedure for establishing requirements for comprehensive benefits.

e. (1) The business must not have a record of violations of the law or of rules, including but not limited to antitrust, environmental, trade, or worker safety, that over a period of time show a consistent pattern or that establish the business's intentional, criminal, or reckless conduct in violation of such laws or rules.

(2) If the authority determines that the business has a record of violations described in

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subparagraph (1), and the authority finds that the violations did not seriously affect public health, public safety, or the environment, the business may be eligible to qualify for the program.

(3) If the authority determines that the business has a record of violations described in subparagraph (1), and the authority finds that there were mitigating circumstances related to the violations, the business may be eligible to qualify for the program.

(4) In making determinations and findings under subparagraphs (2) and (3), and making a determination whether a business is disqualified from the program, the authority shall be exempt from chapter 17A.

2. In determining if a business is eligible to participate in the program, the authority shall consider a variety of factors, including but not limited to all of the following:

a. The impact of the business's proposed project on businesses that are in competition with the business. The authority shall make a good-faith effort to identify existing Iowa businesses in competition with the business being considered for the program. The authority shall make a good-faith effort to determine the probability that any proposed tax incentives will displace employees of the competing businesses.

b. The business's proposed project's economic impact on the state. The authority shall place greater emphasis on businesses and proposed projects that meet the following requirements:

(1) The business has a high proportion of in-state suppliers.

(2) The proposed project will diversify the state economy.

(3) The business has few in-state competitors.

(4) The proposed project has the potential to create jobs on an ongoing basis, or will result in increased skills and wages for employees of the eligible business.

(5) The proposed project has the potential to increase productivity, efficiency, and competitiveness through adoption and integration of smart technologies including specialized hardware, software, or other equipment.

(6) The proposed project has the potential to increase the state's overall gross domestic product.

(7) Any other factors the authority deems relevant in determining the economic impact of a proposed project.

2025 Acts, ch 136, §11, 20
Referred to in §15.111, 15.503, 15.506

15.505 Applications — authorization of tax credits and exemptions.

1. *a.* Applications for the program shall be submitted to the authority in the form and manner prescribed by the authority by rule. Each application must be accompanied by an application fee in an amount determined by the authority by rule.

b. For a proposed project that will result in elevated water consumption by the business, the application shall be accompanied by a water conservation and waste reduction plan, and shall be submitted to the authority in the form and manner prescribed by the authority by rule.

2. In determining the eligibility of a business to participate in the program, the authority may engage outside experts to complete a technical, financial, or other review of an application submitted by a business.

3. *a.* The authority and the board may negotiate with an eligible business regarding the terms of, and the aggregate value of, the tax incentives the eligible business may receive under the program. The maximum aggregate value of the tax incentives that any one eligible business may receive shall not exceed five percent of the eligible business's qualifying investment, unless the eligible business's project is located in a rural county, in which case the maximum aggregate value of tax incentives that any one eligible business may receive shall not exceed seven and one-half percent of the eligible business's qualifying investment. For purposes of this paragraph, "*rural county*" means a county in the state with a population of twenty thousand or less based on the most recent decennial census released by the United States census bureau.

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b. The board may authorize any combination of tax incentives available under the program for an eligible business.

4. The board shall not authorize an award under this part before January 1, 2026.

2025 Acts, ch 136, §12, 20

Referred to in §15.506, 15.507, 15.508

15.506 Agreement.

1. An eligible business that is approved by the authority to participate in the program shall enter into an agreement with the authority that specifies the criteria for the successful completion of all requirements of the program. The agreement must contain, at a minimum, provisions related to all of the following:

a. The eligible business must certify to the authority annually that the business is in compliance with the agreement.

b. If the eligible business fails to comply with any requirements of the program or the agreement, as determined by the authority, the eligible business may be required to repay any tax incentives the authority issued to the eligible business. After a final determination by the authority, the authority will notify the department of revenue of any required repayment of a tax incentive, which shall be considered a tax payment due and payable to the department of revenue by any taxpayer that claimed the tax incentive, and the failure to make the repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due, or required to be shown due, with the filing of a return or deposit form. A county shall have the authority to take action to recover the value of property taxes not collected as a result of the exemption provided to the business under this part.

c. If the eligible business undergoes a layoff or permanently closes any of its facilities within the state, the eligible business may be subject to all of the following:

(1) A reduction or elimination of some or all of the tax incentives the authority issued to the eligible business.

(2) Repayment of any tax incentives that the business has claimed, and payment of any penalties assessed by the department of revenue.

d. The project completion date, the agreement end date, the base employment level, any retained jobs, the number of created jobs, the qualifying wage threshold that is applicable to the project, the amount of qualifying investment, the maximum aggregate value of the tax incentives authorized by the board, and any other terms and obligations the authority deems necessary or material to the determination of the business's eligibility for the program, or the aggregate value of tax incentives approved by the board.

e. The eligible business shall only employ individuals legally authorized to work in this state. If the eligible business is found to knowingly employ individuals who are not legally authorized to work in this state, in addition to any penalties provided by law, all or a portion of any tax incentives issued by the authority shall be subject to repayment as described in section 15.506, subsection 1, paragraph *"b"*.

f. Any terms deemed necessary by the authority to effect the eligible business's ongoing compliance with section 15.504.

2. The business shall satisfy all applicable terms of the agreement by the project completion date; however, the board may for good cause extend the project completion date or otherwise amend the terms of the agreement. The board shall not amend the terms of the agreement to allow an increase in the maximum aggregate value of the tax incentives authorized by the board under section 15.505, subsection 3.

3. The eligible business shall comply with all applicable terms of the agreement until the agreement end date. An eligible business shall maintain the business's base employment level until the agreement end date.

4. The eligible business shall not assign the agreement to another entity without the advance written approval of the board.

5. The authority may enforce the terms of the agreement as necessary and appropriate.

2025 Acts, ch 136, §13, 20

Referred to in §15.503, 15.511, 15.512

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15.507 Sales and use tax refund.

1. An eligible business that has been issued a tax incentive certificate under the program shall be entitled to a refund, as negotiated under section 15.505, subsection 3, of the sales and use taxes paid under chapter 423 for gas, electricity, water, and sewer utility services, tangible personal property, or on services rendered, furnished, or performed to or for a contractor or subcontractor and used in the fulfillment of a written contract for the construction or equipping of a facility that is part of the eligible business's project. Taxes attributable to intangible property and furniture and furnishings shall not be refunded.

2. To receive the sales and use tax refund, the eligible business shall file a claim with the department of revenue as follows:

a. The contractor or subcontractor shall state under oath, on forms provided by the department of revenue, the amount of the sales of tangible personal property or services rendered, furnished, or performed including water, sewer, gas, and electric utility services upon which sales or use tax has been paid during the period for which the refund is claimed, and shall submit the forms to the eligible business before contract completion.

b. The eligible business shall, no more frequently than quarterly, submit an application to the department of revenue for a refund of the amount of the sales and use taxes paid pursuant to chapter 423 upon any tangible personal property, or services rendered, furnished, or performed, including water, sewer, gas, and electric utility services. The application shall be submitted in the form and manner prescribed by the department of revenue. The department of revenue shall audit the application and, if approved, issue a warrant or warrants to the eligible business in the amount of the sales or use tax which has been paid to the state of Iowa under subsection 1. The eligible business's final application must be submitted to the department of revenue within one year after the project completion date. An application filed by the eligible business in accordance with this section shall not be denied by reason of a time limitation for filing a refund claim set forth in section 423.47.

c. The refund shall be remitted by the department of revenue to the eligible business as soon as practicable after completion of the audit pursuant to paragraph "*b*". Interest shall not accrue on any part of the refund that has not yet been remitted by the department of revenue to the eligible business.

3. A contractor or subcontractor that willfully makes a false report of tax paid under this section is guilty of an aggravated misdemeanor, and shall be liable for payment of the tax and any applicable penalty and interest.

2025 Acts, ch 136, §14, 20
Referred to in §8G.3

15.508 Qualifying investment tax credit.

1. The authority may authorize a tax credit for an eligible business pursuant to section 15.505, subsection 3. The authority shall not issue a tax credit certificate to the eligible business until the eligible business's project or a portion of the project has been placed in service. An eligible business may claim the tax credit authorized and issued by the authority. The tax credit shall be amortized to the eligible business equally over five tax years. The tax credit shall be allowed against taxes imposed under chapter 422, subchapter II, III, or V, and against the moneys and credits tax imposed in section 533.329. If the eligible business is a partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, or estate or trust. Any tax credit in excess of the eligible business's tax liability for the tax year may be refunded. In lieu of claiming a refund, an eligible business may elect to have the overpayment shown on the eligible business's final, completed return credited to the eligible business's tax liability for the immediately succeeding tax year. A tax credit shall not be carried back to a tax year prior to the tax year in which the tax credit is first claimed by the eligible business.

2. If within five years of the date the authority issues an eligible business a tax credit under

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subsection 1 the eligible business sells, disposes of, razes, or otherwise renders unusable all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section, the tax liability of the eligible business for the year in which all or part of the land, buildings, or other existing structures are sold, disposed of, razed, or otherwise rendered unusable shall be increased by one of the following amounts:

a. One hundred percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within one year after the date the authority issued the tax credit to the eligible business.

b. Eighty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within two years after the date the authority issued the tax credit to the eligible business.

c. Sixty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within three years after the date the authority issued the tax credit to the eligible business.

d. Forty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within four years after the date the authority issued the tax credit to the eligible business.

e. Twenty percent of the tax credit claimed under this section if all or a part of the land, buildings, or other structures for which the tax credit was claimed under this section cease to be eligible for the tax credit within five years after the date the authority issued the tax credit to the eligible business.

f. Except as provided in section 15.119, subsection 1, paragraph *"b"*, the board shall not authorize for any one fiscal year an amount of tax credits pursuant to this section that exceeds the amount allocated pursuant to section 15.119, subsection 2.

2025 Acts, ch 136, §15, 20
Referred to in §422.11F, 422.33, 422.60, 432.12C, 533.329

15.509 Other incentives.

1. An eligible business may apply for and be eligible to receive other federal, state, and local incentives in addition to the tax incentives issued by the authority to the eligible business under the program.

2. The authority, in its discretion, may prohibit an eligible business that has been issued tax incentives under the program from receiving any additional tax incentive, tax credit, grant, loan, or other financial assistance under any program administered by the authority.

2025 Acts, ch 136, §16, 20

15.510 Property tax exemption.

1. If an eligible business has been authorized by the board to receive tax incentives under the program, a community in which the eligible business's project is located may grant the eligible business a property tax exemption for a portion of the actual value added by improvements to real property through the project. The community may allow a property tax exemption for a period not to exceed ten years beginning the year that the improvements to real property are first assessed for taxation.

2. For purposes of this section, *"improvements"* means new construction, and rehabilitation of and additions to existing structures.

3. A property tax exemption granted under subsection 1 shall apply to all taxing districts, except for school districts, in which the real property is located.

2025 Acts, ch 136, §17, 20

15.511 Financial assistance for certain eligible businesses.

1. The authority may provide financial assistance to an eligible business pursuant to section 15.111, subsection 2, paragraph *"a"*, subparagraph (8), if the authority and the board

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find such assistance necessary to facilitate the project's successful completion, that the project has an extensive economic impact, or that financial assistance will incentivize an eligible business to choose an Iowa location, rather than an out-of-state location, for the project.

2. Each eligible business receiving assistance under this section shall enter into an agreement with the authority and the agreement shall meet the requirements of section 15.506. The agreement shall specify the circumstances under which the financial assistance must be repaid to the authority.

3. If the authority and the board determine financial assistance should be awarded, the authority and the board shall determine the appropriate amount and type of assistance for facilitating the eligible business's project.

4. For purposes of this section, *"financial assistance"* means assistance provided exclusively from the funds, rights, and assets legally available to the authority pursuant to this chapter and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

2025 Acts, ch 136, §18, 20

15.512 Training fund.

1. A business incentives for growth program training fund is created in the state treasury under the control of the authority. An amount up to one and one-half percent of the gross wages an eligible business pays to employees specified in an agreement entered into pursuant to section 15.506 shall be credited to the fund from the withholding payments made by an eligible business pursuant to section 422.16. Such jobs shall be identified by the authority as having a sufficient economic impact to warrant assistance with training.

2. On a quarterly basis, an eligible business shall disclose the amount of gross wages that qualify under subsection 1 to the authority and to the department of revenue. Based upon the gross wage amount provided to the authority, the authority shall calculate the amount of gross wages to be deposited into the fund for the quarter, and the department of revenue shall deposit that amount into the fund.

3. Moneys in the fund shall be used to reimburse training expenses incurred by an eligible business that are associated with the eligible business's project.

4. An eligible business's training expenses that may be eligible for reimbursement must meet all of the following criteria:

a. The expenses are paid to a third party.

b. The expenses are for training that is specific to the project of the eligible business and necessary for the success of the project.

c. The expenses were incurred over the period of time identified in the agreement under section 15.506, but not to exceed four years.

d. The expenses are documented to the satisfaction of the authority.

5. An eligible business that has been approved by the authority to receive a reimbursement from the fund shall not be eligible to receive any other state incentive to be used for the same purpose.

2026 Acts, ch 1199, §15
NEW section

15.513 through 15.516 Reserved.

PART 34

15.517 Iowa film production incentive program.

1. As used in this section:

a. *"Fund"* means the Iowa film production incentive fund.

b. *"Program"* means the Iowa film production incentive program.

c. *"Qualified expenditure"* means an allowed expense, as determined by the authority by

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rule, that is incurred by a qualified production facility on or after July 1, 2025, but before July 1, 2027, for producing a qualified production.

d. "*Qualified production*" means a feature film, television series, documentary, or unscripted series that is rated G, PG, PG-13, or R by the classification and ratings administration of the motion picture association of America or the TV parental guidelines monitoring board.

e. "*Qualified production facility*" or "*facility*" means any of the following:

(1) A dedicated studio located in this state at which qualified productions can be produced.

(2) A studio located in this state at which all preproduction and film production take place for a qualified production filmed on location in this state.

(3) A company that has, in the three consecutive years immediately preceding an application for a rebate, had the company's principal place of business in this state and produced a qualified production.

2. *a.* The authority shall establish and administer an Iowa film production incentive program for the purpose of providing rebates to qualified production facilities for qualified expenditures.

b. The authority shall establish eligibility criteria for the program by rule.

(1) The eligibility criteria for qualified production facilities must require that a facility have an agreement between the authority and the facility that the phrase "filmed in Iowa" appears noticeably in the credits of the qualified production.

(2) The eligibility criteria for a qualified production must include:

(a) A total production budget of at least one million dollars, including at least five hundred thousand dollars in qualified expenditures, and evidence that the total production budget is fully funded.

(b) Availability to the public for viewing at a venue where admission is charged, or availability for purchase, for rental, or through a streaming service that requires a subscription.

(3) The eligibility criteria for qualified expenditures must include the following:

(a) The requirements for substantiation of expenses and submission of expenses for industry standard activities including expenses for cast members, equipment, studio production facilities, hospitality services, certified public accountant services, per diem payments, payments to businesses located in this state, accommodations, and any other expenses allowed by the authority. Qualified expenditures shall not include expenses for entertainment, studio executive airfare, royalties, and publicity for the qualified production.

(b) Documentation that all qualified expenses were incurred following approval of the application for rebate by the authority.

3. An application for a rebate under the program shall be submitted by a qualified production facility to the authority for approval in the form and manner prescribed by the authority. In determining whether to approve a rebate, the factors the authority may consider include but are not limited to all of the following:

a. The extent to which the applicant will participate in training, education, and recruitment programs that are organized in cooperation with interested Iowa colleges and universities, and that are designed to promote and encourage the training and hiring of Iowa residents.

b. Whether the rebate will incentivize a qualified production facility to choose an Iowa location for its qualified production rather than an out-of-state location.

c. The likelihood that approval of the rebate will result in an overall long-term positive impact to the state.

4. *a.* If a qualified production facility's application is approved by the authority, the maximum rebate paid to the facility under the program shall equal thirty percent of the facility's documented qualified expenditures excluding any sales, use, and hotel and motel taxes paid.

b. Prior to disbursement of the rebate, a qualified production facility shall submit all of the following to the authority at the expense of the facility:

(1) An examination of the qualified expenditures completed by a certified public accountant, as defined in section 542.3, in accordance with the currently effective statements

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on standards for attestation engagements established by the American institute of certified public accountants.

(2) A statement of the final amount of qualified expenditures.

(3) Any other information the authority deems necessary to ensure compliance with this section.

5. *a.* An Iowa film production incentive fund is created in the state treasury under the control of the authority. The fund shall consist of moneys appropriated to the authority and any other moneys available to, obtained by, or accepted by the authority for placement in the fund. The fund shall be used to provide rebates under the program.

b. The cumulative value of rebates claimed by qualified production facilities pursuant to this section shall not exceed four million dollars.

c. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

6. The authority shall not use more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs, technical assistance, and other program support.

7. The authority shall adopt rules pursuant to chapter 17A to administer this section.

8. This section is repealed July 1, 2027.

2025 Acts, ch 136, §78

15.518 and 15.519 Reserved.

PART 35

Referred to in §15.119

15.520 Short title.

This part shall be known and may be cited as the *"Research and Development Tax Credit Program"*.

2025 Acts, ch 136, §108, 118

15.521 Definitions.

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

1. *"Eligible expenditures"* means qualified research expenses under section 41 of the Internal Revenue Code, to the extent the expenditures occurred in this state.

2. *"Qualified business"* means a business certified by the authority as eligible to claim the research and development tax credit.

3. *"Qualified research and development"* means a systematic activity that combines basic and applied research in an attempt to discover solutions to new or existing problems, or to create or update goods and services. *"Qualified research and development"* includes a set of innovative activities undertaken by an eligible business in developing new services or products, and in improving existing ones.

2025 Acts, ch 136, §109, 118

15.522 Eligible businesses and sectors.

1. The tax credit available pursuant to this part shall be available only to a business primarily engaged in any of the following:

a. Advanced manufacturing.

b. Bioscience.

c. Insurance and finance.

d. Technology and innovation.

2. For a business described in subsection 1, the sectors available for the credit may include the following:

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a. Second-generation food innovation.
b. Food ingredients and supplements.
c. Crop protection.
d. Hybrid seed technologies.
e. Diagnostic analytics and immunotherapies.
f. Chip technologies and microelectronics.
g. Medical equipment and supplies.
h. Software and technology.
i. Aerospace.
j. Pharmaceuticals.
k. Consumer products.
l. Any additional sectors included by the authority by rule.

3. A business that shall not be considered to be engaged in advanced manufacturing, bioscience, insurance and finance, or technology and innovation under subsection 1, and thus is not eligible for the credit, includes but is not limited to all of the following:

a. A business engaged in agriculture production as defined in section 423.1.

b. A business that is a contractor, subcontractor, builder, or a contractor-retailer that engages in commercial and residential repair and installation, including but not limited to heating or cooling installation and repair, plumbing and pipe fitting, security system installation, and electrical installation and repair. For purposes of this paragraph, "*contractor-retailer*" means a business that makes frequent retail sales to the public or to other contractors and that also engages in the performance of construction contracts.

c. A finance or investment company.
d. A retailer.
e. A wholesaler.
f. A transportation company.
g. An ethanol biorefinery.
h. An agricultural cooperative association as defined in section 502.102.
i. A real estate company.
j. A collection agency.
k. An accountant.
l. An architect.
m. A publisher.

2025 Acts, ch 136, §110, 118
Referred to in §15.523

15.523 Application, certification, and agreement.

1. A business shall submit a preapplication to the authority to determine whether the business is primarily engaged in an eligible sector identified in section 15.522 and is actively engaged in qualified research and development. The determination made by the authority shall be based on factors including but not limited to the North American industry classification code and sources of revenue. The authority may request any additional documentation or conduct site visits to verify the requirements of the program are met upon the submission of the preapplication.

2. The authority must certify a business as a qualified business for the business to claim a research and development tax credit. A qualified business that continues to meet the requirements of the program and the agreement entered pursuant to subsection 3 may remain certified for up to five years. A business may reapply for certification in additional five-year increments. A business that does not demonstrate an increase in eligible expenditures may be denied recertification by the authority. A business that is denied certification or recertification may reapply. The authority may specify the length of time after the denial when the business is eligible to reapply.

3. An eligible business must enter into an agreement with the authority for successful completion of all requirements of the program.

4. Each year after certification as a qualified business, the qualified business shall submit an application to the authority for a tax credit based on the amount of eligible expenditures

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that were included in Section F of Internal Revenue Form 6765 that was submitted with the qualified business's most recently filed and accepted federal tax return. The application shall include a verification of eligible expenditures by procedures prescribed by the authority by rule. The qualified business shall engage an independent certified public accountant authorized to practice in this state to conduct the verification. A qualified business shall submit the application to the authority by January 31 following the most recently filed and accepted federal tax return for a tax year in which the business is determined to be a qualified business.

5. Each fiscal year, the authority will approve tax credit awards by apportioning the amount of tax credits available pursuant to section 15.119 on a pro rata basis, based on the total amount of eligible expenditures incurred by all qualified businesses that are awarded a tax credit. Up to five percent of the amount of tax credits available pursuant to section 15.119 may be awarded as additional tax credits to qualified businesses that demonstrate an increase in eligible expenditures.

6. If the qualified business fails to comply with any requirements of the program or the agreement entered pursuant to subsection 3 as determined by the authority, the qualified business may have its certification as a qualified business revoked or be required to repay any tax credit the authority issued to the qualified business. After a final determination, the authority will notify the department of revenue of any required repayment of a tax credit. Such repayment shall be considered a tax payment due and payable to the department of revenue by any taxpayer that claimed the tax incentive, and the failure to make the repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due, or required to be shown due, with the filing of a return or deposit form.

7. A qualified business that claims a research activities credit pursuant to section 422.10 or 422.33, Code 2025, shall not claim a research and development tax credit awarded pursuant to this part on the same tax return.

2025 Acts, ch 136, §111, 118
Referred to in §15.524

15.524 Research and development tax credit.

1. For tax years beginning on or after January 1, 2026, a research and development tax credit is available to a qualified business that is approved for the tax credit by the authority.

2. Upon submission of the documentation required pursuant to section 15.523, subsection 4, and verification of eligible expenditures by the authority, the authority may issue a tax credit certificate to a qualified business indicating the amount available to be claimed. The authority may approve a tax credit in an amount up to three and one-half percent of the amount of the qualified business's eligible expenditures. The tax credit shall be claimed in the tax year immediately following the tax year during which the eligible expenditures were incurred.

3. To claim a tax credit under this section, a taxpayer shall include one or more tax credit certificates with the taxpayer's tax return. The tax credit certificate must contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the qualified business, and any other information required by the department of revenue. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, subchapters II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of the program.

4. Any tax credit in excess of the business's tax liability is refundable. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year.

5. Tax credit certificates issued pursuant to this section are not transferable.

6. If the business is a partnership, S corporation, limited liability company, estate, or trust electing to have the income taxed directly to the individual, an individual may claim the tax credit allowed. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, S corporation, limited liability company, or estate or trust.

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7. The maximum amount of tax credits the authority may issue under this section each fiscal year shall not exceed the amount specified in section 15.119.

8. A qualified business that was approved to receive a research activities credit pursuant to section 15.335, Code 2025, prior to January 1, 2026, shall not claim such tax credit and a research and development tax credit pursuant to this part on the same tax return.

2025 Acts, ch 136, §112, 118
Referred to in §422.12Q, 422.33

15.525 Reporting requirements.

1. A qualified business shall report annually to the authority all of the following:

a. The total amount of investment made in research and development.

b. The qualified location in this state where the research and development occurred.

c. The number of jobs created, wages paid, and employee residence locations.

2. The authority shall include as part of the annual report under section 15.107B an annual report of the activities conducted pursuant to this part.

3. The authority shall report all information in an aggregate form to prevent, as much as possible, information being attributable to any particular qualified business.

2025 Acts, ch 136, §113, 118

15.526 Confidentiality.

1. Except as provided in subsection 2, all information or records in the possession of the authority with respect to this part shall be presumed by the authority to be a trade secret protected under chapter 550 or common law, and shall be kept confidential by the authority unless otherwise ordered by the court.

2. The identity of a tax credit recipient and the amount of the tax credit shall be considered public information under chapter 22.

2025 Acts, ch 136, §114, 118

15.527 through 15.529 Reserved.

PART 36

Referred to in §15.119

15.530 Short title.

This part shall be known and may be cited as the *"Sustainable Aviation Fuel Production Tax Credit Program"*.

2025 Acts, ch 136, §119, 129, 130
Referred to in §15.535
For future repeal of this section effective January 1, 2037, see §15.535
Sustainable aviation fuel tax credits issued pursuant to the sustainable aviation tax credit program shall not be issued by the economic development authority prior to July 1, 2026, and shall not be claimed by a taxpayer prior to September 1, 2026; 2025 Acts, ch 136, §127
Section applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §130

15.531 Definitions.

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

1. *"Aviation gasoline"* means the same as defined in section 452A.2.

2. *"Eligible taxpayer"* means a business engaged in manufacturing sustainable aviation fuel from feedstock.

3. *"Feedstock"* means any organic matter processed or refined in the state suitable for sustainable aviation fuel production without further enhancement. *"Feedstock"* includes ethanol, corn oil, soybean oil, animal fats, used cooking oil, and algae.

4. *"Jet fuel"* means blends of hydrocarbons derived from crude petroleum, natural gasoline, and synthetic hydrocarbons, intended for use in aviation turbine engines, and that meet the specifications in ASTM (American society for testing and materials) specification D1655-12.

5. *"Sustainable aviation fuel"* means the portion of a liquid fuel meeting the requirements of ASTM D7566 or the Fischer Tropsch provisions of ASTM D1655, Annex A1, derived from

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feedstock not including palm fatty acid distillates and that achieves at least a fifty percent life cycle greenhouse gas emissions reduction as determined by any of the following:

a. The fuel production pathway achieves at least a fifty percent life cycle greenhouse gas emission reduction in comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel utilizing the most recent version of the GREET (Argonne national laboratory's greenhouse gases, regulated emissions, and energy use in technologies) model that accounts for reduced emissions throughout the fuel production process.

b. The fuel production pathway achieves at least a fifty percent reduction in comparison with petroleum-based aviation gasoline, aviation turbine fuel, and jet fuel utilizing the most recent version of the default life cycle emission value or actual core life cycle emissions value under the most recent carbon offsetting and reduction scheme for international aviation methodology for sustainable aviation fuels adopted by the international civil aviation organization.

2025 Acts, ch 136, §120, 129, 130
Referred to in §15.535
For future repeal of this section effective January 1, 2037, see §15.535
Sustainable aviation fuel tax credits issued pursuant to the sustainable aviation tax credit program shall not be issued by the economic development authority prior to July 1, 2026, and shall not be claimed by a taxpayer prior to September 1, 2026; 2025 Acts, ch 136, §127
Section applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §130

15.532 Eligible business application and agreement.

1. *a.* An eligible business that produces a sustainable aviation fuel in this state from feedstock during a calendar year may apply to the authority for the sustainable aviation fuel tax credit provided in section 15.533.

b. The application must be made to the authority in the manner prescribed by the authority.

c. The application must be made during the calendar year following the calendar year in which the sustainable aviation fuel is produced.

d. The authority may accept applications on a continuous basis or may establish, by rule, an annual application deadline.

e. The application must include all of the following information:

(1) The amount of sustainable aviation fuel produced in the state from feedstock by the eligible business during the calendar year, measured in gallons.

(2) The types and sources of feedstock used to produce sustainable aviation fuel, documented in sufficient detail to allow the authority to verify that such feedstock was processed or refined in the state.

(3) Any other information reasonably required by the authority in order to establish and verify eligibility under the program.

f. The authority shall review and score all complete applications submitted by eligible businesses on a competitive basis pursuant to rules adopted by the authority.

2. *a.* Before being issued a tax credit under section 15.533, an eligible business must enter into an agreement with the authority for the successful completion of all requirements of the program. As part of the agreement, the eligible business shall agree to collect and provide any information reasonably required by the authority in order to allow the board to fulfill its reporting obligation under section 15.534.

b. An eligible business shall fulfill all the requirements of the program and the agreement before the authority issues the business a tax credit certificate or enters into a subsequent agreement with the business under this section. The authority may decline to enter into a subsequent agreement with the business under this section if a prior agreement is not successfully fulfilled.

c. Upon establishing that all requirements of the program and the agreement have been fulfilled, the authority shall issue a tax credit certificate to the eligible business stating the amount of sustainable fuel tax credit the eligible business may claim.

3. The failure by an eligible business in fulfilling any requirement of the program or any of the terms and obligations of an agreement entered into pursuant to this section may result in the reduction, termination, or rescission of the tax credits under section 15.533 and may subject the eligible business to the repayment or recapture of tax credits claimed. After a final

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determination, the authority will notify the department of revenue of any required repayment of a tax credit. Such repayment shall be considered a tax payment due and payable to the department of revenue by any taxpayer that claimed the tax credit, and the failure to make the repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due, or required to be shown due, with the filing of a return or deposit form.

4. *a.* Except as provided in paragraph *"b"*, any information or record in the possession of the authority with respect to the program shall be presumed by the authority to be a trade secret protected under chapter 550 or common law and shall be kept confidential by the authority unless otherwise ordered by a court.

b. The identity of a tax credit recipient and the amount of the tax credit shall be considered public information under chapter 22.

2025 Acts, ch 136, §121, 129, 130
Referred to in §15.533, 15.534, 15.535
For future repeal of this section effective January 1, 2037, see §15.535
Sustainable aviation fuel tax credits issued pursuant to the sustainable aviation tax credit program shall not be issued by the economic development authority prior to July 1, 2026, and shall not be claimed by a taxpayer prior to September 1, 2026; 2025 Acts, ch 136, §127
Section applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §130

15.533 Sustainable aviation fuel tax credit.

1. An eligible business that has entered into an agreement pursuant to section 15.532 may claim a tax credit in an amount equal to the product of twenty-five cents multiplied by the number of gallons of sustainable aviation fuel produced in this state from feedstock. The sustainable aviation fuel tax credit shall not be available for any sustainable aviation fuel produced before the 2026 calendar year or after the 2035 calendar year.

2. The tax credit shall be allowed against taxes imposed under chapter 422, subchapter II or III.

3. The tax credit shall be claimed for the tax year during which the eligible business was issued the tax credit.

4. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, cooperative organized under chapter 501 and filing as a partnership for federal tax purposes, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, cooperative, estate, or trust.

5. Any tax credit in excess of the tax liability is refundable. In lieu of claiming a refund, the taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the following tax year.

6. *a.* To claim a tax credit under this section, a taxpayer shall include one or more tax credit certificates with the taxpayer's tax return.

b. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, the name of the eligible business, and any other information required by the department of revenue.

c. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, subchapters II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of the program.

d. Tax credit certificates issued pursuant to this section are not transferable.

7. *a.* The maximum amount of tax credits the authority may issue each fiscal year pursuant to this section shall be as provided in section 15.119.

b. (1) The maximum amount of tax credits that the authority may issue to an eligible business for the production of sustainable aviation fuel in a calendar year shall not exceed one million dollars.

(2) The authority shall not issue more than five tax credit certificates to an eligible business for the production of sustainable aviation fuel under the program.

2025 Acts, ch 136, §122, 129, 130
Referred to in §15.532, 15.535, 422.10C, 422.33
For future repeal of this section effective January 1, 2037, see §15.535

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Sustainable aviation fuel tax credits issued pursuant to the sustainable aviation tax credit program shall not be issued by the economic development authority prior to July 1, 2026, and shall not be claimed by a taxpayer prior to September 1, 2026; 2025 Acts, ch 136, §127
Section applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §130

15.534 Reports to general assembly.

1. For purposes of this section, *"successful tax credit applicant"* includes, with respect to each fiscal year, an eligible business that was issued a tax credit certificate for production of sustainable aviation fuel during that fiscal year.

2. The annual report under section 15.107B shall include a report, developed in cooperation with the department of revenue, describing the activities of the program for the previous fiscal year. The report shall, at a minimum, include all of the following information:

a. The aggregate number of gallons of sustainable aviation fuel produced for which successful tax credit applicants received a tax credit in the previous calendar year.

b. For each eligible business issued a sustainable aviation fuel tax credit during each calendar year:

(1) The identity of the eligible business.

(2) The amount of the tax credit.

c. The total amount of all sustainable aviation fuel tax credits claimed during each calendar year, and the portion of the claims issued as a refund.

3. To protect the presumption of confidentiality established pursuant to section 15.532, the board shall report all information in an aggregate form to prevent, as much as possible, information being attributable to any particular eligible business, except as provided in subsection 2.

2025 Acts, ch 136, §123, 129, 130
Referred to in §15.532, 15.535
For future repeal of this section effective January 1, 2037, see §15.535
Sustainable aviation fuel tax credits issued pursuant to the sustainable aviation tax credit program shall not be issued by the economic development authority prior to July 1, 2026, and shall not be claimed by a taxpayer prior to September 1, 2026; 2025 Acts, ch 136, §127
Section applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §130

15.535 Future repeal.

Sections 15.530, 15.531, 15.532, 15.533, 15.534, and this section are repealed January 1, 2037.

2025 Acts, ch 136, §124, 129, 130
Section applies retroactively to January 1, 2025, for tax years beginning on or after that date; 2025 Acts, ch 136, §130

15.536 through 15.599 Reserved.

PART 37

15.600 Short title.

This part shall be known and may be cited as the *"Headquarters Expansion and Development for Growth and Employment Program"*, or *"EDGE Program"*.

2026 Acts, ch 1199, §1
NEW section

15.601 Definitions.

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

1. *"Agreement"* means an agreement entered into by an eligible business and the authority pursuant to section 15.604.

2. *"Base employment level"* means the number of full-time equivalent positions at a business, as established by the authority and the business based on the business's payroll records, on the date the business applies for the program.

3. *"Benefits"* means nonwage compensation provided to an employee. *"Benefits"* include medical and dental insurance, a pension, a retirement plan, a profit-sharing plan, child care, life insurance, vision insurance, and disability insurance.

4. *"Community"* means a city or county in the state.

5. *"Corporate headquarters"* means a location in the state that serves as the principal

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executive office or houses the core administrative operations for a business, and that includes executive leadership offices, strategic decision-making functions, and administrative and support staff employees.

6. *"Corporate job"* means a position based at a corporate headquarters that involves strategic planning, executive decision-making, or core administrative functions.

7. *"Created jobs"* or *"create jobs"* means new, permanent, full-time equivalent positions added to an eligible business's payroll, at the location of the eligible business's project, in excess of the eligible business's base employment level.

8. *"Data center business"* means the same as defined in section 423.3, subsection 95.

9. *"Eligible business"* means a business that meets the requirements of section 15.602.

10. *"Full-time equivalent position"* means a non-part-time position for the number of hours or days per week considered to be full-time work for the kind of service or work performed for an employer. Typically, a full-time equivalent position requires two thousand eighty hours of work in a calendar year, including all paid holidays, vacations, sick time, and other paid leave.

11. *"Gross annual wages"* means all regular wages and salaries received by an employee for performing services as an employee of an employer. *"Gross annual wages"* does not include nonregular forms of compensation, such as bonuses, unusual overtime pay, commissions, stock options, pensions, retirement or death benefits, unemployment benefits, life or other insurance, or other fringe benefits.

12. *"New corporate job"* means a corporate job that is a created job.

13. *"Program"* means the headquarters expansion and development for growth and employment program.

14. *"Project"* means the retention or location of a corporate headquarters for an eligible business, proposed in an eligible business's application to the program, that will accomplish the goals of the program.

15. *"Qualifying wage threshold"* means the mean wage level represented by the wages within two standard deviations of the mean wage within the laborshed area in which the eligible business is located, as calculated by the authority by rule, using the most current covered wage and employment data available from the department of workforce development for the laborshed area in which the eligible business is located.

16. *"Retained corporate job"* means a corporate job that is also a retained job.

17. *"Retained jobs"* means a full-time equivalent position that is in existence at the time an eligible business applies for the program that remains continuously filled, and that is at risk of elimination if the proposed project for which the eligible business is applying to the program does not proceed.

18. *"Tax incentives"* means tax credits authorized under the program by the authority for an eligible business.

2026 Acts, ch 1199, §2
NEW section

15.602 Eligible business.

1. To be eligible to receive tax incentives under the program, a business must meet all of the following requirements:

a. The community in which the proposed project is located must approve the project either by ordinance or resolution.

b. The business must have a global presence, significant market share, or national recognition in the industry in which the business operates.

c. The business must be able to provide documentation that a minimum of fifty-one percent of the business's gross revenue is generated from business conducted outside the state.

d. The business must be able to provide documentation that a state other than Iowa is meaningfully competing for the location or retention of the business's corporate headquarters.

e. (1) The business must be primarily engaged in advanced manufacturing, bioscience, insurance and finance, technology and innovation, or research and development. The

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business shall not be a data center business, a retail business, or a business where a cover charge or membership requirement restricts certain individuals from entering the business.

(2) Factors the authority shall consider to determine if a business is primarily engaged in advanced manufacturing, bioscience, insurance and finance, technology and innovation, or research and development shall include but are not limited to all of the following:

(a) The business's North American industry classification system code.

(b) The business's main sources of revenue.

(c) The business's customer base.

f. (1) The business must not be solely relocating operations from one area of the state to another area of the state. A proposed project that does not create jobs or involve a substantial amount of new capital investment shall be presumed to be a relocation of operations. For purposes of this subparagraph, the authority shall consider a letter from the affected local community's government officials supporting the business's move away from the affected local community in making a determination whether the business is solely relocating operations.

(2) This paragraph shall not be construed to prohibit a business from expanding the business's operations in a community if the business has similar operations in this state that are not closing or undergoing a substantial reduction in operations.

g. The business must offer comprehensive benefits to each full-time equivalent employee employed at its corporate headquarters. The authority may adopt rules under chapter 17A to determine the requirements for comprehensive benefits.

h. (1) The business must not have a record of violations of law or of rules, including but not limited to antitrust, environmental, trade, or worker safety, that over a period of time show a consistent pattern or that establish the business's intentional, criminal, or reckless conduct in violation of such laws or rules.

(2) In making determinations and findings under subparagraph (1), and making a determination whether a business is disqualified from the program, the authority shall be exempt from chapter 17A.

2. In determining if a business is eligible to participate in the program, the authority shall consider a variety of factors including but not limited to all of the following:

a. The cost to the state of providing tax incentives compared to the potential increase in state and local tax collections from the project, the potential for population growth resulting from the project, and the potential for wage growth resulting from the project.

b. The impact of the business's proposed project on businesses that are in competition with the business. The authority shall make a good-faith effort to identify existing Iowa businesses in competition with the business being considered for the program. The authority shall make a good-faith effort to determine the probability that any proposed tax incentives will displace employees of a competing business. In determining the impact on a competing business, employee displacement from the competing business shall not be considered created jobs for the applying business's project.

c. The business's proposed project's economic impact on the state. The authority shall place greater emphasis on businesses and proposed projects that meet the following requirements:

(1) The business has a high proportion of in-state suppliers.

(2) The proposed project will diversify the state economy.

(3) The business has few in-state competitors.

(4) The proposed project has the potential to create jobs on an ongoing basis, or will result in increased skills and wages for employees of the eligible business.

(5) The proposed project has the potential to increase the state's overall gross domestic product.

(6) The proposed project will result in a newly constructed facility, or a facility with a significantly increased taxable valuation.

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(7) Any other factors the authority deems relevant in determining the economic impact of a proposed project.

2026 Acts, ch 1199, §3
Referred to in §15.601, 15.604
NEW section

15.603 Applications — authorization of tax incentives.

1. Applications for the program shall be submitted to the authority in the form and manner prescribed by the authority by rule. Each application must be accompanied by an application fee in an amount determined by the authority by rule.

2. In determining the eligibility of a business to participate in the program the authority may engage outside experts to complete a technical, financial, or other review of an application submitted by a business if such review is outside the expertise of the authority.

3. The authority and the board may negotiate with an eligible business regarding the terms of, and the aggregate value of, the tax incentives the eligible business may receive under the program.

2026 Acts, ch 1199, §4
Referred to in §15.604
NEW section

15.604 Agreement.

1. An eligible business that is approved by the authority to participate in the program shall enter into an agreement with the authority that specifies the criteria for the successful completion of all requirements of the program. The agreement must contain, at a minimum, provisions related to all of the following:

a. The eligible business must certify to the authority annually that the business is in compliance with the agreement.

b. If the eligible business fails to comply with any requirements of the program or the agreement, the eligible business may be required to repay any tax incentives the authority issued to the eligible business. After a final determination by the authority, the authority will notify the department of revenue of any required repayment of a tax incentive, which shall be considered a tax payment due and payable to the department of revenue by any taxpayer that claimed the tax incentive, and the failure to make the repayment may be treated by the department of revenue in the same manner as a failure to pay the tax shown due, or required to be shown due, with the filing of a return or deposit form.

c. If the eligible business undergoes a layoff or permanently closes any of its facilities within the state, the eligible business may be subject to all of the following:

(1) A reduction or elimination of some or all of the tax incentives the authority issued to the eligible business.

(2) Repayment of any tax incentives that the business has claimed, and payment of any penalties assessed by the department of revenue.

d. The end date of the agreement.

e. The number of new corporate jobs and retained corporate jobs to be created or retained as part of the project, the qualifying wage threshold applicable to the project, and the date on which the authority will initially verify the eligible business employs the required number of new corporate jobs and retained corporate jobs.

f. The maximum aggregate value of the tax incentives authorized by the board.

g. The eligible business shall only employ individuals legally authorized to work in this state. If the eligible business is found to knowingly employ individuals who are not legally authorized to work in this state, in addition to any penalties provided by law, the eligible business may be required to repay all or a portion of any tax incentives the authority issued to the eligible business.

h. A requirement that the eligible business must continue to own and operate a corporate headquarters in the state until the end date of the agreement as specified in paragraph "*d*".

i. Any terms deemed necessary by the authority to effect the eligible business's ongoing compliance with section 15.602.

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2. The board shall not amend the terms of the agreement to allow an increase in the maximum aggregate value of tax incentives authorized by the board under section 15.603.

3. The eligible business shall comply with all applicable terms of the agreement until the agreement end date. An eligible business shall maintain the business's base employment level until the agreement end date.

4. The eligible business shall not assign the agreement to another entity without the advance written approval of the board.

5. The authority may enforce the terms of the agreement as necessary and appropriate.

2026 Acts, ch 1199, §5
Referred to in §15.601, 15.605
NEW section

15.605 Qualifying wage tax credit.

1. If the authority has entered into an agreement with an eligible business pursuant to section 15.604, the authority may authorize a qualifying wage tax credit with the eligible business for a period not to exceed three years according to the start and end date specified in the agreement. The authority may issue a qualifying wage tax credit to the eligible business for each year of the authorized period upon verification under section 15.604, subsection 1, paragraph *"e"*, that the eligible business employed the required number of employees in new corporate jobs and retained corporate jobs that pay at least two hundred percent of the qualifying wage threshold. The tax credit for each year of the authorized period shall equal no more than the sum of all of the following:

a. Up to fifteen percent of the gross annual wages of new corporate jobs that pay at least two hundred percent of the qualifying wage threshold.

b. Up to one percent of the gross annual wages of retained corporate jobs that pay at least two hundred percent of the qualifying wage threshold, not to exceed one million dollars.

2. A tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and against the moneys and credits tax imposed in section 533.329.

3. In order for a taxpayer to claim a tax credit under subsection 1, a tax credit certificate issued by the authority shall be included with the taxpayer's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of the credit, and other information required by the authority.

4. An individual may claim a tax credit under subsection 1 on behalf of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

5. Any tax credit in excess of the taxpayer's liability for the tax year is refundable. In lieu of claiming a refund, an eligible business may elect to have the overpayment shown on the eligible business's final, completed return credited to the eligible business's tax liability for the immediately succeeding tax year. A tax credit shall not be carried back to a tax year prior to the tax year in which the tax credit is first claimed by the eligible business.

6. Tax credit certificates issued pursuant to this section are not transferable.

2026 Acts, ch 1199, §6
Referred to in §422.12R, 422.33, 422.60, 533.329
NEW section

15.606 Other incentives.

The authority, in its discretion, may prohibit an eligible business that has been issued tax incentives under the program from receiving any additional tax incentive, tax credit, grant, loan, or other financial assistance under any program administered by the authority.

2026 Acts, ch 1199, §7
NEW section

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CHAPTER 15A

USE OF PUBLIC FUNDS TO AID ECONOMIC DEVELOPMENT

Referred to in §15.106A

Legislative findings; 87 Acts, ch 183, §1; 94 Acts, ch 1008, §1

15A.1 Economic development — public purpose — environmental protection and waste disposal requirements.
15A.2 Conflicts of interest.
15A.3 Public economic development assistance — violations — criminal penalties.
15A.4 Competitive programs — good neighbor agreement — additional consideration.
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15A.7 Supplemental new jobs credit from withholding. Transferred to §260J.1; 2023 Acts, ch 19, §2205.
15A.8 Loans payable from new jobs credit from withholding. Transferred to §260J.2; 2023 Acts, ch 19, §2205.
15A.9 Quality jobs enterprise zone — state assistance. Repealed by 2012 Acts, ch 1110, §16.

15A.1 Economic development — public purpose — environmental protection and waste disposal requirements.

1. *a.* Economic development is a public purpose for which the state, a city, or a county may provide grants, loans, guarantees, tax incentives, and other financial assistance to or for the benefit of private persons.

b. For purposes of this chapter, *"economic development"* means private or joint public and private investment involving the creation of new jobs and income or the retention of existing jobs and income that would otherwise be lost or the provision of workforce housing.

2. Before public funds are used for grants, loans, tax incentives, or other financial assistance to private persons or on behalf of private persons for economic development, the governing body of the state, city, county, or other public body dispensing those funds or the governing body's designee, shall determine that a public purpose will reasonably be accomplished by the dispensing or use of those funds. In determining whether the funds should be dispensed, the governing body or designee of the governing body shall consider any or all of the following factors:

a. Businesses that add diversity to or generate new opportunities for the Iowa economy should be favored over those that do not.

b. Development policies in the dispensing of the funds should attract, retain, or expand businesses that produce exports or import substitutes or which generate tourism-related activities.

c. Development policies in the dispensing or use of the funds should be targeted toward businesses that generate public gains and benefits, which gains and benefits are warranted in comparison to the amount of the funds dispensed.

d. Development policies in dispensing the funds should not be used to attract a business presently located within the state to relocate to another portion of the state unless the business is considering in good faith to relocate outside the state or unless the relocation is related to an expansion which will generate significant new job creation. Jobs created as a result of other jobs in similar Iowa businesses being displaced shall not be considered direct jobs for the purpose of dispensing funds.

e. Development policies that advance the development of workforce housing.

3. In addition to the requirements of subsection 2, a state agency shall not provide a grant, loan, or other financial assistance to a private person or on behalf of a private person unless the business for whose benefit the financial assistance is to be provided meets, to the satisfaction of the state agency, all of the following:

a. The business makes a report detailing the circumstances of its violations, if any, of a federal or state environmental protection statute, regulation, or rule within the previous five

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years. The state agency shall take into consideration before allowing financial assistance this report of the business.

b. If the business generates solid or hazardous waste, that the business conducts in-house audits and management plans to reduce the amount of the waste and to safely dispose of the waste. For purposes of this paragraph, a business may, in lieu of conducting in-house audits, authorize the department of natural resources or the Iowa waste reduction center established under section 268.4 to provide the audits.

4. A state agency shall disburse public moneys used for grants, loans, tax incentives, or other financial assistance for economic development without discrimination or without the use of terms or conditions which are more onerous than those regularly extended to persons of similar economic backgrounds and based on an applicant's age, color, creed, national origin, race, religion, marital status, sex, physical disability, or familial status.

5. In addition to the other requirements of this section, a state agency may give additional consideration or additional points in the application of rating or evaluation criteria in providing a grant, loan, or other financial assistance for economic development-related purposes to a person or business for whose benefit the financial assistance is to be provided if the person or business is located in an area that meets one of the following criteria:

a. The area is a brownfield site as defined in section 15.291.

b. The area is a blighted area as defined in section 403.17.

87 Acts, ch 183, §2; 90 Acts, ch 1125, §1; 92 Acts, ch 1239, §21; 94 Acts, ch 1008, §14, 15; 99 Acts, ch 197, §22; 2001 Acts, ch 7, §1; 2001 Acts, ch 156, §1; 2002 Acts, ch 1162, §27; 2008 Acts, ch 1032, §124; 2014 Acts, ch 1130, §31; 2026 Acts, ch 1115, §93, 94, 106

Subsection 1, paragraph b amended
Subsection 2, NEW paragraph e

15A.2 Conflicts of interest.

1. *a.* If a member of the governing body of a city or county or an employee of a state, city, or county board, agency, commission, or other governmental entity of the state, city, or county has an interest, either direct or indirect, in a private person for which grants, loans, guarantees, tax incentives, or other financial assistance may be provided by the governing board or governmental entity, the interest shall be disclosed to that governing body or governmental entity in writing. The member or employee having the interest shall not participate in the decision-making process with regard to the providing of such financial assistance to the private person.

b. Employment by a public body, its agencies, or institutions or by any other person having such an interest shall not be deemed an indicia of an interest by the employee or of any ownership or control by the employee of interests of the employee's employer.

c. The word "*participate*" or "*participation*" shall be deemed not to include discussion or debate preliminary to a vote of a local governing body or agency upon proposed ordinances or resolutions relating to such a project or any abstention from such a vote.

d. The designation of a bank or trust company as depository, paying agent, or agent for investment of funds shall not be deemed a matter of interest or personal interest.

e. Stock ownership in a corporation having such an interest shall not be deemed an indicia of an interest or of ownership or control by the person owning the stocks when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by that person.

f. The phrase "*decision-making process*" shall not be deemed to include resolutions advisory to the local governing body or agency by any citizens group, board, body, or commission designated to serve a purely advisory approving or recommending function for economic development.

2. A violation of a provision of this section is misconduct in office under section 721.2. However, a decision of the governing board or governmental entity is not invalid because of the participation of the member or employee in the decision-making process or because of a vote cast by a member or employee in violation of this section unless the participation or vote was decisive in the awarding of the financial assistance.

87 Acts, ch 183, §3; 88 Acts, ch 1134, §12; 94 Acts, ch 1008, §16; 2008 Acts, ch 1032, §125

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15A.3 Public economic development assistance — violations — criminal penalties.
A person who engages in deception and knowingly makes or causes to be made, directly or indirectly, a false statement in writing, for the purpose of procuring economic development assistance from a state agency or political subdivision, for the benefit of the person or for whom the person is acting, is guilty of a fraudulent practice in the first degree as defined in section 714.9. For purposes of this section, "*deception*" means deception as defined in section 702.9.
90 Acts, ch 1135, §1

15A.4 Competitive programs — good neighbor agreement — additional consideration.
1. A good neighbor agreement is an enforceable contract between a business and a community group or coalition of community groups which requires the business to adhere to negotiated environmental, economic, labor, or other social and community standards.
2. For any program providing financial assistance for economic development in which the assistance is provided on a competitive basis, a business which enters into a good neighbor agreement shall receive extra consideration of at least ten points or the equivalent. A business which fails to abide by the good neighbor agreement shall repay all financial assistance received under the program.
96 Acts, ch 1219, §96; 2018 Acts, ch 1041, §5

15A.5 and 15A.6 Reserved.

15A.7 Supplemental new jobs credit from withholding. Transferred to §260J.1; 2023 Acts, ch 19, §2205.

15A.8 Loans payable from new jobs credit from withholding. Transferred to §260J.2; 2023 Acts, ch 19, §2205.

15A.9 Quality jobs enterprise zone — state assistance. Repealed by 2012 Acts, ch 1110, §16.

CHAPTER 15B

APPRENTICESHIP TRAINING PROGRAM

Transferred to chapter 84E pursuant to directive; 2023 Acts, ch 19, §2262

CHAPTER 15C

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Transferred to chapter 84F pursuant to directive; 2023 Acts, ch 19, §2271, 2280

CHAPTER 15D

MIDWEST NUCLEAR COMPACT

Repealed by 2013 Acts, ch 129, §67

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SUBCHAPTER I

GENERAL PROVISIONS

15E.1 Definition.

As used in this chapter, unless the context otherwise requires, *"authority"* means the economic development authority created in section 15.105.

2002 Acts, ch 1119, §6; 2011 Acts, ch 118, §57, 89

15E.2 through 15E.10 Reserved.

SUBCHAPTER II

CORPORATION FOR RECEIVING AND DISBURSING FUNDS

15E.11 Corporation for receiving and disbursing funds.

The Iowa development commission is hereby authorized to form a corporation under the provisions of chapter 504, Code 1989, for the purpose of receiving and disbursing funds from public or private sources to be used to further the overall development and well-being of the state.

[C66, 71, 73, 75, 77, 79, 81, §28.11]
C93, §15E.11
2003 Acts, ch 108, §7
Referred to in §15.108, 15E.14, 15E.15, 15E.16

15E.12 and 15E.13 Reserved.

15E.14 Incorporators.

The incorporators of the corporation formed under sections 15E.11, 15E.15 and 15E.16, shall be:

1. The chairperson of the Iowa development commission.
2. The director of the Iowa development commission.
3. A member of the Iowa development commission selected by the chairperson.

[C66, 71, 73, 75, 77, 79, 81, §28.14]
C93, §15E.14
Referred to in §15.108, 15E.15, 15E.16

15E.15 Board of directors.

The board of directors of the corporation formed under sections 15E.11, 15E.14 and 15E.16 shall be the members of the Iowa development commission or their successors in office.

[C66, 71, 73, 75, 77, 79, 81, §28.15]
C93, §15E.15
Referred to in §15.108, 15E.14, 15E.16

15E.16 Accepting grants in aid.

The corporation formed under sections 15E.11, 15E.14 and 15E.15 is hereby authorized to accept grants of money or property from the federal government or any other source and may upon its own order use its money, property or other resources for any of the purposes herein.

[C66, 71, 73, 75, 77, 79, 81, §28.16]
C93, §15E.16
Referred to in §15.108, 15E.14, 15E.15

SUBCHAPTER III

REGULATORY INFORMATION AND ASSISTANCE

15E.17 Regulatory information service.

1. The economic development authority shall provide a regulatory information service. The purpose of the service shall be to provide a center of information where a person interested in establishing a commercial facility or engaging in a commercial activity may be informed of any registration, license, or other approval of a state regulatory agency that is required for that facility or activity or of the existence of standards, criteria, or requirements which the laws of this state require that facility or activity to meet.

2. Each state agency which requires a permit, license, or other regulatory approval or maintains standards or criteria with which an activity or facility must comply shall inform the economic development authority of the following:

a. The activity or facility that is subject to regulation.

b. The existence of any threshold levels which would exempt the activity or facility from regulation.

c. The nature of the regulatory program.

d. The amount of any fees.

e. How to apply for any permits or regulatory approvals.

f. A brief statement of the purpose of requiring the permit or regulatory approval or requiring compliance with the standards or criteria.

3. Each state agency shall promptly inform the economic development authority of any changes in the information provided under subsection 2 or the establishment of a new regulatory program. The information provided to or disseminated by the authority shall not be binding upon the regulatory program of a state agency; however, a person shall not be subject to the imposition of a penalty for failure to comply with a regulatory program if the person demonstrates that the person relied upon information provided by the authority indicating compliance was not required and either ceases the activity upon notification by the regulatory agency or brings the activity or facility into compliance.

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4. Subsections 2 and 3 do not apply to the following:

a. The utilities commission insofar as the information relates to public utilities.

b. The banking division of the department of insurance and financial services.

c. The credit union division of the department of insurance and financial services.

[82 Acts, ch 1099, §1]

C83, §28.17

C93, §15E.17

2008 Acts, ch 1031, §14; 2011 Acts, ch 118, §85, 89; 2023 Acts, ch 19, §2711; 2024 Acts, ch 1170, §369

Referred to in §15.108

15E.18 Site development consultations — certificates of readiness.

1. *a.* The authority shall consult with local governments and local economic development officials in regard to site development techniques. For purposes of this section, *"site development techniques"* include environmental evaluations, property and wetland delineation, and historical evaluations.

b. The authority may charge a fee for providing site development consultations. The fee shall not exceed the reasonable cost to the authority of providing the consultations. The amount of any fees collected by the authority shall be deposited in the general fund of the state.

2. *a.* A local government or local economic development official involved with the development of a site may apply to the authority for a certificate of readiness verifying that the site is ready for development.

b. The authority shall develop criteria for evaluating various types of sites in order to determine whether a particular site is ready for development based on the site's individual circumstances and the economic development goals of the applicant.

c. The authority shall review applications for certificates of readiness and may issue a certificate of readiness to any site that meets the criteria developed under paragraph *"b"*.

3. The authority shall adopt rules pursuant to chapter 17A for the implementation of this section.

2003 Acts, ch 158, §1; 2003 Acts, 1st Ex, ch 1, §130, 133

[2003 Acts, 1st Ex, ch 1, §130, 133 amendments to section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2010 Acts, ch 1184, §36; 2011 Acts, ch 118, §87, 89

Referred to in §15.491

15E.19 Regulatory assistance.

1. The economic development authority shall coordinate all regulatory assistance for the state of Iowa. Each state agency administering regulatory programs for business shall maintain a coordinator within the office of the director or the administrative division of the state agency. Each coordinator shall do all of the following:

a. Serve as the state agency's primary contact for regulatory affairs with the economic development authority.

b. Provide information regarding regulatory requirements to businesses and represent the state agency to the private sector.

c. Monitor permit applications and provide timely permit status information to the economic development authority.

d. Require regulatory staff participation in negotiations and discussions with businesses.

e. Notify the economic development authority regarding proposed rulemaking activities that impact a regulatory program and any subsequent changes to a regulatory program.

2. The economic development authority shall, in consultation with the coordinators described in this section, examine, and to the extent permissible, assist in the implementation of methods, including the possible establishment of an electronic database, to streamline the process for issuing permits to business.

2005 Acts, ch 150, §7; 2008 Acts, ch 1122, §12; 2011 Acts, ch 118, §85, 89

15E.20 Reserved.

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15E.21 Iowa business resource centers.

The authority shall establish an Iowa business resource center program for purposes of locating Iowa business resource centers in the state. The authority shall partner with another entity wanting to assist with economic growth and establish an Iowa business resource center. Operational duties of a center shall focus on providing information and referrals to entrepreneurs and businesses. Operational duties of a center shall be determined pursuant to a memorandum of agreement between the authority and the other entity.

2005 Acts, ch 150, §8; 2011 Acts, ch 118, §87, 89

15E.22 through 15E.24 Reserved.

SUBCHAPTER IV

SEED INVESTOR TAX CREDIT

Referred to in §15.119

15E.25 Purpose.

The purpose of this subchapter is to stimulate job growth, create wealth, and accelerate the creation of new ventures by using investment tax credits to incentivize the transfer of capital from investors to entrepreneurs, particularly during early-stage growth.

2025 Acts, ch 136, §60

15E.26 Definitions.

For purposes of this subchapter, unless the context otherwise requires:

1. *"Affiliate"* means a spouse, child, or sibling of an investor or a corporation, partnership, or trust in which an investor has a controlling equity interest or in which an investor exercises management control.
2. *"Authority"* means the economic development authority created in section 15.105.
3. *"Entrepreneurial assistance program"* includes the entrepreneur investment awards program administered under section 15E.362, the receipt of services from a service provider engaged pursuant to section 15.411, subsection 1, or the program administered under section 15.411, subsection 2.
4. *"Investment"* means a minimum cash investment of ten thousand dollars in a qualifying business.
5. *"Investor"* means a person making a cash investment in a qualifying business. *"Investor"* does not include a person that holds at least a seventy percent ownership interest as an owner, member, or shareholder in a qualifying business.
6. *"Qualifying business"* means a business meeting the criteria defined in section 15E.28.
7. *"Rural area"* means a city that has a population of fifteen thousand or less based on the most recent decennial census released by the United States census bureau.
8. *"Urban area"* means a city that has a population of greater than fifteen thousand based on the most recent decennial census released by the United States census bureau.

2025 Acts, ch 136, §61

15E.27 Investment tax credits.

1. *a.* For tax years beginning on or after January 1, 2025, a tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's equity investment, as provided in subsection 2, in a qualifying business.

b. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

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c. A tax credit shall be allowed only for an investment made in the form of cash to purchase equity in a qualifying business.

d. An affiliate of a qualifying business or an affiliate of a qualifying business's principals shall not be eligible for a tax credit under this section.

e. (1) For a tax credit claimed against the taxes imposed on any of the following, any tax credit in excess of the tax liability is refundable:

(a) A tax credit claimed against the taxes imposed in chapter 422, subchapters II, III, and V.

(b) A tax credit claimed against the taxes imposed in chapter 432.

(c) A tax credit claimed against the moneys and credits tax imposed in section 533.329.

(2) A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer redeems the tax credit.

f. In lieu of claiming a refund, a taxpayer may elect to have the overpayment shown on the taxpayer's final, completed return credited to the tax liability for the immediately succeeding tax year.

2. *a.* The amount of the tax credit shall equal twenty percent of the taxpayer's equity investment if the qualifying business is located in an urban area at the time of the investment. The amount of the tax credit shall equal thirty-five percent of the taxpayer's equity investment if the qualifying business is located in a rural area at the time of the investment.

b. (1) The maximum amount of a tax credit that may be issued per fiscal year to a natural person and the person's spouse or dependent shall not exceed one hundred thousand dollars combined. For purposes of this subparagraph, "*dependent*" has the same meaning as defined by the Internal Revenue Code.

(2) The maximum amount of a tax credit that may be issued per fiscal year to a corporation or other entity shall not exceed one hundred thousand dollars.

(3) An application received by the authority that exceeds the maximum amount of tax credits permitted by this paragraph shall be denied, in whole or in part, regardless of whether the investment would otherwise be eligible to qualify for a tax credit.

(4) For purposes of this paragraph, a tax credit issued to a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual shall be deemed to be issued to the individual owners based upon the pro rata share of the individual's earnings from the entity.

c. The maximum amount of tax credits that may be issued per fiscal year for equity investments in any one qualifying business shall not exceed five hundred thousand dollars. An application received by the authority that exceeds the maximum amount of tax credits permitted by this paragraph shall be denied, in whole or in part, regardless of whether the investment would otherwise be eligible to qualify for a tax credit.

3. An investment shall be deemed to have been made on the same date as the date of acquisition of the equity interest as determined by the Internal Revenue Code.

4. The authority shall not issue tax credits under this section in excess of the amount approved by the authority for any one fiscal year pursuant to section 15.119, subsection 2, paragraph "*a*".

5. A tax credit shall not be transferred to any other person.

6. The authority shall develop a system for registration and issuance of tax credits authorized pursuant to this subchapter and shall control distribution of all tax credit certificates to investors pursuant to this subchapter. The authority shall develop rules for the qualification and administration of qualifying businesses. The department of revenue shall adopt rules pursuant to chapter 17A as necessary for the administration of this subchapter.

2025 Acts, ch 136, §62

Referred to in §15E.28, 422.11F, 422.33, 422.60, 432.12C, 533.329

15E.28 Qualifying businesses.

1. To determine whether a business is a qualifying business, a business shall submit an application to the authority that is accompanied by a nonrefundable application fee. A business must be certified by the authority as a qualifying business in order for an investor's equity investment to qualify for a tax credit.

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2. In order to be a qualifying business, a business must meet all of the following criteria:

a. The principal business operations, and a majority of employees, of the business are located in this state.

b. The business has been in operation for five years or less.

c. The business has at least one full-time equivalent employee.

d. The business's primary operations are in advanced manufacturing, bioscience, insurance and finance, and technologies. The business shall not be primarily engaged in retail sales, real estate, the provision of health care, or the provision of services that require a professional license. In determining whether a business is primarily engaged in advanced manufacturing, biosciences, insurance and finance, or technologies, the authority shall consider the business's North American industry classification system code, the business's main sources of revenue, and the business's customer base.

e. The business is an independent organization that is not part of, or an affiliate of, a business that is not a qualifying business.

f. The business shall establish that its owners, directors, officers, and employees have an appropriate level of experience consistent with the nature of the business. The authority may consult with outside service providers to determine whether a business meets the requirement of this paragraph. A business that has participated in an entrepreneurial assistance program shall be presumed to meet the requirement of this paragraph.

g. The business shall not have a net worth that exceeds ten million dollars.

h. The business shall have secured all of the following at the time of application for tax credits:

(1) At least two investors. For purposes of this subparagraph, "*investor*" includes a person who executes a binding investment commitment to a qualifying business, and does not include an affiliate of a qualifying business or an affiliate of a qualifying business's principals.

(2) Total equity financing, binding investment commitments, or some combination thereof, equal to at least five hundred thousand dollars, from investors.

3. A qualifying business shall have the burden of proof to demonstrate to the authority its qualifications under this section, and shall have the obligation to notify the authority in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to redeem the investment tax credits in any tax year. The authority may revoke the certification of a qualifying business that no longer meets the requirements of this section.

4. A business that has been certified by the authority as a qualifying business shall annually submit an application to the authority that documents continued eligibility as a qualifying business and any investments that may qualify for a tax credit. The business shall submit the application to the authority during an annual application period designated by the authority by rule.

5. Based on the applications submitted by qualifying businesses pursuant to subsection 4, the authority shall make an initial allocation of tax credits in the order in which the applications are received until the maximum amount of tax credits determined by the board pursuant to section 15.119, subsection 2, is reached. Equity investors that are eligible for a tax credit based on such initial allocation shall submit any additional information requested by the authority necessary to verify the eligibility of the investor and to issue a tax credit certificate. An equity investor that does not submit the required information may be denied a tax credit. If any equity investor included in the initial allocation is denied a tax credit, the authority may allocate such tax credits to equity investors that were not included in the initial allocation.

6. Upon receipt of all required information from a qualifying business and an equity investor, the director of the authority may approve issuance of a tax credit certificate to be included with the equity investor's tax return. The tax credit certificate shall contain the taxpayer's name, address, tax identification number, the amount of tax credit, the name of the qualifying business, and any other information required by the department of revenue. The tax credit certificate, unless rescinded by the authority, shall be accepted by the department of revenue as payment for taxes imposed pursuant to chapter 422, subchapters II, III, and V, and in chapter 432, and for the moneys and credits tax imposed in section

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533.329, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of section 15E.27.

2025 Acts, ch 136, §63

Referred to in §15E.26, 15E.52

15E.29 Confidentiality — reports.

1. Except as provided in subsection 2, all information or records in the possession of the authority with respect to this subchapter shall be presumed by the authority to be a trade secret protected under chapter 550 or common law, and shall be kept confidential by the authority unless otherwise ordered by a court.

2. All of the following shall be considered public information under chapter 22:

a. The identity of a qualifying business.

b. The identity of an investor and the qualifying business in which the investor made an equity investment.

c. The number of tax credit certificates issued by the authority.

d. The total dollar amount of tax credits issued by the authority.

3. The authority shall include as part of the annual report under section 15.107B a listing of eligible qualifying businesses, the number of tax credit certificates, and the amount of tax credits issued by the authority in each fiscal year.

2025 Acts, ch 136, §64

15E.30 through 15E.40 Reserved.

SUBCHAPTER V

INVESTMENTS IN QUALIFYING BUSINESSES — TAX CREDIT

A tax credit issued by the economic development authority to a taxpayer before June 30, 2026, for an investment in a qualifying business pursuant to chapter 15E, subchapter V, Code 2025, shall remain valid per the terms under which the tax credit was issued by the economic development authority and the provisions of chapter 15E, subchapter V, Code 2025; 2025 Acts, ch 136, §69

15E.41 Purpose. Repealed by 2025 Acts, ch 136, §68.

15E.42 Definitions. Repealed by 2025 Acts, ch 136, §68.

15E.43 Investment tax credits. Repealed by 2025 Acts, ch 136, §68.

For preservation of existing rights relating to investment tax credits awarded, issued, or allowed before July 1, 2026, see 2025 Acts, ch 136, §77

15E.44 Qualifying businesses. Repealed by 2025 Acts, ch 136, §68.

15E.45 Community-based seed capital funds. Repealed by 2015 Acts, ch 138, §124, 126, 127.

15E.46 Confidentiality — reports. Repealed by 2025 Acts, ch 136, §68.

15E.47 through 15E.50 Reserved.

SUBCHAPTER VI

INNOVATION FUND INVESTMENT TAX CREDIT

Referred to in §15.119

15E.51 Venture capital fund investment tax credits. Repealed by 2010 Acts, ch 1138, §25, 26.

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15E.52 Innovation fund investment tax credits.

1. For purposes of this section, unless the context otherwise requires:

a. "Board" means the same as defined in section 15.102.

b. "Innovation fund" means one or more early-stage capital funds certified by the board.

c. "Innovative business" means a business applying novel or original methods to the manufacture of a product or the delivery of a service. *"Innovative business"* includes but is not limited to a business engaged in the industries of advanced manufacturing, biosciences, and information technology.

2. *a.* A tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for a portion of a taxpayer's equity investment in the form of cash in an innovation fund.

b. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

3. The amount of a tax credit allowed under this section shall equal twenty-five percent of the taxpayer's equity investment in an innovation fund.

4. A taxpayer shall not claim a tax credit under this section if the taxpayer is a venture capital investment fund allocation manager for the Iowa fund of funds created in section 15E.65 or an investor that receives a tax credit for the same investment in a qualifying business as described in section 15E.28.

5. *a.* To receive a tax credit, a taxpayer must submit an application to the board. The board shall issue certificates under this section on a first-come, first-served basis, which certificates may be redeemed for tax credits. The board shall issue such certificates so that not more than the amount allocated for such tax credits under section 15.119, subsection 2, paragraph *"a"*, may be claimed. The board shall not issue a certificate before September 1, 2014.

b. The board shall not issue a certificate to a taxpayer for an equity investment in an innovation fund until such fund has been certified as an innovation fund pursuant to subsection 7.

c. The board shall, in cooperation with the department of revenue, establish criteria and procedures for the allocation and issuance of tax credits by means of certificates issued by the board. The criteria shall include the contingencies that must be met for a certificate to be redeemable in order to receive a tax credit. The procedures established by the board, in cooperation with the department of revenue, shall relate to the procedures for the issuance and transfer of the certificates and for the redemption of a certificate and related tax credit.

d. A certificate and related tax credit issued pursuant to this section shall be deemed a vested right of the original holder or any transferee thereof, and the state shall not cause either to be redeemed in such a way that amends or rescinds the certificate or that curtails, limits, or withdraws the related tax credit, except as otherwise provided in this section or upon consent of the proper holder. A certificate issued pursuant to this section cannot pledge the credit of the state and any such certificate so pledged to secure the debt of the original holder or a transferee shall not constitute a contract binding the state.

6. Any tax credit in excess of the taxpayer's liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

7. An innovation fund shall submit an application for certification to the board. The board shall approve the application and certify the innovation fund if all of the following criteria are met:

a. The fund is organized for the purposes of making investments in promising early-stage companies which have a principal place of business in the state.

b. The fund proposes to make investments in innovative businesses.

c. The fund seeks to secure private funding sources for investment in such businesses.

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d. The fund proposes to provide multiple rounds of funding and early-stage private sector funding to innovative businesses with a high growth potential, and proposes to focus such funding on innovative businesses that show a potential to produce commercially viable products or services within a reasonable period of time.

e. The fund proposes to evaluate all prospective innovative businesses using a rigorous approach and proposes to collaborate and coordinate with the authority and other state and local entities in an effort to achieve policy consistency.

f. The fund proposes to collaborate with the regents institutions of this state and to leverage relationships with such institutions in order to potentially commercialize research developed at those institutions.

g. The fund proposes to obtain at least three million dollars in binding investment commitments and to invest a minimum of three million dollars in companies that have a principal place of business in the state.

8. The board shall not certify an innovation fund after June 30, 2028.

9. An innovation fund shall collect and provide to the board the information required in subsection 10, paragraphs *"d"* and *"e"*, in the manner and form prescribed by the board. An innovation fund failing to comply with this subsection may have its certification revoked by the board.

10. On or before January 31 of each year, the board, in cooperation with the department of revenue, shall submit to the general assembly and the governor, or provide to the authority for inclusion in the annual report under section 15.107B, a report describing the activities of the innovation funds during the preceding fiscal year. The report shall at a minimum include the following information:

a. The amount of tax credit certificates issued to equity investors in each innovation fund.

b. The amount of tax credits claimed.

c. The amount of tax credits transferred to other persons.

d. The amount of investments in each innovation fund.

e. For each investment by an innovation fund in a business:

(1) The amount of the investment.

(2) The name and industry of the business.

(3) The location or locations from which the business operates.

(4) The number of employees of the business located in Iowa and the number of employees of the business located outside Iowa on the date of the initial investment by the innovation fund in the business.

(5) The number of employees of the business located in Iowa and the number of employees of the business located outside Iowa at the close of the fiscal year which is the subject of the report.

11. Tax credit certificates issued pursuant to this section may be transferred, in whole or in part, to any person. A tax credit certificate shall only be transferred once. Within ninety days of transfer, the transferee shall submit the transferred tax credit certificate to the department of revenue along with a statement containing the transferee's name, tax identification number, and address, the denomination that each replacement tax credit certificate is to carry, and any other information required by the department of revenue.

12. Within thirty days of receiving the transferred tax credit certificate and the transferee's statement, the department of revenue shall issue one or more replacement tax credit certificates to the transferee. Each replacement tax credit certificate must contain the information required for the original tax credit certificate. A replacement tax credit certificate may designate a different tax than the tax designated on the original tax credit certificate. A tax credit shall not be claimed by a transferee under this section until a replacement tax credit certificate identifying the transferee as the proper holder has been issued.

13. The transferee may use the amount of the tax credit transferred against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, for any tax year the original transferor could have claimed the tax credit. Any consideration received for the transfer of the tax credit shall not be included as income under chapter 422, subchapters II, III, and V. Any consideration

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paid for the transfer of the tax credit shall not be deducted from income under chapter 422, subchapters II, III, and V.

2011 Acts, ch 118, §23, 36, 89; 2011 Acts, ch 130, §40, 47, 71; 2012 Acts, ch 1126, §33; 2013 Acts, ch 117, §2 – 8; 2015 Acts, ch 138, §119, 126, 127; 2018 Acts, ch 1161, §30, 43; 2020 Acts, ch 1062, §94; 2023 Acts, ch 116, §12 – 14, 17; 2024 Acts, ch 1182, §127; 2025 Acts, ch 136, §65, 66, 71

Referred to in §2.48, 15.410, 84A.21, 422.11Z, 422.33, 422.60, 432.12M, 515.35, 533.329

2023 strike of former subsection 5, paragraph b applies to all applications submitted for innovation fund tax credits administered under this section and placed on a wait list under former subsection 5, paragraph b; 2023 Acts, ch 116, §17

15E.53 through 15E.60 Reserved.

SUBCHAPTER VII

CAPITAL INVESTMENT — IOWA FUND OF FUNDS

Referred to in §502.102

For future repeal of this subchapter, see §15E.72, subsection 11

15E.61 Findings — purpose.

1. The general assembly finds the following: Fundamental changes have occurred in national and international financial markets and in the financial markets of this state. A critical shortage of seed and venture capital resources exists in the state, and such shortage is impairing the growth of commerce in the state. A need exists to increase the availability of venture equity capital for emerging, expanding, and restructuring enterprises in Iowa, including, without limitation, enterprises in the life sciences, advanced manufacturing, information technology, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph "*a*", subparagraph (1), and value-added agriculture areas. Such investments will create jobs for Iowans and will help to diversify the state's economic base.

2. This subchapter is enacted to fulfill the following purposes:

a. To mobilize private investment in a broad variety of venture capital partnerships in diversified industries and locales.

b. To retain the private-sector culture of focusing on rate of return in the investing process.

c. To secure the services of the best managers in the venture capital industry, regardless of location.

d. To facilitate the organization of the Iowa fund of funds in which to seek such private investment and to create interest in such investments by offering state incentives for private persons to make investments in the Iowa fund of funds.

e. To enhance the venture capital culture and infrastructure in the state of Iowa so as to increase venture capital investment within the state and to promote venture capital investing within Iowa.

f. To accomplish these purposes in such a manner as to minimize any appropriations by the state of Iowa.

g. To effectuate specific, measurable results, including all of the following:

(1) The creation of three new venture capital fund offices in Iowa within three years of February 28, 2002.

(2) The investment of resources from the Iowa fund of funds in Iowa businesses within three years of February 28, 2002.

(3) A cumulative rate of return on venture investments of the Iowa fund of funds equal to a minimum of one and one-half percentage points above the ten-year treasury bill rate in effect at the end of five years following February 28, 2002.

2002 Acts, ch 1005, §1; 2002 Acts, ch 1006, §13, 14; 2006 Acts, ch 1142, §16; 2008 Acts, ch 1032, §201; 2011 Acts, ch 25, §127; 2017 Acts, ch 54, §76

Referred to in §15E.63

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15E.62 Definitions.

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

1. *"Board"* means the Iowa capital investment board created in section 15E.63.
2. *"Certificate"* means a contract between the board and a designated investor pursuant to which a tax credit is available and issued to the designated investor.
3. *"Creditor"* means a person, including an assignee of or successor to such person, who extends credit or makes a loan to the Iowa fund of funds or to a designated investor, and includes any person who refinances such credit or loan.
4. *"Designated investor"* means a person, other than the Iowa capital investment corporation, who purchases an equity interest in the Iowa fund of funds or a transferee of a certificate or tax credit.
5. *"Fund documents"* means all agreements relating to matters under the purview of this subchapter VII entered into prior to June 20, 2013, between or among the state, the Iowa fund of funds, a fund allocation manager or similar manager, the Iowa capital investment corporation, the board, a creditor, a designated investor, and a private seed or venture capital partnership, and includes other documents having the same force and effect between or among such parties, as any of the foregoing may be amended, modified, restated, or replaced from time to time.
6. *"Iowa capital investment corporation"* means a private, nonprofit corporation created pursuant to section 15E.64.
7. *"Iowa fund of funds"* means a private, for-profit limited partnership or limited liability company established by the Iowa capital investment corporation pursuant to section 15E.65 in which a designated investor purchases an equity interest.
8. *"Tax credit"* means a contingent tax credit issued pursuant to section 15E.66 that is available against tax liabilities imposed by chapter 422, subchapters II, III, and V, and by chapter 432 and against the moneys and credits tax imposed by section 533.329.

2002 Acts, ch 1005, §2; 2002 Acts, ch 1006, §13, 14; 2007 Acts, ch 174, §87; 2013 Acts, ch 140, §129, 132; 2017 Acts, ch 54, §76; 2020 Acts, ch 1062, §94

Referred to in §515.35

15E.63 Iowa capital investment board.

1. The Iowa capital investment board is created as a state governmental board and the exercise by the board of powers conferred by this subchapter shall be deemed and held to be the performance of essential public purposes. The purpose of the board shall be to mobilize venture equity capital for investment in such a manner that will result in a significant potential to create jobs and to diversify and stabilize the economy of the state.
2. The board shall consist of five voting members and four nonvoting advisory members who are members of the general assembly. Members shall be selected based upon demonstrated expertise and competence in the supervision of investment managers, in the fiduciary management of investment funds, or in the management and administration of tax credit allocation programs. Members shall not have an interest in any person to whom a tax credit is allocated and issued by the board.

a. The five voting members shall be appointed by the governor and confirmed by the senate pursuant to section 2.32. One nonvoting member shall be appointed by the majority leader of the senate after consultation with the president of the senate and one nonvoting member shall be appointed by the minority leader of the senate. One nonvoting member shall be appointed by the speaker of the house of representatives after consultation with the majority leader of the house of representatives and one nonvoting member shall be appointed by the minority leader of the house of representatives.

b. The five voting members shall be appointed to five-year staggered terms that shall be structured to allow the term of one member to expire each year. The nonvoting members shall serve terms as provided in section 4A.13. Vacancies shall be filled in the same manner as the appointment of the original members.

c. Members shall be compensated by the board for direct expenses and mileage but members shall not receive a director's fee, per diem, or salary for service on the board.

3. The board shall have the power to engage consultants, expend funds, invest funds,

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contract, bond or insure against loss, or perform any other act necessary to carry out its purpose, provided, however, that the board shall not hire employees.

4. Members of the board shall be indemnified against loss to the broadest extent permissible under chapter 669.

5. Meetings of the board shall, except to the extent necessary to protect confidential information with respect to investments in the Iowa fund of funds, be subject to chapter 21.

6. The board shall, in cooperation with the department of revenue, establish criteria and procedures for the allocation and issuance of tax credits to designated investors by means of certificates issued by the board. The criteria shall include the contingencies that must be met for a certificate to be redeemable by a designated investor or transferee in order to receive a tax credit. The contingencies to redemption shall be tied to the scheduled rates of return of equity interests purchased by designated investors in the Iowa fund of funds. The procedures established by the board, in cooperation with the department of revenue, shall relate to the procedures for the issuance of the certificates and the related tax credits, for the transfer of a certificate and related tax credit by a designated investor, and for the redemption of a certificate and related tax credit by a designated investor or transferee. The board shall also establish criteria and procedures for assessing the likelihood of future certificate redemptions by designated investors and transferees, including, without limitation, criteria and procedures for evaluating the value of investments made by the Iowa fund of funds and the returns from the Iowa fund of funds.

7. Pursuant to section 15E.66, the board shall issue certificates which may be redeemable for tax credits to provide incentives to designated investors to make equity investments in the Iowa fund of funds. The board shall issue the certificates so that not more than twenty million dollars of tax credits may be initially redeemable in any fiscal year. The board shall indicate on the tax certificate the principal amount of the tax credit and the date or dates on which the credit may be first claimed.

8. The board may charge a placement fee to the Iowa fund of funds with respect to the issuance of a certificate and related tax credit to a designated investor, but the fee shall be charged only to pay for reasonable and necessary costs of the board and shall not exceed one-half of one percent of the equity investment of the designated investor.

9. The board shall, in consultation with the Iowa capital investment corporation, publish an annual report of the activities conducted by the Iowa fund of funds, and present the report to the governor and the general assembly or provide the report to the authority to include such report as part of the annual report under section 15.107B. The annual report shall include a copy of the audit of the Iowa fund of funds and a valuation of the assets of the Iowa fund of funds, review the progress of the investment fund allocation manager in implementing its investment plan, and describe any redemption or transfer of a certificate issued pursuant to this subchapter, provided, however, that the annual report shall not identify any specific designated investor who has redeemed or transferred a certificate. Every five years, the board shall publish a progress report which shall evaluate the progress of the state of Iowa in accomplishing the purposes stated in section 15E.61.

10. The board shall redeem a certificate submitted to the board by a designated investor and shall calculate the amount of the allowable tax credit based upon the investment returns received by the designated investor and its predecessors in interest and the provisions of the certificate. Upon submission of a certificate for redemption, the board shall issue a verification to the department of revenue setting forth the maximum tax credit which may be claimed by the designated investor with respect to the redemption of the certificate.

11. The board shall adopt rules pursuant to chapter 17A necessary to administer the duties of the board. The department of revenue may adopt rules pursuant to chapter 17A related to the duties of the board or this chapter.

2002 Acts, ch 1005, §3; 2002 Acts, ch 1006, §13, 14; 2003 Acts, ch 145, §286; 2005 Acts, ch 7, §1, 4; 2008 Acts, ch 1156, §18, 58; 2009 Acts, ch 41, §16; 2017 Acts, ch 54, §76; 2023 Acts, ch 70, §18; 2024 Acts, ch 1182, §128

Referred to in §15E.62

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15E.64 Iowa capital investment corporation.

1. An Iowa capital investment corporation may be organized as a private, not-for-profit corporation under chapter 504. The Iowa capital investment corporation is not a public corporation or instrumentality of the state and shall not enjoy any of the privileges and shall not be required to comply with the requirements of a state agency. Except as otherwise provided in this subchapter, this subchapter does not exempt the corporation from the requirements under state law which apply to other corporations organized under chapter 504. The purposes of an Iowa capital investment corporation shall be to organize the Iowa fund of funds, to select a venture capital investment fund allocation manager to select venture capital fund investments by the Iowa fund of funds, to negotiate the terms of a contract with the venture capital investment fund allocation manager, to execute the contract with the selected venture capital investment fund allocation manager on behalf of the Iowa fund of funds, to receive investment returns from the Iowa fund of funds, and to reinvest the investment returns in additional venture capital investments designed to result in a significant potential to create jobs and to diversify and stabilize the economy of the state. The corporation shall not exercise governmental functions and shall not have members. The obligations of the corporation are not obligations of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitations, but are obligations of the corporation payable solely and only from the corporation's funds. The corporation shall not and cannot pledge the credit or taxing power of this state or any political subdivision of this state or make its debts payable out of any moneys except those of the corporation.

2. To facilitate the organization of an Iowa capital investment corporation, both of the following persons shall serve as incorporators as provided in section 504.201:

a. The chairperson of the economic development authority board or a designee of the chairperson.

b. The director of the economic development authority or a designee of the director.

3. After incorporation, the initial board of directors shall be elected by the members of an appointment committee. The members of the appointment committee shall be appointed by the economic development authority. The initial board of directors shall consist of five members. The persons elected to the initial board of directors by the appointment committee shall include persons who have an expertise in the areas of the selection and supervision of investment managers or in the fiduciary management of investment funds, and other areas of expertise as deemed appropriate by the appointment committee. After the election of the initial board of directors, vacancies in the board of directors of the corporation shall be elected by the remaining directors of the corporation. Members of the board of directors shall be subject to any restrictions on conflicts of interest specified in the organizational documents and shall have no interest in any venture capital investment fund allocation manager selected by the corporation pursuant to the provisions of this subchapter or in any investments made by the Iowa fund of funds.

4. The members of the appointment committee shall exercise due care to assure that persons elected to the initial board of directors have the requisite financial experience necessary in order to carry out the duties of the corporation as established in this subchapter, including in areas related to venture capital investment, investment management, and supervision of investment managers and investment funds.

5. Upon the election of the initial board of directors, the terms of the members of the appointment committee shall expire.

6. The economic development authority shall assist the incorporators and the appointment committee in any manner determined necessary and appropriate by the incorporators and appointment committee in order to administer this section.

7. After incorporation, the Iowa capital investment corporation shall conduct a national solicitation for investment plan proposals from qualified venture capital investment fund allocation managers for the raising and investing of capital by the Iowa fund of funds in accordance with the requirements of this subchapter. Any proposed investment plan shall address the applicant's level of experience, quality of management, investment philosophy and process, probability of success in fundraising, prior investment fund results, and plan

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for achieving the purposes of this subchapter. The selected venture capital investment fund allocation manager shall be a person with substantial, successful experience in the design, implementation, and management of seed and venture capital investment programs and in capital formation. The corporation shall only select a venture capital investment fund allocation manager with demonstrated expertise in the management and fund allocation of investments in venture capital funds. The corporation shall select the venture capital investment fund allocation manager deemed best qualified to generate the amount of capital required by this subchapter and to invest the capital of the Iowa fund of funds.

8. The Iowa capital investment corporation may charge a management fee on assets under management in the Iowa fund of funds. The fee shall be in addition to any fee charged to the Iowa fund of funds by the venture capital investment fund allocation manager selected by the corporation, but the fee shall be charged only to pay for reasonable and necessary costs of the Iowa capital investment corporation and shall not exceed one-half of one percent per year of the value of assets under management.

9. Directors of the Iowa capital investment corporation shall be compensated for direct expenses and mileage but shall not receive a director's fee or salary for service as directors.

10. The Iowa capital investment corporation shall have the power to engage consultants, expend funds, invest funds, contract, bond or insure against loss, or perform any other act necessary to carry out its purpose. However, the corporation shall not hire staff as employees except to administer the rural and small business loan guarantee program of the Iowa fund of funds.

11. Upon the dissolution of the Iowa fund of funds, the Iowa capital investment corporation shall be liquidated and dissolved, and any assets owned by the corporation shall be distributed to the state of Iowa and deposited in the general fund.

2002 Acts, ch 1005, §4; 2002 Acts, ch 1006, §13, 14; 2002 Acts, ch 1175, §77; 2004 Acts, ch 1049, §181, 191, 192; 2004 Acts, ch 1175, §393; 2011 Acts, ch 118, §58, 59, 84, 85, 89; 2012 Acts, ch 1021, §18; 2017 Acts, ch 54, §76; 2023 Acts, ch 64, §6

Referred to in §15E.62, 15E.65, 15E.72

15E.65 Iowa fund of funds.

1. The Iowa capital investment corporation shall organize the Iowa fund of funds. The Iowa fund of funds shall be authorized to make investments in private seed and venture capital partnerships or entities in a manner which will encourage the availability of a wide variety of venture capital in the state, strengthen the economy of the state, help business in Iowa gain access to sources of capital, help build a significant, permanent source of capital available to serve the needs of Iowa businesses, and accomplish all these benefits in a way that minimizes the use of tax credits.

2. The Iowa capital investment corporation shall organize the Iowa fund of funds in the following manner:

a. The Iowa fund of funds shall be organized as a private, for-profit, limited partnership or limited liability company under Iowa law pursuant to which the Iowa capital investment corporation shall be the general partner or manager. The entity shall be organized so as to provide for equity interests for designated investors which provide for a designated scheduled rate of return. The interest of the Iowa capital investment corporation in the Iowa fund of funds shall be to serve as general partner or manager and to be paid a management fee for the service as provided in section 15E.64, subsection 8, and to receive investment returns of the Iowa fund of funds in excess of those payable to designated investors. Any returns in excess of those payable to designated investors shall be reinvested by the Iowa capital investment corporation by being held in the Iowa fund of funds as a revolving fund for reinvestment in venture capital funds or investments until the termination of the Iowa fund of funds. Any returns received from these reinvestments shall be deposited in the revolving fund.

b. The Iowa fund of funds shall principally make investments in high-quality venture capital funds managed by investment managers who have made a commitment to consider equity investments in businesses located within the state of Iowa and which have committed to maintain a physical presence within the state of Iowa. The investments by the Iowa fund of funds shall be focused principally on partnership interests in private venture capital funds

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and not in direct investments in individual businesses. The Iowa fund of funds shall invest in venture capital funds with experienced managers or management teams with demonstrated expertise and a successful history in the investment of venture capital funds. The Iowa fund of funds may invest in newly created venture capital funds as long as the managers or management teams of the funds have the experience, expertise, and a successful history in the investment of venture capital funds described in this paragraph.

c. The Iowa fund of funds shall establish and administer a program to provide loan guarantees and other related credit enhancements on loans to rural and small business borrowers within the state of Iowa. The Iowa fund of funds shall invest five percent of its assets in investments for this program.

d. The Iowa fund of funds shall have the power to engage consultants, expend funds, invest funds, contract, bond or insure against loss, or perform any other act necessary to carry out its purpose, including, without limitation, engaging and agreeing to compensate a venture capital investment fund allocation manager. Such compensation shall be in addition to the management fee paid to the Iowa capital investment corporation. However, the Iowa fund of funds shall not hire employees except to administer its rural and small business loan guarantee and credit enhancement program.

e. The Iowa fund of funds may issue debt and borrow such funds as may be needed to accomplish its goals. However, such debt shall not be secured by tax credits issued by the board. The Iowa fund of funds may open and manage bank and short-term investment accounts as deemed necessary by the venture capital investment fund allocation manager.

f. The Iowa fund of funds may expend moneys to secure investment ratings for investments by designated investors in the Iowa fund of funds.

g. Each calendar year, the auditor of state shall conduct an annual audit of the activities of the Iowa fund of funds or shall engage an independent auditor to conduct the audit, provided that the independent auditor has no business, contractual, or other connection to the Iowa capital investment corporation or the Iowa fund of funds. The corporation shall reimburse the auditor of state for costs associated with the annual audit. The audit shall be delivered to the Iowa capital investment corporation and the board each year and shall include a valuation of the assets owned by the Iowa fund of funds as of the end of each year.

h. As soon as practicable after June 20, 2013, the Iowa capital investment corporation, in conjunction with the department of revenue, the board, and the attorney general, shall wind up the Iowa fund of funds pursuant to section 15E.72 and shall cause the Iowa fund of funds to be liquidated with all of its assets distributed to its owners in accordance with the provisions of its organizational documents and in accordance with the fund documents. In liquidating such assets, the capital investment corporation, the department of revenue, the board, and the attorney general shall act with prudence and caution in order to minimize costs and fees and to preserve investment assets to the extent reasonably possible.

i. Upon the liquidation of the Iowa fund of funds, the Iowa capital investment corporation shall file a report with the general assembly stating how many jobs in this state were created through investments made by the Iowa fund of funds.

2002 Acts, ch 1005, §5; 2002 Acts, ch 1006, §13, 14; 2005 Acts, ch 7, §2, 4; 2013 Acts, ch 140, §130, 132

Referred to in §15E.52, 15E.62, 15E.72

15E.66 Certificates and tax credits.

1. The board may issue certificates and related tax credits to designated investors which, if redeemed for the maximum possible amount, shall not exceed a total aggregate of sixty million dollars of tax credits. The certificates shall be issued contemporaneously with a commitment to invest in the Iowa fund of funds by a designated investor. A certificate issued by the board shall have a specific maturity date or dates designated by the board and shall be redeemable only in accordance with the contingencies reflected on the certificate or incorporated therein by reference. A certificate and the related tax credit shall be transferable by the designated investor. A tax credit shall not be claimed or redeemed except by a designated investor or transferee in accordance with the terms of a certificate from the board. A tax credit shall not be claimed for a tax year that begins earlier than the maturity

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date or dates stated on the certificate. An individual may claim the credit of a partnership, limited liability company, S corporation, estate, or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. Any tax credit in excess of the taxpayer's tax liability for the tax year may be credited to the tax liability for the following seven years, or until depleted, whichever is earlier.

2. The board shall certify the maximum amount of a tax credit which could be issued to a designated investor and identify the specific earliest date or dates the certificate may be redeemed pursuant to this subchapter. The amount of the tax credit shall be limited to an amount equivalent to any difference between the scheduled aggregate return to the designated investor at rates of return authorized by the board and aggregate actual return received by the designated investor and any predecessor in interest of capital and interest on the capital. The rates, whether fixed rates or variable rates, shall be determined pursuant to a formula stipulated in the certificate or incorporated therein by reference. The board shall clearly indicate on the certificate, or incorporate therein by reference, the schedule, the amount of equity investment, the calculation formula for determining the scheduled aggregate return on invested capital, and the calculation formula for determining the amount of the tax credit that may be claimed. Once issued to a designated investor, a certificate shall be binding on the board and the department of revenue and shall not be modified, terminated, or rescinded.

3. If a designated investor or transferee elects to redeem a certificate, the certificate shall not be redeemed prior to the maturity date or dates stated on the certificate. At the time of redemption, the board shall determine the amount of the tax credit that may be claimed by the designated investor based upon the returns received by the designated investor and its predecessors in interest and the provisions of the certificate. The board shall issue a verification to the department of revenue setting forth the maximum tax credit which can be claimed by the designated investor with respect to the redemption of the certificate.

4. The board shall, in conjunction with the department of revenue, develop a system for registration of any certificate and related tax credit issued or transferred pursuant to this section and a system that permits verification that any tax credit claimed upon a tax return is valid and that any transfers of the certificate and related tax credit are made in accordance with the requirements of this subchapter.

5. The board shall issue the tax credits in such a manner that not more than twenty million dollars of tax credits may be initially redeemable in any fiscal year. The board shall indicate on the tax certificate the principal amount of the tax credit and the maturity date or dates on which the credit may be first claimed.

6. A certificate or tax credit issued or transferred pursuant to this subchapter shall not be considered a security pursuant to chapter 502.

7. In determining the maximum aggregate limit in subsection 1 and the fiscal year limitation in subsection 5, the board shall use the cumulative amount of scheduled aggregate returns on certificates issued by the board to designated investors. However, certificates and related tax credits which have expired shall not be included and certificates and related tax credits which have been redeemed shall be included only to the extent of tax credits actually allowed.

2002 Acts, ch 1005, §6; 2002 Acts, ch 1006, §13, 14; 2003 Acts, ch 145, §286; 2005 Acts, ch 7, §3, 4; 2010 Acts, ch 1138, §20, 21; 2017 Acts, ch 54, §76

Referred to in §15E.62, 15E.63, 422.11Q, 422.33, 422.60, 432.12I, 533.329

15E.67 Powers and effectiveness.

This subchapter shall not be construed as a restriction or limitation upon any power which the board might otherwise have under any other law of this state and the provisions of this subchapter are cumulative to such powers. This subchapter shall be construed to provide a complete, additional, and alternative method for performing the duties authorized and shall be regarded as supplemental and additional to the powers conferred by any other law. The level, timing, or degree of success of the Iowa fund of funds or the investment funds in which

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the Iowa fund of funds invests in, or the extent to which the investment funds are invested in Iowa venture capital projects, or are successful in accomplishing any economic development objectives, shall not compromise, diminish, invalidate, or affect the provisions of any contract entered into by the board or the Iowa fund of funds.

2002 Acts, ch 1005, §7; 2002 Acts, ch 1006, §13, 14; 2003 Acts, ch 44, §12; 2017 Acts, ch 54, §76

15E.68 Permissible investments.

Investments by designated investors in the Iowa fund of funds shall be deemed permissible investments for state-chartered banks, for credit unions, and for domestic insurance companies under applicable state laws.

2002 Acts, ch 1005, §8; 2002 Acts, ch 1006, §13, 14

Insurance companies; §511.8, 515.35
Banks; §524.901
Credit unions; §533.304

15E.69 Enforcement.

The attorney general may enforce the provisions of this subchapter and conduct any investigations necessary for such enforcement.

2002 Acts, ch 1005, §9; 2002 Acts, ch 1006, §13, 14; 2017 Acts, ch 54, §76

15E.70 Financial statements — auditor of state.

By July 1 of each year, the Iowa fund of funds, the Iowa capital investment corporation, and designated investors shall submit a financial statement for the previous calendar year to the auditor of state.

2009 Acts, ch 179, §193

15E.71 Executive council action.

Notwithstanding section 7D.29, subsection 1, the executive council in full consultation with the attorney general, and with the agreement of the attorney general, shall take any action deemed necessary to protect the interests of the state with respect to any certificates, tax credits, entities created, or action taken in relation to this subchapter. Such actions may include but are not limited to initiation of legal action, commencement of special investigations, institution of special audits of any involved entity, or establishment of receiverships. If such action is taken, the council may incur the necessary expense to perform such a duty or cause such a duty to be performed, and pay the expense out of any moneys in the state treasury not otherwise appropriated.

2012 Acts, ch 1138, §15; 2017 Acts, ch 54, §76; 2020 Acts, ch 1062, §5; 2022 Acts, ch 1021, §6

15E.72 Program wind-up and future repeal.

1. *Organization of additional funds prohibited.* Notwithstanding section 15E.65, an Iowa fund of funds shall not be organized on or after June 20, 2013.

2. *New investments by the fund of funds prohibited.* Notwithstanding section 15E.65, the Iowa fund of funds shall not make new investments in private seed and venture capital partnerships or entities on or after June 20, 2013, except as required by the fund documents.

3. *New investments by designated investors prohibited.*

a. Except as provided in paragraph *"b"*, and notwithstanding any other provision in this subchapter VII, a designated investor shall not invest in the Iowa fund of funds on or after June 20, 2013.

b. Notwithstanding the prohibition in paragraph *"a"*, a designated investor may invest in the Iowa fund of funds on or after June 20, 2013, to the extent such investment is required by the fund documents. In addition, the director of revenue, with the approval of the attorney general, may authorize additional investment in the Iowa fund of funds but only if such an investment is necessary to preserve fund assets, repay creditors, pay taxes, or otherwise effectuate an orderly wind-up of the program pursuant to this section.

4. *Issuance, verification, and redemption of new certificates prohibited.*

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a. Except as provided in paragraph *"b"*, and notwithstanding any other provision in this subchapter VII, the board shall not issue, verify, or redeem a certificate or a related tax credit on or after June 20, 2013.

b. Notwithstanding the prohibition in paragraph *"a"*, the board may issue, redeem, or verify a certificate or a related tax credit under any of the following conditions:

(1) The board is required to do so under the terms of the fund documents.

(2) The issuance, redemption, or verification is deemed necessary by the director of revenue and the attorney general in order to arrange new financing terms with a creditor.

(3) The issuance, redemption, or verification is deemed necessary by the director of revenue and the attorney general to preserve fund assets, repay creditors, or otherwise effectuate an orderly wind-up of the program pursuant to this section.

5. *New fund allocation managers prohibited.*

a. Notwithstanding any other provision in this subchapter VII, the Iowa capital investment corporation shall not have authority to solicit, select, terminate, or change a fund allocation manager or similar manager on or after June 20, 2013.

b. On or after June 20, 2013, all decisions pertaining to relationships with a fund allocation manager or similar manager selected prior to June 20, 2013, shall be made by the director of revenue with the approval of the attorney general. This subsection shall not be construed to impair the terms of the fund documents.

6. *Pledging of certificates prohibited.*

a. Except as provided in paragraph *"b"*, and notwithstanding any other provision of law to the contrary, a certificate and a related tax credit or verified tax credit issued by the board shall not be pledged by a designated investor as security for a loan or an extension of credit on or after June 20, 2013.

b. Notwithstanding the prohibition in paragraph *"a"*, a certificate and related tax credit or verified tax credit issued by the board may be pledged by a designated investor as security for a loan or an extension of credit to the extent such pledge is required by the fund documents. In addition, the board, with the approval of the director of revenue and the attorney general, may authorize a certificate and related tax credit to be pledged as security for a loan or an extension of credit, but only if such a pledge is necessary to arrange new financing terms with a creditor or to repay creditors for moneys loaned or credit extended to a designated investor.

7. *Rural and small business loan guarantees prohibited.* Notwithstanding any other provision in this subchapter VII to the contrary, the Iowa capital investment corporation shall not make rural and small business loan guarantees or otherwise administer a program to provide loan guarantees and other related credit enhancements on loans to rural and small business borrowers within the state of Iowa on or after June 20, 2013.

8. *Iowa capital investment corporation purposes amended.* Notwithstanding section 15E.64, on or after June 20, 2013, the purposes of the Iowa capital investment corporation shall be to comply with its obligations under the fund documents and to assist the board, the director of revenue, and the attorney general in effectuating the orderly wind-up of the Iowa fund of funds. In effectuating such a wind-up, the Iowa capital investment corporation shall comply with all reasonable requests by the board, the director of revenue, the attorney general, or the auditor of state.

9. *Use of revolving fund prohibited.*

a. Notwithstanding section 15E.65, subsection 2, paragraph *"a"*, on or after June 20, 2013, all investment returns received by the Iowa capital investment corporation that are in excess of those payable to designated investors shall be deposited in the general fund of the state.

b. This subsection shall not be construed to impair the terms of the fund documents. It is the intent of the general assembly that this subsection only applies in the event that there are investment returns in excess of those necessary to repay creditors and designated investors under the terms of the fund documents.

10. *Preservation of existing rights.* This section is not intended to and shall not limit, modify, or otherwise adversely affect the fund documents, including any certificate, verified tax credit, or related tax credit issued before June 20, 2013, or limit, modify, or otherwise adversely affect the redemption of any tax credit, verified tax credit, or certificate.

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11. *Future repeal.* This subchapter VII is repealed upon the occurrence of one of the following, whichever is earlier:

a. The expiration or termination of all fund documents. The director of revenue shall notify the Iowa Code editor upon the occurrence of this condition.

b. December 31, 2027.

2013 Acts, ch 140, §131, 132; 2017 Acts, ch 54, §76
Referred to in §15E.65

15E.73 through 15E.80 Reserved.

SUBCHAPTER VIII

IOWA SEED CAPITAL CORPORATION

15E.81 through 15E.85 Repealed by 2001 Acts, ch 61, §19.

15E.86 President. Repealed by 98 Acts, ch 1225, §39.

15E.87 through 15E.94 Repealed by 2001 Acts, ch 61, §19.

15E.95 through 15E.105 Reserved.

SUBCHAPTER IX

IOWA EXPORT TRADING COMPANY

15E.106 through 15E.108 Repealed by 2001 Acts, ch 61, §19.

15E.109 and 15E.110 Reserved.

SUBCHAPTER X

VALUE-ADDED AGRICULTURAL PRODUCTS
AND PROCESSES — ASSISTANCE

15E.111 and 15E.112 Repealed by 2009 Acts, ch 123, §8.

15E.113 through 15E.115 Reserved.

SUBCHAPTER XI

IOWA WINE, BEER, AND SPIRITS PROMOTION

15E.116 Iowa wine, beer, and spirits promotion board.

An Iowa wine, beer, and spirits promotion board is created. The board consists of four members appointed by the director of the authority. Each member shall serve a term of two years on the board. One member shall represent the authority, one member shall represent Iowa wine makers, one member shall represent Iowa beer makers, and one member shall represent Iowa distilleries. The board shall advise the authority on the best means to promote wine, beer, and spirits made in Iowa.

86 Acts, ch 1246, §719
C87, §28.116
C93, §15E.116
2011 Acts, ch 118, §85, 89; 2023 Acts, ch 116, §18

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15E.117 Promotion of Iowa wine, beer, and spirits.

1. The authority shall consult with the Iowa wine, beer, and spirits promotion board on the best means to promote wine, beer, and spirits made in Iowa.

2. The authority shall have the authority to contract with private persons for the promotion of beer, wine, and spirits made in Iowa.

3. Moneys appropriated to the authority pursuant to sections 123.143 and 123.183, and moneys transferred to the authority pursuant to section 123.17, subsection 8, may be used by the authority for the purposes of this section, including administrative expenses incurred under this section.

86 Acts, ch 1246, §720
C87, §28.117
C93, §15E.117
2002 Acts, ch 1050, §6; 2003 Acts, ch 145, §286; 2010 Acts, ch 1188, §23; 2011 Acts, ch 118, §85, 89; 2011 Acts, ch 130, §27, 71; 2023 Acts, ch 116, §19
Referred to in §123.143, 123.183

15E.118 and 15E.119 Reserved.

SUBCHAPTER XII

LOAN REPAYMENTS

15E.120 Loan repayments. Repealed by 2014 Acts, ch 1124, §24, 25.

15E.121 through 15E.130 Reserved.

SUBCHAPTER XIII

BUSINESS DEVELOPMENT FINANCE

15E.131 through 15E.149 Repealed by 2007 Acts, ch 126, §114.

15E.150 and 15E.151 Reserved.

SUBCHAPTER XIV

RESERVED

15E.152 through 15E.166 Reserved.

SUBCHAPTER XV

BROADBAND AND TELECOMMUTER CERTIFICATION PROGRAMS

15E.167 Broadband forward and telecommuter forward — certifications.

1. As used in this section, unless the context requires otherwise:

a. *"Broadband"* means the same as defined in section 8.76.

b. *"Broadband infrastructure"* means the same as defined in section 8.76.

c. *"Communications service provider"* means a service provider that provides broadband service.

d. *"Political subdivision"* means a city, county, or township.

2. The authority shall establish the following certification programs:

a. Broadband forward certification, with the objective of encouraging political subdivisions to further develop broadband infrastructure and access to broadband.

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b. Telecommuter forward certification, with the objective of encouraging political subdivisions to further develop and promote the availability of telecommuting.

3. To obtain broadband forward certification, a political subdivision shall submit to the authority, on forms prescribed by the authority by rule, an application indicating the following:

a. The political subdivision's support and commitment to promote the availability of broadband.

b. Existing or proposed ordinances encouraging the further development of broadband infrastructure and access to broadband.

c. Efforts to secure local funding for the further development of broadband infrastructure and access to broadband.

d. A single point of contact for all matters related to broadband and broadband infrastructure.

4. A single point of contact designated in an application submitted pursuant to subsection 3 shall be responsible for all of the following:

a. Coordination and partnership with the authority, communications service providers, realtors, economic development professionals, employers, employees, and other broadband stakeholders.

b. Collaboration with the authority, communication service providers, and employers to identify, develop, and market broadband packages available in the political subdivision.

c. Familiarity with broadband mapping tools and other state-level resources.

d. Maintaining regular communication with the authority.

e. Providing to the political subdivision regular reports regarding the availability of broadband in the political subdivision.

5. A political subdivision that the authority has certified as a broadband forward community under subsection 3 shall not do any of the following:

a. Require an applicant to designate a final contractor to complete a broadband infrastructure project.

b. Impose a fee to review an application or issue a permit for a broadband infrastructure application in excess of one hundred dollars.

c. Impose a moratorium of any kind on the approval of applications and issuance of permits for broadband infrastructure projects or on construction related to broadband infrastructure.

d. Discriminate among communications service providers, or public utilities with respect to any action described in this section or otherwise related to broadband infrastructure, including granting access to public rights-of-way, infrastructure and poles, river and bridge crossings, or any other physical assets owned or controlled by the political subdivision.

e. As a condition for approving an application or issuing a permit for a broadband infrastructure project or for any other purpose, require the applicant to do any of the following:

(1) Provide any service or make available any part of the broadband infrastructure to the political subdivision.

(2) Except for the fee allowed under paragraph *"b"* of this subsection, make any payment to or on behalf of the political subdivision.

6. To obtain telecommuter forward certification, a political subdivision shall submit to the authority, on forms prescribed by the authority by rule, an application indicating the following:

a. The political subdivision's support and commitment to promote the availability of telecommuting options.

b. Existing or proposed ordinances encouraging the further development of telecommuting options.

c. Efforts to secure local funding for the further development of telecommuting options.

d. A single point of contact for coordinating telecommuting opportunities and options.

7. A single point of contact designated in an application submitted pursuant to subsection 6 shall be responsible for all of the following:

a. Coordination and partnership with the authority, communications service providers,

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realtors, economic development professionals, employers, employees, and other telecommuting stakeholders.

b. Collaboration with the authority, communication service providers, and employers to identify, develop, and market telecommuter-capable broadband packages available in the political subdivision.

c. Promotion of telecommuter-friendly workspaces, such as business incubators with telecommuting spaces, if such a workspace has been established in the political subdivision at the time the political subdivision submits the application.

d. Familiarity with broadband mapping tools and other state-level resources.

e. Maintaining regular communication with the authority.

f. Providing to the political subdivision regular reports regarding the availability of telecommuting options in the political subdivision.

8. The authority shall develop criteria for evaluating an application for both forms of certification and the awarding of certificates. The criteria shall take into account, at a minimum, the applicant's individual circumstances and the economic goals of the applicant. The authority shall consult with local government entities and local economic development officials when evaluating an application.

9. The authority shall adopt rules pursuant to chapter 17A for the implementation of this section.

2021 Acts, ch 171, §22

15E.168 through 15E.174 Reserved.

SUBCHAPTER XVI

PHYSICAL INFRASTRUCTURE ASSISTANCE

15E.175 Physical infrastructure assistance program. Repealed by 2009 Acts, ch 123, §8.

15E.176 through 15E.180 Reserved.

SUBCHAPTER XVII

IOWA CAPITAL INVESTMENT BOARD

15E.181 through 15E.184 Repealed by 2001 Acts, ch 61, §19.

15E.185 through 15E.190 Reserved.

SUBCHAPTER XVIII

ENTERPRISE ZONES

15E.191 through 15E.193 Repealed by 2014 Acts, ch 1130, §41.

15E.193A Alternative eligible business criteria. Repealed by 2002 Acts, ch 1145, §9.

15E.193B Eligible housing business. Repealed by 2014 Acts, ch 1130, §41.

15E.193C Eligible development business. Repealed by 2004 Acts, ch 1003, §11, 12.

15E.194 through 15E.198 Repealed by 2014 Acts, ch 1130, §41.

15E.199 and 15E.200 Reserved.

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SUBCHAPTER XIX

IOWA AGRICULTURAL INDUSTRY
FINANCE ACT

15E.201 Short title.

This subchapter shall be known and may be cited as the *"Iowa Agricultural Industry Finance Act"*.

98 Acts, ch 1207, §2; 2017 Acts, ch 54, §76

15E.202 Definitions.

Except as otherwise provided in this subchapter, or unless the context otherwise requires, the words and phrases used in this subchapter shall have the same meaning as the words and phrases used in chapter 490, including but not limited to the words and phrases used in section 490.140. In addition, all of the following shall apply:

1. *"Actively engaged in agriculture"* means to do any of the following:

a. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations.

b. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation.

c. Perform physical work which significantly contributes to agricultural operation.

2. *"Agricultural commodity"* means any unprocessed agricultural product, including livestock as defined in section 717.1, agricultural crops, and forestry products grown, raised, produced, or fed in this state for sale in commercial channels.

3. *"Agricultural operation"* means an operation concerned with the production of agricultural commodities for processing into agricultural processed products.

4. *"Agricultural processed product"* means an agricultural commodity that has been processed for sale in commercial markets.

5. *"Agricultural producer"* means a person who is any of the following:

a. An individual actively engaged in agricultural production.

b. A person other than an individual, if the person is any of the following:

(1) A general partnership in which all the partners are natural persons, and one of the partners is actively engaged in agricultural production.

(2) A family farm entity if any of the following individuals is actively engaged in agricultural production:

(a) A shareholder and an officer, director, or employee of a family farm corporation.

(b) A member or manager of a family farm limited liability company.

(c) A general partner of a family farm limited partnership.

(d) A beneficiary of a family trust.

(3) A networking farmers entity.

6. *"Agricultural product"* means an agricultural commodity or an agricultural processed product.

7. *"Biotechnology enterprise"* means an enterprise organized under the laws of this state using biological techniques for the development of specialized plant or animal characteristics for beneficial nutritional, commercial, or industrial purposes.

8. *"Certified facility"* means a facility used to process agricultural products as certified by a corporation pursuant to section 15E.209.

9. *"Economic development authority"* or *"authority"* means the economic development authority created pursuant to section 15.105.

10. *"Family farm entity"* means a family farm corporation, family farm limited liability company, family farm limited partnership, or family trust as defined in section 9H.1.

11. *"Iowa agricultural industry finance corporation"* or *"corporation"* means a corporation formed under this subchapter.

12. *"Iowa agricultural industry finance loan"* means a loan made to a qualified Iowa agricultural industry finance corporation pursuant to section 15E.208.

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13. *"Iowa agricultural industry venture"* means an enterprise involving any of the following:

a. Agricultural producers investing in a new facility or acquiring or expanding an existing facility in this state which is used to process agricultural commodities produced in this state, if the purpose of the enterprise is to accomplish all of the following:

(1) The creation and retention of wealth in this state derived from processing and marketing agricultural commodities produced in this state.

(2) Increasing production, processing, and marketing of value-added agricultural products in this state.

(3) Providing for a substantial equitable ownership interest in the enterprise by Iowa agricultural producers.

(4) Providing an alternative in this state to corporate vertical integration in the production, processing, and marketing of agricultural products.

b. An agricultural biotechnology enterprise located in this state, if the purpose of research and application of biological techniques conducted by the enterprise is to accomplish all of the following:

(1) The creation and retention of wealth in this state.

(2) Increasing the value of agricultural commodities.

14. *"Loan"* means providing financing to a person under an agreement requiring that the amount in financing be repaid at a maturity date, with an interest rate, and other conditions as specified in the agreement.

15. *"Networking farmers entity"* means the same as defined in section 10.1.

16. *"Qualified investor"* means any of the following:

a. An agricultural producer.

b. A cooperative organized under chapter 501 or 501A.

c. A networking farmers entity.

17. *"Qualified Iowa agricultural industry finance corporation"* or *"qualified corporation"* means an Iowa agricultural industry financing corporation which meets the eligibility requirements of and is approved by the authority pursuant to section 15E.208.

98 Acts, ch 1207, §3; 2002 Acts, ch 1050, §7; 2005 Acts, ch 135, §105; 2011 Acts, ch 118, §61, 62, 87, 89; 2017 Acts, ch 54, §76

15E.203 Findings — intent and purposes.

1. The general assembly finds that this state is in a period when the economic structure of agriculture and the production, processing, and marketing of agricultural products is undergoing a period of rapid transformation.

2. It is the intent of the general assembly and purpose of this subchapter that this state capture the greatest benefit from opportunities created during this period, by encouraging local agricultural producer-led ventures to expand production and processing of high value agricultural products, including agricultural processed products, to organize new business structures within the state to carry out these ventures, and to market and deliver increasingly high value agricultural products to consumers around the world. In carrying out this purpose, state resources provided by this subchapter shall be used to assure all of the following:

a. That the majority of the wealth created by Iowa agricultural productivity is retained in this state.

b. That employment in the production, processing, and marketing of agricultural products, and especially agricultural processed products, is increased in this state.

c. That agricultural producers in this state are provided with an opportunity to acquire a majority ownership interest in Iowa agricultural industry ventures promoted under this subchapter.

d. That this state becomes a world model for agricultural producer-based vertical cooperation which depends upon broadly shared access to information, capital, and cooperative action.

e. That the use of private resources with state incentives establish Iowa as the world leader in responsibly produced agricultural products that meet the needs of consumers throughout the world.

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3. It is the intent of the general assembly and the purpose of this subchapter that the state encourage Iowa agricultural industry ventures which promote the research and application of biological techniques for the development of specialized plant or animal characteristics for beneficial nutritional, commercial, or industrial purposes.

98 Acts, ch 1207, §4; 2017 Acts, ch 54, §76
Referred to in §15E.209
Additional legislative findings; 98 Acts, ch 1207, §1

15E.204 Iowa agricultural industry finance corporations — scope of powers and duties.

1. An Iowa agricultural industry finance corporation formed under this subchapter shall be subject to and have the powers and privileges conferred by provisions of chapter 490, unless otherwise limited by or inconsistent with the provisions of this subchapter.

2. Nothing in this subchapter requires any of the following:

a. That a limited number of Iowa agricultural industry finance corporations are authorized to be formed. However, the authority may strictly interpret and apply the requirements of this subchapter in determining whether a corporation is a qualified corporation under section 15E.208.

b. That a corporation be organized on a cooperative basis, including structured, organized, or operated pursuant to 26 U.S.C. §1381(a).

c. That a corporation is restricted from holding, acquiring, or transferring financial or security instruments, including but not limited to a security regulated under chapter 502, money, accounts, and chattel paper under chapter 554, security interests under chapter 554, or a mortgage or deed of trust under chapter 654.

3. An Iowa agricultural industry finance corporation is a private business corporation and not a public corporation or instrumentality of the state. Except as provided in this subchapter, nothing in this subchapter exempts an Iowa agricultural industry finance corporation from the same requirements under state law which apply to other corporations organized under chapter 490, including taxation provisions under chapter 422 or Title X, subtitle 2 of this Code, or security regulations under chapter 502.

98 Acts, ch 1207, §5; 2011 Acts, ch 118, §87, 89; 2017 Acts, ch 54, §76

15E.205 Iowa agricultural industry finance corporations — requirements.

1. A corporation incorporated under chapter 490 is an Iowa agricultural industry finance corporation if the corporation complies with the requirements of this section and section 15E.206. In addition to the other requirements for a corporation organized under chapter 490, all of the following shall apply:

a. Agricultural producers must hold at least fifty-one percent of the corporation's common stock and at least fifty-one percent of the corporation's voting stock. The status of an agricultural producer shall be determined at the time of the transfer of stock from the corporation to the shareholder in a manner and as provided in the corporation's articles of incorporation or bylaws.

b. A director of the corporation's board of directors shall not serve for more than seven consecutive years as a board director.

c. The purpose of the corporation must be limited to providing financing to eligible persons under section 15E.209 who are engaging in Iowa agricultural industry ventures limited to establishing a business structure in which agricultural producers produce agricultural commodities for processing and marketing as agricultural processed products.

2. The requirements of this section shall be memorialized in the corporation's articles of incorporation.

98 Acts, ch 1207, §6; 99 Acts, ch 66, §1
Referred to in §15E.208

15E.206 Formation of an Iowa agricultural industry finance corporation.

1. This section authorizes the formation of Iowa agricultural industry finance corporations in order to perfect the manner in which such corporations are formed and operate. Such a corporation is a private business corporation and not a public corporation or instrumentality

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of the state. The corporation shall not enjoy any of the privileges nor be required to comply with any of the requirements of a state agency.

2. In facilitating the formation of an Iowa agricultural industry finance corporation, the following persons shall serve as incorporators as provided in section 490.201:

a. A member of the economic development authority chosen by the members of the authority or a designee of the member.

b. The director of the economic development authority, or a designee of the director.

c. The secretary of agriculture or a designee of the secretary.

3. *a.* After incorporation, such a corporation shall be organized by an initial board of directors as provided in chapter 490, subchapter II. The initial board of directors shall be elected by the members of an appointment committee. The members of the appointment committee shall be appointed by the economic development authority. The initial board of directors shall consist of seven members. The members of the appointment committee shall include persons who have an expertise in areas of banking, agricultural lending, business development, agricultural production and processing, seed and venture capital investment, and other areas of expertise as deemed appropriate by the interim board of directors.

b. The members of the appointment committee shall exercise due care to assure that persons appointed to the initial board of directors have the requisite financial experience necessary in order to carry out the duties of the corporation as established in this subchapter, including in areas related to agricultural lending, commercial banking, and investment management.

c. Upon the election of the initial board of directors, the terms of the members of the appointment committee shall expire.

d. The authority shall assist the incorporators and the appointment committee in any manner determined necessary and appropriate by the economic development authority and the director of the authority in order to administer this section.

98 Acts, ch 1207, §7; 2011 Acts, ch 118, §63, 64, 84, 85, 89; 2017 Acts, ch 54, §76; 2019 Acts, ch 24, §104

Referred to in §15E.205

15E.207 Iowa agricultural industry finance corporations — guiding principles.

In carrying out its duties and exercising its powers under this subchapter, an Iowa agricultural industry finance corporation shall be guided by the following principles:

1. *a.* The corporation must exercise diligence and care in the selection of persons and projects to receive financing as provided in section 15E.209. The corporation must apply customary and acceptable business and lending standards and practices in selecting persons and projects designated for financing and managing agreements under which financing is provided.

b. In selecting projects to receive financing, it is the intent of the general assembly that the corporation seek projects with wage, benefit, and work safety plans which improve the quality of employment in the state and which would not displace employees of existing Iowa agricultural industry ventures.

2. Except as otherwise provided in this section, the corporation shall not become an owner of real or depreciable property, including agricultural land, as provided in section 9H.4. However, this subsection shall not preclude the corporation from holding an interest in real or depreciable property if any of the following apply:

a. The corporation holds nonagricultural property for purposes of carrying out the management of its corporate affairs, including office space, furniture, and supplies.

b. The corporation holds an interest in real or depreciable property on a temporary basis, and any of the following apply:

(1) The interest is a bona fide encumbrance taken for purposes of security in connection with providing financing under section 15E.209.

(2) The interest is acquired by operation of law, including by any of the following:

(a) Devise or bequest.

(b) Court order.

(c) Dissolution under chapter 490, subchapter XIV.

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(d) Order in bankruptcy.

(e) Pursuant to a proceeding to enforce a debt against real property under chapter 654, to forfeit a contract to purchase real property under chapter 656, to enforce a secured interest in real or depreciable property under chapter 554, or to otherwise garnish, levy on, execute on, seize, or attach real or depreciable property in the collection of debts, or by any procedure for the enforcement of a lien or claim.

(3) The interest is acquired in order to facilitate a transfer between persons pursuant to a transaction authorized under this subchapter.

98 Acts, ch 1207, §8; 2008 Acts, ch 1032, §201; 2017 Acts, ch 54, §76; 2019 Acts, ch 24, §104
Referred to in §15E.208, 16.79

15E.208 Qualified corporations — Iowa agricultural industry finance loans.

1. The authority may award an Iowa agricultural industry finance loan to an Iowa agricultural industry finance corporation if the authority in its discretion determines that the corporation is qualified under this section.

2. The corporation must apply for an Iowa agricultural industry finance loan on forms and according to procedures required by the authority.

3. The authority shall loan all of the amounts available to the authority pursuant to this subchapter to a qualified corporation with provisions and restrictions as determined by the authority and contained in a loan agreement executed between the authority and the qualified corporation.

a. The authority may attach conditions to the granting of the loan as it deems desirable, including any restrictions on the subordination of the moneys loaned. The attorney general shall assist the authority in drafting loan agreements and in collecting on the loan agreement.

b. The Iowa agricultural industry finance loan shall be repayable upon terms and conditions negotiated by the parties.

(1) The repayment period shall begin six years following the date when the Iowa agricultural industry finance loan is awarded and end twenty-five years after the date that the repayment period begins.

(2) At least four percent of the amount of the Iowa agricultural industry finance loan due shall be paid each year to the authority. However, the authority may accept an assignment of a loan made by the corporation providing financing to an eligible person pursuant to section 15E.209. The assigned loan shall grant to the authority the corporation's right to payment under the loan. Any such assignment shall be made by an agreement executed by the authority and the corporation. The assignment agreement shall be subject to all of the following:

(a) The period of assignment may be for any number of years. The authority shall apply to the amounts due under the Iowa agricultural industry finance loan the principal, interest, and fees which the eligible person is obligated to pay under the assigned loan. The total amount of the principal, interest, and fees that the eligible person is obligated to pay to the authority during the period of assignment plus any other repayment of the Iowa agricultural industry finance loan made by the corporation to the authority must equal the amount of the Iowa agricultural industry finance loan that the corporation would otherwise be obligated to repay the authority during that same period. However, the agreement may provide that during any year of the assignment period the eligible person may pay more or less than four percent of the amount of the Iowa agricultural industry finance loan that the corporation would otherwise be obligated to repay during that year.

(b) The assignment agreement shall contain conditions relating to the right of payment assigned to the authority which may include securing the payment obligation in any manner that allows the authority to enforce a debt against the property of the eligible person. The authority shall not have a right of recourse against the corporation for any amount required to be applied from the assigned loan to the Iowa agricultural industry finance loan.

(c) Notwithstanding any provision of this subchapter to the contrary, payments on the principal balance of the loan granted by the corporation to an eligible person and assigned to the department of economic development pursuant to this subparagraph during calendar year 2003 shall be deferred until October 1, 2007. The eligible person shall make principal

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payments to the department of economic development in the amount of one million dollars for each year on October 1, 2007, October 1, 2008, and October 1, 2009. The eligible person shall pay the department of economic development four hundred eighty-two thousand seven hundred sixty-one dollars in interest, which shall be deemed to be the total amount of interest accruing on the principal amount of the loan. The eligible person shall pay the interest amount on October 1, 2010. Upon the payment of the principal balance of the loan and the accrued interest, the debt shall be retired.

(d) Notwithstanding any provision of this subchapter to the contrary, the corporation shall repay the department of economic development, or its successor entity, the principal balance of the Iowa agricultural industry finance loan beginning on October 1, 2007. The principal balance of the loan equals twenty-one million five hundred seventeen thousand two hundred thirty-nine dollars. The corporation shall repay the department of economic development, or its successor entity, five hundred seventeen thousand two hundred thirty-nine dollars by October 1, 2007, and for each subsequent year the corporation shall repay the department, or its successor entity, at least one million dollars by October 1 until the total principal balance of the loan is repaid. This subparagraph shall not be construed to limit the authority of the department of economic development, or its successor entity, to negotiate the payment of interest accruing on the principal balance which shall be paid as provided by an agreement executed by the department of economic development, or its successor entity, and the corporation.

(e) Notwithstanding any provision of this subchapter to the contrary, payments of principal and interest of the loan granted by the corporation to an eligible person and assigned to the department of economic development pursuant to this subparagraph during calendar year 2003 which were deferred pursuant to subparagraph division (c) shall be forgiven and the total debt, including interest, shall be retired.

(3) The corporation shall not be subject to a prepayment penalty.

c. The corporation shall not expend moneys originating from the state, including moneys loaned under this section, on political activity or on any attempt to influence legislation.

4. A corporation shall not provide financing to support a person who is any of the following:

a. An agricultural producer, if any of the following applies:

(1) The agricultural producer is a party to a pending action for a violation of chapter 455B or 459, subchapters II and III, concerning a confinement feeding operation in which the person has a controlling interest and the action is commenced in district court by the attorney general.

(2) The agricultural producer or a confinement feeding operation in which the agricultural producer holds a controlling interest is classified as a habitual violator under section 459.604.

b. An agricultural products processor, if the processor or a person owning a controlling interest in the processor has demonstrated, within the most recent consecutive three-year period prior to the application for financing, a continuous and flagrant disregard for the health and safety of its employees or the quality of the environment. Violations of environmental protection statutes, rules, or regulations shall be reported for the most recent five-year period prior to application. Evidence of such disregard shall include a history of serious or uncorrected violations of state or federal law protecting occupational health and safety or the environment, including but not limited to serious or uncorrected violations of occupational safety and health standards enforced by the division of labor services of the department of inspections, appeals, and licensing pursuant to chapter 10A, or rules enforced by the department of natural resources pursuant to chapter 455B or 459, subchapters II and III.

c. A member of the economic development authority, an employee of the economic development authority, an elected state official, or any director or other officer or an employee of the corporation.

5. In order to be eligible as a qualified Iowa agricultural industry finance corporation, all of the following conditions must be satisfied:

a. The corporation must only provide financing to persons and ventures eligible under section 15E.209.

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b. The corporation must demonstrate that it complies with guiding principles for the corporation as provided in section 15E.207.

c. The corporation must adopt policies and procedures which maximize public oversight into the affairs of the corporation, by providing a forum for public comment, an opportunity for public review of the corporation's actions, and methods to ensure accountability for the expenditure of public moneys loaned to the corporation.

d. The corporation's articles of incorporation must comply with requirements established by the authority relating to the capacity and integrity of the corporation to carry out the purposes of this subchapter, including but not limited to all of the following:

(1) The capitalization of the corporation.

(2) The manner in which financing is provided by the corporation, including the manner in which an Iowa agricultural industry finance loan can be used by the corporation.

(3) The composition of the corporation's board of directors. The board must be composed of persons knowledgeable in Iowa agricultural industries including a representative number of individuals experienced and knowledgeable in financing new agricultural industries.

(4) The manner of oversight required by the authority or the auditor of state. The articles must provide that the corporation shall submit a report to the governor, the general assembly, and the authority. The report shall provide a description of the corporation's activities and a summary of its finances, including financial awards. The report shall be submitted not later than January 10 of each year. The articles shall provide that an audit of the corporation must be conducted each year for the preceding year by a certified public accountant licensed pursuant to chapter 542. The auditor of state may audit the books and accounts of the corporation at any time. The results of the annual audit and any audit for the current year conducted by the auditor of state shall be included as part of the report.

(5) The execution of an agreement between the corporation and an eligible recipient as required by the authority as a condition of providing financing, in which the eligible recipient agrees to become a shareholder in the corporation. If the eligible recipient is an agricultural producer as provided in section 15E.209, the agreement shall provide that the agricultural producer becomes a shareholder of voting common stock in the corporation equal to at least five percent of the financing provided to the agricultural producer pursuant to the agreement. The agreement shall be for a period of not less than ten years. An agreement shall at least provide all of the following:

(a) The establishment of a common stock pricing system. The stock shall be frozen against price appreciation for the first five years of the life of the corporation. The articles shall contain waivers for death and disability.

(b) The maintenance of stock ownership by an eligible recipient until a financial assistance obligation due the corporation is satisfied.

(c) A requirement that the par value of participating common stock be established prior to providing financial assistance to an eligible recipient.

e. To the extent feasible and fiscally prudent, the corporation must maintain a portfolio which is diversified among the various types of agricultural commodities and agribusiness.

f. Not more than seventy-five percent of moneys originating from the state, including moneys loaned to the corporation pursuant to this section, may be used to finance any one Iowa agricultural industry venture.

g. The corporation may only be terminated by the following methods, unless approved by the authority:

(1) Merger or share exchange under chapter 490, subchapter XI.

(2) Dissolution as provided in chapter 490, subchapter XIV, part 1.

(3) A sale, lease, exchange, mortgage, pledge, transfer, or other disposition, in one or more transactions of assets of the corporation which has an aggregate market value equal to fifty percent or more of either the aggregate market value of all of the assets of the corporation determined on a consolidated basis, or the aggregate market value of all the outstanding stock of the corporation.

6. The authority shall provide for the default of the loan if the qualified corporation does any of the following:

a. Violates a provision of the articles of incorporation or an amendment to the articles

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of incorporation that is required by this subchapter which violation is not approved by the authority.

b. Violates the terms of the loan agreement executed between the authority and the corporation, which violation is not approved by the authority.

c. Fails to comply with the requirements of section 15E.205.

d. Completes a transaction, if all of the following apply:

(1) The transaction involves any of the following:

(a) A merger or share exchange under chapter 490, subchapter XI.

(b) The sale, lease, exchange, mortgage, pledge, transfer, or other disposition, in one or more transactions of assets of the corporation which has an aggregate market value equal to fifty percent or more of either the aggregate market value of all of the assets of the corporation determined on a consolidated basis, or the aggregate market value of all the outstanding stock of the corporation.

(2) The surviving entity of a merger or share exchange, or the entity acquiring the assets of the corporation fails to meet the requirements of section 15E.205.

7. In an action to enforce a judgment against a qualified corporation, the interest of the state shall be subrogated to the interests of holders of bonds issued by the corporation.

8. Moneys repaid or collected by the authority under this section shall be deposited into the road use tax fund created pursuant to section 312.1.

98 Acts, ch 1207, §9; 99 Acts, ch 66, §2; 2000 Acts, ch 1058, §6; 2001 Acts, ch 55, §20, 38; 2002 Acts, ch 1162, §29; 2003 Acts, ch 122, §1, 2; 2004 Acts, ch 1175, §324; 2006 Acts, ch 1185, §55; 2009 Acts, ch 41, §263; 2011 Acts, ch 118, §65, 66, 85, 89; 2012 Acts, ch 1021, §21; 2017 Acts, ch 54, §76; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §1729

Referred to in §15E.202, 15E.204

Duties of former department of economic development were assumed by economic development authority beginning July 1, 2011, pursuant to 2011 Acts, ch 118

15E.209 Financing provided by an Iowa agricultural industry finance corporation.

1. An Iowa agricultural industry finance corporation may only provide financing to a person determined eligible by the corporation according to requirements of the corporation and this section. At a minimum, an eligible person must be one of the following:

a. An agricultural producer participating in an Iowa agricultural industry venture as provided according to the terms of an agreement executed by the agricultural producer and the corporation. The agreement may require that the agricultural producer acquire an interest in an agricultural products processor certified by the corporation, or enter into a marketing agreement under which the agricultural producer agrees to market an amount of the agricultural producer's agricultural commodities to the agricultural products processor.

b. An agricultural products processor which participates as part of an Iowa agricultural industry venture as provided according to the terms of an agreement executed by the agricultural products processor and the corporation. The corporation shall only provide financing if the venture involves the construction, expansion, or acquisition of an agricultural products processing facility as certified by the corporation and if all of the following apply:

(1) The certified facility must be located in this state.

(2) Either of the following apply:

(a) More than fifty percent of the ownership interest in the certified facility must be held by qualified investors. If the certified facility is owned by an entity rather than by individuals, more than fifty percent of the interest in the entity and more than fifty percent of the voting interest in the entity must be held by qualified investors.

(b) More than fifty percent of the commodities processed by the certified facility during any twelve-month period is produced in this state. However, the corporation may provide financing, if its board of directors determines that adequate supplies of the commodity are not available for processing as otherwise required in this subparagraph division.

c. An agricultural biotechnology enterprise which qualifies as an Iowa agricultural industry venture as provided according to the terms of an agreement executed by the agricultural biotechnology enterprise and the corporation, if the board of directors for the corporation determines that the enterprise would advance the intent and purposes set out in section 15E.203.

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2. Financing may be in the form of a loan, loan guarantee, sale and purchase of mortgage instruments for eligible recipients, or other similar forms of financing. The financing shall be awarded pursuant to an agreement between the corporation and the eligible person.

3. A corporation shall not provide financing to support an outstanding debt or other obligation, regardless of whether the original financing was provided by a corporation.

98 Acts, ch 1207, §10; 2009 Acts, ch 41, §263
Referred to in §15E.202, 15E.205, 15E.207, 15E.208

15E.210 Obligations.

The obligations of the corporation are not obligations of this state or any political subdivision of this state within the meaning of any constitutional or statutory debt limitations, but are obligations of the corporation payable solely and only from the corporation's funds. The corporation shall not pledge the credit or taxing power of this state or any political subdivision of this state or make its debts payable out of any moneys except for those of the corporation.

98 Acts, ch 1207, §11

15E.211 Rules.

The authority may adopt rules pursuant to chapter 17A necessary to administer this subchapter.

98 Acts, ch 1207, §12; 2011 Acts, ch 118, §87, 89; 2017 Acts, ch 54, §76

15E.212 through 15E.220 Reserved.

SUBCHAPTER XX

IOWA ECONOMIC DEVELOPMENT
LOAN AND CREDIT GUARANTEE FUND

15E.221 through 15E.225 Repealed by 2009 Acts, ch 123, §8.

15E.226 Reserved.

15E.227 Loan and credit guarantee fund. Repealed by 2009 Acts, ch 123, §8.

15E.228 through 15E.230 Reserved.

SUBCHAPTER XXI

ECONOMIC DEVELOPMENT REGIONS
AND ENTERPRISE AREAS

15E.231 Economic development regions. Repealed by 2025 Acts, ch 136, §57, 59.

15E.232 Regional economic development — financial assistance. Repealed by 2025 Acts, ch 136, §57, 59.

15E.233 Economic enterprise areas. Repealed by 2025 Acts, ch 136, §57, 59.

15E.234 through 15E.300 Reserved.

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SUBCHAPTER XXII

ENDOW IOWA TAX CREDIT

15E.301 Short title. Repealed by 2025 Acts, ch 136, §97 – 99.
2025 repeal applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

15E.302 Purpose. Repealed by 2025 Acts, ch 136, §97 – 99.
2025 repeal applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

15E.303 Definitions.

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

1. *"Community affiliate organization"* means a group of five or more community leaders or advocates organized for the purpose of increasing philanthropic activity in an identified community or geographic area in this state with the intention of establishing a community affiliate endowment fund.

2. *"Endow Iowa qualified community foundation"* means a community foundation organized or operating in this state that attains the national standards established by the national council on foundations as determined by the authority in collaboration with the Iowa council of foundations.

3. *"Endowment gift"* means an irrevocable contribution to a permanent endowment held by an endow Iowa qualified community foundation.

2003 Acts, 1st Ex, ch 1, §90, 93

[2003 enactment of section rescinded pursuant to *Rants v. Vilsack*, 684 N.W.2d 193]

2004 Acts, 1st Ex, ch 1001, §3, 4; 2005 Acts, ch 150, §71, 81; 2011 Acts, ch 118, §87, 89; 2014 Acts, ch 1124, §27; 2017 Acts, ch 54, §76; 2025 Acts, ch 136, §91, 98, 99
Referred to in §15E.311, 22.7(52)(a)
2025 strike of former subsections 1, 2, and 6 applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

15E.304 Endow Iowa grants. Repealed by 2025 Acts, ch 136, §97 – 99.
2025 repeal applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

15E.305 Endow Iowa tax credit.

1. For tax years beginning on or after January 1, 2003, a tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329 equal to twenty-five percent of a taxpayer's endowment gift to an endow Iowa qualified community foundation. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust. A tax credit shall be allowed only for an endowment gift made to an endow Iowa qualified community foundation for a permanent endowment fund established to benefit a charitable cause in this state. The amount of the endowment gift for which the tax credit is claimed shall not be deductible in determining taxable income for state income tax purposes. Any tax credit in excess of the taxpayer's tax liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever occurs first. A tax credit shall not be carried back to a tax year prior to the tax year in which the taxpayer claims the tax credit.

2. The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of three million five hundred thousand dollars annually.

a. The maximum amount of tax credits granted to a taxpayer shall not exceed fifty thousand dollars.

b. Ten percent of the aggregate amount of tax credits authorized in a calendar year shall be reserved for those endowment gifts in amounts of thirty thousand dollars or less. If by September 1 of a calendar year the entire ten percent of the reserved tax credits is not distributed, the remaining tax credits shall be available to any other eligible applicants.

3. A tax credit shall not be transferable to any other taxpayer.

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4. In addition to the other eligibility requirements for receiving a tax credit under this section, to be eligible to receive a tax credit pursuant to this section all of the following must apply:

a. The endow Iowa qualified community foundation and permanent endowment fund do not contain the name of a corporation or other business entity.

b. The endow Iowa qualified community foundation submitted a report to the general assembly by January 31 detailing the specific grants provided during the calendar year preceding the applicable tax year.

c. The community foundation that administers a permanent endowment fund for which a taxpayer requests a tax credit has provided any information requested by the authority to verify whether a contribution to the permanent endowment fund is eligible for the tax credit.

5. The authority shall develop a system for registration and authorization of tax credits under this section and shall control the distribution of all tax credits to taxpayers providing an endowment gift subject to this section. The authority shall adopt administrative rules pursuant to chapter 17A for the qualification and administration of endowment gifts.

2003 Acts, 1st Ex, ch 2, §83, 89; 2005 Acts, ch 150, §74 – 77, 81; 2006 Acts, ch 1151, §1 – 3, 7, 8; 2007 Acts, ch 174, §89; 2008 Acts, ch 1032, §201; 2009 Acts, ch 179, §105, 106, 153; 2010 Acts, ch 1138, §17 – 19; 2011 Acts, ch 107, §1, 2; 2011 Acts, ch 118, §87, 89; 2013 Acts, ch 126, §11, 13, 14; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1002, §48, 54, 55; 2023 Acts, ch 66, §3; 2025 Acts, ch 136, §92 – 94, 98, 99

Referred to in §2.48, 422.11H, 422.33, 422.60, 432.12D, 533.329

2022 amendment to subsection 2, paragraph a effective January 1, 2023, and applies to tax years beginning on or after January 1, 2023, except as provided by 2023 Acts, ch 162, §6, 7; 2022 Acts, ch 1002, §54, 55; 2023 Acts, ch 162, §6 – 9

2025 amendment to subsection 2, unnumbered paragraph 1 applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

2025 amendment to subsection 2, paragraph a applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

Subsection 4 applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

15E.306 Reports. Repealed by 2008 Acts, ch 1122, §16.

15E.307 through 15E.310 Reserved.

SUBCHAPTER XXIII
COUNTY ENDOWMENT FUND

15E.311 County endowment fund.

1. The purpose of this section is to enhance the quality of life for citizens of Iowa by providing moneys to new or existing citizen groups of this state organized to establish county affiliate funds or community foundations that will address countywide needs.

2. A county endowment fund is created in the state treasury under the control of the department of revenue. The fund consists of all moneys appropriated to the fund. Moneys in the fund shall be distributed by the department as provided in this section.

3. *a.* At the end of each fiscal year, moneys in the fund shall be transferred into separate accounts within the fund and designated for use by each county in which no licensee authorized to conduct gambling games under chapter 99F was located during that fiscal year. Moneys transferred to county accounts shall be divided equally among the counties. Moneys transferred into an account for a county shall be transferred by the department to an eligible county recipient for that county. Of the moneys transferred, an eligible county recipient shall distribute seventy-five percent of the moneys as grants to charitable organizations for charitable purposes in that county and shall retain twenty-five percent of the moneys for use in establishing a permanent endowment fund for the benefit of charitable organizations for charitable purposes. In addition, of the moneys transferred from moneys appropriated to the fund from the sports wagering receipts fund created in section 8.57I and distributed, eligible county recipients shall give consideration for grants, upon application, to a charitable organization that operates a racetrack facility that conducts automobile races in that county. Of the amounts distributed, eligible county recipients shall give special consideration to

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grants for projects that include significant vertical infrastructure components designed to enhance quality of life aspects within local communities. In addition, as a condition of receiving a grant, the governing body of a charitable organization receiving a grant shall approve all expenditures of grant moneys and shall allow a state audit of expenditures of all grant moneys.

b. If a county does not have an eligible county recipient, moneys in the account for that county shall remain in that account until an eligible county recipient for that county is established.

4. As used in this section, unless the context otherwise requires:

a. *"Charitable organization"* means an organization that is described in section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code or an organization that is established for a charitable purpose.

b. *"Charitable purpose"* means a purpose described in section 501(c)(3) of the Internal Revenue Code, or a benevolent, educational, philanthropic, humane, scientific, patriotic, social welfare or advocacy, public health, environmental conservation, civic, or other eleemosynary objective.

c. *"Eligible county recipient"* means an endow Iowa qualified community foundation or community affiliate organization, as defined in section 15E.303, that is selected to receive moneys from an account created in this section for a particular county. To be selected as an eligible county recipient, a community affiliate organization shall establish a county affiliate fund to receive moneys as provided by this section.

5. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the county endowment fund shall be credited to the county endowment fund. Notwithstanding section 8.33, moneys credited to the county endowment fund shall not revert at the close of a fiscal year.

2004 Acts, ch 1136, §1; 2005 Acts, ch 150, §78, 79, 81; 2006 Acts, ch 1151, §4, 5, 8; 2011 Acts, ch 118, §85, 89; 2019 Acts, ch 132, §48; 2024 Acts, ch 1185, §104; 2025 Acts, ch 136, §95, 96, 98, 99

Referred to in §99F.11, 421.17, 633.358

2025 amendment to subsection 4, paragraph c applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

2025 strike of former subsection 6 applies to tax years beginning on or after January 1, 2026; 2025 Acts, ch 136, §99

15E.312 through 15E.320 Reserved.

SUBCHAPTER XXIV

REGIONAL SPORTS AUTHORITY DISTRICTS

15E.321 Regional sports authority districts.

1. As used in this section:

a. *"District"* means a regional sports authority district certified under this section.

b. *"Entity"* means an Iowa nonprofit organization established to promote economic development and tourism in an area within the state.

2. *a.* An entity may apply to the authority for certification of a regional sports authority district and for financial assistance.

b. The authority shall certify districts on a competitive basis. In evaluating an application for certification and financial assistance, the authority shall consider the economic impact the activities proposed in the application provide to the state, the geographic diversity of the districts applying, the number of unique and innovative activities proposed to be supported by the district, and any other factors the authority deems relevant.

3. Each district shall actively promote youth sports, high school athletic activities, the special olympics, and other physical sporting events in the area.

4. Each district may apply for and receive financial assistance under the sports tourism program established by the authority pursuant to section 15F.401.

5. A district that received financial assistance from the authority for an activity described

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in an application submitted pursuant to subsection 2 shall submit a comprehensive report to the authority on or before July 31 regarding activities that took place between January 1 and June 30, and on or before January 31 for activities that took place between July 1 and December 31 of the previous year. The comprehensive report must detail the return on investment, number of first-time visitors to the state, and total number of hotel rooms occupied as a result of the activity. The authority may request additional information if the authority deems it necessary to evaluate an activity.

2007 Acts, ch 219, §32; 2011 Acts, ch 118, §87, 89; 2012 Acts, ch 1018, §8; 2016 Acts, ch 1115, §16; 2026 Acts, ch 1163, §13

Referred to in §15F.401
Section amended

15E.322 through 15E.350 Reserved.

SUBCHAPTER XXV

BUSINESS ACCELERATORS

15E.351 Business accelerators.

1. The authority shall establish and administer a business accelerator program to provide financial assistance for the establishment and operation of a business accelerator for technology-based, value-added agricultural, information solutions, alternative and renewable energy including the alternative and renewable energy sectors listed in section 476.42, subsection 1, paragraph *"a"*, subparagraph (1), or advanced manufacturing start-up businesses or for a satellite of an existing business accelerator. The program shall be designed to foster the accelerated growth of new and existing businesses through the provision of technical assistance. The authority may provide financial assistance under this section from moneys allocated for financial assistance for business accelerators pursuant to section 15.111.

2. In determining whether a business accelerator qualifies for financial assistance, the authority must find that a business accelerator meets all of the following criteria:

a. The business accelerator must be a not-for-profit organization affiliated with an area chamber of commerce, a community or county organization, or economic development region.

b. The geographic area served by a business accelerator must include more than one county.

c. The business accelerator must possess the ability to provide service to a specific type of business as well as to meet the broad-based needs of other types of start-up entrepreneurs.

d. The business accelerator must possess the ability to market business accelerator services in the region and the state.

e. The business accelerator must possess the ability to communicate with and cooperate with other business accelerators and similar service providers in the state.

f. The business accelerator must possess the ability to engage various funding sources for start-up entrepreneurs.

g. The business accelerator must possess the ability to communicate with and cooperate with various entities for purposes of locating suitable facilities for clients of the business accelerator.

h. The business accelerator must possess the willingness to accept referrals from the authority.

3. In determining whether a business accelerator qualifies for financial assistance, the authority may consider any of the following:

a. The business experience of the business accelerator's professional staff.

b. The business plan review capacity of the business accelerator's professional staff.

c. The business accelerator's professional staff with demonstrated experience in all aspects of business disciplines.

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d. The business accelerator's professional staff with access to external service providers including legal, accounting, marketing, and financial services.

4. In order to receive financial assistance under this section, the financial assistance recipient must demonstrate the ability to provide matching moneys on a basis of a two dollar contribution of recipient moneys for every one dollar received in financial assistance.

2005 Acts, ch 150, §12; 2006 Acts, ch 1030, §4; 2006 Acts, ch 1142, §19; 2009 Acts, ch 123, §28; 2011 Acts, ch 25, §128; 2011 Acts, ch 118, §67, 84, 85, 89; 2012 Acts, ch 1021, §22, 23; 2012 Acts, ch 1126, §20; 2025 Acts, ch 136, §39, 59

15E.352 through 15E.360 Reserved.

SUBCHAPTER XXVI

SMALL BUSINESS DISASTER ASSISTANCE PROGRAM

15E.361 Small business disaster recovery financial assistance program.

1. The authority shall establish and administer a small business disaster recovery financial assistance program. Under the program, the authority shall provide grants to administrative entities for purposes of providing financial assistance to eligible businesses that sustained physical damage or economic loss due to a natural disaster occurring after May 24, 2008, and before August 14, 2008. Moneys shall be allocated to administrative entities on the basis of the percentage of disaster loans awarded by the United States small business administration to businesses located within a city's jurisdiction or a disaster recovery area as defined by the authority.

2. An eligible business is a business that sustained physical damage or economic loss due to a natural disaster occurring after May 24, 2008, and before August 14, 2008, and has executed loan documents for a disaster loan from an eligible lender as defined by the authority. Financial assistance shall be in the form of forgivable loans and reimbursement for acquisition of energy-efficient equipment. The maximum amount of a forgivable loan is twenty-five percent of the loan amount from the eligible lender up to a maximum of fifty thousand dollars. Up to an additional five thousand dollars of assistance shall be available for the reimbursement of energy-efficient purchases and installation.

3. As determined by the authority, unused or unobligated moneys may be reclaimed and reallocated by the authority to other administrative agencies.

4. For purposes of this section, *"administrative entity"* means cities identified by the authority that administer local disaster recovery programs and councils of government.

2009 Acts, ch 170, §1, 11; 2011 Acts, ch 118, §87, 89

SUBCHAPTER XXVII

ENTREPRENEUR INVESTMENT AWARDS PROGRAM

15E.362 Entrepreneur investment awards program.

1. For purposes of this subchapter, unless the context otherwise requires:

a. "Business development services" includes but is not limited to corporate development services, business model development services, business planning services, marketing services, financial strategies and management services, mentoring and management coaching, and networking services.

b. "Eligible entrepreneurial assistance provider" means a person meeting the requirements of subsection 3.

c. "Financial assistance" means assistance provided only from the funds, rights, and assets legally available to the authority pursuant to chapter 15 and includes but is not limited to assistance in the form of grants, loans, forgivable loans, and royalty payments.

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d. "Program" means the entrepreneur investment awards program administered pursuant to this subchapter.

2. The authority shall establish and administer an entrepreneur investment awards program for purposes of providing financial assistance to eligible entrepreneurial assistance providers that provide technical and financial assistance to entrepreneurs and start-up companies seeking to create, locate, or expand a business in the state. Financial assistance under the program shall be provided from the entrepreneur investment awards program fund created in section 15E.363.

3. In order to be eligible for financial assistance under the program an entrepreneurial assistance provider must meet all of the following requirements:

a. The provider must have its principal place of operations located in this state.

b. The provider must offer a comprehensive set of business development services to emerging and early-stage innovation companies to assist in the creation, location, growth, and long-term success of the company in this state.

c. The business development services may be performed at the physical location of the provider or the company.

d. The business development services may be provided in consideration of equity participation in the company, a fee for services, a membership agreement with the company, or any combination thereof.

4. Entrepreneurial assistance providers may apply for financial assistance under the program in the manner and form prescribed by the authority.

5. The economic development authority board in its discretion may approve, deny, or defer each application for financial assistance under the program from persons it determines to be an eligible entrepreneurial assistance provider.

6. Subject to subsection 7, the amount of financial assistance awarded to an eligible entrepreneurial assistance provider shall be within the discretion of the authority.

7. *a.* The maximum amount of financial assistance awarded to an eligible entrepreneurial assistance provider shall not exceed two hundred thousand dollars.

b. The maximum amount of financial assistance provided under the program shall not exceed one million dollars in a fiscal year.

8. The authority shall award financial assistance on a competitive basis. In making awards of financial assistance, the authority may develop scoring criteria and establish minimum requirements for the receipt of financial assistance under the program. In making awards of financial assistance, the authority may consider all of the following:

a. The business experience of the professional staff employed or retained by the eligible entrepreneurial assistance provider.

b. The business plan review capacity of the professional staff of the eligible entrepreneurial assistance provider.

c. The expertise in all aspects of business disciplines of the professional staff of the eligible entrepreneurial assistance provider.

d. The access of the eligible entrepreneurial assistance provider to external service providers, including legal, accounting, marketing, and financial services.

e. The service model and likelihood of success of the eligible entrepreneurial assistance provider and its similarity to other successful entrepreneurial assistance providers in the country.

f. The financial need of the eligible entrepreneurial assistance provider.

9. Financial assistance awarded to an eligible entrepreneurial assistance provider shall only be used for the purpose of operating costs incurred by the eligible entrepreneurial assistance provider in providing business development services to emerging and early-stage innovation companies in this state. Such financial assistance shall not be distributed to owners or investors of the company to which business development services are provided and shall not be distributed to other persons assisting with the provision of business development services to the company.

10. The authority may contract with outside service providers for assistance with the program or may delegate the administration of the program to the bioscience development corporation pursuant to section 15.106B.

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11. The authority may make client referrals to eligible entrepreneurial assistance providers.

2012 Acts, ch 1126, §21; 2015 Acts, ch 138, §83, 161, 162; 2017 Acts, ch 54, §76; 2020 Acts, ch 1062, §6; 2025 Acts, ch 136, §40, 59

Referred to in §15.106B, 15E.26

15E.363 Entrepreneur investment awards program fund.

1. An entrepreneur investment awards program fund is created in the state treasury under the control of the authority and consisting of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the authority for placement in the fund.

2. Payments of interest, repayments of moneys provided, and recaptures of moneys provided shall be deposited in the fund.

3. Moneys credited to the fund are appropriated to the authority and shall be used to provide financial assistance under the program.

4. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

2012 Acts, ch 1126, §22; 2015 Acts, ch 138, §84, 161, 162

Referred to in §15.111, 15E.362

SUBCHAPTER XXVIII

HOOVER PRESIDENTIAL LIBRARY TAX CREDIT

15E.364 Hoover presidential library tax credit.

1. For tax years beginning on or after January 1, 2021, but before January 1, 2025, a tax credit shall be allowed against the taxes imposed in chapter 422, subchapters II, III, and V, and in chapter 432, and against the moneys and credits tax imposed in section 533.329, equal to twenty-five percent of a person's donation to the Hoover presidential foundation for the Hoover presidential library and museum renovation project fund. An individual may claim a tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

2. The amount of the donation for which the tax credit is claimed shall not be deductible in determining taxable income for state income tax purposes.

3. Any tax credit in excess of the person's tax liability for the tax year may be credited to the tax liability for the following five years or until depleted, whichever occurs first. A tax credit shall not be carried back to a tax year prior to the tax year in which the person claims the tax credit.

4. *a.* The aggregate amount of tax credits authorized pursuant to this section shall not exceed a total of five million dollars.

b. The maximum amount of tax credits granted to a person shall not exceed five percent of the aggregate amount of tax credits authorized.

c. Ten percent of the aggregate amount of tax credits authorized shall be reserved for those donations in amounts of thirty thousand dollars or less. If any portion of the reserved tax credits have not been distributed by September 1, 2023, the remaining reserved tax credits shall be available to any other eligible person.

5. The tax credit shall not be transferable to any other person.

6. The authority shall develop a system for authorization of tax credits under this section and shall control the distribution of all tax credits to persons providing a donation subject to this section. The authority shall adopt administrative rules pursuant to chapter 17A for the qualification and administration of the donations made pursuant to this section.

7. This section is repealed December 31, 2030.

2021 Acts, ch 176, §1; 2023 Acts, ch 159, §1

Referred to in §422.11T, 422.33, 422.60, 432.12N, 533.329

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15E.365 through 15E.369 Reserved.

SUBCHAPTER XXIX

BUTCHERY INNOVATION FUND AND PROGRAM

15E.370 Butchery innovation and revitalization fund and program. Repealed by 2026 Acts, ch 1139, §17. See §187.315.

CHAPTER 15F

COMMUNITY ATTRACTION AND TOURISM DEVELOPMENT

SUBCHAPTER I

ENHANCE IOWA

15F.101 Definitions.
15F.102 Enhance Iowa board. Repealed by 2024 Acts, ch 1170, §368.
15F.103 Board duties.
15F.104 Authority duties.
15F.105 Compensation and expenses.
15F.106 Benefits. Repealed by 2025 Acts, ch 147, §11 – 13.
15F.107 Enhance Iowa fund.
15F.108 through 15F.200 Reserved.

SUBCHAPTER II

COMMUNITY ATTRACTION AND TOURISM PROGRAM AND FUNDS

15F.201 Definitions.
15F.202 Community attraction and tourism program.
15F.203 Community attraction and tourism program application review.
15F.204 Community attraction and tourism fund.
15F.205 River enhancement community attraction and tourism fund.
15F.206 River enhancement community attraction and tourism projects — application review.
15F.207 Baseball and softball complex sales tax rebate. Repealed by its own terms; 2016 Acts, ch 1117, §1.
15F.208 through 15F.300 Reserved.

SUBCHAPTER III

VISION IOWA PROGRAM

15F.301 Definitions.
15F.302 Vision Iowa program.
15F.303 Eligibility.
15F.304 Vision Iowa program application review.
15F.305 through 15F.400 Reserved.

SUBCHAPTER IV

SPORTS TOURISM INFRASTRUCTURE PROGRAM

15F.401 Sports tourism infrastructure program.
15F.402 Sports tourism infrastructure program application review.
15F.403 Sports tourism marketing program fund. Repealed by 2025 Acts, ch 160, §22.
15F.404 Sports tourism infrastructure program fund.

SUBCHAPTER I

ENHANCE IOWA

15F.101 Definitions.

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

1. *"Authority"* means the economic development authority created in section 15.105.
2. *"Board"* means the economic development authority board as created in section 15.105.

2000 Acts, ch 1174, §1; 2011 Acts, ch 118, §68, 69, 89; 2016 Acts, ch 1115, §2; 2024 Acts, ch 1170, §162

15F.102 Enhance Iowa board. Repealed by 2024 Acts, ch 1170, §368.

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15F.103 Board duties.

The board shall do all of the following:

1. Organize.
2. Establish the vision Iowa program and the community attraction and tourism program.
3. Oversee and provide approval of the administration of the vision Iowa program and the community attraction and tourism program by the authority.
4. Oversee the administration by the authority of the sports tourism program pursuant to this chapter.
5. Oversee the administration of the river enhancement community attraction and tourism program pursuant to this chapter.

2000 Acts, ch 1174, §3; 2011 Acts, ch 118, §87, 89; 2016 Acts, ch 1115, §4; 2017 Acts, ch 29, §16

15F.104 Authority duties.

The board shall adopt administrative rules pursuant to chapter 17A necessary to administer the programs established pursuant to this chapter. The authority shall provide the board with assistance in implementing administrative functions, marketing the programs, providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow-up. The authority may conduct negotiations on behalf of the board with applicants regarding terms and conditions applicable to awards under the programs.

2000 Acts, ch 1174, §4; 2011 Acts, ch 118, §87, 89; 2016 Acts, ch 1115, §5; 2019 Acts, ch 144, §2

15F.105 Compensation and expenses.

The members of the board are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. A member of the board may also be eligible to receive compensation as provided in section 7E.6.

2000 Acts, ch 1174, §5

15F.106 Benefits. Repealed by 2025 Acts, ch 147, §11 – 13.

2025 repeal applies to an applicant awarded financial assistance under both the vision Iowa program established in section 15F.302, and the community attraction and tourism program established in section 15F.202, prior to, on, or after July 1, 2025; 2025 Acts, ch 147, §12, 13

15F.107 Enhance Iowa fund.

1. *a.* The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph *"o"*, for purposes of allocating moneys to programs specified in an appropriation made to the enhance Iowa fund. A fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section.

b. Notwithstanding section 8.33, at the end of each fiscal year moneys in a fund established for purposes of this section shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Repayments and recaptures of program moneys shall be credited to the fund.

2. The authority shall submit a report to the general assembly and the governor's office each year, or include such report as part of the annual report under section 15.107B, that moneys are appropriated to the fund established in this section describing the use of moneys and the results achieved under each of the programs receiving fund moneys.

2016 Acts, ch 1115, §6; 2024 Acts, ch 1182, §129

15F.108 through 15F.200 Reserved.

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SUBCHAPTER II

COMMUNITY ATTRACTION AND TOURISM PROGRAM AND FUNDS

Referred to in §423.4

15F.201 Definitions.

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

1. *"Fund"* means the community attraction and tourism fund created in section 15F.204.

2. *"Program"* means the community attraction and tourism program established in section 15F.202.

3. *"River enhancement community attraction and tourism project"* means a project that creates or enhances recreational opportunities and community attractions on and near lakes or rivers or river corridors within cities across the state under the purview of the program.

2000 Acts, ch 1174, §7; 2009 Acts, ch 184, §33

15F.202 Community attraction and tourism program.

1. The board shall establish and the authority, subject to direction and approval by the board, shall administer a community attraction and tourism program to assist communities in the development, creation, and regional marketing of multiple-purpose attraction or tourism facilities. Any moneys appropriated to the river enhancement community attraction and tourism fund created pursuant to section 15F.205 shall be used exclusively for the creation and enhancement of community attractions and tourism opportunities along lakes, rivers, and river corridors in cities across the state, but a recipient of moneys from the river enhancement community attraction and tourism fund shall not be precluded from receiving funds from the community attraction and tourism fund created pursuant to section 15F.204.

2. A city or county in the state or public organization may submit an application to the board for financial assistance for a project under the program. The assistance shall be provided only from funds, rights, and assets legally available to the board and shall be in the form of grants, loans, forgivable loans, and credit enhancement and financing instruments. The application shall include, but not be limited to, the following information:

a. The total capital investment of the project, including but not limited to costs for construction, site acquisition, and infrastructure improvement.

b. The amount or percentage of local and private matching moneys which will be or have been provided for the project.

c. The total number of jobs to be created or retained by the project.

d. The need of the community for the project and for the financial assistance.

e. The long-term tax-generating impact of the project.

3. A school district, in cooperation with a city or county, may submit a joint application for financial assistance for a project under the program. The assistance shall be provided only from funds, rights, and assets legally available to the board and shall be in the form of grants, loans, forgivable loans, and credit enhancement and financing instruments. In addition to the information required in subsection 2, the application shall include a demonstration that the intended future use of the project shall be by both joint applicants.

2000 Acts, ch 1174, §8; 2001 Acts, ch 185, §37, 38, 49; 2003 Acts, ch 160, §1; 2008 Acts, ch 1178, §5; 2011 Acts, ch 118, §87, 89

Referred to in §15F.201, 15F.204, 15F.205

15F.203 Community attraction and tourism program application review.

1. Applications for assistance under the program shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the community attraction and tourism program review committee referred to in subsection 2 and to the board.

2. The director of the authority shall appoint a review committee composed of members with relevant expertise to review community attraction and tourism program applications

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forwarded to the board. The review committee shall make recommendations regarding the applications to the board.

3. When reviewing the applications, the review committee and the authority shall consider, at a minimum, all of the following:

a. Whether the wages, benefits, including health benefits, safety, and other attributes of the project would improve the quality of life or the quality of attraction or tourism employment in the community.

b. The extent to which such a project would generate additional recreational and cultural attractions or tourism opportunities.

c. The ability of the project to produce a long-term, tax-generating economic impact.

d. The location of the projects and geographic diversity of the applications.

e. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, *"vertical infrastructure"* means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails and water trails. *"Vertical infrastructure"* does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

f. Whether the applicant has received financial assistance under the program for the same project.

g. The extent to which the project has taken the following planning principles into consideration:

(1) Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

(2) Provision for a variety of transportation choices, including pedestrian traffic.

(3) Maintenance of a unique sense of place by respecting local cultural and natural environmental features.

(4) Conservation of open space and farmland and preservation of critical environmental areas.

(5) Promotion of the safety, livability, and revitalization of existing urban and rural communities.

4. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications.

5. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the authority any time moneys are disbursed to a recipient of financial assistance under the program.

2000 Acts, ch 1174, §9; 2007 Acts, ch 215, §58; 2011 Acts, ch 118, §87, 89; 2016 Acts, ch 1115, §7; 2024 Acts, ch 1170, §163; 2025 Acts, ch 147, §14

15F.204 Community attraction and tourism fund.

1. A community attraction and tourism fund is created as a separate fund in the state treasury under the control of the board, consisting of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the board for placement in the fund.

2. Payments of interest, repayments of moneys loaned pursuant to this subchapter, and recaptures of grants or loans shall be deposited in the fund.

3. The fund shall be used to provide assistance only from funds, rights, and assets legally available to the board in the form of grants, loans, forgivable loans, and credit enhancements and financing instruments under the community attraction and tourism program established in section 15F.202. A project with a total cost exceeding twenty million dollars may receive financial assistance under the program. An applicant under the community attraction and tourism program shall not receive financial assistance from the fund in an amount exceeding fifty percent of the total cost of the project.

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4. 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.

5. The board shall allocate all moneys in the fund in the following manner:

a. One-third of the moneys shall be allocated to provide assistance to cities and counties which meet the following criteria:

(1) A city which has a population of ten thousand or less according to the most recently published census.

(2) A county which has a population that ranks in the bottom thirty-three counties according to the most recently published census.

b. Two-thirds of the moneys shall be allocated to provide assistance to any city and county in the state, which may include a city or county included under paragraph *"a"*.

6. If two or more cities or counties submit a joint project application for financial assistance under the program, all joint applicants must meet the criteria of subsection 5, paragraph *"a"*, in order to receive any moneys allocated under that paragraph.

7. If any portion of the allocated moneys under subsection 5, paragraph *"a"*, has not been awarded by April 1 of the fiscal year for which the allocation is made, the portion which has not been awarded may be utilized by the board to provide financial assistance under the program to any city or county in the state.

8. Notwithstanding the allocation requirements in subsection 5, the board may make a multiyear commitment to an applicant of up to four million dollars in any one fiscal year.

2000 Acts, ch 1174, §10; 2001 Acts, ch 185, §39, 49; 2004 Acts, ch 1175, §401, 402; 2008 Acts, ch 1032, §127; 2008 Acts, ch 1178, §6; 2008 Acts, ch 1179, §50, 51; 2008 Acts, ch 1191, §31; 2009 Acts, ch 170, §2, 11; 2009 Acts, ch 173, §27, 36; 2010 Acts, ch 1184, §82, 83; 2011 Acts, ch 133, §26, 27, 50; 2012 Acts, ch 1140, §23; 2013 Acts, ch 142, §32, 33; 2014 Acts, ch 1080, §82, 98; 2016 Acts, ch 1115, §8; 2019 Acts, ch 144, §3

Referred to in §15F.201, 15F.202

15F.205 River enhancement community attraction and tourism fund.

1. For purposes of this section, *"lake"* means a lake of which the state or a political subdivision owns the lake bed up to the ordinary high water line and which is open to the use of the general public.

2. A river enhancement community attraction and tourism fund is created as a separate fund in the state treasury under the control of the board, consisting of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the board for placement in the fund.

3. Payments of interest, repayments of moneys loaned pursuant to this subchapter, and recaptures of grants or loans shall be deposited in the fund.

4. The fund shall be used to provide assistance only from funds, rights, and assets legally available to the board, and the assistance shall be in the form of grants, loans, forgivable loans, and credit enhancements and financing instruments as described in the community attraction and tourism program established in section 15F.202.

5. An applicant for financial assistance from moneys in the river enhancement community attraction and tourism fund for a river or lake enhancement project under the community attraction and tourism program shall receive financial assistance from the fund in an amount not to exceed one third of the total cost of the project.

6. 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.

7. At the beginning of each fiscal year, the board shall allocate moneys in the fund for financial assistance to projects that promote and enhance recreational opportunities and community attractions on and near rivers or lakes within cities across the state. Such recreational opportunities and community attractions shall be closely connected to a river or lake and may include but is not limited to pedestrian trails and walkways, amphitheaters, bike trails, water trails or whitewater courses for watercraft, and any modifications necessary for the safe mitigation of dams.

8. The board may make a multiyear commitment to an applicant or may award assistance for multiple projects to the same applicant provided the fund contains sufficient moneys. Any

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moneys remaining in the fund at the end of a fiscal year may be carried over to a subsequent fiscal year, or may be obligated in advance for a subsequent fiscal year.

9. The board is not required to award financial assistance pursuant to this section unless moneys are appropriated to and available from the fund.

2008 Acts, ch 1178, §7
Referred to in §15F.202

15F.206 River enhancement community attraction and tourism projects — application review.

1. Applications for assistance for river enhancement community attraction and tourism projects shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall provide a staff review analysis and evaluation to the vision Iowa program review committee referred to in section 15F.304, subsection 2, and the board.

2. When reviewing the applications, the vision Iowa program review committee and the authority shall consider, at a minimum, all of the following:

a. Whether the wages, benefits, including health benefits, safety, and other attributes of the project would improve the quality of life or the quality of attraction or tourism employment in the community.

b. The extent to which such a project would generate additional recreational and cultural attractions or tourism opportunities.

c. The ability of the project to produce a long-term, tax-generating economic impact.

d. The location of the projects and geographic diversity of the applications.

e. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, *"vertical infrastructure"* means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails and water trails. "*Vertical infrastructure*" does not include routine, recurring maintenance, or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

f. Whether the applicant has received financial assistance under the program for the same project.

g. The extent to which the project has taken the following planning principles into consideration:

(1) Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

(2) Provision for a variety of transportation choices, including pedestrian traffic.

(3) Maintenance of a unique sense of place by respecting local cultural and natural environmental features.

(4) Conservation of open space and farmland and preservation of critical environmental areas.

(5) Promotion of the safety, livability, and revitalization of existing urban and rural communities.

3. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications.

4. Upon approval of an application for financial assistance under the program, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the authority anytime moneys are disbursed to a recipient of financial assistance under the program.

2009 Acts, ch 184, §34; 2011 Acts, ch 118, §87, 89
Referred to in §15F.304

15F.207 Baseball and softball complex sales tax rebate. Repealed by its own terms; 2016 Acts, ch 1117, §1.

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15F.208 through 15F.300 Reserved.

SUBCHAPTER III

VISION IOWA PROGRAM

Referred to in §423.4

15F.301 Definitions.

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

1. *"Fund"* means the vision Iowa fund created in section 12.72.
2. *"Program"* means the vision Iowa program established in section 15F.302.

2000 Acts, ch 1174, §11

15F.302 Vision Iowa program.

1. The board shall establish and the authority, subject to direction and approval by the board, shall administer a vision Iowa program to assist communities in the development of major tourism facilities.

2. A city or county or a public organization in the state may submit an application to the board for financial assistance for a project under the program. For purposes of this subsection, *"public organization"* means a nonprofit economic development organization or other nonprofit organization that sponsors or supports community or tourism attractions and activities. The financial assistance from the fund shall be provided only from funds, rights, and assets legally available to the board and shall be in the form of grants, loans, forgivable loans, pledges, and credit enhancements and financing instruments. The application shall include, but not be limited to, the following information:

a. The total capital investment of the project, including but not limited to costs for construction, site acquisition, and infrastructure improvement.

b. A description of the proposed financing including the amount or percentage of local and private matching moneys to be provided for the project.

c. The total number of jobs to be created or retained by the project.

d. The need of the community for the project and for financial assistance.

e. The long-term, tax-generating impact of the project.

f. A discussion of how the project meets other criteria established in this subchapter.

g. The projected long-term economic viability of the project, including projected revenues and expenses.

3. A school district, in cooperation with a city or county, may submit a joint application for financial assistance for a project under the program. The financial assistance shall be provided only from funds, rights, and assets legally available to the board and shall be in the form of grants, loans, forgivable loans, and credit enhancements and financing instruments. In addition to the information required in subsection 2, the application shall include a demonstration that the intended future use of the project shall be by both joint applicants.

2000 Acts, ch 1174, §12; 2001 Acts, ch 185, §40, 41, 49; 2011 Acts, ch 118, §87, 89

Referred to in §12.72, 12.73, 12.75, 15F.301, 15F.304, 292.2

15F.303 Eligibility.

1. The total cost for a project must be at least twenty million dollars in order for an applicant to receive financial assistance under the program. An applicant or the board may divide a proposed project into component parts. The board may choose to provide financial assistance under the program to one or more component parts instead of providing financial assistance under the program for the entire project.

2. An applicant must demonstrate financial and nonfinancial support for the project which may be from a public or private source. Nonfinancial support may include, but is not limited to, the value of labor and services, real and personal property donated for purposes of the project, and the use of real and personal property for purposes of the project. The financial and nonfinancial support for the project described under this subsection shall equal at least fifty percent of the total cost of the project.

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3. In order for a project to be eligible to receive financial assistance, the project must satisfy all of the following criteria:

a. The project is primarily a vertical infrastructure project with demonstrated substantial regional or statewide economic impact. For purposes of the program, *"vertical infrastructure"* means land acquisition and construction, major renovation and major repair of buildings, all appurtenant structures, utilities, site development, and recreational trails. *"Vertical infrastructure"* does not include routine, recurring maintenance or operational expenses or leasing of a building, appurtenant structure, or utility without a lease-purchase agreement.

b. The project supports or is strategically aligned with other existing regional or statewide cultural, recreational, entertainment, or educational activities or with communities adjacent to cultural and entertainment districts whose existing or planned amenity base will augment or complement the cultural and entertainment venues of such districts.

c. The project provides benefits to persons living outside the county in which the project is located or to persons living outside the state.

d. The project will increase the diversity of activities available to citizens, workers, families, and tourists, and enhance recruitment and retention of young people as residents.

e. The project has economic or other obstacles impeding local financing of the project.

4. The board shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the initial application date.

b. For a project that has previously received assistance under the program, unless the applicant demonstrates that the assistance would be used for a significant expansion of a project.

2000 Acts, ch 1174, §13; 2007 Acts, ch 215, §81

15F.304 Vision Iowa program application review.

1. Applications for assistance under the program shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review and evaluation to the vision Iowa program review committee referred to in subsection 2 and to the board.

2. A review committee composed of six members of the board shall review vision Iowa program applications and river enhancement community attraction and tourism project applications forwarded to the board and make recommendations regarding the applications to the board.

3. When reviewing the applications, the review committee and the authority shall consider, in addition to other criteria established in this subchapter, all of the following:

a. Whether wages, benefits, including health benefits, safety, and other attributes of the project would improve the quality of other existing regional or statewide cultural, recreational, entertainment, and educational activities or employment in the community.

b. The extent to which the project would generate additional attraction and tourism opportunities.

c. The ability of the project to produce a long-term, tax-generating economic impact in excess of the proposed financial assistance from the vision Iowa fund.

d. The geographic diversity of the project in combination with other proposed projects.

e. The investment of the city, county, or region in the overall project.

f. Other funding mechanisms.

g. The long-term economic viability of the project.

h. The extent to which the project has taken the following planning principles into consideration:

(1) Efficient and effective use of land resources and existing infrastructure by encouraging development in areas with existing infrastructure or capacity to avoid costly duplication of services and costly use of land.

(2) Provision for a variety of transportation choices, including pedestrian traffic.

(3) Maintenance of a unique sense of place by respecting local cultural and natural environmental features.

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(4) Conservation of open space and farmland and preservation of critical environmental areas.

(5) Promotion of the safety, livability, and revitalization of existing urban and rural communities.

4. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications. If an application is approved, the board may enter into an agreement with the applicant to provide financial assistance authorized under section 15F.302.

5. The review committee shall consider, review, and make recommendations regarding applications for assistance for river enhancement community attractions and tourism projects as provided in section 15F.206.

2000 Acts, ch 1174, §14; 2000 Acts, ch 1232, §44; 2001 Acts, ch 185, §43, 49; 2009 Acts, ch 184, §35, 36; 2011 Acts, ch 118, §87, 89; 2016 Acts, ch 1115, §9; 2024 Acts, ch 1170, §164

Referred to in §15F.206

15F.305 through 15F.400 Reserved.

SUBCHAPTER IV

SPORTS TOURISM INFRASTRUCTURE PROGRAM

15F.401 Sports tourism infrastructure program.

1. *a.* The authority shall establish, and, at the direction of the board, shall administer a sports tourism infrastructure program to provide financial assistance for infrastructure projects supporting sporting events for organizations of accredited colleges and universities, professional sporting events, and other sporting events in the state.

b. For purposes of this section:

(1) *"District"* means a regional sports authority district certified under section 15E.321.

(2) *"Financial assistance"* means assistance provided only from the funds available to the authority or the board and includes assistance in the form of grants, loans, and forgivable loans.

(3) *"Fund"* means the sports tourism infrastructure program fund established in section 15F.404.

(4) *"Organization"* means a corporation, conference, association, or other organization which has as one of its primary purposes the sponsoring or administration of extracurricular intercollegiate athletic contests or competitions, or professional sporting events.

(5) *"Professional sporting events"* means any sporting events for which the competing athletes receive payment for their participation in such sporting event.

c. The authority, by rule, shall define *"accredited colleges and universities"*, in consultation with the college student aid commission.

2. *a.* A city or county in the state, or a public entity that is a nonprofit organization, may be eligible for financial assistance from the fund for an infrastructure project that actively and directly supports sporting events for accredited colleges and universities, professional sporting events, and other sporting events in the area served by the city, county, or public entity. However, financial assistance shall not be provided to a public entity that is a nonprofit organization from the fund for infrastructure projects located in a reinvestment district as defined and approved by the authority pursuant to section 15J.4 or to applicants that have received a rebate of sales tax imposed and collected by retailers pursuant to section 423.4, subsection 5, Code 2026. A city, county, or public entity that is a nonprofit organization that receives financial assistance under this paragraph is not eligible to receive financial assistance under the Iowa major events and tourism program under chapter 15G.

b. A city, county, or public entity may apply for and receive financial assistance for more than one project. The board may require additional information to substantiate the financial need for awarding more than one project in any fiscal year.

c. A city, county, or public entity may apply for financial assistance for a project that spans

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two fiscal years if all applicable contractual requirements are met. The board may adopt by rule certain metrics and return on investment estimates for purposes of this paragraph. The authority may include such metrics and estimates in a program agreement executed pursuant to this section.

d. A convention and visitors bureau may apply to the authority for financial assistance pursuant to this section and a district may apply to the authority for district financial assistance, but a convention and visitors bureau shall not in the same year receive financial assistance under the program created in this section and financial assistance as part of a district.

3. The authority shall process applications under this section in accordance with this section and section 15F.402.

4. *a.* An applicant shall demonstrate matching funds in order to receive financial assistance pursuant to this section. The amount of matching funds that may be required shall be at the board's discretion subject to the requirements of this subsection.

b. An applicant under the program shall not receive financial assistance from the fund in an amount exceeding fifty percent of the total cost of the project.

c. An applicant under the program shall not receive financial assistance from the sports tourism infrastructure program fund created in section 15F.404 until all financing for the sports tourism infrastructure project is secured and documented and the applicant can demonstrate the availability of matching moneys for financing the sports tourism infrastructure project in the form of a private and public partnership with financing from city, county, and private sources.

5. The board shall make final funding decisions on each application and may approve, deny, defer, or modify applications for financial assistance under the sports tourism infrastructure program, in its discretion, in order to fund as many projects with the moneys available as possible. The board and the authority may negotiate with applicants regarding the details of projects and the amount and terms of any award. In making final funding decisions pursuant to this subsection, the board and the authority are exempt from chapter 17A.

6. A city, county, or public entity shall not use financial assistance received under the program from the fund as reimbursement for completed projects.

7. An applicant receiving financial assistance shall provide an annual report to the authority for years in which it receives financial assistance under this section. The report shall include the information the authority deems relevant.

8. Each applicant receiving an award of financial assistance from the board shall enter into an agreement with the authority. The agreement shall contain such terms and conditions as the board may place on the award or the authority may deem necessary for the efficient administration of the program established in this subchapter.

9. The board shall adopt rules for the administration of this subchapter.

2016 Acts, ch 1115, §10; 2017 Acts, ch 160, §1; 2019 Acts, ch 144, §4; 2021 Acts, ch 167, §14 – 18; 2022 Acts, ch 1150, §22 – 24; 2025 Acts, ch 160, §13 – 19

Referred to in §15E.321, 15F.402

Section not amended; editorial change applied

15F.402 Sports tourism infrastructure program application review.

1. Applications for assistance under the sports tourism infrastructure program established in section 15F.401 shall be submitted to the authority. For those applications that meet the eligibility criteria, the authority shall forward the applications to the board and provide a staff review analysis and evaluation to the sports tourism program review committee referred to in subsection 2 and to the board.

2. The director of the authority shall appoint a review committee composed of members with relevant expertise to review sports tourism infrastructure program applications forwarded to the board. The review committee shall make recommendations regarding the applications to the authority.

3. When reviewing the applications, the review committee and the authority shall consider, at a minimum, all of the following:

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a. Impact of the project on the local, regional, and state economies.
b. Potential to attract Iowans and out-of-state visitors.
c. Amount of positive advertising or media coverage the project generates.
d. Quality, size, and scope of the project.
e. Ratio of public-to-private investment.
4. Upon review of the recommendations of the review committee, the board shall approve, defer, or deny the applications in accordance with section 15F.401.

2016 Acts, ch 1115, §11; 2022 Acts, ch 1150, §25; 2024 Acts, ch 1170, §165; 2025 Acts, ch 147, §15; 2025 Acts, ch 160, §20
Referred to in §15F.401

15F.403 Sports tourism marketing program fund. Repealed by 2025 Acts, ch 160, §22.

15F.404 Sports tourism infrastructure program fund.
1. *a.* The authority shall establish a fund pursuant to section 15.106A, subsection 1, paragraph *"o"*, for purposes of financing sports tourism infrastructure projects as described in this subchapter. The fund established for purposes of this section may be administered as a revolving fund and may consist of any moneys appropriated by the general assembly for purposes of this section.
b. Notwithstanding section 8.33, moneys in a fund established for purposes of this section at the end of each fiscal year shall not revert to any other fund but shall remain in the fund for expenditure for subsequent fiscal years.
c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.
2. *a.* Moneys in the fund are appropriated to the authority for purposes of providing financial assistance to cities, counties, and eligible public entities under the sports tourism infrastructure program established and administered pursuant to this subchapter.
b. The board in its discretion shall allocate the available moneys in the fund among the programs described in paragraph *"a"* in the amounts determined by the board.
c. The authority may use not more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs, technical assistance, and other program support.

2022 Acts, ch 1150, §28; 2025 Acts, ch 160, §21
Referred to in §15F.401

CHAPTER 15G

MAJOR EVENTS AND TOURISM

Referred to in §15F.401

15G.101 Definitions.
15G.102 Iowa major events and tourism program — purpose.
15G.103 Program — application, review, eligibility, and funding.
15G.104 Iowa major events and tourism fund.

15G.101 Definitions.
As used in this chapter, unless the context otherwise requires:
1. *"Board"* means the same as defined in section 15.102.
2. *"Entity"* means an Iowa nonprofit organization established to promote economic development and tourism in an area.
3. *"Event"* means a tourism-oriented athletic contest, convention, music festival, or art festival.
4. *"Financial assistance"* means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of grants.

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5. *"Fund"* means the Iowa major events and tourism fund established in section 15G.104.

6. *"Program"* means the Iowa major events and tourism program established in section 15G.102.

2025 Acts, ch 160, §9

15G.102 Iowa major events and tourism program — purpose.

1. The authority shall establish and administer the Iowa major events and tourism program to provide financial assistance to eligible entities that support events in this state, or support events involving a geographic region that includes this state, and the event generates large attendance, significant publicity, and has a measurable economic impact on this state.

2. The program shall be administered for the purpose of awarding financial assistance to an eligible entity for any of the following purposes:

a. To pay for or reimburse the costs incurred by the entity to apply or bid for selection as the site for the event.

b. To pay for or reimburse the costs incurred by the entity to plan or to conduct the event, including any fees charged by a site selection organization as a prerequisite to hosting the event, including but not limited to hosting fees, sanctioning fees, participation fees, operational fees, or bid fees.

2025 Acts, ch 160, §10
Referred to in §15G.101

15G.103 Program — application, review, eligibility, and funding.

1. An application for financial assistance under the program shall be submitted to the authority. For each application that meets the eligibility criteria under subsection 2, the authority shall conduct a staff evaluation of the application and forward the application and staff evaluation to the board.

2. *a.* The authority shall establish eligibility criteria for the program by rule. The eligibility criteria must include all of the following:

(1) The entity must currently be involved in the bidding and selection process for the event for which the entity submits an application.

(2) The entity's application under subsection 1 must include an economic analysis of the event that includes but is not limited to all of the following:

(a) Projected hotel and motel room occupancies during the event.

(b) Projected number of event attendees from this state, other states, and other countries.

b. Notwithstanding paragraph *"a"*, an entity shall be deemed eligible for the program if any of the following apply:

(1) After a highly competitive bidding and selection process involving potential sites not located in this state, a location in Iowa has been selected for the entity's event.

(2) This state serves as the sole site for the entity's event.

(3) The sole site for the entity's event is a geographical region that includes this state and one or more contiguous states.

3. When evaluating an application, the authority shall consider, at a minimum, all of the following:

a. The potential impact of the event on the local, regional, and state economies.

b. The event's potential to attract visitors from this state, other states, and other countries.

c. The amount of positive advertising or media coverage the event may generate.

d. The quality, size, and scope of the event.

e. The ratio of public-to-private investment required for the event.

4. *a.* (1) Upon review of the staff evaluation, the board shall make the final funding decision on each application and may approve, deny, defer, or modify each application, in the board's discretion, to fund as many events as possible with the moneys available. The board and the authority may negotiate with an eligible applicant regarding the details of the applicant's proposed event and the amount and terms of any financial assistance. In making final funding decisions pursuant to this subsection, the board and the authority shall be exempt from chapter 17A.

(2) An application and staff evaluation forwarded to the board under subsection 1 shall

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remain eligible for consideration by the board under subparagraph (1) for up to two years from the date of receipt of the application by the board.

b. In order to be awarded financial assistance under the program, an applicant must demonstrate the ability to provide matching funds for the event that equal at least fifty percent of the award of financial assistance.

2025 Acts, ch 160, §11
Referred to in §15G.104

15G.104 Iowa major events and tourism fund.

1. *a.* The authority shall establish an Iowa major events and tourism fund pursuant to section 15.106A, subsection 1, paragraph "*o*", for purposes of providing financial assistance as described in this chapter. The fund may be administered as a revolving fund and shall consist of any moneys transferred to the fund and any moneys appropriated by the general assembly for purposes of this chapter.

b. (1) Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year following the succeeding fiscal year.

(2) Moneys encumbered or obligated pursuant to financial assistance awarded under section 15G.103, subsection 4, shall be disbursed by the authority within five calendar years from the date of encumbrance or obligation, or the moneys shall revert to the state treasury and shall be credited to the funds from which the appropriations were made as provided in section 8.33.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

2. Moneys in the fund are appropriated to the authority for purposes of providing financial assistance under the program. The authority shall not use more than five percent of the moneys in the fund at the beginning of each fiscal year for purposes of administrative costs, technical assistance, and other program support.

2025 Acts, ch 160, §12; 2026 Acts, ch 1163, §16
Referred to in §15G.101
Subsection 2 amended

CHAPTER 15H

IOWA COMMISSION ON VOLUNTEER SERVICE

15H.1 Findings.
15H.1A Definitions.
15H.2 Iowa commission on volunteer service established.
15H.3 Volunteer service commission membership.
15H.4 Administration — funding.
15H.5 Iowa summer youth corps — community programs account.
15H.6 Iowa green corps program.
15H.7 Iowa reading corps program.
15H.8 RefugeeRISE AmeriCorps program.
15H.9 Iowa national service corps program.
15H.10 Volunteer mentor program.

15H.1 Findings.

The general assembly finds:

1. There is a compelling need for more civic participation to solve community and state problems, and to address many of the country's unmet social, environmental, educational, and public safety needs.

2. Promoting the capability of Iowa's people, communities, and enterprises to work collaboratively is vital to the long-term prosperity of this state.

3. Building and encouraging community services and volunteerism is an integral part

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of the state's future well-being, and requires cooperative efforts by the public and private sectors.

4. The development of a volunteer service program in Iowa requires an administrative vehicle which conforms with federal guidelines detailed in the federal National and Community Service Trust Act of 1993.

2005 Acts, ch 42, §1

15H.1A Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. *"Commission"* means the Iowa commission on volunteer service created in section 15H.2.

2. *"Department"* means the department of health and human services.

3. *"Director"* means the director of health and human services.

2011 Acts, ch 118, §27, 89; 2018 Acts, ch 1067, §5, 15; 2023 Acts, ch 19, §19

15H.2 Iowa commission on volunteer service established.

1. The Iowa commission on volunteer service is created within the department. The governor shall appoint the commission's members.

2. The mission of the commission is to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Iowa, as well as to serve as the state's liaison to national and state organizations which support the commission's mission. The commission shall also carry out any duties and responsibilities described in the National Community Service Trust Act of 1993 or any related state or federal legislation.

3. The commission shall do all of the following:

a. Prepare a three-year national service plan as called for under the federal National and Community Service Trust Act of 1993.

b. Fulfill federal program administration requirements, including provision of health care and child care for program participants.

c. Submit annual state applications for federal funding of commission-selected AmeriCorps programs.

d. Integrate AmeriCorps programs, the corporation for national and community service program, and the older American volunteer program into the state strategic service plan.

e. Conduct local outreach to develop a comprehensive and inclusive state service plan and coordinate with existing programs in order to prevent unnecessary competition for private sources of funding.

f. Provide technical assistance to service programs, including the development of training methods and curriculum materials.

g. Develop a statewide recruitment and placement system for individuals interested in community service opportunities.

h. Prepare quarterly reports on progress for submission to the governor and the general assembly.

i. Administer the retired and senior volunteer program.

2005 Acts, ch 42, §2; 2006 Acts, ch 1010, §11; 2011 Acts, ch 118, §28, 89; 2023 Acts, ch 19, §20, 21; 2026 Acts, ch 1064, §24, 27

Referred to in §15H.1A, 15H.5, 256.228
Subsection 1 amended

15H.3 Volunteer service commission membership.

1. The commission shall consist of the following members:

a. An individual with expertise in the educational training and developmental needs of youth.

b. An individual with experience in promoting the involvement of older adults in service and volunteerism.

c. A representative of community-based agencies within the state.

d. The director of the department of education, or the director's designee.

e. A representative of local government.

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f. A representative of a local labor organization.

g. A representative of a for-profit business.

h. An individual between the ages of sixteen and twenty-five who is or has been a participant or supervisor in a volunteer or service program.

i. A representative of the corporation for national and community service who shall serve as a nonvoting, ex officio member.

2. No more than twenty-five percent of the commission members shall be employees of the state, though additional state agency representatives may sit on the commission as nonvoting, ex officio members.

3. A commission member shall not vote on issues affecting organizations for which the member has served as a staff person or as a volunteer at any time during the preceding twelve-month period.

4. The membership of the commission shall comply with section 4A.12. The membership of the commission shall also reflect the diversity of the state's population.

5. Members shall serve staggered terms of three years beginning July 1. Members of the commission shall serve no more than two three-year terms. Any vacancy shall be filled in the same manner as the original appointment.

6. The chairperson of the commission shall be selected by the members of the commission.

2005 Acts, ch 42, §3; 2005 Acts, ch 175, §54, 129; 2006 Acts, ch 1051, §1; 2011 Acts, ch 118, §29, 30, 89; 2012 Acts, ch 1021, §33; 2020 Acts, ch 1062, §7; 2024 Acts, ch 1004, §4; 2024 Acts, ch 1170, §166

15H.4 Administration — funding.

1. *a.* The department shall serve as the lead agency for administration of the commission.

b. The department may consult with the department of education, the state board of regents, and the department of workforce development for additional administrative support as necessary to fulfill the duties of the commission.

c. All state agencies, at the request of the department, shall provide assistance to the commission to ensure a fully coordinated state effort for promoting national and community service.

d. The commission may delegate the administration of nonpolicymaking duties, in compliance with 42 U.S.C. §12638, to the executive director and the personnel of the department subunit for volunteerism created in section 217.13.

2. The commission may accept funds and in-kind services from state, federal, and private entities.

2005 Acts, ch 42, §4; 2011 Acts, ch 118, §31, 89; 2023 Acts, ch 19, §22; 2026 Acts, ch 1064, §25, 27

Referred to in §217.13
Section amended

15H.5 Iowa summer youth corps — community programs account.

1. For the purposes of this section, "*service-learning*" means a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.

2. The Iowa summer youth corps program is established to provide meaningful summer enrichment programming to Iowa youth. The program shall be administered by the commission using a competitive grant process to implement projects in accordance with program requirements. The commission shall adopt administrative rules for the program, including but not limited to incentives, grant criteria, and grantee selection processes. A percentage of the grants shall be designated by the commission to address the needs of economically distressed areas.

3. The program shall provide grants for projects that utilize a service-learning approach during the summer months to enhance student achievement and summer learning retention, teach meaningful job skills to Iowa youth, engage Iowa youth in their communities, provide positive youth development experiences, and address the needs of youth from families with low income. The service-learning approach shall be integrated into the program

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using science, technology, engineering, mathematics, social studies, civic literacy, or other appropriate curricula identified by the department of education.

4. The program shall involve the youth participating in the program in service-learning activities with one or more of the following focuses:

a. Energy conservation in the youth's community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low-income housing and public spaces.

b. Emergency and disaster preparedness.

c. Improving access to and obtaining the benefits from providing computers and other emerging technologies in underserved and other appropriate areas of counties and cities, including but not limited to low-income communities, senior centers and communities, schools, libraries, and other public settings.

d. Mentoring of middle school youth while involving all participants in service-learning to address unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in the participants' community.

e. Establishing or implementing summer of service projects during the summer months. Budgeting for a summer of service project shall include the cost of recruitment, training, and placement of service-learning coordinators. A summer of service project shall comply with all of the following requirements:

(1) Youth participating in a project will be enrolled in grades six through twelve in the school year which begins immediately following the end of a project.

(2) The focus of each project shall be community-based, service-learning activities that address unmet human, educational, environmental, emergency and disaster preparedness, and public service needs. Environmental needs addressed may include energy conservation, water quality, and land stewardship.

(3) The activities for each project shall be intensive, structured, supervised, and designed to produce identifiable improvements to the community. The activities may include the extension of school year service-learning programs into the summer months.

f. Performing community improvement projects, which may include but are not limited to a green corps program activity under section 15H.6 or other youth training program.

5. *a.* Funding for the Iowa summer youth corps program, the Iowa green corps program established pursuant to section 15H.6, the Iowa reading corps program established pursuant to section 15H.7, the RefugeeRISE AmeriCorps program established pursuant to section 15H.8, and the Iowa national service corps program established pursuant to section 15H.9 shall be obtained from private sector, and local, state, and federal government sources, or from other available funds credited to the community programs account, which shall be created within the department under the authority of the commission. Moneys available in the account for a fiscal year are appropriated to the commission to be used for the programs. The commission may establish an escrow account within the department and obligate moneys within that escrow account for tuition or program payments to be made beyond the term of any fiscal year. Notwithstanding section 12C.7, subsection 2, interest earned on moneys in the community programs account shall be credited to the account. Notwithstanding section 8.33, moneys in the community programs account or escrow account shall not revert to the general fund but shall remain available for expenditure in future fiscal years.

b. The commission shall manage the Iowa summer youth corps program in a manner to maximize the leveraging of federal, local, and private funding opportunities that increase or amplify program impact and service-learning opportunities. The commission shall also encourage collaboration with, and utilization of, other national, local, and nonprofit programs engaged in community service or addressing the needs of youth from families with low income.

c. The commission shall give priority consideration to approving those projects that target communities that have disproportionately high rates of juvenile crime or low rates of high school graduation or that have been designated as an economically distressed area.

d. The commission shall include progress information concerning implementation of the

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Iowa summer youth corps program in the quarterly reports made to the governor and the general assembly in accordance with section 15H.2.

6. *a.* Notwithstanding any contrary provision of chapter 8A, subchapter IV, or chapter 96, a person participating in the Iowa summer youth corps program shall be exempt from merit system requirements and shall not be eligible to receive unemployment compensation benefits.

b. If a stipend is provided to a youth participating in the Iowa summer youth corps program, the youth shall be age fourteen through eighteen.

c. A youth participating in a summer of service project that either has an education award or no compensation shall comply with the grade level requirements specified for summer of service project participation.

d. A project that uses funding for an AmeriCorps young adult component within the project design shall limit participation in the component to young persons who are age sixteen through twenty-four at the time of enrollment in the project.

7. For purposes of this section, *"economically distressed area"* means a county that meets at least three of the following criteria:

a. The county ranks among the thirty-three Iowa counties with the highest average monthly unemployment rates for the most recent twelve-month period based on the applicable local area unemployment statistics produced by the United States department of labor, bureau of labor statistics.

b. The county ranks among the thirty-three Iowa counties with the highest average annualized unemployment rates for the most recent five-year period based on the applicable local area unemployment statistics produced by the United States department of labor, bureau of labor statistics.

c. The county ranks among the thirty-three Iowa counties with the lowest annual average weekly wages based on the most recent quarterly census of employment and wages published by the United States department of labor, bureau of labor statistics.

d. The county ranks among the thirty-three Iowa counties with the highest family poverty rates based on the most recent American community survey five-year estimate released by the United States census bureau.

e. The county ranks among the thirty-three Iowa counties with the highest percentage population loss. Percentage population loss shall be calculated by comparing the most recent population estimate produced by the United States census bureau to the most recent decennial census released by the United States census bureau, except for a calendar year in which the decennial census data is released, then the percentage population loss shall be calculated by comparing the population in the decennial census released that calendar year to the population in the decennial census released ten years prior.

f. The county ranks among the thirty-three Iowa counties with the highest percentage of persons sixty-five years of age or older based on the most recent American community survey five-year estimate released by the United States census bureau.

2009 Acts, ch 161, §1, 4; 2011 Acts, ch 118, §85, 89; 2014 Acts, ch 1130, §32, 33; 2015 Acts, ch 34, §1; 2016 Acts, ch 1073, §10, 11; 2016 Acts, ch 1139, §90; 2018 Acts, ch 1086, §1; 2020 Acts, ch 1062, §8; 2023 Acts, ch 19, §23; 2025 Acts, ch 136, §41 – 43, 59

Referred to in §15H.6, 15H.7, 15H.8, 15H.9, 92.17

15H.6 Iowa green corps program.

1. The commission, in collaboration with the department of natural resources, the department of workforce development, and the utilities commission, shall establish an Iowa green corps program. The commission shall work with the collaborating agencies and nonprofit agencies in developing a strategy for attracting additional financial resources for the program from other sources which may include but are not limited to utilities, private sector, and local, state, and federal government funding sources. The financial resources received shall be credited to the community programs account created pursuant to section 15H.5.

2. The program shall utilize AmeriCorps or Iowa summer youth corps program volunteers to provide capacity building activities, training, and implementation of major transformative

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projects in communities. The project selection shall emphasize energy efficiency, historic preservation, neighborhood development, and storm water reduction and management.

3. The capacity building activities shall be targeted in communities that are already working with existing community improvement programs, including but not limited to the green streets and main street Iowa programs administered by the economic development authority, and disaster remediation activities by communities located within an area declared to be a disaster area in a declaration issued by the president of the United States or the governor.

2009 Acts, ch 161, §2, 4; 2011 Acts, ch 118, §38, 85, 89; 2020 Acts, ch 1062, §9; 2023 Acts, ch 19, §2659; 2024 Acts, ch 1170, §369; 2025 Acts, ch 147, §35

Referred to in §15H.5, 15H.9

15H.7 Iowa reading corps program.

1. *a.* The commission, in collaboration with the department of education, may establish an Iowa reading corps program to provide Iowa reading corps AmeriCorps members with a data-based, problem-solving model of literacy instruction to use in tutoring students from prekindergarten to third grade who are not proficient in reading or who are at risk of becoming not proficient in reading.

b. The program shall use models of early literacy instruction reviewed and approved by the department of education pursuant to section 256.9, subsection 49, paragraph *"c"*.

c. The commission and the department of education shall grant AmeriCorps programs that are operating an early literacy intervention program within a single school district on April 14, 2015, that seek to be included in the Iowa reading corps program adequate time to make adjustments to align the currently operating program with commission and department goals and strategies for the Iowa reading corps program.

2. *a.* The models of literacy instruction utilized by Iowa reading corps AmeriCorps members shall align with literacy program goals and strategies developed by the state department of education, the local school district, and the Iowa reading research center.

b. The commission, in collaboration with the department of education, may adopt rules pursuant to chapter 17A to implement and administer this section.

3. The commission may use moneys in and lawfully available to the community programs account created in section 15H.5 to fund the program.

4. The commission shall submit an annual report to the general assembly and the state department of education that records and evaluates program data to determine the efficacy of the program.

2015 Acts, ch 34, §2; 2020 Acts, ch 1062, §10

Referred to in §15H.5, 15H.9

15H.8 RefugeeRISE AmeriCorps program.

1. *a.* The commission, in collaboration with the department, shall establish a Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program to increase community integration and engagement for diverse refugee communities in rural and urban areas across the state.

b. The commission, in collaboration with the department, may adopt rules pursuant to chapter 17A to implement and administer this section.

2. The commission may use moneys in and lawfully available to the community programs account created in section 15H.5 to fund the program.

3. The commission shall submit an annual report to the general assembly and the department relating to the efficacy of the program.

2016 Acts, ch 1139, §91; 2020 Acts, ch 1062, §11; 2023 Acts, ch 19, §24

Referred to in §15H.5, 15H.9

15H.9 Iowa national service corps program.

1. The commission may establish an Iowa national service corps program to provide opportunities for state agencies, political subdivisions of the state, and private, nonprofit organizations to create national service programs outside of existing state and federal programs to meet state and local needs and to provide more opportunities for Iowans to

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serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

2. The commission may adopt rules pursuant to chapter 17A for approving Iowa national service corps programs and national service positions. Existing programs and service positions, including those established through the AmeriCorps programs in Iowa created pursuant to 42 U.S.C. §12501, Senior Corps and AmeriCorps vista in Iowa created pursuant to 42 U.S.C. §4950 et seq., the Iowa summer youth corps program created pursuant to section 15H.5, the Iowa green corps program created pursuant to section 15H.6, the Iowa reading corps program created pursuant to section 15H.7, and the RefugeeRISE AmeriCorps program created pursuant to section 15H.8, are part of the Iowa national service corps programs and national service positions.

3. State agencies or political subdivisions of the state may enter into an agreement with any approved Iowa national service corps program directly or through an agreement with the commission. State agencies or political subdivisions of the state may establish Iowa national service corps programs or contract with a third-party vendor to assist the agency or political subdivision in establishing such programs.

4. State agencies or political subdivisions of the state may give priority to grants or projects funded that utilize Iowa national service corps programs.

5. State agencies or political subdivisions of the state may establish hiring preferences for any Iowa national service corps or AmeriCorps participant who has successfully completed a year of full-time service or one thousand seven hundred hours over a period extending beyond a year.

6. A person participating in the Iowa national service corps program is not an employee of the organization in which the person is enrolled regardless of whether a stipend is provided, shall be exempt from the merit system requirements of chapter 8, subchapter IV, and is not eligible to receive unemployment compensation benefits under chapter 96 upon completion of service.

2018 Acts, ch 1086, §2; 2020 Acts, ch 1062, §12; 2025 Acts, ch 6, §1
Referred to in §15H.5, 92.17

15H.10 Volunteer mentor program.

1. Subject to an appropriation of funds by the general assembly for this purpose, the commission shall establish a volunteer mentor program to support implementation of the future ready Iowa skilled workforce last-dollar scholarship and the future ready Iowa skilled workforce grant programs created in sections 256.228 and 256.229. The commission, in collaboration with the department of workforce development and the college student aid commission, shall adopt rules pursuant to chapter 17A to implement and administer the volunteer mentor program, and shall establish standards, guidelines, and expectations for a productive and appropriate relationship between mentors and mentees, including helping students meet the future ready Iowa skilled workforce last-dollar scholarship program or future ready Iowa skilled workforce grant requirements, as appropriate; identify work-based learning opportunities; and make career-related connections that are advantageous to persons participating in the volunteer mentor program.

2. The prospective volunteer mentor shall have successfully passed a background investigation conducted by the division of criminal investigation of the department of public safety and a check of the national sex offender registry.

3. The commission shall enter into written agreements with prospective mentors and mentees under the program. Under such an agreement, prospective mentors and mentees agree to abide by the standards, guidelines, and expectations established by the commission pursuant to subsection 1.

4. The commission, in collaboration with the department of workforce development and the college student aid commission, and in cooperation with an eligible institution as defined in section 256.228 or 256.229, as appropriate, shall assign a student, who is a recipient of a future ready Iowa skilled workforce last-dollar scholarship under section 256.228 or a future ready Iowa skilled workforce grant under section 256.229, who requests the assignment of

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a mentor, and who enters into an agreement under subsection 3, to a mentor appropriate to the prospective mentee's field of study whenever possible.

5. The commission shall maintain, and regularly update, a list of the mentor and mentee pairings and the dates of inception of the mentor and mentee pairings.

6. Notwithstanding section 8.33, moneys appropriated to the department for allocation to the commission for purposes of this section that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available to be used for the purposes designated in this section until the close of the succeeding fiscal year.

2018 Acts, ch 1067, §6, 15; 2023 Acts, ch 19, §25
Referred to in §256.228, 256.229

CHAPTER 15I

WAGE-BENEFITS TAX CREDIT

Repealed by 2008 Acts, ch 1191, §166, 167

CHAPTER 15J

IOWA REINVESTMENT ACT

Referred to in §15.106A, 418.11, 421.17, 423.2A, 423.3, 423A.6

15J.1 Short title.
15J.2 Definitions.
15J.3 Preapplication process.
15J.4 District establishment — approval.
15J.5 New state tax revenue calculations.
15J.6 State reinvestment district fund.
15J.7 Reinvestment project fund.
15J.8 End of deposits — district dissolution.

15J.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Reinvestment Act"*.

2013 Acts, ch 119, §1

15J.2 Definitions.

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

1. *"Board"* means the same as defined in section 15.102.

2. *"Commencement date"* means the date established for each district by the board under section 15J.4, subsection 3, upon which the calculation of new state sales tax and new state hotel and motel tax revenue shall begin under section 15J.5 for deposit in the fund.

3. *"Department"* means the department of revenue.

4. *"District"* means the area that is designated a reinvestment district pursuant to section 15J.4.

5. *"Fund"* means the state reinvestment district fund created in section 15J.6.

6. *"Governing body"* means the county board of supervisors, city council, or other body in which the legislative powers of the municipality are vested.

7. *"Municipality"* means any of the following:

a. A county.

b. An incorporated city.

c. A joint board or other legal entity established or designated in an agreement made pursuant to chapter 28E between two or more contiguous municipalities identified in paragraph *"a"* or *"b"*.

8. *a.* *"New lessor"* means a lessor, as defined in section 423A.2, operating a business in the district that was not in operation in the area of the district before the effective date of the ordinance or resolution establishing the district, regardless of ownership.

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b. *"New lessor"* also includes any lessor, defined in section 423A.2, operating a business in the district if the place of business for that business is the subject of a project that was approved by the board.

9. *a.* *"New retail establishment"* means a business operated in the district by a retailer, as defined in section 423.1, that was not in operation in the area of the district before the effective date of the ordinance or resolution establishing the district, regardless of ownership.

b. *"New retail establishment"* also includes any business operated in the district by a retailer, as defined in section 423.1, if the place of business for that retail establishment is the subject of a project that was approved by the board.

10. *"Project"* means a vertical improvement constructed or substantially improved within a district using sales tax revenues and hotel and motel tax revenues received by a municipality pursuant to this chapter. *"Project"* does not include any of the following:

a. A building, structure, or other facility that is in whole or in part used or intended to be used to conduct gambling games under chapter 99F.

b. A building, structure, or other facility that is in whole or in part used or intended to be used as a hotel or motel if such hotel or motel is connected to or operated in conjunction with a building, structure, or other facility described in paragraph *"a"*.

11. *"State hotel and motel tax"* means the state-imposed tax under section 423A.3.

12. *"State sales tax"* means the sales and services tax imposed pursuant to section 423.2.

13. *"Substantially improved"* means that the cost of the improvements is equal to or exceeds fifty percent of the assessed value of the property, excluding the land, prior to such improvements.

14. *"Vertical improvement"* means a building that is wholly or partially above grade and all appurtenant structures to the building.

2013 Acts, ch 119, §2; 2014 Acts, ch 1026, §7; 2020 Acts, ch 1118, §83; 2021 Acts, ch 76, §6
Referred to in §1B.3, 15.291, 15.313, 15J.4, 15J.7, 423.3

15J.3 Preapplication process.

The board may establish by rule a preapplication process to provide information related to the requirements of this chapter, to determine the interest of municipalities in establishing districts under this chapter, and to assist municipalities in preparing a proposed district plan.

2013 Acts, ch 119, §3

15J.4 District establishment — approval.

1. A municipality that has an area suitable for development within the boundaries of the municipality or within the combined boundaries of a municipality under section 15J.2, subsection 7, paragraph *"c"*, is eligible to seek approval from the board to establish a reinvestment district under this section consisting of the area suitable for development. To be designated a reinvestment district, an area shall meet the following requirements:

a. The area consists only of parcels of real property that the governing body of the municipality determines will be directly and substantially benefited by development in the proposed district.

b. The area was in whole or in part a designated economic development enterprise zone under chapter 15E, division XVIII, Code 2014, immediately prior to July 1, 2014, or the area is in whole or in part an urban renewal area established pursuant to chapter 403.

c. For districts approved before July 1, 2018, the area consists of contiguous parcels and does not exceed twenty-five acres in total. For districts approved on or after July 1, 2020, the area consists of contiguous parcels and does not exceed one hundred twenty-five acres in total.

d. For a municipality that is a city or for a city that is party to an agreement under section 15J.2, subsection 7, paragraph *"c"*, the area does not include the entire incorporated area of the city.

e. The area is not located in whole or in part within another district established under this chapter.

2. Prior to submission to the board for approval under subsection 3, a proposed district plan shall be developed and approved by resolution of the governing body of the municipality.

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The proposed district plan shall state the governing body's intent to establish a district. The proposed district plan shall also include all of the following:

a. A finding by the governing body that the area in the proposed district is an area suitable for development.

b. A legal description of the real estate forming the boundaries of the area to be included in the proposed district along with a map depicting the existing parcels of real estate located in the proposed district.

c. A list of the names and addresses of the owners of record of the parcels to be included in the proposed district.

d. A list of all projects proposed to be undertaken within the district, a detailed description of those projects, and a project plan for each proposed project. Each project plan shall clearly state the estimated cost of the proposed project, the anticipated funding sources for the proposed project, the amount of anticipated funding from each such source, and the amount and type of debt, if any, to be incurred by the municipality to fund the proposed project, and shall include a proposed project feasibility study conducted by an independent professional with expertise in economic development and public finance. The project plan for the project that proposes the largest amount of capital investment among all proposed projects within the district shall include an estimate of the date that construction of the project will be completed and of the date that operations will begin at the project. The feasibility study shall include projections and analysis of all of the following:

(1) The amount of gross revenues expected to be collected in the district as a result of the proposed project for each year that the district is in existence.

(2) A detailed explanation of the manner and extent to which the proposed project will contribute to the economic development of the state and the municipality, including an analysis of the proposed project's economic impact. The analysis shall include the same components and be conducted in the same manner as the economic impact study required under paragraph "*e*".

(3) An estimate of the number of visitors or customers the proposed project will generate during each year that the district exists.

(4) A description of the unique characteristics of the proposed project.

e. An economic impact study for the proposed district conducted by an independent economist retained by the municipality. The economic impact study shall, at a minimum, do all of the following:

(1) Contain a detailed analysis of the financial benefit of the proposed district to the economy of the state and the municipality.

(2) Identify one or more projected market areas in which the district can reasonably be expected to have a substantial economic impact.

(3) Assess the fiscal and financial impact of the proposed district on businesses or on other economic development projects within the projected market area.

3. *a.* The municipality shall submit a copy of the resolution, the proposed district plan, and all accompanying materials adopted pursuant to this section to the board for evaluation. The board shall not approve a proposed district plan on or after July 1, 2025.

b. The board shall evaluate each municipality's proposed district plan and accompanying materials and shall approve the district plan and establishment of the district if the board determines that, in addition to other criteria established by the board by rule, all of the following conditions are met:

(1) The area of the municipality proposed to be included in the district meets the requirements of subsection 1.

(2) The projects proposed to be undertaken in the district are of a unique nature and will have a substantial beneficial impact on the economy of the state and the economy of the municipality.

(3) The proposed funding sources for each proposed project are feasible.

(4) At least one of the projects proposed to be undertaken in the district includes a capital investment of at least ten million dollars.

(5) The total amount of proposed funding from state sales tax revenues and state hotel and motel tax revenue to be remitted to the municipality from the state reinvestment district fund

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under section 15J.6 for all proposed projects in the proposed district plan does not exceed thirty-five percent of the total cost of all proposed projects in the proposed district plan.

(6) The amount of proposed capital investment within the proposed district related to retail businesses in the proposed district does not exceed fifty percent of the total capital investment for all proposed projects in the proposed district plan. For the purposes of this subparagraph, *"retail business"* means any business engaged in the business of selling tangible personal property or taxable services at retail in this state that is obligated to collect state sales or use tax under chapter 423. However, for the purposes of this subparagraph, *"retail business"* does not include a new lessor or a business engaged in an activity subject to tax under section 423.2, subsection 3.

c. If the board denies a proposed district plan, the board shall state the reasons for the denial and the municipality may resubmit the application.

d. As part of its approval of a proposed district plan, the board shall establish a commencement date for the district. The commencement date established by the board shall be the first day of the first calendar quarter beginning after the later of the two dates identified for the project that proposed the largest amount of capital investment among all proposed projects in the district pursuant to subsection 2, paragraph *"d"*.

e. As part of its approval of a proposed district plan, the board shall, subject to the authorized amounts under section 15J.5, establish maximum amounts of state sales tax revenues or state hotel and motel tax revenues, or both, that may be remitted to a municipality's reinvestment project fund. Such maximum amounts shall be determined based on the financing needs of the proposed project, the economic impact to the state, and the remittance limitations under paragraph *"f"*.

f. (1) The total aggregate amount of state sales tax revenues and state hotel and motel tax revenues that may be approved by the board for remittance to all municipalities and that may be transferred to the state reinvestment district fund under section 423.2A or 423A.6, and remitted to all municipalities having a reinvestment district under this chapter for districts approved by the board before July 1, 2018, shall not exceed one hundred million dollars.

(2) The total aggregate amount of state sales tax revenues and state hotel and motel tax revenues that may be approved by the board for remittance to all municipalities and that may be transferred to the state reinvestment district fund under section 423.2A or 423A.6, and remitted to all municipalities having a reinvestment district under this chapter for districts approved on or after July 1, 2020, but before July 1, 2025, shall not exceed one hundred million dollars.

g. If a district plan is approved by the board, the district plan, along with the municipality's resolution and all accompanying materials, shall be posted on the economic development authority's internet site for public viewing within ten days of approval by the board.

4. *a.* Upon receiving the approval of the board, the municipality shall adopt an ordinance, or in the case of a municipality under section 15J.2, subsection 7, paragraph "c", a resolution, establishing the district and shall notify the director of revenue of the district's commencement date established by the board and the information required under paragraph *"b"* no later than thirty days after adoption of the ordinance or resolution.

b. For each district approved by the board on or after July 1, 2020, the municipality shall include in the notification under paragraph *"a"* and in the statement required under paragraph "c" all of the following:

(1) For each new retail establishment under section 15J.2, subsection 9, paragraph *"b"*, that was in operation before the establishment of the district, the monthly amount of sales subject to the state sales tax from the most recently available twelve-month period preceding the establishment of the district.

(2) For each new lessor under section 15J.2, subsection 8, paragraph *"b"*, that was in operation before the establishment of the district, the monthly amount of sales subject to the state hotel and motel tax from the most recently available twelve-month period preceding the establishment of the district.

c. The ordinance or resolution adopted by the municipality shall include the district's commencement date and a detailed statement of the manner in which the approved projects

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to be undertaken in the district will be financed, including but not limited to the financial information included in the project plan under subsection 2, paragraph *"d"*.

d. Following establishment of the district, a municipality may use the moneys deposited in the municipality's reinvestment project fund created pursuant to section 15J.7 to fund the development of those projects included within the district plan.

5. A municipality may amend the district plan to add or modify projects. However, a proposed modification to a project and each project proposed to be added shall first be approved by the board in the same manner as provided for the original plan. In no case, however, shall an amendment to the district plan result in the extension of the commencement date established by the board. If a district plan is amended to add or modify a project, the municipality shall, if necessary, amend the ordinance or resolution, as applicable, to reflect any changes to the financial information required to be included under subsection 4.

6. Following establishment of a district, the municipality shall on or before October 1 of each year submit a report to the board detailing all of the following:

a. The status of each project undertaken within the district in the previous twelve months.

b. An itemized list of expenditures from the municipality's reinvestment project fund in the previous twelve months that have been made related to each project being undertaken within the district.

c. The amount of the total project cost remaining for each project being undertaken within the district as of the date the report is submitted.

d. The amounts, types, and sources of funding used for each project described in paragraph *"a"*.

e. The amount of bonds issued or other indebtedness incurred for each project described in paragraph *"a"*, including information related to the rate of interest, length of term, costs of issuance, and net proceeds. The report shall also include the amounts and types of moneys to be used for payment of such bonds or indebtedness.

7. All reports received by the board under subsection 6 shall be posted on the economic development authority's internet site as soon as practicable following receipt of the report. The board shall submit a written report to the governor and the general assembly on or before January 15 of each year or shall provide the report to the economic development authority to include such report as part of the annual report under section 15.107B. The report shall summarize and analyze the information submitted by municipalities under subsection 6.

2013 Acts, ch 119, §4; 2014 Acts, ch 1130, §34; 2014 Acts, ch 1141, §18; 2015 Acts, ch 120, §11, 24, 25; 2018 Acts, ch 1161, §149, 229; 2020 Acts, ch 1118, §84 – 89; 2024 Acts, ch 1182, §130; 2025 Acts, ch 147, §41, 42

Referred to in §15F.401, 15J.2, 15J.5, 15J.8, 423.2A, 423A.6

2025 amendment to subsection 1, paragraph c applies retroactively to July 1, 2020; 2025 Acts, ch 147, §42

15J.5 New state tax revenue calculations.

1. *a.* The department shall calculate quarterly the amount of new state sales tax revenues for each district established in the state to be deposited in the state reinvestment district fund created in section 15J.6, pursuant to section 423.2A, subsection 2, subject to remittance limitations established by the board pursuant to section 15J.4, subsection 3.

b. (1) For districts established before July 1, 2020, the amount of new state sales tax revenue for purposes of paragraph *"a"* shall be the product of the amount of sales subject to the state sales tax in the district during the quarter from new retail establishments times four percent.

(2) For districts established on or after July 1, 2020, the amount of new state sales tax revenue for purposes of paragraph *"a"* shall be the product of four percent times the remainder of the amount of sales subject to the state sales tax in the district during the quarter from new retail establishments minus the sum of the sales from the corresponding quarter of the twelve-month period determined under section 15J.4, subsection 4, paragraph *"b"*, subparagraph (1), for new retail establishments identified under section 15J.4, subsection 4, paragraph *"b"*, subparagraph (1), that were in operation at the end of the quarter.

2. *a.* The department shall calculate quarterly the amount of new state hotel and motel

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tax revenues for each district established in the state to be deposited in the state reinvestment district fund created in section 15J.6, pursuant to section 423A.6, subject to remittance limitations established by the board pursuant to section 15J.4, subsection 3.

b. (1) For districts established before July 1, 2020, the amount of new state hotel and motel tax revenue for purposes of paragraph *"a"* shall be the product of the amount of sales subject to the state hotel and motel tax in the district during the quarter from new lessors times the state hotel and motel tax rate imposed under section 423A.3.

(2) For districts established on or after July 1, 2020, the amount of new state hotel and motel tax revenue for purposes of paragraph *"a"* shall be the product of the state hotel and motel tax rate imposed under section 423A.3 times the remainder of amount of sales subject to the state hotel and motel tax in the district during the quarter from new lessors minus the sum of the sales from the corresponding quarter of the twelve-month period determined under section 15J.4, subsection 4, paragraph *"b"*, subparagraph (2), for new lessors identified under section 15J.4, subsection 4, paragraph *"b"*, subparagraph (2), that were in operation at the end of the quarter.

3. Each municipality that has established a district under this chapter shall assist the department in identifying new retail establishments in the district that are collecting state sales tax and new lessors in the district that are collecting state hotel and motel tax. This process shall be ongoing until the municipality ceases to utilize state sales tax revenue or state hotel and motel tax revenue under this chapter or the district is dissolved.

2013 Acts, ch 119, §5; 2018 Acts, ch 1161, §150, 229; 2020 Acts, ch 1118, §90, 91; 2022 Acts, ch 1032, §7

Referred to in §15J.2, 15J.4, 423.2A, 423A.6

15J.6 State reinvestment district fund.

1. A state reinvestment district fund is established in the state treasury under the control of the department consisting of the new state sales tax revenues collected within each district and deposited in the fund pursuant to section 423.2A, subsection 2, and the new state hotel and motel tax revenues collected within each district and deposited in the fund pursuant to section 423A.6. Moneys deposited in the fund are appropriated to the department for the purposes of this section. Moneys in the fund shall only be used for the purposes of this section.

2. A district account is created within the fund for each district created by a municipality under this chapter.

3. The department shall deposit the moneys described in subsection 1 that were collected in a quarter beginning on or after the district's commencement date into the appropriate district account in the fund.

4. All moneys in each district account within the fund shall be remitted quarterly by the department to the municipality that established the district for deposit in the municipality's reinvestment project fund established pursuant to section 15J.7.

5. The department shall adopt rules for the administration of the department's duties under this chapter, including the remittance of moneys to municipalities.

2013 Acts, ch 119, §6; 2018 Acts, ch 1161, §151, 229

Referred to in §15J.2, 15J.4, 15J.5, 15J.7

15J.7 Reinvestment project fund.

1. State sales tax revenue and state hotel and motel tax revenue remitted by the department to a municipality pursuant to section 15J.6 shall be deposited in a reinvestment project fund of the municipality and shall be used to fund projects within the district from which the revenues were collected. If the municipality determines that the revenue accruing to the reinvestment project fund exceeds the amount necessary for these purposes, the excess moneys that are remittances received under section 15J.6 and all interest in the fund attributable to such excess amounts shall be remitted by the municipality to the department for deposit in the general fund of the state.

2. In addition to the moneys received pursuant to section 15J.6, a municipality may deposit in the reinvestment project fund any other moneys lawfully at the municipality's disposal,

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including but not limited to local sales and services tax receipts collected under chapter 423B if such use is a purpose authorized for the municipality under chapter 423B.

3. The records of the municipality related to the district and the reinvestment project fund are subject to audit pursuant to section 11.6.

4. *a.* Moneys from any source deposited into the reinvestment project fund shall not be expended for or otherwise used in connection with a project that includes the relocation of a commercial or industrial enterprise not presently located within the municipality.

b. For the purposes of this subsection, *"relocation"* means the closure or substantial reduction of an enterprise's existing operations in one area of the state and the initiation of substantially the same operation in the same county or a contiguous county in the state. However, if the initiation of operations includes an expanded scope or nature of the enterprise's existing operations, the new operation shall not be considered to be substantially the same operation. *"Relocation"* does not include an enterprise expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

5. Upon dissolution of a district pursuant to section 15J.8, if moneys remitted to the municipality pursuant to section 15J.6 remain in the municipality's reinvestment project fund and those moneys are not necessary to support completion of a project in the dissolved district, such amounts and all interest remaining in the fund that was earned on such amounts shall be remitted by the municipality to the department for deposit in the general fund of the state.

6. Upon dissolution of a district pursuant to section 15J.8, moneys remaining in the reinvestment project fund that were deposited pursuant to subsection 2 and all interest remaining in the fund that was earned on such amounts shall be deposited in the general fund of the municipality or, for a municipality under section 15J.2, subsection 7, paragraph "*c*", the governing body shall allocate such amounts to the participating cities and counties for deposit in each city or county general fund according to the chapter 28E agreement.

2013 Acts, ch 119, §7; 2020 Acts, ch 1118, §92, 93
Referred to in §15J.4, 15J.6, 15J.8

15J.8 End of deposits — district dissolution.

1. As of the date twenty years after the district's commencement date, the department shall cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district's account within the fund, unless the municipality dissolves the district by ordinance or resolution prior to that date. Following the expiration of the twenty-year period, the district shall be dissolved by ordinance or resolution of the municipality adopted within twelve months of the conclusion of the twenty-year period.

2. If the municipality dissolves the district by ordinance or resolution prior to the expiration of the twenty-year period specified in subsection 1, the municipality shall notify the director of revenue of the dissolution as soon as practicable after adoption of the ordinance or resolution, and the department shall, as of the effective date of dissolution, cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district's account within the fund.

3. Upon request of the municipality prior to the dissolution of the district, and following a determination by the board that the amounts of new state sales tax revenue and new state hotel and motel tax revenue deposited in the municipality's reinvestment project fund under section 15J.7 are substantially lower than the amounts established by the board under section 15J.4, subsection 3, paragraph "*e*", the board may extend the district's twenty-year period of time for depositing and receiving revenues under this chapter by up to five additional years if such an extension is in the best interest of the public.

2013 Acts, ch 119, §8; 2020 Acts, ch 1118, §94
Referred to in §15J.7, 423.2A, 423A.6

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CHAPTER 16

IOWA FINANCE AUTHORITY

Referred to in §12.28, 12.30, 12B.10, 12B.10A, 12B.10B, 12B.10C, 34A.20, 159.18, 260C.71, 403A.3, 533.315, 535.8, 535A.9, 714.8

This chapter not enacted as a part of this title; transferred from chapter 220 in Code 1993

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1. *"Adequate housing"* means housing which meets minimum structural, heating, lighting, ventilation, sanitary, occupancy, and maintenance standards compatible with applicable building and housing codes, as determined under rules of the authority.

2. *"Authority"* means the Iowa finance authority created in section 16.1A.

3. *"Board"* means the Iowa finance authority board of directors created pursuant to section 16.2.

4. *"Bond"* means a bond issued by the authority pursuant to this chapter and includes a note or other instrument evidencing a debt authorized or referred to in this chapter.

5. *"Child foster care facilities"* means a facility as defined in section 237.1.

6. *"Depreciable property"* means personal property for which an income tax deduction for depreciation is allowable in computing federal income tax under the Internal Revenue Code as defined in section 422.3.

7. *"Director"* means the director of the economic development authority who also serves as the director of, and administers the operations of, the Iowa finance authority pursuant to section 15.106C, subsection 1, paragraph *"b"*.

8. *"Displaced"* means displaced by governmental action, or by having one's dwelling extensively damaged or destroyed as a result of a disaster.

9. *"Elderly families"* means families of low or moderate income where the head of the household or the head's spouse is at least sixty-two years of age or older, or the surviving member of any such tenant family.

10. *a. "Families"* includes but is not limited to families consisting of a single adult person who is primarily responsible for the person's own support, is at least sixty-two years of age, is a person with a disability, is displaced, or is the remaining member of a tenant family.

b. "Families" includes but is not limited to two or more persons living together who are at least sixty-two years of age, are persons with disabilities, or one or more such individuals living with another person who is essential to such individual's care or well-being.

11. *"Goals"* means legislative goals and policies as articulated in this chapter.

12. *"Guiding principles"* means the principles provided in subchapter III which shall be considered for amplification and interpretation of the goals of the authority.

13. *"Historic properties"* means landmarks, landmark sites, or districts which are significant in the history, architecture, archaeology, or culture of this state, its communities, or the nation.

14. *"Housing"* means single family and multifamily dwellings, and facilities incidental or appurtenant to the dwellings, and includes group homes of fifteen beds or less licensed as health care facilities or child foster care facilities and modular or mobile homes which are permanently affixed to a foundation and are assessed as realty.

15. *"Housing program"* means any work or undertaking of new construction or rehabilitation of one or more housing units, or the acquisition of existing residential structures, for the provision of housing, which is financed pursuant to the provisions of this chapter for the primary purpose of providing housing for low or moderate income families. A housing program may include housing for other economic groups as part of an overall plan to develop new or rehabilitated communities or neighborhoods, where housing low or moderate income families is a primary goal. A housing program may include any buildings, land, equipment, facilities, or other real or personal property which is necessary or convenient in connection with the provision of housing, including but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and other nonhousing facilities, such as administrative, community, health, recreational, educational, and commercial facilities, as the authority determines to be necessary or convenient in relation to the purposes of this chapter.

16. *"Housing sponsor"* means any individual, joint venture, partnership, limited

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partnership, trust, corporation, housing cooperative, local public entity, governmental unit, or other legal entity, or any combination thereof, approved by the authority or pursuant to standards adopted by the authority as qualified to either own, construct, acquire, rehabilitate, operate, manage, or maintain a housing program, whether for profit, nonprofit or limited profit, subject to the regulatory powers of the authority and other terms and conditions set forth in this chapter.

17. *"Income"* means income from all sources of each member of the household, with appropriate exceptions and exemptions reasonably related to an equitable determination of the family's available income, as established by rule of the authority.

18. *"Internal Revenue Code"* means the Internal Revenue Code of the United States as it may exist at the time of its applicability to the provisions of this chapter.

19. *"Iowa nutrient reduction strategy"* means the same as defined in section 455B.171.

20. *"Legislative findings"* or *"findings"* means the findings established by the general assembly with respect to the authority as provided in this chapter.

21. *a. "Lending institution"* means any bank, trust company, mortgage company, national banking association, federal savings association, or life insurance company; any state or federal governmental agency or instrumentality; the federal land bank or any of its local associations; or any other institution authorized to make loans in this state.

b. "Lending institution" includes a financial institution as defined in section 496B.2, which lends moneys for farming purposes as provided in subchapter VIII, or for industrial or business purposes.

22. *"Lower income families"* means families whose incomes do not exceed eighty percent of the median income for the area with adjustments for the size of the family or other adjustments necessary due to unusual prevailing conditions in the area, and includes but is not limited to very low income families.

23. *"Low income housing credit"* means the low income housing credit as defined in Internal Revenue Code §42(a).

24. *"Low or moderate income families"* means families who cannot afford to pay enough to cause private enterprise in their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use, and also includes but is not limited to the following:

a. Elderly families, families in which one or more persons are persons with disabilities, lower income families, and very low income families.

b. Families purchasing or renting qualified residential housing.

25. *"Mortgage"* means a mortgage, mortgage deed, deed of trust, or other instrument creating a first lien, subject only to title exceptions acceptable to the authority, on a fee interest in real property which includes completed housing located within this state, or on a leasehold on such a fee interest which has a remaining term at the time of computation that exceeds by not less than ten years the maturity date of the mortgage loan.

26. *"Mortgage-backed security"* means a security issued by the authority which is secured by residential mortgage loans owned by the authority.

27. *"Mortgage loan"* means a financial obligation secured by a mortgage.

28. *"Net worth"* means a person's total assets minus total liabilities as determined in accordance with generally accepted accounting principles with appropriate exceptions and exemptions reasonably related to an equitable determination of a person's net worth. Assets shall be valued at fair market value.

29. *"Note"* means a bond anticipation note or a housing development fund note issued by the authority pursuant to this chapter. *"Note"* also includes bonds.

30. *"Person with a disability"* means a person who is unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment, or a person having a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of a nature that the ability to live independently could be improved by more suitable housing conditions.

31. *"Powers"* means all of the general and specific powers of the authority as provided in this chapter which shall be broadly and liberally interpreted to authorize the authority to act in accordance with the goals of the authority and in a manner consistent with the legislative findings and guiding principles.

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32. *"Program"* means any program administered by the authority or any program in which the authority is directed or authorized to participate pursuant to any statute, executive order, or interagency agreement, or any other program participation or administration of which the authority finds useful and convenient to further the goals and purposes of the authority.

33. *"Project"* means any of the following:

a. Real or personal property connected with a facility to be acquired, constructed, financed, refinanced, improved, or equipped pursuant to one or more of the programs, including any such property located outside of the state if the authority has conclusively determined that the entity financing or refinancing property located outside the state, or an affiliate of such entity, is also engaged in the financing or refinancing of property located within the state, or, alternatively, the entity seeking the financing or refinancing, or an affiliate of such entity, maintains a presence within the state.

b. Refunds, loans, refinancings, grants, or other assistance or programs which the authority finds useful and convenient to carry out and further the goals of the authority and the Iowa economic development bond program. In furtherance thereof and not in limitation, *"project"* shall include projects for which bonds or notes may be issued by a city or a county pursuant to any power so long as the authority finds it is consistent with the goals and legislative findings of the authority and the Iowa economic development bond program.

c. Any project for which tax exempt financing is authorized by the Internal Revenue Code, together with any taxable financing necessary or desirable in connection with such project, which the authority finds furthers the goals of the authority and is consistent with the legislative findings.

34. *"Property improvement loan"* means a financial obligation secured by collateral acceptable to the authority, the proceeds of which shall be used for improvement or rehabilitation of housing which is deemed by the authority to be substandard in its protective coatings or its structural, plumbing, heating, cooling, or electrical systems; and regardless of the condition of the property, the term *"property improvement loan"* may include loans to increase the energy efficiency of housing or to finance solar or other renewable energy systems for use in that housing.

35. *"Qualified residential housing"* means any of the following:

a. Owner-occupied residences purchased in a manner which satisfies the requirements contained in section 103A of the Internal Revenue Code in order to be financed with tax exempt mortgage subsidy bonds.

b. Residential property qualifying pursuant to section 103(b)(4) of the Internal Revenue Code to be financed with tax exempt residential rental property bonds.

c. Housing for low or moderate income families, elderly families, and families which include one or more persons with disabilities.

36. *"Secured loan"* means a financial obligation secured by a chattel mortgage, security agreement, or other instrument creating a lien on an interest in depreciable property.

37. *"State agency"* means any board, commission, department, public officer, or other agency of the state of Iowa.

38. *"Very low income families"* means families whose incomes do not exceed fifty percent of the median income for the area, with adjustments for the size of the family or other adjustments necessary due to unusual prevailing conditions in the area.

[C77, 79, 81, §220.1; 81 Acts, ch 76, §1; 82 Acts, ch 1173, §1, 2, ch 1187, §1 – 3]

83 Acts, ch 124, §1, 2; 84 Acts, ch 1281, §1 – 5; 85 Acts, ch 225, §1; 85 Acts, ch 252, §24, 25; 86 Acts, ch 1212, §1; 86 Acts, ch 1245, §840; 87 Acts, ch 125, §1, 2; 87 Acts, ch 141, §1

C93, §16.1

96 Acts, ch 1129, §5 – 8; 2007 Acts, ch 54, §2 – 10; 2009 Acts, ch 43, §1; 2009 Acts, ch 133, §8; 2012 Acts, ch 1017, §40; 2013 Acts, ch 100, §1, 17, 21, 27; 2014 Acts, ch 1012, §1; 2014 Acts, ch 1026, §8; 2014 Acts, ch 1080, §1 – 4, 78, 116, 125; 2016 Acts, ch 1014, §1; 2018 Acts, ch 1152, §1; 2023 Acts, ch 19, §2132, 2133; 2024 Acts, ch 1043, §26

Referred to in §456A.38, 499A.101

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SUBCHAPTER II

GOVERNANCE

PART 1

GENERAL

16.1A Creation — administration of programs.

1. The Iowa finance authority is created, and constitutes a public instrumentality and agency of the state exercising public and essential governmental functions.

2. The authority shall undertake and administer all of the following:

a. Programs established under this chapter.

b. Programs established by the authority which the authority finds useful and convenient to further goals of the authority and which are consistent with the legislative findings. Such programs shall be administered in accordance with subchapter III. Such additional programs shall be administered in accordance with rules, if any, which the authority determines useful and convenient to adopt pursuant to chapter 17A.

3. The Iowa finance authority board of directors shall have general control, supervision, and regulation of all programs described in this section.

4. The authority is charged with the broad administrative authority to make, administer, interpret, construe, repeal, and execute the rules, and to administer, interpret, construe, and execute the laws of this state relating to such programs.

5. The board may, by resolution, delegate to the agricultural development board, director, or other authority employee such of its powers, under such terms and conditions, as it deems appropriate.

2013 Acts, ch 100, §2, 17; 2014 Acts, ch 1080, §5, 78; 2015 Acts, ch 30, §12; 2023 Acts, ch 19, §2134; 2025 Acts, ch 147, §23

Referred to in §16.1, 29D.2, 455B.291

16.2 Authority board of directors.

1. An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by the board. The authority includes nine voting members appointed by the governor subject to confirmation by the senate. The authority also includes one ex officio voting member who must be designated by the agricultural development board created in section 16.2C and be a member of that board.

a. Not more than five members shall belong to the same political party.

b. As far as possible, when appointing members the governor shall include persons who represent community and housing development industries, housing finance industries, the real estate sales industry, elderly families, minorities, lower income families, very low income families, families which include persons with disabilities, average taxpayers, local government, business interests, and any other person specially interested in community housing, finance, or small business.

2. The members of the authority appointed by the governor shall serve for staggered terms of six years beginning and ending as provided in section 69.19. A person appointed by the governor to fill a vacancy shall serve only for the unexpired portion of the term. A member is eligible for reappointment. The ex officio voting member designated by the agricultural development board shall serve at the pleasure of that board. A member of the authority may be removed from office by the governor for misfeasance, malfeasance, or willful neglect of duty or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

3. There shall be four ex officio, nonvoting legislative members consisting of the following:

a. Two state senators, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate from their respective parties.

b. Two state representatives, one appointed by the speaker and one appointed by the minority leader of the house of representatives from their respective parties.

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4. Six voting members of the authority constitute a quorum and the affirmative vote of a majority of the members is necessary for any substantive action taken by the authority. The majority shall not include any member who has a conflict of interest and a statement by a member of a conflict of interest shall be conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the authority.

5. Members of the authority are entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as members, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as members.

6. Members of the authority and the director shall give bond as required for public officers in chapter 64.

7. Meetings of the authority shall be held at the call of the chairperson or whenever two members so request.

8. Members shall elect a chairperson and vice chairperson annually, and other officers as the members determine, and the director shall serve as secretary to the authority.

9. The net earnings of the authority, beyond that necessary for retirement of its notes, bonds or other obligations, or to implement the public purposes and programs herein authorized, shall not inure to the benefit of any person other than the state. Upon termination of the existence of the authority, title to all property owned by the authority, including any such net earnings of the authority, shall vest in the state. The state reserves the right at any time to alter, amend, repeal, or otherwise change the structure, organization, programs, or activities of the authority, including the power to terminate the authority, except that no law shall ever be passed impairing the obligation of any contract or contracts entered into by the authority to the extent that any such law would contravene Article I, section 21, of the Constitution of the State of Iowa or Article I, section 10, of the Constitution of the United States.

[C77, 79, 81, §220.2; 81 Acts, ch 76, §2]

84 Acts, ch 1281, §6; 85 Acts, ch 252, §26; 87 Acts, ch 141, §2; 88 Acts, ch 1158, §49; 90 Acts, ch 1256, §37, 38

C93, §16.2

96 Acts, ch 1129, §9; 2003 Acts, ch 145, §139; 2006 Acts, ch 1010, §12; 2007 Acts, ch 22, §10; 2007 Acts, ch 54, §11; 2009 Acts, ch 43, §2; 2013 Acts, ch 100, §3, 17; 2014 Acts, ch 1080, §6, 78; 2014 Acts, ch 1092, §10; 2019 Acts, ch 154, §19, 20; 2019 Acts, ch 161, §2, 3, 18, 19; 2020 Acts, ch 1063, §10; 2023 Acts, ch 19, §2135

Referred to in §16.1, 16.2A, 16.13
Confirmation, see §2.32

PART 2

SPECIAL GOVERNING UNITS

16.2A Title guaranty division.

A title guaranty division is created within the authority. The division may also be referred to as Iowa title guaranty. The powers of the division relating to the issuance of title guaranties are vested in and shall be exercised by the board. The director shall appoint an attorney as director of the division. The appointment of, and compensation for, the division director shall be exempt from the merit system under chapter 8A, subchapter IV, part 2. The net earnings of the division, beyond that necessary for reserves, backing, guaranties issued, or to otherwise implement the public purposes and programs authorized, shall not inure to the benefit of any person other than the state and are subject to section 16.2, subsection 9.

2007 Acts, ch 54, §12; 2013 Acts, ch 100, §4, 17; 2014 Acts, ch 1012, §2; 2014 Acts, ch 1026, §9; 2014 Acts, ch 1080, §7, 78; 2015 Acts, ch 25, §1; 2015 Acts, ch 30, §13; 2023 Acts, ch 19, §2136; 2025 Acts, ch 147, §24

16.2B Agricultural development division — administration of programs.

1. An agricultural development division is created within the authority. The agricultural

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development division shall administer subchapter VIII, by providing assistance to beginning farmers, agricultural producers, or other persons qualifying for such assistance under subchapter VIII.

2. The agricultural development division shall be administered in accordance with the policies of the agricultural development board created in section 16.2C. The director of the authority may organize the agricultural development division and employ necessary qualified personnel to administer subchapter VIII.

3. The agricultural development division shall, to every extent practical, assist persons to do all of the following:

a. Acquire agricultural land, agricultural improvements, or depreciable agricultural property, including as provided in subchapter VIII.

b. Claim beginning farmer tax credits, including tax credit certificates issued pursuant to subchapter VIII, part 5, subpart B.

c. Obtain financing for other capital requirements or operating expenses.

4. The net earnings of the agricultural development division, beyond that necessary for retirement of its notes, bonds, or other obligations or to implement the public purposes and programs authorized in subchapter VIII, shall not inure to the benefit of any person other than the state.

2014 Acts, ch 1080, §8, 78; 2015 Acts, ch 30, §14; 2019 Acts, ch 161, §4, 18, 19; 2023 Acts, ch 19, §2137

Referred to in §16.2C

16.2C Agricultural development board.

1. The powers of the agricultural development division are vested in and shall be exercised by the agricultural development board as provided in section 16.2B and this section.

2. The agricultural development board is created to exercise all powers and perform all duties necessary to administer subchapter VIII according to policies established by the authority. The authority shall establish policies and practices for the division and oversee its operations. The authority may review or approve decisions affecting the division or administration of subchapter VIII, including decisions of the agricultural development board.

3. The agricultural development board consists of five members appointed by the governor subject to confirmation by the senate. The director of the authority or the director's designee shall serve as an ex officio, nonvoting member.

4. The appointed members of the agricultural development board shall be appointed and retained in office as follows:

a. Not more than three members shall belong to the same political party.

b. As far as possible, the governor shall include within the membership persons who represent lending institutions experienced in agricultural lending, real estate sales, farmers, beginning farmers, average taxpayers, local government, soil and water conservation district officials, agricultural educators, and other persons specially interested in family farm development.

c. Members shall serve for staggered terms of six years beginning and ending as provided in section 69.19. A person appointed to fill a vacancy shall serve only for the unexpired portion of the member's term. A member is eligible for reappointment. An appointed member may be removed from office by the governor for misfeasance, malfeasance, willful neglect of duty, or other just cause, after notice and hearing, unless the notice and hearing is expressly waived in writing.

5. The agricultural development board shall conduct business according to all of the following:

a. Three appointed members constitute a quorum and the affirmative vote of a majority of the appointed members is necessary for any substantive action taken by the board. A majority of appointed members shall not include any member who has a conflict of interest and a statement by a member that the member has a conflict of interest is conclusive for this purpose. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

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b. Meetings of the board shall be held at the call of the chairperson or whenever two appointed members so request.

c. The appointed members shall elect a chairperson and vice chairperson annually, and other officers as the members determine. The director of the authority or the director's designee shall serve as secretary to the board.

6. An appointed member of the agricultural development board is entitled to receive a per diem as specified in section 7E.6 for each day spent in performance of duties as a member, and shall be reimbursed for all actual and necessary expenses incurred in the performance of duties as a member.

7. An appointed member of the agricultural development board shall give bond as required for public officers in chapter 64.

2014 Acts, ch 1080, §9, 78; 2023 Acts, ch 19, §2138, 2139
Referred to in §16.2, 16.2B, 16.13, 16.77
Confirmation, see §2.32

16.2D Duties regarding homelessness. Editorially transferred to §16.5F.

SUBCHAPTER III

LEGISLATIVE FINDINGS AND GUIDING PRINCIPLES

Referred to in §16.1, 16.1A, 16.70

PART 1

GENERAL

16.2E Legislative findings — general.

The general assembly finds and declares all of the following:

1. The establishment of the authority is in all respects for the benefit of the people of the state of Iowa, for the improvement of their health and welfare, and for the promotion of the economy, which are public purposes.

2. The authority will be performing an essential governmental function in the exercise of the powers and duties conferred upon it by this chapter.

3. All of the purposes stated in this chapter are public purposes and uses for which public moneys may be borrowed, expended, advanced, loaned, or granted.

2014 Acts, ch 1080, §11, 78

PART 2

HOUSING

16.3 Legislative findings — housing.

The general assembly finds and declares as follows:

1. There exists a serious shortage of safe and sanitary residential housing available to low or moderate income families.

2. This shortage is conducive to disease, crime, environmental decline and poverty and impairs the economic value of large areas, which are characterized by depreciated values, impaired investments, and reduced capacity to pay taxes and are a menace to the health, safety, morals and welfare of the citizens of the state.

3. These conditions result in a loss in population and further deterioration, accompanied by added costs to communities for creation of new public facilities and services elsewhere.

4. One major cause of this condition has been recurrent shortages of funds in private channels.

5. These shortages have contributed to reductions in construction of new residential units,

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and have made the sale and purchase of existing residential units a virtual impossibility in many parts of the state.

6. The ordinary operations of private enterprise have not in the past corrected these conditions.

7. A stable supply of adequate funds for residential financing is required to encourage new housing and the rehabilitation of existing housing in an orderly and sustained manner and to reduce the problems described in this section.

8. It is necessary to create a state finance authority to encourage the investment of private capital and stimulate the construction and rehabilitation of adequate housing through the use of public financing.

9. The interest costs paid by group homes of fifteen beds or less licensed as health care facilities or child foster care facilities for facility acquisition and indirectly reimbursed by the department of health and human services through payments for patients at those facilities who are recipients of medical assistance or state supplementary assistance are severe drains on the state's budget. A reduction in these costs obtained through financing with tax-exempt revenue bonds would clearly be in the public interest.

10. There is a need in areas of the state for new construction of certain group homes of fifteen beds or less licensed as health care facilities or child foster care facilities to provide adequate housing and care for elderly Iowans and Iowans with disabilities, and to provide adequate housing and foster care for children.

11. There is a need to provide for early intensive intervention on behalf of juveniles which is designed to meet the juveniles' needs and prevent future antisocial and criminal behavior and there is a need in areas of the state to establish facilities providing residential housing or treatment facilities for juveniles requiring a more enhanced level of services than those services currently available in the state's existing foster care system.

[C77, 79, 81, §220.3; 82 Acts, ch 1187, §4]

83 Acts, ch 96, §157, 159; 85 Acts, ch 252, §27; 90 Acts, ch 1239, §5

C93, §16.3

96 Acts, ch 1129, §10; 2007 Acts, ch 54, §13; 2008 Acts, ch 1031, §16; 2014 Acts, ch 1080, §12, 78; 2023 Acts, ch 19, §28

16.3A Conflicts of interest. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.13.

16.4 Guiding principles — housing — other programs and projects.

In the performance of its duties and implementation of its powers, and in the selection of specific programs and projects to receive its assistance, the authority shall be guided by the following precatory principles:

1. The authority shall not become an owner of real property constituting a project under any program, except on a temporary basis where necessary in order to implement its programs, protect its investments by means of foreclosure or other means, or to facilitate transfer of real property for the use of low or moderate income families.

2. The authority shall strive to function in cooperation with local governmental units and local or regional housing agencies, and in fulfillment of local or regional housing plans, and to that end shall provide technical assistance to local governmental units and local or regional agencies in need of that assistance.

3. When feasible, a local contributing effort may be required of each project assisted by the authority. The local contribution may be provided by local governmental units or by local or regional agencies, public or private. The percentage and type of local contribution shall be determined by the authority, and may include but should not be limited to cash match, land contribution, tax abatement, or ancillary facilities. The authority shall seek to encourage ingenuity and creativity in local effort.

4. The authority shall encourage units of local government and local and regional housing agencies to use federal revenue-sharing funds for programs which increase or improve the supply of adequate housing for low or moderate income families.

5. The authority shall seek to encourage cooperative housing efforts at the local level, both

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with respect to the cooperation of public bodies with private enterprise and civic groups, and with respect to the formation of regional or multicity units engaged in housing.

6. With respect to programs relating to housing, wherever practicable, the authority shall give preference to the following types of programs:

a. Those which treat housing problems in the context of the total needs of individuals and communities, recognizing that individuals may have other problems and needs closely related to their need for adequate housing, and that the development of isolated housing units without regard for neighborhood and community development tends to create undesirable consequences.

b. Those which promote home ownership by families of low or moderate income, recognizing the need for educational counseling programs in family financial management and home maintenance in order to achieve this goal.

c. Those which involve the rehabilitation and conservation of existing housing units, and the preservation of existing neighborhoods and communities.

d. Those designed to serve elderly families, families which include one or more persons with disabilities, lower income families, or very low income families.

7. The authority shall encourage the protection, restoration, and rehabilitation of historic properties, and the preservation of other properties of special value for architectural or esthetic reasons.

[C77, 79, 81, §220.4]
C93, §16.4
96 Acts, ch 1129, §113; 2007 Acts, ch 54, §15 – 18; 2014 Acts, ch 1080, §13, 78

PART 3
AGRICULTURAL DEVELOPMENT

16.4A Legislative findings — agricultural development.

The general assembly finds and declares all of the following:

1. There exists a serious problem in this state regarding the ability of nonestablished farmers to acquire agricultural land and agricultural improvements and depreciable agricultural property in order to enter farming.

2. This barrier to entry into farming is conducive to consolidation of acreage of agricultural land with fewer individuals resulting in a grave threat to the traditional family farm.

3. These conditions result in a loss in population, unemployment, and a movement of persons from rural communities to urban areas accompanied by added costs to communities for creation of new public facilities and services.

4. One major cause of this condition has been recurrent shortages of funds in private channels and the high interest cost of borrowing.

5. These shortages and costs have made the sale and purchase of agricultural land to beginning farmers a virtual impossibility in many parts of the state.

6. The ordinary operations of private enterprise have not in the past corrected these conditions.

7. A stable supply of adequate funds for agricultural financing is required to encourage beginning farmers in an orderly and sustained manner and to reduce the problems described in this section.

8. Article IX, 2nd subarticle, section 3, of the Constitution of the State of Iowa requires that, "The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement," and agricultural improvement and the public good are served by a policy of facilitating access to capital by beginning farmers unable to obtain capital elsewhere in order to preserve, encourage, and protect the family farm which has been the economic, political, and social backbone of rural Iowa.

9. It is necessary to create a program to encourage ownership of farms by beginning farmers by providing purchase money loans to beginning farmers who are not able to obtain

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adequate capital elsewhere to provide such funds and to lower costs through the use of public financing.

10. There exists a serious problem in this state regarding the ability of farmers to obtain affordable operating loans for reasonable and necessary expenses and cash flow requirements of farming.

11. Farming is one of the principal pursuits of the inhabitants of this state. Many other industries and pursuits, in turn, are wholly dependent upon farming.

12. The inability of farmers to obtain affordable operating loans is conducive to a general decline of the economy in this state.

13. A serious problem continues to exist in this state regarding the ability of agricultural producers to obtain, retain, restructure, or service loans or other financing on a reasonable and affordable basis for operating expenses, cash flow requirements, and capital asset acquisition or maintenance.

14. Because the Iowa economy is dependent upon the production and marketing of agricultural produce, the inability of agricultural producers to obtain, retain, restructure, or service loans or other financing on a reasonable and an affordable basis for operating expenses, cash flow requirements, or capital asset acquisition or maintenance contributes to a general decline of the state's economy.

2014 Acts, ch 1080, §14, 78

16.4B Guiding principles — agricultural development.

In the performance of its duties, implementation of its powers, and the selection of specific programs and projects to receive its assistance under subchapter VIII, the authority shall be guided by the following precatory principles:

1. The authority shall not become an owner of real or depreciable property, except on a temporary basis where necessary in order to implement its programs, to protect its investments by means of foreclosure or other means, or to facilitate transfer of real or depreciable property for the use of beginning farmers.

2. The authority shall exercise diligence and care in selection of projects to receive its assistance and shall apply customary and acceptable business and lending standards in selection and subsequent implementation of the projects. The authority may delegate primary responsibility for determination and implementation of the projects to any federal governmental agency which assumes any obligation to repay the loan, either directly or by insurance or guaranty.

3. The authority shall develop programs for providing financial assistance to agricultural producers in this state.

2014 Acts, ch 1080, §15, 78

PART 4

TITLE GUARANTY

16.4C Legislative findings — title guaranty.

The general assembly finds and declares that the abstract attorney's title opinion system promotes land title stability for determining the marketability of land titles and is a public purpose. A public purpose is served by providing, as an adjunct to the abstract attorney's title opinion system, a low-cost mechanism to provide for additional guaranties of real property titles in Iowa. The title guaranties facilitate mortgage lenders' participation in the secondary market and add to the integrity of the land-title transfer system in the state.

2014 Acts, ch 1080, §16, 78

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PART 5

ECONOMIC DEVELOPMENT

16.4D Legislative findings — economic development.

The general assembly finds and declares all of the following:

1. Economic development and expansion of business, industry, and farming in the state is dependent upon the availability of financing of the development and expansion at affordable interest rates.

2. The pooling of private financing enhances the marketability of the obligations involved and increases access to other state, regional, and national credit markets.

3. The creation of an economic development program as provided in section 16.102 will make the pooling of private financing available to small businesses, farmers, agricultural landowners and operators, and commercial, industrial, and other business enterprises at favorable interest rates with reduced marketing costs.

2014 Acts, ch 1080, §17, 78

SUBCHAPTER IV

POWERS AND DUTIES

Referred to in §16.84

PART 1

GENERAL POWERS AND DUTIES

16.5 General powers.

1. The authority has any and all powers necessary and convenient to carry out its purposes and duties, and exercise its specific powers, including but not limited to the power to:

a. Issue its negotiable bonds and notes as provided in this chapter in order to finance its programs. In addition, the authority may issue bonds, notes, or other obligations for public or private entities for the purpose of financing any project regardless of location for the authority's programs.

b. Sue and be sued in its own name.

c. Have and alter a corporate seal.

d. Make and alter bylaws for its management consistent with the provisions of this chapter.

e. Make and execute agreements, contracts, and other instruments of any and all types on such terms and conditions as the authority may find necessary or convenient to the purposes of the authority, with any public or private entity, including but not limited to contracts for goods and services. All political subdivisions, public housing agencies, other public agencies and state departments and agencies may enter into contracts and otherwise cooperate with the authority.

f. By rule, adopt procedures relating to competitive bidding, including the identification of those circumstances under which competitive bidding by the authority, either formally or informally, shall be required. In any bidding process, the authority may administer its own bidding and procurement or may utilize the services of the department of administrative services or any other agency. Except when such rules apply, the authority and all contracts made by it in carrying out its public and essential governmental functions with respect to any of its programs shall be exempt from the provisions and requirements of all laws or rules of the state which require competitive bids in connection with the letting of such contracts.

g. Acquire, hold, improve, mortgage, lease, and dispose of real and personal property, including but not limited to the power to sell at public or private sale, with or without public bidding, any such property, mortgage loan, or other obligation held by it.

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h. Procure insurance against any loss in connection with its operations and property interests.

i. Fix and collect fees and charges for its services.

j. Subject to an agreement with bondholders or noteholders, invest or deposit moneys of the authority in a manner determined by the authority, notwithstanding chapter 12B or 12C.

k. Accept appropriations, gifts, grants, loans, or other aid from public or private entities. A record of all gifts or grants, stating the type, amount and donor, shall be clearly set out in the authority's annual report along with the record of other receipts.

l. Provide technical assistance and counseling related to the authority's purposes, to public and private entities.

m. In cooperation with other local, state, or federal governmental agencies, conduct research studies, develop estimates of unmet housing needs, gather and compile data useful to facilitating decision making, and enter into agreements to carry out programs within or without the state which the authority finds to be consistent with the goals of the authority.

n. Cooperate in the development of and initiate housing demonstration projects.

o. Contract with architects, engineers, attorneys, accountants, housing construction and finance experts, and other advisors. However, the authority may enter into contracts or agreements for such services with local, state, or federal governmental agencies.

p. Through the Iowa title guaranty division, make and issue title guaranties on Iowa real property in a form acceptable to the secondary market, to fix and collect the charges for the guaranties and to procure reinsurance against any loss in connection with the guaranties.

q. Own or acquire intellectual property rights including but not limited to copyrights, trademarks, service marks, and patents, and enforce the rights of the authority with respect to such intellectual property rights.

r. Make, alter, and repeal rules consistent with the provisions of this chapter, and subject to chapter 17A.

s. Establish one or more funds within the state treasury under the control of the authority and invest moneys of the authority therein. Notwithstanding section 8.33 or 12C.7, or any other provision to the contrary, moneys invested by the treasurer of state pursuant to this subsection shall not revert to the general fund of the state and interest accrued on the moneys shall be moneys of the authority and shall not be credited to the general fund. For purposes of this paragraph, the treasurer of state shall enter into an agreement with the authority to carry out the provisions of this paragraph.

t. Select projects to receive assistance by the exercise of diligence and care and apply customary and acceptable business and lending standards in the selection and subsequent implementation of such projects.

u. Exercise generally all powers typically exercised by private enterprises engaged in business pursuits unless the exercise of such a power would violate the terms of this chapter or the Constitution of the State of Iowa.

2. Notwithstanding any other provision of law, any purchase or lease of real property, other than on a temporary basis, when necessary in order to implement the programs of the authority, protect the investments of the authority by means of foreclosure or other means, or to facilitate the transfer of real property for the use of low or moderate income families, shall require written notice from the authority to the government oversight standing committees of the general assembly and the prior approval of the executive council.

3. The powers enumerated in this section are cumulative of and in addition to those powers enumerated elsewhere in this chapter and no such powers limit or restrict any other powers of the authority.

4. Notwithstanding any other provision of law, the authority may elect whether to utilize any or all of the goods or services available from other state agencies in the conduct of its affairs. Departments, boards, commissions, or other agencies of the state shall provide reasonable assistance and services to the authority upon the request of the director.

[C77, 79, 81, §220.5]

84 Acts, ch 1230, §2; 85 Acts, ch 252, §28

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C93, §16.5
97 Acts, ch 201, §17; 2004 Acts, ch 1134, §1; 2007 Acts, ch 54, §19; 2008 Acts, ch 1031, §17; 2009 Acts, ch 41, §19; 2014 Acts, ch 1080, §18, 78; 2016 Acts, ch 1014, §2; 2023 Acts, ch 19, §2141
Referred to in §16.57A

16.5A and 16.5B Repealed by 2007 Acts, ch 54, §45.

PART 2

SPECIFIC POWERS AND DUTIES

16.5C Specific program powers.

In addition to the general powers of the authority, the authority shall have all powers convenient and necessary to carry out its programs, including but not limited to the power to:

1. Make property improvement loans and mortgage loans, including but not limited to mortgage loans insured, guaranteed, or otherwise secured by the federal government or by private mortgage insurers, to housing sponsors to provide financing of adequate housing for low or moderate income families, elderly families, families which include one or more persons with disabilities, child foster care facilities, and health care facilities.

2. Provide down payment grants on behalf of low and moderate income families to nonprofit sponsors to defray all or part of the down payment on real property that is transferred by such sponsors to such families under the terms of the lease-purchase program.

3. Make grants and temporary loans, at interest rates and on terms as determined convenient and necessary by the authority, to defray the local contribution requirement for housing sponsors who apply for rent supplement assistance, to defray temporary housing costs that result from displacement by natural or other disaster, and to defray a portion of the expenses required to develop and initiate housing which deals creatively with housing problems of low or moderate income families, elderly families, and families which include one or more persons with disabilities.

4. Make temporary loans, at interest rates and on terms as determined convenient and necessary by the authority, to defray development costs for housing for low or moderate income families including but not limited to payments for options on sites; deposits on contracts and payments for purchase; legal and organizational expenses including attorney fees, project manager, clerical, and other staff salaries, office rent, and other additional expenses; payment of fees for preliminary feasibility studies and advances for planning, engineering, and architectural work; expenses for tenant surveys and market analysis; and necessary application and other fees.

5. Make or participate in the making of property improvement loans or mortgage loans for rehabilitation or preservation of existing dwellings. The authority may issue housing assistance fund notes payable solely from the housing assistance fund.

6. Renegotiate a mortgage loan or loan to a lending institution in default; waive a default or consent to the modification of the terms of a mortgage loan or a loan to a lending institution; forgive or forbear all or part of a mortgage loan or a loan to a lending institution; and commence, prosecute, and enforce a judgment in any action, including but not limited to a foreclosure action, to protect or enforce any right conferred upon the authority by law, mortgage loan agreement, contract, or other agreement, and in connection with any such action, bid for and purchase the property or acquire or take possession of it, complete, administer, and pay the principal of and interest on any obligations incurred in connection with the property, and dispose of and otherwise deal with the property in a manner as the authority deems advisable to protect its interests.

7. Designate areas of economic distress for purposes of section 103A(k)(3)(A)(i) of the Internal Revenue Code.

8. Purchase, and make advance commitments to purchase, residential mortgage loans from lending institutions at prices and upon terms and conditions it determines consistent

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with its goals and legislative findings. However, the total purchase price for all residential mortgage loans which the authority commits to purchase from a lending institution at any one time shall not exceed the total of the unpaid principal balances of the residential mortgage loans purchased. Lending institutions are authorized to sell residential mortgage loans to the authority in accordance with this section and the rules of the authority. The authority may charge a lending institution a commitment fee or other fees as set by rule as a condition for the authority purchasing residential mortgage loans.

9. Sell or make advanced commitments to sell residential mortgage loans in the organized or unorganized secondary mortgage market. The authority may issue and sell securities that are secured by residential mortgage loans held by the authority. The authority may aggregate the residential mortgage loans sold in the secondary market or used as security on the mortgage-backed securities. The amount of mortgage-backed securities sold shall not exceed the principal of the mortgages retained by the authority as security.

10. File a lien on property where appropriate, convenient, and necessary in carrying out a program.

2007 Acts, ch 54, §20; 2014 Acts, ch 1080, §19, 78

16.5D Specific powers and duties — agricultural development.

The authority has all of the general and specific powers needed to carry out its purposes and duties as provided in this subchapter and to exercise its specific powers under subchapter VIII.

2014 Acts, ch 1080, §20, 78

16.5E Specific power — prohibitions for awards and vendors.

1. The authority may prohibit a person from receiving an award of financial assistance, or from being selected as a vendor to provide goods or services to the authority in any of the following circumstances:

a. An act or omission by the person seriously affects or threatens public health, public safety, or the environment.

b. The person is charged with or convicted of a crime involving dishonesty.

c. An act or omission by the person indicates a lack of integrity or honesty.

d. The person violates the terms of an agreement or transaction that detrimentally impacts the integrity of a program administered by the authority, or other governmental entity as defined in section 8A.101.

e. A compelling cause exists that is relevant to and affects the person's obligations under the programs administered by the authority, or is relevant to and affects the provision of goods and services to the authority by a vendor.

2. Upon a determination by the authority, a person shall be prohibited from receiving an award of financial assistance, or from being selected as a vendor pursuant to subsection 1. The authority shall provide written notice to the prohibited person stating the reason for the prohibition. The authority may immediately disqualify a prohibited person from receiving financial assistance, or from being selected as a vendor.

3. A prohibited person may request a review of the determination made by the authority pursuant to subsection 2.

a. The request to review the determination shall be made within thirty-five calendar days of the date the authority provided written notice to the prohibited person. The request to review the determination must be in writing and state the specific reasons or legal basis for review.

b. Within sixty calendar days of the receipt of the request to review, the authority shall approve, deny, or modify the determination, if the authority finds that the determination is based on a clear error of material fact or law, or if the authority finds the determination was arbitrary, capricious, or an abuse of discretion.

c. The authority shall issue its decision in writing and provide written notice of the decision to the prohibited person.

d. The decision of the authority pursuant to this subsection shall be considered final

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agency action. A petition for judicial review of the decision of the authority shall be filed pursuant to section 17A.19.

4. The authority shall adopt rules as necessary pursuant to chapter 17A to administer this section.

2024 Acts, ch 1022, §1

16.5F Duties regarding homelessness.

1. The duties of the authority under this section shall include but are not limited to the following:

a. Develop a process for evaluating state policies, programs, statutes, and rules to determine whether any state policies, programs, statutes, or rules should be revised to help prevent and alleviate homelessness.

b. Evaluate whether state agency resources could be more efficiently coordinated with other state agencies to prevent and alleviate homelessness.

c. Work to develop a coordinated and seamless service delivery system to prevent and alleviate homelessness.

d. Work to identify causes and effects of homelessness and increase awareness among policymakers and the general public.

e. Advise the governor's office, state agencies, and private organizations on strategies to prevent and eliminate homelessness.

2. The authority shall file a point-in-time report on homelessness in Iowa with the governor and the general assembly on or before December 1 of each year.

3. *a.* The authority may adopt rules pursuant to chapter 17A for carrying out the duties of the authority pursuant to this section.

b. The authority may establish internal rules of procedure consistent with the provisions of this section.

c. Rules adopted or internal rules of procedure established pursuant to paragraph *"a"* or *"b"* shall be consistent with the requirements of the federal McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11301 et seq.

4. The authority shall comply with the requirements of chapters 21 and 22.

2014 Acts, ch 1080, §10, 78

C2015, §16.2D

2015 Acts, ch 30, §15; 2016 Acts, ch 1073, §12; 2022 Acts, ch 1051, §1 – 8; 2023 Acts, ch 19, §26, 27, 2140, 2168; 2024 Acts, ch 1170, §167 – 170

C2025, §16.5F

2025 Acts, ch 147, §22

SUBCHAPTER V

ADMINISTRATION

PART 1

EXECUTIVE DIRECTOR

16.6 Director — responsibilities.

1. The director of the economic development authority shall also serve as the director of, and administer the operations of, the authority pursuant to section 15.106C, subsection 1, paragraph *"b"*. The director shall not, directly or indirectly, exert influence to induce any other officers or employees of the state to adopt a political view, or to favor a political candidate for office.

2. The director shall advise the authority on matters relating to housing and housing finance, carry out all directives from the authority, and hire and supervise the authority's staff pursuant to the authority's directions. All employees of the authority are exempt from the merit system provisions of chapter 8A, subchapter IV.

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3. The director, as secretary of the authority, shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority and of its minute book and seal. The director shall have authority to cause to be made copies of all minutes and other records and documents of the authority and to give certificates under the seal of the authority to the effect that such copies are true copies and all persons dealing with the authority may rely upon such certificates.

4. The director may establish administrative divisions within the authority in order to most efficiently and effectively carry out the authority's responsibilities, provided that any creation or modification of authority divisions be established only after consultation with the board.

[C77, 79, 81, §220.6]

86 Acts, ch 1237, §10; 88 Acts, ch 1158, §50; 89 Acts, ch 302, §11

C93, §16.6

2009 Acts, ch 43, §3; 2013 Acts, ch 30, §5; 2023 Acts, ch 19, §2142; 2025 Acts, ch 147, §39

Referred to in §15.106C

PART 2

GENERAL

16.7 Annual report.

1. The authority shall submit to the governor and to the general assembly, not later than January 15 each year, an annual report.

2. The annual report shall contain at least three parts which include all of the following:

a. A general description of the authority setting forth:

(1) Operations and accomplishments.

(2) Receipts and expenditures during the fiscal year, in accordance with the classifications the authority establishes for its operating and capital accounts.

(3) Assets and liabilities at the end of the fiscal year and the status of reserve, special, and other funds.

(4) A schedule of bonds and notes outstanding at the end of the fiscal year, together with a statement of the amounts redeemed and issued during the fiscal year.

(5) A statement of proposed and projected activities.

(6) Recommendations to the general assembly, as the authority deems necessary.

(7) Performance goals of the authority, clearly indicating the extent of progress during the reporting period in attaining the goals.

b. A summary of housing programs administered under this chapter. The summary shall include an analysis of current housing needs in this state. Where possible, results shall be expressed in terms of housing units.

c. A summary of agricultural development programs administered under subchapter VIII. Where possible, findings and results shall be expressed in terms of number of loans, tax credits, participating qualified beginning farmers, and acres of agricultural land, by county.

3. The director may, notwithstanding any provision of law to the contrary, include in the report submitted under this section, any other annual report relating to a program or activity required to be prepared by the authority, the director, or the board and submitted to the general assembly.

[C77, 79, 81, §220.7]

C93, §16.7

2014 Acts, ch 1080, §21, 78; 2015 Acts, ch 30, §16; 2024 Acts, ch 1182, §131

Referred to in §16.57B, 16.134, 16.153

16.8 Reserved.

16.9 Nondiscrimination and affirmative action.

In administering its programs under this chapter, the authority shall comply with all applicable state and federal laws relating to nondiscrimination and affirmative action.

[C77, 79, 81, §220.9]

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C93, §16.9
96 Acts, ch 1129, §113; 2014 Acts, ch 1080, §22, 78

16.10 Surplus moneys — loan and grant fund. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.32.

16.11 Assistance by state officers, agencies, and departments.
State officers and state departments and agencies may render services to the authority within their respective functions as requested by the authority.
2014 Acts, ch 1080, §23, 78

16.12 Property improvement loans and mortgage loans. Repealed by 2007 Acts, ch 54, §45.

16.13 Conflicts of interest.
1. As used in this section, *"member"* means each individual appointed to any of the following:
a. The board of directors of the authority created pursuant to section 16.2.
b. The board of directors of the agricultural development division created pursuant to section 16.2C.
2. *a.* If a member or employee of the authority other than the director of the authority has an interest, either direct or indirect, in a contract to which the authority is, or is to be, a party, or in a mortgage lender requesting a loan from, or offering to sell mortgage loans to, the authority, the interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority. The member or employee having the interest shall not participate in any action of the authority with respect to that contract or mortgage lender.
b. A violation of a provision of this subsection is misconduct in office under section 721.2. However, a resolution of the authority is not invalid because of a vote cast by a member in violation of this subsection unless the vote was decisive in the passage of the resolution.
c. For the purposes of this subsection, *"action of the authority with respect to that contract or mortgage lender"* means only an action directly affecting a separate contract or mortgage lender, and does not include an action which benefits the general public or which affects all or a substantial portion of the contracts or mortgage lenders included in a program of the authority.
3. Nothing in this section shall be deemed to limit the right of a member, officer, or employee of the authority to acquire an interest in bonds or notes of the authority or to limit the right of a member, officer, or employee other than the director to have an interest in a financial institution, including a lending institution, in which the funds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under a trust indenture to which the authority is a party.
4. The director shall not have an interest in a financial institution, including a lending institution, in which the funds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under a trust indenture to which the authority is a party. The director shall not receive, in addition to fixed salary or compensation, any money or valuable thing, either directly or indirectly, or through any substantial interest in any other corporation or business unit, for negotiating, procuring, recommending, or aiding in any purchase or sale of property, or loan, made by the authority, nor shall the director be pecuniarily interested, either as principal, coprincipal, agent, or beneficiary, either directly or indirectly, or through any substantial interest in any other corporation or business unit, in any such purchase, sale, or loan.
2014 Acts, ch 1080, §24, 78; 2023 Acts, ch 19, §2143, 2144
Referred to in §16.16

16.14 Iowa homesteading program. Repealed by 2007 Acts, ch 54, §45.

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16.15 Participation in federal housing assistance payments program. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.36.

16.16 Liability.

1. A member, as defined in section 16.13, or a person acting on behalf of the authority while acting within the scope of the member's or person's agency or employment, is not subject to personal liability resulting from carrying out the powers and duties in this chapter.
2. The United States and the secretary of agriculture of the United States are not subject to liability by virtue of the transfer of the assets to the authority under this chapter.
3. The treasurer of state shall not be subject to personal liability resulting from carrying out the powers and duties of the authority or the treasurer of state, as applicable, in subchapter X, part 10.

2014 Acts, ch 1080, §25, 78; 2015 Acts, ch 30, §17

PART 3

IOWA FINANCE AUTHORITY

16.17 Rules.

1. The authority shall adopt pursuant to chapter 17A all rules necessary to administer this chapter.
2. The authority may adopt rules which establish further definitions applicable to this chapter and clarify the definitions in this chapter, as the authority deems convenient and necessary to carry out the public purposes of this chapter including all the following:

a. Any rules necessary to assure eligibility for funds available under federal housing laws, or to assure compliance with federal tax laws relating to the issuance of tax exempt bonds pursuant to the Internal Revenue Code or relating to the allowance of low-income credits under Internal Revenue Code §42.

b. Any rule necessary to assure eligibility for funds, insurance, or guaranties available under federal laws and to carry out the public purposes of subchapter VIII.

3. The authority may adopt rules relating to the purchase and sale of residential mortgage loans and the sale of mortgage-backed securities.

2014 Acts, ch 1080, §26, 78; 2015 Acts, ch 30, §18

16.18 Inconsistent provisions.

This chapter takes precedence over any conflicting provisions contained in section 535.8, subsection 4, with respect to the use or enforcement of a due-on-sale or similar clause in a mortgage loan agreement, and takes precedence over any conflicting provisions contained in laws enacted after July 1, 1981, with respect to the use or enforcement of a due-on-sale or similar clause in a mortgage loan agreement unless those laws expressly provide that they take precedence over this chapter.

2014 Acts, ch 1080, §27, 78

16.19 Liberal interpretation.

This chapter, being necessary for the welfare of this state and its inhabitants, shall be liberally construed to effect its purposes.

2014 Acts, ch 1080, §28, 78

SUBCHAPTER VI

FINANCING

16.20 and 16.21 Repealed by 2014 Acts, ch 1080, §111, 114.

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16.22 Application of funds from sales of obligations.

All moneys received by or on behalf of the authority, whether as proceeds from the sale of obligations or as revenues, are trust funds to be held and applied solely for the purposes specified in the appropriation, bond resolution, or other document authorizing receipt of the moneys by the authority. A person with which the moneys are deposited shall act as trustee of the moneys and shall hold and apply the moneys for the purposes specified in this chapter subject to limitations specified in this chapter and in the bond resolution authorizing the issuance of the obligations.

2014 Acts, ch 1080, §29, 78

16.23 through 16.25 Repealed by 2007 Acts, ch 54, §45.

16.26 Bonds and notes.

1. The authority may issue its negotiable bonds and notes in principal amounts as, in the opinion of the authority, are necessary to provide sufficient funds for achievement of its corporate purposes, the payment of interest on its bonds and notes, the establishment of reserves to secure its bonds and notes, and all other expenditures of the authority incident to and necessary or convenient to carry out its purposes and powers. The bonds and notes shall be deemed to be investment securities and negotiable instruments within the meaning of and for all purposes of the uniform commercial code, chapter 554.

2. Bonds and notes issued by the authority are payable solely and only out of the moneys, assets, or revenues of the authority, and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this chapter, and the authority may not pledge the credit or taxing power of this state or any political subdivision of this state other than the authority, or make its debts payable out of any moneys except those of the authority.

3. Bonds and notes must be authorized by a resolution of the authority. However, a resolution authorizing the issuance of bonds or notes may delegate to an officer of the authority the power to negotiate and fix the details of an issue of bonds or notes by an appropriate certificate of the authorized officer.

4. Bonds shall:

a. State the date and series of the issue, and state that they are payable both as to principal and interest solely out of the assets of the authority and do not constitute an indebtedness of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limit.

b. Be either registered, registered as to principal only, or in coupon form, issued in denominations as the authority prescribes, fully negotiable instruments under the laws of this state, signed on behalf of the authority with the manual or facsimile signature of the chairperson or vice chairperson, attested by the manual or facsimile signature of the secretary, have impressed or imprinted thereon the seal of the authority or a facsimile of it, and the coupons attached shall be signed with the facsimile signature of the chairperson or vice chairperson, be payable as to interest at rates and at times as the authority determines, be payable as to principal at times over a period not to exceed fifty years from the date of issuance, at places, and with reserved rights of prior redemption, as the authority prescribes, be sold at prices, at public or private sale, and in a manner as the authority prescribes, and the authority may pay all expenses, premiums, and commissions which it deems necessary or advantageous in connection with the issuance and sale, and be issued under and subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter, as are found to be necessary by the authority for the most advantageous sale, which may include, but are not limited to, covenants with the holders of the bonds as to:

(1) Pledging or creating a lien, to the extent provided by the resolution, on moneys or

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property of the authority or moneys held in trust or otherwise by others to secure the payment of the bonds.

(2) Providing for the custody, collection, securing, investment, and payment of any moneys of or due to the authority.

(3) The setting aside of reserves or sinking funds and the regulation or disposition of them.

(4) Limitations on the purpose to which the proceeds of sale of an issue of bonds then or thereafter to be issued may be applied.

(5) Limitations on the issuance of additional bonds and on the refunding of outstanding or other bonds.

(6) The procedure by which the terms of a contract with the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which consent may be given.

(7) The creation of special funds into which moneys of the authority may be deposited.

(8) Vesting in a trustee properties, rights, powers, and duties in trust as the authority determines, which may include the rights, powers, and duties of the trustee appointed for the holders of any issue of bonds pursuant to section 16.28, in which event the provisions of that section authorizing appointment of a trustee by the holders of bonds shall not apply, or limiting or abrogating the right of the holders of bonds to appoint a trustee under that section, or limiting the rights, duties, and powers of the trustee.

(9) Defining the acts or omissions which constitute a default in the obligations and duties of the authority and providing for the rights and remedies of the holders of bonds in the event of a default. However, rights and remedies shall be consistent with the laws of this state and other provisions of this chapter.

(10) Any other matters which affect the security and protection of the bonds and the rights of the holders.

5. The authority may issue its bonds for the purpose of refunding any bonds or notes then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the date of redemption of the outstanding bonds or notes. Until the proceeds of bonds issued for the purpose of refunding outstanding bonds or notes are applied to the purchase or retirement of outstanding bonds or notes or the redemption of outstanding bonds or notes, the proceeds may be placed in escrow and be invested and reinvested in accordance with the provisions of this chapter. The interest, income, and profits earned or realized on an investment may also be applied to the payment of the outstanding bonds or notes to be refunded by purchase, retirement, or redemption. After the terms of the escrow have been fully satisfied and carried out, any balance of proceeds and interest earned or realized on the investments may be returned to the authority for use by it in any lawful manner. All refunding bonds shall be issued and secured and subject to the provisions of this chapter in the same manner and to the same extent as other bonds issued pursuant to this chapter.

6. The authority may issue negotiable bond anticipation notes and may renew them from time to time but the maximum maturity of the notes, including renewals, shall not exceed ten years from the date of issue of the original notes. Bond anticipation notes are payable from any available moneys of the authority not otherwise pledged, or from the proceeds of the sale of bonds of the authority in anticipation of which the bond anticipation notes were issued. Bond anticipation notes may be issued for any corporate purpose of the authority. Bond anticipation notes shall be issued in the same manner as bonds and notes, and the resolution authorizing them may contain any provisions, conditions, or limitations, not inconsistent with the provisions of this subsection, which the bonds or a bond resolution of the authority may contain. Bond anticipation notes may be sold at public or private sale. In case of default on its bond anticipation notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided in this chapter for bondholders. Bond anticipation notes shall be as fully negotiable as bonds of the authority.

7. A pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made. The moneys or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act. The lien of the pledge shall be valid and binding as against all parties

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having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

8. Neither the members of the authority nor any person executing its bonds, notes, or other obligations shall be liable personally on the bonds, notes, or other obligations or be subject to any personal liability or accountability by reason of the issuance of the authority's bonds or notes.

9. The authority may make or participate in the making of loans to housing sponsors to provide interim construction financing for the construction or rehabilitation of adequate housing for low or moderate income persons or families, elderly persons or families, and persons or families which include one or more persons with disabilities, and of noninstitutional residential care facilities. An interim construction loan may be made under this section only if the loan is the subject of a commitment from an agency or instrumentality of the United States government or from the authority, to provide long-term financing for the mortgage loan, and interim construction advances made under the interim construction loan will be insured or guaranteed by an agency or instrumentality of the United States government.

10. In connection with any financing which involves an out-of-state issuer issuing bonds, notes, or other obligations for facilities located in the state, the authority is designated as the only governmental unit in the state that may conduct the public hearing required by section 147(f) of the federal Internal Revenue Code, as defined in section 422.3, and the governor of Iowa is designated as the applicable elected representative pursuant to section 147(f) of the federal Internal Revenue Code, as defined in section 422.3.

[C77, 79, 81, §220.26; 82 Acts, ch 1173, §3]

83 Acts, ch 124, §4; 84 Acts, ch 1281, §7; 85 Acts, ch 225, §2

C93, §16.26

96 Acts, ch 1129, §113; 2000 Acts, ch 1149, §161, 187; 2005 Acts, ch 3, §12; 2014 Acts, ch 1080, §30, 31, 78; 2015 Acts, ch 30, §19; 2016 Acts, ch 1014, §3; 2017 Acts, ch 33, §1

Referred to in §173.14B

16.27 Reserve funds and appropriations.

1. The authority may create and establish one or more special funds, to be known as "bond reserve funds", and shall pay into each bond reserve fund any moneys appropriated and made available by the state for the purpose of the fund, any proceeds of sale of notes or bonds to the extent provided in the resolutions of the authority authorizing their issuance, and any other moneys which may be available to the authority for the purpose of the fund from any other sources. All moneys held in a bond reserve fund, except as otherwise provided in this chapter, shall be used as required solely for the payment of the principal of bonds secured in whole or in part by the fund or of the sinking fund payments with respect to the bonds, the purchase or redemption of the bonds, the payment of interest on the bonds or the payments of any redemption premium required to be paid when the bonds are redeemed prior to maturity.

2. Moneys in a bond reserve fund shall not be withdrawn from it at any time in an amount that will reduce the amount of the fund to less than the bond reserve fund requirement established for the fund, as provided in this section, except for the purpose of making, with respect to bonds secured in whole or in part by the fund, payment when due of principal, interest, redemption premiums and the sinking fund payments with respect to the bonds for the payment of which other moneys of the authority are not available. Any income or interest earned by, or incremental to, a bond reserve fund due to the investment of it may be transferred by the authority to other funds or accounts of the authority to the extent the transfer does not reduce the amount of that bond reserve fund below the bond reserve fund requirement for it.

3. The authority shall not at any time issue bonds, secured in whole or in part by a bond reserve fund if, upon the issuance of the bonds, the amount in the bond reserve fund will be less than the bond reserve fund requirement for the fund, unless the authority at the time of issuance of the bonds deposits in the fund from the proceeds of the bonds issued or from

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other sources an amount which, together with the amount then in the fund will not be less than the bond reserve fund requirement for the fund. For the purposes of this section, the term *"bond reserve fund requirement"* means, as of any particular date of computation, an amount of money, as provided in the resolutions of the authority authorizing the bonds with respect to which the fund is established, equal to not more than ten percent of the outstanding principal amount of bonds of the authority secured in whole or in part by the fund.

4. The authority shall cause to be delivered to the legislative fiscal committee within ninety days of the close of its fiscal year its annual report certified by an independent certified public accountant, who may be the accountant or a member of the firm of accountants who regularly audits the books and accounts of the authority, selected by the authority.

[C77, 79, 81, §220.27]
C93, §16.27
2012 Acts, ch 1138, §16, 17; 2013 Acts, ch 30, §6

16.27A Powers relating to loans.

Subject to any agreement with bondholders or noteholders, the authority may renegotiate a mortgage or secured loan or a loan to a lending institution in default, waive a default or consent to the modification of the terms of a mortgage or secured loan or a loan to a lending institution, forgive or forbear all or part of a mortgage or secured loan or a loan to a lending institution, and commence, prosecute, and enforce a judgment in any action, including but not limited to a foreclosure action, to protect or enforce any right conferred upon it by law, mortgage or secured loan agreement, contract, or other agreement, and in connection with any action, bid for and purchase the property or acquire or take possession of it, complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, and dispose of and otherwise deal with the property in a manner the authority deems advisable to protect its interests.

2014 Acts, ch 1080, §32, 78; 2015 Acts, ch 30, §20

16.28 Remedies of bondholders and noteholders.

1. If the authority defaults in the payment of principal or interest on an issue of bonds or notes after they become due, whether at maturity or upon call for redemption, and the default continues for a period of thirty days, or if the authority fails or refuses to comply with the provisions of this chapter, or defaults in an agreement made with the holders of an issue of bonds or notes, the holders of twenty-five percent in aggregate principal amount of bonds or notes of the issue then outstanding, by instrument filed in the office of the clerk of the county in which the principal office of the authority is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds or notes for the purposes provided in this section.

2. *a.* The authority or any trustee appointed under the indenture under which the bonds are issued may, and upon written request of the holders of twenty-five percent in aggregate principal amount of the issue of bonds or notes then outstanding shall:

(1) Enforce all rights of the bondholders or noteholders, including the right to require the authority to carry out its agreements with the holders and to perform its duties under this chapter.

(2) Bring suit upon the bonds or notes.

(3) By action require the authority to account as if it were the trustee of an express trust for the holders.

(4) By action enjoin any acts or things which are unlawful or in violation of the rights of the holders.

(5) Declare all the bonds or notes due and payable and if all defaults are made good then with the consent of the holders of twenty-five percent of the aggregate principal amount of the issue of bonds or notes then outstanding, annul the declaration and its consequences.

b. The bondholders or noteholders, to the extent provided in the resolution by which the bonds or notes were issued or in their agreement with the authority, may enforce any of the remedies in paragraph "*a*", subparagraphs (1) through (5) or the remedies provided in those agreements for and on their own behalf.

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3. The trustee shall also have and possess all powers necessary or appropriate for the exercise of functions specifically set forth or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

4. Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days' notice in writing to the governor, to the authority and to the attorney general of the state.

5. The district court has jurisdiction of any action by the trustee on behalf of bondholders or noteholders. The venue of the action shall be in the county in which the principal office of the authority is located.

[C77, 79, 81, §220.28; 82 Acts, ch 1187, §6]
C93, §16.28
2008 Acts, ch 1032, §130; 2017 Acts, ch 29, §17
Referred to in §16.26, 16.51, 16.57, 16.83, 16.84, 16.131, 16.232, 34A.20, 260C.71

16.29 Agreement of the state.

The state pledges and agrees with the holders of any bonds or notes that the state will not limit or alter the rights vested in the authority to fulfill the terms of agreements made with the holders or in any way to impair the rights and remedies of the holders until the bonds or notes together with the interest on them, plus interest on unpaid installments of interest, and all costs and expenses in connection with an action by or on behalf of the holders are fully met and discharged. The authority may include this pledge and agreement of the state in any agreement with the holders of bonds or notes.

2014 Acts, ch 1080, §33, 78

16.30 Bonds and notes as legal investments.

Bonds and notes of the authority are securities in which public officers, state departments and agencies, political subdivisions, insurance companies, and other persons carrying on an insurance business, banks, trust companies, savings associations, investment companies and other persons carrying on a banking business, administrators, executors, guardians, conservators, trustees and other fiduciaries, and other persons authorized to invest in bonds or other obligations of this state, may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also securities which may be deposited with and may be received by public officers, state departments and agencies, and political subdivisions, for any purpose for which the deposit of bonds or other obligations of this state is authorized.

[C77, 79, 81, §220.30]
C93, §16.30
2012 Acts, ch 1017, §41

16.31 Moneys of the authority.

1. Moneys of the authority from whatever source derived, except as otherwise provided in this chapter, shall be paid to the authority and shall be deposited in a bank or other financial institution designated by the authority. The moneys shall be withdrawn on the order of the person authorized by the authority. Deposits shall, if required by the authority, be secured in the manner determined by the authority. The auditor of state and the auditor's legally authorized representatives may periodically examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing, and the authority shall not be required to pay a fee for the examination.

2. The authority may contract with holders of its bonds or notes as to the custody, collection, security, investment, and payment of moneys of the authority, of moneys held in trust or otherwise for the payment of bonds or notes, and to carry out the contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of the moneys may be secured in the same manner as moneys of the authority, and banks and trust companies may give security for the deposits.

3. Subject to the provisions of any contract with bondholders or noteholders and to the

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approval of the director of the department of administrative services, the authority shall prescribe a system of accounts.

4. The authority shall submit to the governor, the auditor of state, the department of management, and the department of administrative services, within thirty days of its receipt by the authority, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of examinations made by the auditor of state.

[C77, 79, 81, §220.31]
88 Acts, ch 1158, §51
C93, §16.31
2003 Acts, ch 145, §286
Referred to in §16.133A, 16.153, 29D.4, 455B.295

16.32 Surplus moneys — loan and grant fund.

1. Moneys declared by the authority to be surplus moneys which are not required to service bonds and notes issued by the authority, to pay administrative expenses of the authority, or to accumulate necessary operating or loss reserves, shall be used by the authority to provide grants, loans, subsidies, and services or assistance through programs authorized in this chapter.

2. The authority may establish a loan and grant fund which may be comprised of the proceeds of appropriations, grants, contributions, surplus moneys transferred as provided in this section, and repayment of authority loans made from such fund.

2014 Acts, ch 1080, §34, 78

16.33 Assistance by state officers, agencies, and departments. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.11.

SUBCHAPTER VII

HOUSING

PART 1

SPECIAL DEFINITION

16.34 Liberal interpretation. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.19.

16.34A Special definition.

As used in this subchapter, unless the context otherwise requires, *"state housing credit ceiling"* means the state housing credit ceiling as defined in Internal Revenue Code §42(h)(3)(C).

2014 Acts, ch 1080, §35, 78

PART 2

ADMINISTRATION

16.35 State housing credit ceiling allocation.

1. The authority is designated the housing credit agency for the allowance of low-income housing credits under the state housing credit ceiling.

2. The authority shall adopt a qualified allocation plan that satisfies the requirements of section 42 of the Internal Revenue Code. The authority may revise the qualified allocation plan provided the revision satisfies the requirements of section 42 of the Internal Revenue Code. When adopting the qualified allocation plan, the authority shall specify the selection criteria, the application procedure, and the allocation of low-income housing credits under

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the state housing credit ceiling. The selection criteria described in the qualified allocation plan shall include all of the following:

a. The selection criteria described in section 42 of the Internal Revenue Code.

b. The statutory preferences described in section 42 of the Internal Revenue Code.

c. The economic feasibility of the proposed project.

d. The ability of the applicant to complete the project in a timely manner.

2014 Acts, ch 1080, §36, 78; 2024 Acts, ch 1022, §2, 3

16.36 Participation in federal housing assistance payments program.

The authority shall participate in the housing assistance payments program under section 8 of the United States Housing Act of 1937, as amended by §201 of the Housing and Community Development Act of 1974, Pub. L. No. 93-383, codified at 42 U.S.C. §1437 et seq.

2014 Acts, ch 1080, §37, 78

16.37 Solar and renewable energy systems loans. Repealed by 2014 Acts, ch 1080, §111, 114.

PART 3

LENDING INSTITUTIONS

16.38 Loans to lending institutions.

1. The authority may make, and contract to make, loans to lending institutions on terms and conditions as the authority determines are reasonably related to protecting the security of the authority's investment and to implementing the purposes of this chapter, and subject to this section. All lending institutions are authorized to borrow from the authority in accordance with the provisions of this section and the rules of the authority.

2. The authority shall require as a condition of each loan to a lending institution that the lending institution, within a reasonable period after receipt of the loan proceeds as the authority prescribes by rule, shall have entered into written commitments to make, and, within a reasonable period thereafter as the authority prescribes by rule, shall have disbursed the loan proceeds in new mortgage loans to low or moderate income families in an aggregate principal amount equal to the amount of the loan. New mortgage loans shall have terms and conditions as the authority prescribes by rules which are reasonably related to implementing the purposes of this chapter.

3. The authority shall require the submission to the authority by each lending institution to which the authority has made a loan, of evidence satisfactory to the authority of the making of new mortgage loans to low or moderate income families as required by this section, and in that connection may, through its members, employees, or agents, inspect the books and records of a lending institution.

4. Compliance by a lending institution with the terms of its agreement with the authority with respect to the making of new mortgage loans to low or moderate income families may be enforced by decree of any district court of this state. The authority may require as a condition of a loan to a national banking association or a federally chartered savings and loan association, the consent of the association to the jurisdiction of courts of this state over any such proceeding. The authority may also require, as a condition of a loan to a lending institution, agreement by the lending institution to the payment of penalties to the authority for violation by the lending institution of its agreement with the authority, and the penalties shall be recoverable at the suit of the authority.

5. The authority shall require that each lending institution receiving a loan pursuant to this section shall issue and deliver to the authority an evidence of its indebtedness to the authority which shall constitute a general obligation of the lending institution and shall bear a date, mature at a time, be subject to prepayment, and contain other provisions consistent with this section and reasonably related to protecting the security of the authority's investment, as the authority determines.

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6. Notwithstanding any other provision of this section to the contrary, the interest rate and other terms of loans to lending institutions made from the proceeds of an issue of bonds or notes of the authority shall be at least sufficient to assure the payment of the bonds or notes and the interest on them as they become due.

7. The authority shall require that loans to lending institutions are additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security by special escrow funds or other forms of guaranty and in such amounts and forms as the authority shall by resolution determine to be necessary to assure the payment of the loans and the interest thereon as they become due. Collateral security shall consist of direct obligations of, or obligations guaranteed by, the United States or one of its agencies, obligations satisfactory to the authority which are issued by other federal agencies, direct obligations of or obligations guaranteed by a state or a political subdivision of a state, or investment quality obligations approved by the authority.

8. The authority may require that collateral for loans be deposited with a bank, trust company, or other financial institution acceptable to the authority located in this state and designated by the authority as custodian. In the absence of such a requirement, each lending institution shall enter into an agreement with the authority containing provisions as the authority deems necessary to adequately identify and maintain the collateral, service the collateral, and require the lending institution to hold the collateral as an agent for the authority and be accountable to the authority as the trustee of an express trust for the application and disposition of the collateral and the income from it. The authority may also establish additional requirements as the authority deems necessary with respect to the pledging, assigning, setting aside, or holding of collateral and the making of substitutions for it or additions to it and the disposition of income and receipts from it.

9. The authority may require as a condition of loans to lending institutions, any representations and warranties the authority determines are necessary to secure the loans and carry out the purposes of this section.

10. If a provision of this section is inconsistent with a provision of law of this state governing lending institutions, the provision of this section controls for the purposes of this section.

2014 Acts, ch 1080, §38, 78

16.39 Purchase of mortgage loans.

1. The authority may purchase, and make advance commitments to purchase, mortgage loans from lending institutions at prices and upon terms and conditions as the authority determines subject to this section. However, the total purchase price for all mortgage loans which the authority commits to purchase from a lending institution at any one time shall not exceed the total of the unpaid principal balances of the mortgage loans purchased. Lending institutions are authorized to sell mortgage loans to the authority in accordance with the provisions of this section and the rules of the authority.

2. The authority shall require as a condition of purchase of mortgage loans from lending institutions that the lending institutions, within a reasonable period after receipt of the purchase price as the authority prescribes by rule, shall enter into written commitments to loan and, within a reasonable period thereafter as the authority prescribes by rule, shall loan an amount equal to the entire purchase price of the mortgage loans, on new mortgage loans to low or moderate income families or certify that mortgage loans purchased are mortgage loans made to low or moderate income families. New mortgage loans to be made by lending institutions shall have terms and conditions as the authority prescribes by rule. The authority may make a commitment to purchase mortgage loans from lending institutions in advance of the time such loans are made by lending institutions. The authority shall require as a condition of such commitment that lending institutions certify in writing that all mortgage loans represented by the commitment will be made to low or moderate income families, and that other authority specifications will be complied with.

3. The authority shall require the submission to the authority by each lending institution from which the authority has purchased mortgages, of evidence satisfactory to the authority of the making of new mortgage loans to low or moderate income families as required by this

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section and in that connection may, through its members, employees, or agents, inspect the books and records of a lending institution.

4. Compliance by a lending institution with the terms of its agreement with the authority with respect to the making of new mortgage loans to low or moderate income families may be enforced by decree of any district court of this state. The authority may require as a condition of purchase of mortgage loans from any national banking association or federally chartered savings and loan association, the consent of the association to the jurisdiction of courts of this state over any such proceeding. The authority may also require as a condition of the authority's purchase of mortgage loans from a lending institution, agreement by the lending institution to the payment of penalties to the authority for violation by the lending institution of its agreement with the authority, and the penalties shall be recoverable at the suit of the authority.

5. The authority may require as a condition of purchase of a mortgage loan from a lending institution that the lending institution represent and warrant to the authority that:

a. The unpaid principal balance of the mortgage loan and the interest rate on it have been accurately stated to the authority.

b. The amount of the unpaid principal balance is justly due and owing.

c. The lending institution has no notice of the existence of any counterclaim, offset, or defense asserted by the mortgagor or the mortgagor's successor in interest.

d. The mortgage loan is evidenced by a bond or promissory note and a mortgage which has been properly recorded with the appropriate public official.

e. The mortgage constitutes a valid first lien on the real property described to the authority subject only to real property taxes not yet due, installments of assessments not yet due, and easements and restrictions of record which do not adversely affect, to a material degree, the use or value of the real property or improvements on it.

f. The mortgagor is not now in default in the payment of any installment of principal or interest, escrow funds, or real property taxes, or otherwise in the performance of obligations under the mortgage documents and has not to the knowledge of the lending institution been in default in the performance of any obligation under the mortgage for a period of longer than sixty days during the life of the mortgage.

g. The improvements to the mortgaged real property are covered by a valid and subsisting policy of insurance issued by a company authorized to issue such policies in this state and providing fire and extended coverage in amounts as the authority prescribes by rule.

h. The mortgage loan meets the prevailing investment quality standards for mortgage loans in this state.

6. A lending institution is liable to the authority for damages suffered by the authority by reason of the untruth of a representation or the breach of a warranty and, in the event that a representation proves to be untrue when made or in the event of a breach of warranty, the lending institution shall, at the option of the authority, repurchase the mortgage loan for the original purchase price adjusted for amounts subsequently paid on it, as the authority determines.

7. The authority shall require the recording of an assignment of a mortgage loan purchased by the authority from a lending institution and shall not be required to notify the mortgagor of the authority's purchase of the mortgage loan. The authority shall not be required to inspect or take possession of the mortgage documents if the mortgage lender from which the mortgage loan is purchased by the authority enters into a contract to service the mortgage loan and account to the authority for it.

8. If a provision of this section is inconsistent with another provision of law of this state governing lending institutions, the provision of this section controls for the purposes of this section.

2014 Acts, ch 1080, §39, 78

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PART 4

SPECIAL FUNDS

16.40 Housing assistance fund.

1. A housing assistance fund is created within the authority. The moneys in the fund shall be used by the authority to protect, preserve, create, and improve access to safe and affordable housing. The authority shall establish programs utilizing the fund by administrative rules adopted pursuant to chapter 17A and provide the requirements for the proper administration of the programs.

2. Moneys in the fund, including moneys which are annually appropriated to the authority, may be allocated for any use authorized by this chapter unless otherwise specified.

3. The authority may use moneys in the fund to provide financial assistance to a housing sponsor or an individual in the form of a loan, loan guaranty, grant, or interest subsidy, or by other means under the general powers of the authority.

4. Moneys in the fund may be used for but are not limited to the following purposes:

a. Home ownership programs including all of the following:

(1) Authority bond issues and loans to facilitate and ensure equal access across the state to funds for first-time homebuyers programs.

(2) Home ownership incentive programs not restricted to first-time homebuyers, including down payment and closing costs assistance.

(3) Programs for home maintenance and repair, new construction, acquisition, and rehabilitation.

(4) Support for home ownership education and counseling programs.

b. Rental programs, including rental subsidy, rehabilitation, preservation, new construction, and acquisition.

c. Programs that provide a continuum of housing services, including construction, operation, and maintenance of homeless shelters, domestic violence shelters, and transitional housing and supportive services to lower income and very low-income families.

d. Technical assistance programs that increase the capacity of for-profit and nonprofit housing entities.

5. Notwithstanding section 8.33, moneys in the housing assistance fund at the end of each fiscal year shall not revert to the general fund or any other fund but shall remain in the housing assistance fund for expenditure for subsequent fiscal years.

6. The authority may establish, by rule adopted pursuant to chapter 17A, an annual administration fee to be charged to the housing assistance fund. The annual fee shall not exceed four percent of the moneys, loans, or other assets held in the fund.

7. During each regular session of the general assembly, the authority shall present to the appropriate joint appropriations subcommittee a report concerning the total estimated resources to be available for expenditure under this section for the next fiscal year and the amount the authority proposes to allocate to each program created pursuant to this section.

85 Acts, ch 252, §29
CS85, §220.40
88 Acts, ch 1145, §1
C93, §16.40
97 Acts, ch 201, §18; 2007 Acts, ch 54, §24; 2014 Acts, ch 1080, §40, 78
Referred to in §16.56, 16.91

16.41 Shelter assistance fund.

1. A shelter assistance fund is created as a revolving fund in the state treasury under the control of the authority consisting of any moneys appropriated by the general assembly and received under section 428A.8 for costs of operations of shelters for the homeless and domestic violence shelters, essential services for the homeless, and evaluation and reporting of services for the homeless. Each fiscal year, moneys in the fund, in an amount equal to not more than three percent of the total moneys distributed as grants from the fund during the fiscal year, may be used for purposes of administering the fund.

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2. The authority shall award grants to qualified applicants on a competitive basis. The authority shall establish application procedures, requirements, priorities, and maximum and minimum grant award amounts for each grant competition.

3. Notwithstanding section 8.33, all moneys in the shelter assistance fund which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure for subsequent fiscal years.

2010 Acts, ch 1031, §265; 2011 Acts, ch 130, §28, 71; 2015 Acts, ch 25, §2, 3; 2017 Acts, ch 33, §2

Referred to in §428A.8

16.42 Inconsistent provisions. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.18.

16.43 Economic distress areas named. Repealed by 2007 Acts, ch 54, §45. See §16.5C.

16.44 Application of funds from sales of obligations. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.22.

16.45 Manufactured housing program fund.

1. A manufactured housing program fund is created within the authority to further the goal of providing affordable housing to Iowans. The moneys in the fund are to be used for the purpose of providing funding to financial institutions or other lenders to finance the purchase by an individual of a manufactured home that is in compliance with all laws, rules, and standards that are applicable to manufactured homes and manufactured housing. The manufactured housing program fund is designed exclusively for manufactured homes sited on leased land.

2. *a.* Moneys received by the authority for the manufactured housing program fund, transferred by the authority for deposit in the fund, appropriated to the fund, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be deposited in the fund and are appropriated to the authority to be used as set forth in this section.

b. Notwithstanding any provision of section 16.46, 16.47, 16.48, or 16.49 to the contrary, the authority shall be authorized to transfer for deposit in the manufactured housing program fund for any fiscal year any unobligated and unencumbered moneys in the funds created in sections 16.46, 16.47, 16.48, and 16.49 from the prior fiscal year. However, the maximum amount of moneys that may be so transferred for any fiscal year shall not exceed the lesser of one million dollars or an amount equal to the total amount of any unobligated and unencumbered moneys in the funds available for transfer from the previous fiscal year reduced by one million dollars.

c. Additionally, recapture of awards and other repayments to the fund shall be deposited in the fund and are appropriated to the authority to be used as set forth in this section. Notwithstanding section 8.33, unencumbered or unobligated moneys remaining in the fund on June 30 of any fiscal year shall not revert to any other fund but shall be available for expenditure in subsequent years. However, any unencumbered or unobligated moneys remaining in the fund on June 30 of any fiscal year that were transferred to the fund as provided in paragraph *"b"* shall revert to the fund from which the transfer was made. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund or appropriated to the fund shall be credited to the fund.

3. The authority shall allocate moneys available in the manufactured housing program fund to financial institutions or other lenders to be used as set forth in subsection 1. The authority may provide funding to financial institutions or other lenders in the form of loans, linked deposits, guarantees, reserve funds, or any other prudent financial instruments.

4. The authority shall adopt rules pursuant to chapter 17A necessary to implement and administer this section, including but not limited to eligibility requirements for financial institutions or other lenders to receive funding through the manufactured housing program fund.

5. For purposes of this section, *"financial institutions"* means the same as defined in

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section 12C.1, *"lender"* means a lender as defined in section 537.1301 that is licensed by the banking division of the department of insurance and financial services, and *"manufactured home"* or *"manufactured housing"* means the same as the definition of manufactured home in section 435.1.

2018 Acts, ch 1128, §1; 2023 Acts, ch 19, §2712

16.46 Senior living revolving loan program fund.

1. A senior living revolving loan program fund is created within the authority. The moneys in the senior living revolving loan program fund shall be used by the authority for the development and operation of a revolving loan program to provide financing to construct affordable assisted living and service-enriched affordable housing for seniors and persons with disabilities, including through new construction or acquisition and rehabilitation.

2. Moneys transferred by the authority for deposit in the senior living revolving loan program fund, moneys appropriated to the senior living revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the senior living revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the senior living revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the senior living revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

3. The authority shall annually allocate moneys available in the senior living revolving loan program fund for the development of affordable assisted living and service-enriched affordable housing for seniors and persons with disabilities. The authority shall develop a joint application process for the allocation of federal low-income housing tax credits and funds available under this section. Moneys allocated to such developments may be in the form of loans, grants, or a combination of loans and grants.

2014 Acts, ch 1080, §41, 78

Referred to in §16.45, 16.57A

For provisions relating to financial assistance to border county hospitals, see 2014 Acts, ch 1132, §42, 43

16.47 Home and community-based services revolving loan program fund.

1. A home and community-based services revolving loan program fund is created within the authority to further the goals specified in section 231.3, adult day services, case management services, options counseling, family caregiving, homemaker services, respite services, congregate and home delivered meals, health and wellness, health screening, and nutritional assessments. The moneys in the home and community-based services revolving loan program fund shall be used by the authority for the development and operation of a revolving loan program to develop and expand facilities and infrastructure that provide adult day services, case management services, options counseling, family caregiving, homemaker services, respite services, congregate and home delivered meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

2. Moneys transferred by the authority for deposit in the home and community-based services revolving loan program fund, moneys appropriated to the home and community-based services revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the home and community-based services revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the home and community-based services revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the home and community-based services revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

3. The authority, in cooperation with the department of health and human services, shall

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annually allocate moneys available in the home and community-based services revolving loan program fund to develop and expand facilities and infrastructure that provide adult day services, respite services, congregate meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

2014 Acts, ch 1080, §42, 78; 2020 Acts, ch 1063, §11; 2023 Acts, ch 19, §29
Referred to in §16.45, 16.57A
For provisions relating to financial assistance to border county hospitals, see 2014 Acts, ch 1132, §42, 43

16.48 Transitional housing revolving loan program fund.

1. A transitional housing revolving loan program fund is created within the authority to further the availability of affordable housing for parents that are reuniting with their children while completing or participating in substance use disorder treatment. The moneys in the fund are annually appropriated to the authority to be used for the development and operation of a revolving loan program to provide financing to construct affordable transitional housing, including through new construction or acquisition and rehabilitation of existing housing. The housing provided shall be geographically located in close proximity to licensed substance use disorder treatment programs. Preference in funding shall be given to projects that reunite mothers with the mothers' children.

2. Moneys transferred by the authority for deposit in the transitional housing revolving loan program fund, moneys appropriated to the transitional housing revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the transitional housing revolving loan program fund shall be credited to the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the transitional housing revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

3. The authority shall annually allocate moneys available in the transitional housing revolving loan program fund for the development of affordable transitional housing for parents that are reuniting with the parents' children while completing or participating in substance use disorder treatment. The authority shall develop a joint application process for the allocation of federal low-income housing tax credits and the funds available under this section. Moneys allocated to such projects may be in the form of loans, grants, or a combination of loans and grants.

2014 Acts, ch 1080, §43, 78; 2023 Acts, ch 19, §30
Referred to in §16.45, 16.57A
For provisions relating to financial assistance to border county hospitals, see 2014 Acts, ch 1132, §42, 43

16.49 Community housing and services for persons with disabilities revolving loan program fund.

1. A community housing and services for persons with disabilities revolving loan program fund is created within the authority to further the availability of affordable housing and supportive services for Medicaid waiver-eligible individuals with behaviors that provide significant barriers to accessing traditional rental and supportive services opportunities. The moneys in the fund are annually appropriated to the authority to be used for the development and operation of a revolving loan program to provide financing to construct affordable permanent supportive housing or develop infrastructure in which to provide supportive services, including through new construction, acquisition and rehabilitation of existing housing or infrastructure, or conversion or adaptive reuse.

2. Moneys transferred by the authority for deposit in the community housing and services for persons with disabilities revolving loan program fund, moneys appropriated to the community housing and services for persons with disabilities revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be credited to the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the community housing and services for persons with disabilities

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revolving loan program fund shall be credited to the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund from any other fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert to the other fund.

3. *a.* The authority shall annually allocate moneys available in the fund for the development of permanent supportive housing for Medicaid waiver-eligible individuals. The authority shall develop a joint application process for the allocation of United States housing and urban development HOME investment partnerships program funding and the funds available under this section. Moneys allocated to such projects may be in the form of loans, forgivable loans, or a combination of loans and forgivable loans.

b. The authority shall annually allocate moneys available in the fund for the development of infrastructure in which to provide supportive services for Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care. Moneys allocated to such projects may be in the form of loans, forgivable loans, or a combination of loans and forgivable loans.

4. *a.* A project shall demonstrate written approval of the project by the department of health and human services to the authority prior to application for funding under this section.

b. In order to be approved by the department of health and human services for application for funding for development of permanent supportive housing under this section, a project shall include all of the following components:

(1) Provision of services to any of the following Medicaid waiver-eligible individuals:

(a) Individuals who are currently underserved in community placements, including individuals who are physically aggressive or have behaviors that are difficult to manage or individuals who meet the psychiatric medical institution for children level of care.

(b) Individuals who are currently residing in out-of-state facilities.

(c) Individuals who are currently receiving care in a licensed health care facility.

(2) A plan to provide each individual with crisis stabilization services to ensure that the individual's behavioral issues are appropriately addressed by the provider.

(3) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

c. In order to be approved by the department of health and human services for application for funding for development of infrastructure in which to provide supportive services under this section, a project shall include all of the following components:

(1) Provision of services to Medicaid waiver-eligible individuals who meet the psychiatric medical institution for children level of care.

(2) Policies and procedures that prohibit discharge of the individual from the waiver services provided by the project provider unless an alternative placement that is acceptable to the client or the client's guardian is identified.

d. Housing provided through a project under this section is exempt from the requirements of chapter 135O.

2014 Acts, ch 1080, §44, 78; 2023 Acts, ch 19, §31

Referred to in §16.45, 16.57A

For provisions relating to financial assistance to border county hospitals, see 2014 Acts, ch 1132, §42, 43

16.50 Workforce housing assistance grant fund.

1. A workforce housing assistance grant fund is created under the control of the authority. The fund shall consist of appropriations made to the fund. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state.

2. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

3. *a.* Moneys in the fund in a fiscal year are appropriated to the authority to be used for grants for projects that create workforce housing or for projects that include adaptive reuse of buildings for workforce housing. For purposes of this section, *"workforce housing"* means

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housing that is affordable for a household whose income does not exceed one hundred twenty percent of the median income for the area.

b. Priority shall be given to the following types of projects:

(1) Projects that are eligible for historic preservation tax credits under chapter 404A.

(2) Projects for the construction of new single-family dwellings that incorporate one or more energy-efficient measures. The authority shall by rule identify the types of energy-efficient measures that will qualify a project for priority under this subparagraph.

(3) Projects that utilize new markets tax credits, established under the federal Community Renewal Tax Relief Act of 2000, Pub. L. No. 106-554, 114 Stat. 2763A, and undertaken by a qualified community development entity, as defined in the federal Act.

(4) Projects that are located in an area where other state funding has been used to support the creation of new jobs.

c. In any fiscal year, an area shall not receive grants totaling more than twenty-five percent of the moneys expended from the fund in that fiscal year. For purposes of this paragraph, "*area*" means the same area used to determine the median income under paragraph "*a*".

4. Annually, on or before January 15 of each year, the authority shall report to the legislative services agency and the department of management the status of all projects that received moneys from the workforce housing assistance grant fund. The report shall include a description of each project, the progress of work completed, the total estimated cost of each project, a list of all revenue sources being used to fund each project, the amount of funds expended, the amount of funds obligated, and the date each project was completed or an estimated completion date of each project, where applicable.

5. Payment of moneys from appropriations from the fund shall be made in a manner that does not adversely affect the tax exempt status of any outstanding bonds issued by the treasurer of state pursuant to section 12.87.

2014 Acts, ch 1080, §45, 78; 2015 Acts, ch 30, §21; 2017 Acts, ch 29, §18; 2024 Acts, ch 1185, §105

PART 5

ADDITIONAL PROGRAMS

16.51 Additional loan program.

1. The authority may enter into a loan agreement with a housing sponsor to finance in whole or in part the acquisition of housing by construction or purchase. The repayment obligation of the housing sponsor may be unsecured, secured by a mortgage or security agreement, or secured by other security as the authority deems advisable, and may be evidenced by one or more notes of the housing sponsor. The loan agreement may contain terms and conditions the authority deems advisable.

2. The authority may issue its bonds and notes for the purposes set forth in subsection 1 and may enter into a lending agreement or purchase agreement with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders may enter into an agreement to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority, may collect, invest, and apply the amounts payable under the loan agreement or any other security instrument securing the debt obligation of the housing sponsor.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreement or security instrument on their own behalf without the appointment or designation of a trustee and if there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the agreement or instrument, the payment or

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performance may be enforced in accordance with the provisions contained in the agreement or instrument.

d. That if there is a default in the payment of the principal or interest on a mortgage or security instrument or a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument may be foreclosed or enforced and any collateral sold under proceedings or actions permitted by law and a trustee under the mortgage or security agreement or the holder of any bonds or notes secured thereby may become a purchaser if it is the highest bidder.

e. Other terms and conditions.

3. The authority may provide in the resolution authorizing the issuance of the bonds or notes that the principal and interest shall be limited obligations payable solely out of the revenues derived from the debt obligation, collateral, or other security furnished by or on behalf of the housing sponsor, and that the principal and interest does not constitute an indebtedness of the authority or a charge against its general credit or general fund.

4. The powers granted the authority under this section are in addition to other powers contained in this chapter. All other provisions of this chapter, except section 16.28, subsection 4, apply to bonds or notes issued pursuant to and powers granted to the authority under this section except to the extent that they are inconsistent with this section.

[82 Acts, ch 1187, §7]
C83, §220.51
83 Acts, ch 124, §5
C93, §16.51

16.52 Housing renewal program.

1. For purposes of this section:

a. "Eligible participant" includes cities, counties, consortiums of local governments, and organizations exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

b. "Nonprofit Iowa affiliate" means a nonprofit Iowa affiliate of a nonprofit international organization whose primary activity is the promotion of the construction, remodeling, or rehabilitation of one-family or two-family dwellings for use by low-income families.

2. *a.* A housing renewal program fund is created in the state treasury under the control of the authority. The fund shall consist of moneys appropriated to or deposited in the fund. Moneys in the fund are appropriated to the authority to administer the housing renewal program.

b. Notwithstanding section 8.33, moneys appropriated to the housing renewal program fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

c. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the housing renewal program fund shall be credited to the fund. Payment of interest, income generated from the sale of an ownership unit pursuant to subsection 6, recaptures of financial assistance awards, and other repayments under the housing renewal program shall be retained by the nonprofit Iowa affiliate for the purpose of awarding financial assistance under the housing renewal program to eligible participants.

3. *a.* The authority shall provide moneys from the housing renewal program fund to a nonprofit Iowa affiliate that shall use the moneys to award financial assistance under the housing renewal program to eligible participants.

b. Eligible participants shall use financial assistance awarded under the housing renewal program only for purposes of the acquisition, rehabilitation, and resale of ownership units; the acquisition and demolition of blighted structures; and the redevelopment of ownership units.

4. Twenty-five percent of moneys appropriated to the housing renewal program fund shall be allocated to financial assistance awards for eligible participants located in the eighty-eight least populated counties in the state according to the most recent federal decennial census.

5. *a.* The nonprofit Iowa affiliate shall determine the criteria used to evaluate eligible

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participants and to award financial assistance to eligible participants selected by the nonprofit Iowa affiliate.

b. The nonprofit Iowa affiliate shall not award an eligible participant more than one hundred thousand dollars per ownership unit. The nonprofit Iowa affiliate may use up to five percent of the financial assistance awarded to an eligible participant for administrative expenses related to the housing renewal program.

c. (1) An eligible participant shall have a maximum of thirty-six months from the date a contract is executed between the nonprofit Iowa affiliate and the eligible participant for the eligible participant to complete the eligible participant's project. The eligible participant's project shall be considered complete when all financial assistance awarded to the eligible participant has been expended, and all ownership units that are covered by the contract are finished and available for sale.

(2) Unless the nonprofit Iowa affiliate authorizes additional time for good cause shown, if an eligible participant has no project activity within twelve months from the date a contract is executed between the nonprofit Iowa affiliate and the eligible participant, the financial assistance award shall be returned to the nonprofit Iowa affiliate to be used to award financial assistance under the housing renewal program to eligible participants.

d. An eligible participant shall sell each completed ownership unit to a homebuyer whose household income is equal to or less than the one hundred twenty percent area median income and who must occupy the ownership unit as the homebuyer's primary residence. The deed to the ownership unit must contain a restrictive resale requirement that prohibits the homebuyer or a subsequent owner from selling the ownership unit to a person with a household income above the one hundred twenty percent area median income for five calendar years from the date the eligible participant sold the ownership unit to the first homebuyer whose household income is equal to or less than the one hundred twenty percent area median income.

6. The nonprofit Iowa affiliate shall use income generated from the sale of an ownership unit only for the purpose of awarding financial assistance to eligible participants under the housing renewal program.

7. The authority shall not use more than five percent of moneys appropriated to the housing renewal program fund for administration and oversight of the housing renewal program.

8. The authority, in coordination with the nonprofit Iowa affiliate, shall submit an annual report to the general assembly on or before December 31 describing the community, economic, and financial impact of the housing renewal program.

2026 Acts, ch 1193, §12
NEW section

16.53 Residential reverse annuity mortgage model program.

The authority may develop a model reverse annuity mortgage conforming to the requirements of this chapter, and may offer reverse annuity mortgages to qualified participants.

89 Acts, ch 267, §10
CS89, §220.53
C93, §16.53
2007 Acts, ch 54, §25
Iowa finance authority authorized to issue bonds for the residential reverse annuity mortgage model program, to be repaid from program proceeds; 89 Acts, ch 267, §11

16.54 Home ownership assistance program for military members.

1. For the purposes of this section, *"eligible member of the armed forces of the United States"* or *"eligible service member"* means a person who is or was, if discharged under honorable conditions, a member of the national guard, or a reserve or regular component of the armed forces of the United States, who has served at least ninety days of active duty service beginning on or after September 11, 2001, or during the period of the Persian Gulf Conflict, beginning August 2, 1990, and ending April 6, 1991. *"Eligible member of the armed forces of the United States"* or *"eligible service member"* also means a former member of the national guard, or a reserve or regular component of the armed forces of the United

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States, who was honorably discharged due to injuries incurred while on federal active duty beginning on or after September 11, 2001, or during the period of the Persian Gulf Conflict, beginning August 2, 1990, and ending April 6, 1991, that precluded completion of a minimum aggregate of ninety days of federal active duty.

2. The home ownership assistance program is established to continue the program implemented pursuant to 2005 Iowa Acts, ch. 161, §1, as amended by 2005 Iowa Acts, ch. 115, §37, and continued in accordance with 2006 Iowa Acts, ch. 1167, §3 and 4, and other appropriations, to provide financial assistance to eligible members of the armed forces of the United States to be used for purchasing primary residences, including but not limited to manufactured homes on leased land, in the state of Iowa.

3. The program shall be administered by the authority and shall provide loans, grants, or other assistance to eligible service members. In the event an eligible service member is deceased, the surviving spouse of the eligible member shall be eligible for assistance under the program, subject to the surviving spouse meeting the program's eligibility requirements other than the military service requirement. In addition, a person eligible for the program under this section may participate in other loan and grant programs of the authority, provided the person meets the requirements of those programs.

4. To qualify for a loan, grant, or other assistance under the home ownership assistance program, the following requirements, if applicable, shall be met:

a. The person eligible for the program shall, for financed home purchases that close on or after July 1, 2008, use a lender that participates in the authority's first mortgage financing programs for homebuyers or a lender approved by the authority under subsection 5.

b. (1) For financed home purchases that close on or after July 1, 2008, the eligible person shall participate, if eligible to participate, in one of the authority's first mortgage financing programs for homebuyers.

(2) Notwithstanding subparagraph (1), an eligible service member who qualifies for one of the authority's first mortgage financing programs for homebuyers may use a lender that does not participate in the authority's first mortgage financing programs for homebuyers if such lender is approved by the authority under subsection 5. For financed home purchases that close on or after July 1, 2014, an eligible service member who qualifies for one of the authority's first mortgage financing programs may accept financing other than that available under the authority's first mortgage financing programs for homebuyers if all of the following apply:

(a) The financing is offered by a lender that participates in one of the authority's first mortgage financing programs for homebuyers or by a lender approved pursuant to subsection 5.

(b) The authority determines that the offered financing would be economically feasible and financially advantageous for the eligible service member.

c. A title guaranty certificate shall be issued for the property being purchased under the program.

5. *a.* A mortgage lender maintaining an office in the state that does not participate in the authority's programs for homebuyers may submit an application to the authority for approval to provide a mortgage loan or other financing under the home ownership assistance program or another homebuyer program, if applicable pursuant to subsection 4, paragraph "*b*". The authority shall prescribe a form for such applications.

b. The authority shall by rule establish criteria for the review and approval of applications submitted under this subsection, including criteria for the approval of a mortgage lender that offers an eligible person a lower annual percentage rate than the annual percentage rates available from lenders that participate in the authority's applicable programs for homebuyers.

c. The authority may determine and collect a reasonable application fee for each application submitted under this subsection. The application fees collected under this subsection shall be used exclusively for costs associated with the review and approval of applications submitted under this subsection.

6. The authority shall adopt rules for administering the program. The rules may provide for limiting the period of time for which an award of funds under the program shall be reserved for an eligible person pending the closing of a home purchase and compliance with

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all program requirements. Implementation of the program shall be limited to the extent of the amount appropriated or otherwise made available for purposes of the program.

7. The department of veterans affairs shall support the program by providing eligibility determinations and other program assistance requested by the authority.

2008 Acts, ch 1120, §1; 2010 Acts, ch 1089, §1, 2; 2012 Acts, ch 1072, §5; 2014 Acts, ch 1026, §143; 2014 Acts, ch 1116, §55, 56; 2018 Acts, ch 1128, §2

16.55 Home and community-based services rent subsidy program.

The authority shall establish and administer a home and community-based services rent subsidy program. Under the program, the authority shall provide rent subsidies to those persons who are approved participants under a home and community-based services Medicaid waiver, and to those individuals who are approved participants in the federal money follows the person grant program under the medical assistance program. If the authority utilizes a waiting list for purposes of the program, the authority shall give priority to a person participating in the state's money follows the person partnership for community integration project who has been assigned to work with a transition specialist.

2017 Acts, ch 33, §3

16.56 Jumpstart housing assistance program.

1. As used in this section, unless the context otherwise requires:

a. "Disaster-affected home" means a primary residence that was destroyed or damaged due to a natural disaster occurring after May 24, 2008, and before August 14, 2008.

b. "Local government participant" means the cities of Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines; a council of governments whose territory includes at least one county that was declared a disaster area by the president of the United States after May 24, 2008, and before August 14, 2008; and any county that is not part of any council of governments and was declared a disaster area by the president of the United States after May 24, 2008, and before August 14, 2008.

2. The authority shall establish and administer a jumpstart housing assistance program. Under the program, the authority shall provide grants to local government participants for purposes of distributing the moneys to eligible residents for eligible purposes which relate to disaster-affected homes.

3. An eligible resident is a person residing in a disaster-affected home who is the owner of record of a right, title, or interest in the disaster-affected home and who has been approved by the federal emergency management agency for housing assistance. An eligible resident must have a family income equal to or less than one hundred fifty percent of the area median family income.

4. Eligible purposes include forgivable loans for down payment assistance, emergency housing repair or rehabilitation, and interim mortgage assistance. An eligible resident who receives a forgivable loan may also receive energy efficiency assistance which shall be added to the principal of the forgivable loan.

5. A local government participant may retain a portion of the grant moneys for administrative purposes as provided in a grant agreement between the authority and the local government participant.

6. Any money paid to a local government participant by an eligible resident shall be remitted to the authority for deposit in the housing assistance fund created in section 16.40.

7. As determined by the authority, unused or unobligated moneys may be reclaimed and reallocated by the authority to other local government participants.

2014 Acts, ch 1080, §46, 78

16.57 Residential treatment facilities.

1. The authority may issue its bonds and notes and loan the proceeds of the bonds or notes to a nonprofit corporation for the purpose of financing the acquisition or construction of residential housing or treatment facilities serving juveniles or persons with disabilities.

2. The authority may enter into a loan agreement with a nonprofit corporation for the

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purpose of financing the acquisition or construction of residential housing or treatment facilities serving juveniles or persons with disabilities and shall provide for payment of the loan and security for the loan as the authority deems advisable.

3. In the resolution authorizing the issuance of the bonds or notes pursuant to this section, the authority may provide that the related principal and interest are limited obligations payable solely out of the revenues derived from the debt obligation, collateral, or other security furnished by or on behalf of the nonprofit corporation, and the principal or interest does not constitute an indebtedness of the authority or a charge against the authority's general credit or general fund.

4. The powers granted the authority under this section are in addition to the authority's other powers under this chapter. All other provisions of this chapter, except section 16.28, subsection 4, apply to bonds or notes issued pursuant to, and powers granted to the authority under this section, except to the extent the provisions are inconsistent with this section.

2014 Acts, ch 1080, §47, 78
Referred to in §237.14

PART 6

DISASTER RECOVERY HOUSING ASSISTANCE PROGRAM

Referred to in §8.55

16.57A Transfer of unobligated or unencumbered funds — report.

1. Notwithstanding any other provision of law to the contrary, the authority may transfer any unobligated and unencumbered moneys in any revolving loan program fund created pursuant to section 16.46, 16.47, 16.48, or 16.49, for deposit in the disaster recovery housing assistance fund created in section 16.57B.

2. Notwithstanding section 8.39, and any other law to the contrary, with the prior written consent and approval of the governor, the director of the authority may transfer any unobligated and unencumbered moneys in any fund created pursuant to section 16.5, subsection 1, paragraph *"s"*, for deposit in the disaster recovery housing assistance fund created in section 16.57B. The prior written consent and approval of the director of the department of management shall not be required to transfer the unobligated and unencumbered moneys.

3. Notwithstanding section 8.39, and any other law to the contrary, with the prior written approval of the governor, the director of the economic development authority may transfer any unobligated and unencumbered moneys in any fund created pursuant to section 15.106A, subsection 1, paragraph *"o"*, for deposit in the disaster recovery housing assistance fund created in section 16.57B.

4. Any transfer made under this section shall be reported in the same manner as provided in section 8.39, subsection 5.

2021 Acts, ch 177, §46, 51; 2023 Acts, ch 19, §2145

16.57B Disaster recovery housing assistance program — fund.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Disaster-affected home" means a primary residence that is destroyed or damaged due to a natural disaster that occurs on or after June 16, 2021, and the primary residence is located in a county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance. The state of disaster emergency proclamation shall specify if disaster recovery housing assistance is available to homeowners, renters, or both homeowners and renters.

b. "Financial assistance" means assistance provided only from the funds, rights, and assets legally available to the authority pursuant to this chapter and includes but is not limited to assistance in the form of grants, loans, and forgivable loans.

c. "Fund" means the disaster recovery housing assistance fund.

d. "Local program administrator" means any of the following:

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(1) The cities of Ames, Cedar Falls, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Iowa City, Waterloo, and West Des Moines.

(2) A council of governments whose territory includes at least one county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance or the eviction prevention program under section 16.57C on or after June 16, 2021.

(3) A community action agency as defined in section 216A.91 and whose territory includes at least one county that is the subject of a state of disaster emergency proclamation by the governor that authorizes disaster recovery housing assistance or the eviction prevention program under section 16.57C on or after June 16, 2021.

(4) A qualified local organization or governmental entity as determined by rules adopted by the authority.

e. "Program" means the disaster recovery housing assistance program.

f. "Replacement housing" means housing purchased by a homeowner or leased by a renter needed to replace a disaster-affected home that is destroyed or damaged beyond reasonable repair as determined by a local program administrator.

g. "State of disaster emergency" means the same as described in section 29C.6, subsection 1.

2. *Fund.*

a. (1) A disaster recovery housing assistance fund is created within the authority. The moneys in the fund shall be used by the authority to award financial assistance to homeowners and renters with disaster-affected homes, and for the eviction prevention program pursuant to section 16.57C.

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

b. Moneys transferred by the authority for deposit in the fund, moneys appropriated to the fund, and any other moneys available to and obtained or accepted by the authority for placement in the fund shall be deposited in the fund.

c. The authority shall not use more than five percent of the moneys deposited into the fund under paragraph *"b"* for purposes of administrative costs and other program support.

3. *Program.*

a. The authority shall establish and administer a disaster recovery housing assistance program and shall use moneys in the fund to award financial assistance to eligible homeowners and eligible renters of disaster-affected homes. Moneys in the fund may be expended following a state of disaster emergency proclamation by the governor pursuant to section 29C.6 that authorizes disaster recovery housing assistance. The governor, by state of disaster emergency proclamation, shall specify if disaster recovery housing assistance is available to homeowners, renters, or both homeowners and renters.

b. The authority may enter into an agreement with one or more local program administrators to administer the program.

4. *Registration.* A homeowner or renter may register for the disaster case advocacy program established pursuant to section 29C.20B. The disaster case manager may refer the homeowner or renter to the appropriate local program administrator.

5. *Homeowners.*

a. To be eligible for financial assistance under the program, all of the following requirements shall apply:

(1) The homeowner's disaster-affected home must have sustained damage greater than the damage that is covered by the homeowner's property and casualty insurance policy insuring the home plus any other state or federal disaster-related financial assistance that the homeowner is eligible to receive.

(2) A local official must either deem the disaster-affected home suitable for rehabilitation or damaged beyond reasonable repair.

(3) The disaster-affected home is not eligible for buyout by the county or city where the disaster-affected home is located, or the disaster-affected home is eligible for a buyout by the county or city where the disaster-affected home is located, but the homeowner is requesting

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financial assistance for the repair or rehabilitation of the homeowner's disaster-affected home in lieu of a buyout.

(4) Financial assistance under the program must not duplicate benefits provided by any local, state, or federal disaster recovery assistance program.

b. The authority may award financial assistance to the eligible homeowner for any of the following purposes:

(1) Repair or rehabilitation of the disaster-affected home. The disaster-affected home to be repaired or rehabilitated shall not be located in a one-hundred-year floodplain.

(2) (a) Down payment assistance on the purchase of replacement housing, and the cost of reasonable repairs to be performed on the replacement housing to render the replacement housing decent, safe, sanitary, and in good repair.

(b) Replacement housing shall not be located in a one-hundred-year floodplain.

(c) For purposes of this subparagraph, *"decent, safe, sanitary, and in good repair"* means the same as described in 24 C.F.R. §5.703.

c. The authority shall determine the interest rate for any financial assistance awarded in the form of a loan or a forgivable loan.

d. If a homeowner who has been awarded a loan or a forgivable loan sells a disaster-affected home or replacement housing for which the homeowner received the loan or forgivable loan prior to the end of the loan term, the remaining principal on the loan or forgivable loan shall be due and payable pursuant to rules adopted by the authority.

6. *Renters.*

a. To be eligible for financial assistance under the program, all of the following requirements shall apply:

(1) A local program administrator either deems the disaster-affected home of the renter suitable for rehabilitation but unsuitable for current short-term habitation, or the disaster-affected home is damaged beyond reasonable repair.

(2) Financial assistance under the program must not duplicate benefits provided by any local, state, or federal disaster recovery assistance program.

b. The authority may award financial assistance to the eligible renter to provide short-term financial assistance for the payment of rent for replacement housing.

7. *Report.* On or before January 31 of each year, or as part of the annual report under section 16.7, the authority shall submit a report to the general assembly that identifies all of the following for the calendar year immediately preceding the year of the report:

a. The date of each state of disaster emergency proclamation by the governor that authorized disaster recovery housing assistance under this section, and if disaster recovery housing assistance was made available to homeowners, renters, or both homeowners and renters.

b. The total number of financial assistance awards awarded.

c. The total number of financial assistance awards, and the amount of each financial assistance award awarded for repair or rehabilitation.

d. The total number of financial assistance awards, and the amount of each financial assistance award, awarded for down payment assistance on the purchase of replacement housing and the cost of reasonable repairs to be performed on the replacement housing to render the replacement housing decent, safe, sanitary, and in good repair.

e. The total number of grants, and the amount of each grant, awarded for rental assistance.

f. The total number of loans, forgivable loans, and grants awarded in each county in which at least one homeowner or renter has been awarded a loan, forgivable loan, or grant.

g. Each local program administrator involved in the administration of the program.

h. The total amount of loan and forgivable loan principal repaid.

2021 Acts, ch 177, §47, 51; 2023 Acts, ch 19, §2162; 2024 Acts, ch 1182, §132; 2025 Acts, ch 28, §16 – 21

Referred to in §16.57A, 16.57C

16.57C Eviction prevention program.

1. *a. "Eligible renter"* means a renter whose income meets the qualifications of the

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program, who is at risk of eviction, and who resides in a county that is the subject of a state of disaster emergency proclamation by the governor that authorizes the eviction prevention program.

b. "Eviction prevention partner" means a qualified local organization or governmental entity as determined by rule by the authority.

2. The authority shall establish and administer an eviction prevention program. Under the eviction prevention program, the authority shall award grants to eligible renters and to eviction prevention partners for purposes of this section. Grants may be awarded upon a state of disaster emergency proclamation by the governor that authorizes the eviction prevention program. Eviction prevention assistance shall be paid out of the fund established in section 16.57B.

3. *a.* Grants awarded to eligible renters pursuant to this section shall be used for short-term financial rent assistance to keep eligible renters in the current residences of such renters.

b. Grants awarded to eviction prevention partners pursuant to this section shall be used to pay for rent or services provided to eligible renters for the purpose of preventing the eviction of eligible renters.

4. The authority may enter into an agreement with one or more local program administrators to administer the program.

2021 Acts, ch 177, §48, 51
Referred to in §16.57B

16.57D Rules.

The authority shall adopt rules pursuant to chapter 17A to implement and administer this part, including rules to do all of the following:

1. Establish the maximum loan, forgivable loan, and grant amounts awarded under the program.
2. Establish the terms of any loan or forgivable loan provided under the program.
3. Income qualifications of eligible renters in the eviction prevention program.

2021 Acts, ch 177, §49, 51; 2025 Acts, ch 28, §22

SUBCHAPTER VIII

AGRICULTURAL DEVELOPMENT

Referred to in §7C.4A, 16.1, 16.2B, 16.2C, 16.4B, 16.5D, 16.7, 16.17, 502.201

PART 1

GENERAL

16.58 Definitions.

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

1. *"Agricultural assets"* means agricultural land, agricultural improvements, depreciable agricultural property, crops, or livestock.
2. *"Agricultural improvement"* means any improvements, including buildings, structures, or fixtures suitable for use in farming, if located on any size parcel of agricultural land.
3. *"Agricultural land"* means land suitable for use in farming, any portion of which may include an agricultural improvement.
4. *"Agricultural producer"* means a person that engages or wishes to engage or intends to engage in the business of producing and marketing agricultural produce in this state.
5. *"Bankhead-Jones Farm Tenant Act"* means the Act cited as 50 Stat. 522 (1937), formerly codified as 7 U.S.C. §1000 et seq., repealed by Pub. L. No. 87-128 (1961).
6. *"Beginning farmer"* means an individual, partnership, family farm corporation, or family farm limited liability company, with a low or moderate net worth that engages in farming or wishes to engage in farming.

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7. *"Family farm corporation"* means the same as defined in section 9H.1.
8. *"Family farm limited liability company"* means the same as defined in section 9H.1.
9. *"Farming"* means the cultivation of land for the production of agricultural crops, the raising of poultry, the production of eggs, the production of milk, the production of fruit or other horticultural crops, grazing, the production of livestock, aquaculture, hydroponics, the production of forest products, or other activities designated by the authority by rules subject to chapter 17A.
10. *"Low or moderate net worth"* means a net worth that does not exceed the maximum allowable net worth established by the authority. The authority shall establish the maximum allowable net worth in accordance with the prices paid by farmers index as compiled by the United States department of agriculture.
11. *"Production item"* includes tools, machinery, or equipment principally used to produce crops or livestock.

2014 Acts, ch 1080, §48, 78, 117, 125; 2021 Acts, ch 177, §58, 67
Referred to in §16.77, 456A.38, 654.16, 654.16A

16.59 Special financing — calculations.

To receive financing as provided in this subchapter, an individual, partnership, family farm corporation, or family farm limited liability company shall meet the applicable low or moderate net worth requirements established in this section. The requirement that applies to each such person is determined as follows:

1. For an individual, an aggregate net worth of the individual and the individual's spouse and minor children not greater than the low or moderate net worth.
2. For a partnership, an aggregate net worth of all partners, including each partner's net capital in the partnership, and each partner's spouse and minor children not greater than twice the low or moderate net worth. However, the aggregate net worth of each partner and that partner's spouse and minor children shall not exceed the low or moderate net worth.
3. For a family farm corporation, an aggregate net worth of all shareholders, including the value of each shareholder's share in the family farm corporation, and each shareholder's spouse and minor children not greater than twice the low or moderate net worth. However, the aggregate net worth of each shareholder and that shareholder's spouse and minor children shall not exceed the low or moderate net worth.
4. For a family farm limited liability company, an aggregate net worth of all members, including each member's ownership interest in the family farm limited liability company, and each member's spouse and minor children of not greater than twice the low or moderate net worth. However, the aggregate net worth of each member and that member's spouse and minor children shall not exceed the low or moderate net worth.

2014 Acts, ch 1080, §49, 78; 2015 Acts, ch 30, §22; 2019 Acts, ch 161, §5, 18, 19

PART 2

ADMINISTRATION

16.60 Combination of programs permitted.

Programs authorized in this subchapter may be combined with any other programs authorized in this chapter or any other public or private programs.

2014 Acts, ch 1080, §50, 78

16.61 Legislative findings — purposes — public policy. Repealed by 2007 Acts, ch 54, §45.

16.62 Trust assets.

The authority shall make application to and receive from the United States secretary of agriculture, or any other proper federal official, pursuant and subject to the provisions of Pub. L. No. 81-499, 64 Stat. 152 (1950), formerly codified at 40 U.S.C. §440 et seq. (1976), all of

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the trust assets held by the United States in trust for the Iowa rural rehabilitation corporation now dissolved.

2014 Acts, ch 1080, §51, 78

16.63 Agreements.

The authority may enter into agreements with the United States secretary of agriculture pursuant to Pub. L. No. 81-499 §2(f) (1950) upon terms and conditions and for periods of time as mutually agreeable, authorizing the authority to accept, administer, expend, and use in the state of Iowa all or any part of the trust assets or other funds in the state of Iowa which have been appropriated for use in carrying out the purposes of the Bankhead-Jones Farm Tenant Act and to do any and all things necessary to effectuate and carry out the purposes of such agreements.

2014 Acts, ch 1080, §52, 78

PART 3

SPECIAL FINANCING

16.64 Bonds and notes — tax exemption.

1. The authority shall publish a notice of intention to issue bonds or notes. After sixty days from the date of publication of the notice, an action shall not be brought questioning the legality of any bonds or notes or the power of the authority to issue any bonds or notes or to the legality of any proceedings in connection with the authorization or issuance of the bonds or notes after determination by the board to proceed with the issuance of the bonds or notes.

2. Bonds and notes issued by the authority for purposes of financing the beginning farmer loan program provided in section 16.75 are exempt from taxation by the state, and interest earned on the bonds and notes is deductible in determining net income for purposes of the state individual and corporate income tax under subchapters II and III of chapter 422.

2014 Acts, ch 1080, §53, 78; 2015 Acts, ch 30, §23; 2020 Acts, ch 1062, §94; 2025 Acts, ch 147, §40

Referred to in §422.7(2)(e)

16.65 through 16.69 Reserved.

PART 4

LOANS TO LENDING INSTITUTIONS

16.70 Loans to lending institutions.

1. The authority may make and contract to make loans to lending institutions on terms and conditions the authority determines are reasonably related to protecting the security of the authority's investment and to implementing the purposes of this subchapter. Lending institutions are authorized to borrow from the authority in accordance with the provisions of this section and the rules of the authority.

2. The authority shall require as a condition of each loan to a lending institution that the lending institution, within a reasonable period after receipt of the loan proceeds as the authority prescribes by rule, shall have entered into written commitments to make and, within a reasonable period thereafter as the authority prescribes by rule, shall have disbursed the loan proceeds in new mortgage or secured loans to beginning farmers in an aggregate principal amount of not less than the amount of the loan. New mortgage or secured loans shall have terms and conditions as the authority prescribes by rules which are reasonably related to implementing the purposes of this subchapter as provided in subchapter III.

3. The authority shall require the submission by each lending institution to which the authority has made a loan, of evidence satisfactory to the authority of the making of new mortgage or secured loans to beginning farmers as required by this section, and in that

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connection may, through its members, employees, or agents, inspect the books and records of a lending institution.

4. Compliance by a lending institution with the terms of its agreement with the authority with respect to the making of new mortgage or secured loans to beginning farmers may be enforced by decree of any district court of this state. The authority may require as a condition of a loan to a national banking association or a federally chartered savings and loan association, the consent of the association to the jurisdiction of the courts of this state over any enforcement proceeding. The authority may also require, as a condition of a loan to a lending institution, agreement by the lending institution to the payment of penalties to the authority for violation by the lending institution of its agreement with the authority, and the penalties shall be recoverable at the suit of the authority.

5. The authority shall require that each lending institution receiving a loan pursuant to this section shall issue and deliver to the authority evidence of its indebtedness to the authority which shall constitute a general obligation of the lending institution and shall bear a date, mature at a time, be subject to prepayment, and contain other provisions consistent with this section and reasonably related to protecting the security of the authority's investment, as the authority determines.

6. Notwithstanding any other provision of this section, the interest rate and other terms of loans to lending institutions made from the proceeds of an issue of bonds or notes of the authority shall be at least sufficient to assure the payment of the bonds or notes and the interest on them as they become due.

7. The authority may require that loans to lending institutions are additionally secured as to payment of both principal and interest by a pledge of and lien upon collateral security by special escrow funds or other forms of guaranty and in amounts and forms as the authority by resolution determines to be necessary to assure the payment of the loans and the interest as they become due. Collateral security shall consist of direct obligations of or obligations guaranteed by the United States or one of its agencies, obligations satisfactory to the authority which are issued by other federal agencies, direct obligations of or obligations guaranteed by a state or a political subdivision of a state, or investment quality obligations approved by the authority.

8. The authority may require that collateral for loans be deposited with a bank, trust company, or other financial institution acceptable to the authority located in this state and designated by the authority as custodian. In the absence of that requirement, each lending institution shall enter into an agreement with the authority containing provisions the authority deems necessary to adequately identify and maintain the collateral, service the collateral and require the lending institution to hold the collateral as an agent for the authority, and be accountable to the authority as the trustee of an express trust for the application and disposition of the collateral and the income from it. The authority may also establish additional requirements the authority deems necessary with respect to the pledging, assigning, setting aside, or holding of collateral and the making of substitutions for it or additions to it and the disposition of income and receipts from it.

9. The authority may require as a condition of loans to lending institutions any representations and warranties the authority determines are necessary to secure the loans and carry out the purposes of this section.

10. The authority may require the beginning farmer to satisfy conditions and requirements normally imposed by lending institutions in making similar loans, including but not limited to the purchase of capital stock in the federal land bank.

11. If a provision of this section is inconsistent with a provision of law of this state governing lending institutions, the provision of this section controls for the purposes of this section.

2014 Acts, ch 1080, §54, 78

16.71 Purchase of loans.

1. The authority may purchase and make advance commitments to purchase mortgage or secured loans from lending institutions at prices and upon terms and conditions as the authority determines. However, the total purchase price for all mortgage or secured loans

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which the authority commits to purchase from a lending institution at any one time shall not exceed the total of the unpaid principal balances of the mortgage or secured loans purchased. Lending institutions are authorized to sell mortgage or secured loans to the authority in accordance with the provisions of this section and the rules of the authority.

2. The authority shall require as a condition of purchase of mortgage or secured loans from lending institutions that the lending institutions certify that the mortgage or secured loans purchased are loans made to beginning farmers. Mortgage or secured loans to be made by lending institutions shall have terms and conditions as the authority prescribes by rule. The authority may make a commitment to purchase mortgage or secured loans from lending institutions in advance of the time the loans are made by lending institutions. The authority shall require as a condition of a commitment that lending institutions certify in writing that all mortgage or secured loans represented by the commitment will be made to beginning farmers and that the lending institution will comply with other authority specifications.

3. The authority shall require the submission to it by each lending institution from which the authority has purchased loans of evidence satisfactory to the authority of the making of mortgage or secured loans to beginning farmers as required by this section and in that connection may, through its members, employees, or agents, inspect the books and records of a lending institution.

4. Compliance by a lending institution with the terms of its agreement with the authority with respect to the making of mortgage or secured loans to beginning farmers may be enforced by decree of any district court of this state. The authority may require as a condition of purchase of mortgage or secured loans from any national banking association or federally chartered savings and loan association the consent of the association to the jurisdiction of the courts of this state over any enforcement proceeding. The authority may also require as a condition of the purchase of mortgage or secured loans from a lending institution agreement by the lending institution to the payment of penalties to the authority for violation by the lending institution of its agreement with the authority and the penalties shall be recoverable at the suit of the authority.

5. The authority may require as a condition of purchase of a mortgage or secured loan from a lending institution that the lending institution make representations and warranties the authority requires. A lending institution is liable to the authority for damages suffered by the authority by reason of the untruth of a representation or the breach of a warranty and, in the event that a representation proves to be untrue when made or in the event of a breach of warranty, the lending institution shall, at the option of the authority, repurchase the mortgage or secured loan for the original purchase price adjusted for amounts subsequently paid on it, as the authority determines.

6. The authority shall require the recording of an assignment of a mortgage loan purchased by the authority from a lending institution and is not required to notify the mortgagor of the authority's purchase of the mortgage loan. The authority is not required to inspect or take possession of the mortgage documents if the lending institution from which the mortgage loan is purchased enters into a contract to service the mortgage loan and account to the authority for it.

7. If a provision of this section is inconsistent with another provision of law of this state governing lending institutions, the provision of this section controls for the purposes of this section.

2014 Acts, ch 1080, §55, 78

16.72 Powers. Repealed by 2007 Acts, ch 54, §45. See §16.5C.

16.73 Rules. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.17.

16.74 Reserved.

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PART 5

BEGINNING FARMER PROGRAMS

SUBPART A

BEGINNING FARMER LOAN PROGRAM

16.75 Beginning farmer loan program.

1. The authority shall develop a beginning farmer loan program to facilitate the acquisition of agricultural land and improvements and depreciable agricultural property by beginning farmers. The authority shall exercise the powers granted to the authority in this chapter in order to fulfill the goal of providing financial assistance to beginning farmers in the acquisition of agricultural land and agricultural improvements and depreciable agricultural property. The authority may participate in and cooperate with programs of the United States department of agriculture consolidated farm service agency, federal land bank, or any other agency or instrumentality of the federal government or with any program of any other state agency in the administration of the beginning farmer loan program and in the making of loans or purchasing of mortgage or secured loans pursuant to this subchapter.

2. The authority may participate in any federal programs designed to assist beginning farmers or in any related federal or state programs.

3. The authority shall provide in a beginning farmer loan program that a loan to or on behalf of a beginning farmer shall be provided only if the following criteria are satisfied:

a. The beginning farmer is a resident of the state.

b. The agricultural land and agricultural improvements or depreciable agricultural property the beginning farmer proposes to purchase will be located in the state.

c. The beginning farmer has sufficient education, training, or experience in the type of farming for which the beginning farmer requests the loan.

d. If the loan is for the acquisition of agricultural land, the beginning farmer has or will have access to adequate working capital, farm equipment, machinery, or livestock. If the loan is for the acquisition of depreciable agricultural property, the beginning farmer has or will have access to adequate working capital or agricultural land.

e. The beginning farmer shall materially and substantially participate in farming.

f. The agricultural land and agricultural improvements shall only be used for farming by the beginning farmer, the beginning farmer's spouse, or the beginning farmer's minor children.

g. Other criteria as the authority prescribes by rule.

4. The authority may provide in a loan made or purchased pursuant to this subchapter that the loan shall not be assumed or that any interest in the agricultural land or improvements or depreciable agricultural property may not be leased, sold, or otherwise conveyed without the authority's prior written consent, and may provide a due-on-sale clause with respect to the occurrence of any of the foregoing events without the authority's prior written consent. The authority may provide by rule the grounds for permitted assumptions of a mortgage or for the leasing, sale, or other conveyance of any interest in the agricultural land or improvements. However, the authority shall provide and state in a loan that the authority has the power to raise the interest rate of the loan to the prevailing market rate if the loan is assumed by a farmer who is already established in that field at the time of the assumption of the loan. This provision controls with respect to a loan made or purchased pursuant to this subchapter notwithstanding the provisions of chapter 535.

5. The authority may participate in any interest in any loan made or purchased pursuant to this subchapter with a lending institution. The participation interest may be on a parity with the interest in the loan retained by the authority, equally and ratably secured by a mortgage or security agreement securing the loan.

2014 Acts, ch 1080, §56, 78

Referred to in §16.64, 456A.38

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16.76 Loans to beginning farmers.

1. As used in this section, *"loan"* includes but is not limited to mortgage or secured loans; loans insured, guaranteed, or otherwise secured by the federal government or a federal governmental agency or instrumentality, or a state agency or private mortgage insurers; and financing pursuant to an installment contract or contract for purchase arrangement.

2. The authority may make loans to beginning farmers to provide financing for agricultural land and agricultural improvements or depreciable agricultural property.

3. A loan shall contain terms and provisions, including interest rates, and be in a form established by rules of the authority. The authority may require a beginning farmer to execute a note, loan, or financing agreement, or other evidence of indebtedness, and to furnish additional assurances and guaranties, including insurance, reasonably related to protecting the security of the loan, as the authority deems necessary.

2014 Acts, ch 1080, §57, 78; 2015 Acts, ch 30, §24

SUBPART B

BEGINNING FARMER TAX CREDIT PROGRAM

Referred to in §2.48, 16.2B, 422.11E, 422.33

For provisions relating to the carryforward period for tax credits under the former beginning farmer tax credit program and under the agricultural assets transfer tax credit program for tax years commencing in calendar years 2014 – 2018, see 2014 Acts, ch 1112, §9, 10; 2019 Acts, ch 161, §17 – 19

16.77 Definitions.

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

1. *"Agricultural development board"* means the agricultural development board created in section 16.2C.

2. *"Agricultural lease agreement"* or *"agreement"* means an agreement for the transfer of agricultural assets from an eligible taxpayer to a qualified beginning farmer as provided in section 16.79A.

3. *"Department"* means the department of revenue.

4. *"Eligible taxpayer"* means a taxpayer who may participate in the beginning farmer tax credit program, including by meeting all the criteria as provided in section 16.79.

5. *"Program"* means the beginning farmer tax credit program created pursuant to section 16.78.

6. *"Qualified beginning farmer"* means a beginning farmer as defined in section 16.58 who meets the requirements to participate in a beginning farmer tax credit program as provided in section 16.79.

7. *"Tax credit"* means the beginning farmer tax credit allowed under section 16.82.

2019 Acts, ch 161, §6, 18, 19; 2021 Acts, ch 177, §59, 67

16.78 Beginning farmer tax credit program — establishment and administration.

1. A beginning farmer tax credit program is established under the control of the authority.

2. The authority and the department shall cooperate in administering the program. The department shall have all rulemaking powers necessary to administer its responsibilities under this subpart as it does under chapter 422.

3. To every extent practicable, the authority shall administer the program in a manner that encourages participation by eligible taxpayers and qualifying beginning farmers for the primary purposes of providing beginning farmers access to farmland and enhancing the stability of the beginning farmer's farming business.

4. The authority and the department shall each adopt rules in accordance with chapter 17A as necessary for the administration of their respective responsibilities under this subpart. The eligibility requirements for taxpayers and the qualifications for beginning farmers as provided in the rules shall not be more stringent than provided in this subpart.

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5. The authority shall provide for the preparation or revision and publication or distribution of forms necessary to administer their responsibilities under this subpart.

2019 Acts, ch 161, §7, 18, 19
Referred to in §16.77, 16.79A, 16.82

16.79 Beginning farmer tax credit program — eligibility criteria.

1. A taxpayer is eligible to participate in the beginning farmer tax credit program if the taxpayer meets all of the following requirements:

a. The taxpayer is a person who may acquire or otherwise obtain or lease agricultural land in this state pursuant to chapter 9H or 9I. However, the taxpayer must not be a person who may acquire or otherwise obtain or lease agricultural land exclusively because of an exception provided in one of those chapters or in a provision of another chapter of this Code including but not limited to chapter 10, 10D, or 501, or section 15E.207.

b. The taxpayer has entered into an agricultural lease agreement with a qualified beginning farmer to lease agricultural land as provided in section 16.79A.

c. The taxpayer has not been at fault for terminating a prior agreement under the program or another agreement in which the taxpayer was allowed to claim a tax credit under section 175.37 as it existed prior to January 1, 2015, or section 16.80 as it existed prior to January 1, 2018.

d. If the agreement includes the lease of a confinement feeding operation structure as defined in section 459.102, the taxpayer is not a party to a pending administrative or judicial action, including a contested case proceeding under chapter 17A, relating to an alleged violation involving an animal feeding operation as regulated by the department of natural resources, regardless of whether the pending action is brought by the department or the attorney general.

e. The taxpayer is not classified as a habitual violator for a violation of state law involving an animal feeding operation as regulated by the department of natural resources under chapter 459.

f. The taxpayer is not a partner of a partnership, shareholder of a family farm corporation, or member of a family farm limited liability company that is the lessee of an agricultural asset that is part of an agricultural lease agreement.

2. A beginning farmer is a qualified beginning farmer eligible to participate in the program by meeting all of the following criteria:

a. Is a resident of the state. If the beginning farmer is a partnership, all partners must be residents of the state. If a beginning farmer is a family farm corporation, all shareholders must be residents of the state. If the beginning farmer is a family farm limited liability company, all members must be residents of the state.

b. Has sufficient education, training, or experience in farming. If the beginning farmer is a partnership, at least one partner who is not a minor must have sufficient education, training, or experience in farming. If the beginning farmer is a family farm corporation, at least one shareholder who is not a minor must have sufficient education, training, or experience in farming. If the beginning farmer is a family farm limited liability company, at least one member who is not a minor must have sufficient education, training, or experience in farming.

c. Has access to adequate working capital and production items.

d. Will materially and substantially participate in farming. If the beginning farmer is a partnership, family farm corporation, or family farm limited liability company, at least one of the partners, shareholders, or members who is not a minor must materially and substantially participate in farming.

e. Does not own more than a ten percent ownership interest in an agricultural asset included in the agreement.

2019 Acts, ch 161, §8, 18, 19
Referred to in §16.77

16.79A Agricultural lease agreement.

1. *a.* A beginning farmer tax credit is allowed only for agricultural assets that are subject to an agricultural lease agreement entered into by an eligible taxpayer and a qualifying

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beginning farmer participating in the beginning farmer tax credit program established pursuant to section 16.78.

b. The tax credit is allowed regardless of whether the principal agricultural asset is soil, pasture, or a building or other structure used in farming.

2. The agreement must include the lease of agricultural land located in this state or agricultural improvements located in this state, and may provide for the rental of agricultural equipment as defined in section 322F.1.

3. *a.* The agreement must include provisions which describe the consideration paid for the agreement in a manner that allows the authority to calculate the value of the lease in order to determine the tax credit amount as provided in section 16.82.

b. The agreement must be in writing.

c. The agreement must be for at least two years, but not more than five years. The agreement may be renewed any number of times by the eligible taxpayer and qualified beginning farmer for a term of at least two years, but not more than five years. However, an eligible taxpayer shall not participate in the program for more than fifteen years.

d. The agreement shall not include a lease or rental of equipment intended as a security.

e. The agreement cannot be assigned and the agricultural land subject to the agreement shall not be subleased.

f. (1) The agricultural assets shall not be leased or rented at a rate that is substantially higher than the market rate for similar agricultural assets leased or rented within the same community.

(2) As used in subparagraph (1), when referring to an agricultural asset that is cropland, *"substantially higher"* means not more than thirty percent above the average cash rent paid for cropland rented in the same county according to the most recent cash rent survey for cropland published by a unit of Iowa state university of science and technology recognized by the authority.

4. *a.* The agreement may be amended after the authority approves an application and makes a tax credit award without changing the eligibility status of the taxpayer, except as provided in paragraph *"b"*.

b. The underlying lease for agricultural land may only be amended without submitting a new application if any of the following apply:

(1) The terms of the amended lease are more favorable to the qualified beginning farmer, including but not limited to the rent payment being reduced.

(2) A party has changed their name.

(3) The owner of an agricultural asset is changed to the owner's estate or trust upon the eligible taxpayer's death.

c. If an amendment to an agreement changes the total amount that will be paid to the eligible taxpayer under the agreement, the eligible taxpayer shall notify the authority in a manner and form prescribed by the authority within thirty days of the date the amendment is executed by the parties.

(1) If the amendment will reduce the total amount paid to the eligible taxpayer under the agreement, the authority shall recalculate and reduce the eligible taxpayer's tax credit award under section 16.82A.

(2) If the amendment will increase the total amount paid to the eligible taxpayer under the agreement, the tax credit award shall not be increased unless the eligible taxpayer submits an amended application to the authority in the manner and form prescribed by the authority and that meets the requirements of section 16.81. If the amended application is approved under section 16.81, the authority may increase the amount of the tax credit award. The increased amount of the tax credit award shall be subject to the aggregate award limitation in section 16.82A for the calendar year in which the increased award is made.

(3) This paragraph *"c"* does not apply to an amendment to an agreement that requires a new application under paragraph *"b"* in order to be valid.

5. An eligible taxpayer or qualified beginning farmer may terminate an agreement as provided in the agreement or by law. The eligible taxpayer must notify the authority of the

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termination within thirty days of the date of termination in the manner and form prescribed by the authority.

2019 Acts, ch 161, §9, 18, 19; 2021 Acts, ch 177, §60 – 62, 67; 2022 Acts, ch 1032, §8
Referred to in §16.77, 16.79

16.80 Agricultural assets transfer tax credit — agreement. Repealed by 2019 Acts, ch 161, §15, 18, 19.

2019 repeal applies retroactively to January 1, 2019, for tax years beginning on or after that date; for provisions relating to agricultural assets transfer tax credit applications approved before May 21, 2019, applicability of prior tax credits, and continuance of carryover provisions; see 2019 Acts, ch 161, §16, 17, 19

16.81 Beginning farmer tax credit — application.

1. The deadline for submitting an application to the authority to claim a beginning farmer tax credit is August 1 of each year. The application shall be for a period that is not longer than the term of the lease.

2. *a.* The authority shall impose, assess, and collect application fees and shall adopt rules as necessary to administer this subsection, including by providing for the rate of those fees.

b. The authority may establish different rates based on separate categories of applications or agricultural lease agreements as determined relevant by the authority.

c. The authority shall calculate the rates of the application fees to be effective for each successive twelve-month period. The total amount of application fees collected by the authority for that period shall not be more than the authority's estimate of the total amount of revenues necessary to administer the provisions of this subpart based on the expected revenue to be collected from the application fees and the expected costs to be incurred by the authority in administering the provisions of this subpart during that period. The authority may adjust the rates throughout that period as the authority determines necessary to comply with this paragraph.

d. The amount of application fees collected by the authority under this subsection shall be considered appropriated receipts as defined in section 8.2.

3. The agricultural development board shall review and recommend approval of an application for a tax credit as provided by rules adopted by the authority. The application must include a copy of the agricultural lease agreement. The authority may require that the parties to an agreement provide additional information as determined relevant by the authority.

4. The authority shall approve all beginning farmer tax credit applications that meet the requirements of this subpart and make tax credit awards on a first-come, first-served basis, subject to the limitations in section 16.82A. An eligible taxpayer may apply and be approved to enter into agreements with different qualified beginning farmers.

5. After the authority has approved an application and made a tax credit award, all of the following apply:

a. The authority shall issue beginning farmer tax credit certificates to an eligible taxpayer on an annual basis as provided in section 16.82A.

b. An eligible taxpayer may claim the tax credit each tax year as provided in section 16.82.

6. Any financial, contractual, or legal authorization records provided to the authority shall be kept confidential and are not subject to chapter 22.

2019 Acts, ch 161, §10, 18, 19; 2021 Acts, ch 177, §63, 64, 67; 2024 Acts, ch 1185, §106
Referred to in §16.79A, 16.82A

16.82 Beginning farmer tax credit — allowance.

1. A beginning farmer tax credit is authorized under the beginning farmer tax credit program as provided in section 16.78. The beginning farmer tax credit is allowed against the taxes imposed in chapter 422, subchapter II, as provided in section 422.11E, and in chapter 422, subchapter III, as provided in section 422.33, subsection 21, to facilitate the transfer of agricultural assets from an eligible taxpayer to a qualifying beginning farmer participating in the program.

2. An individual may claim a beginning farmer tax credit under this section of a partnership, limited liability company, S corporation, estate, or trust electing to have income taxed directly to the individual. The amount claimed by the individual shall be based

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upon the pro rata share of the individual's earnings from the partnership, limited liability company, S corporation, estate, or trust.

3. Subject to the limitations described in subsections 5, 6, and 7, the authority shall determine the amount of the tax credit under an agreement using the following methods:

a. In the case of an agreement on a fixed basis, in which an eligible taxpayer receives a fixed cash rent payment, the amount of the tax credit equals five percent of the amount of the fixed cash rent payment for each year.

b. In the case of an agreement on a commodity share basis, in which an eligible taxpayer receives as a rent payment a percentage of the commodity produced, the amount of the tax credit shall equal fifteen percent of the gross amount that the eligible taxpayer would receive as a rent payment from the sale of the eligible taxpayer's share of the crop in each harvest year. The amount of the tax credit shall be based on an equation established by rule adopted by the authority which shall use data compiled by the United States department of agriculture, which shall include all of the following factors:

(1) The past ten-year average per bushel yield for the same type of grain as produced under the agreement in the same county where the leased agricultural land is located excluding the years of highest and lowest per bushel yields.

(2) The per bushel state price established for the same type of grain harvested as described in subparagraph (1). Price information shall be averaged from the past five years excluding the years of the highest and lowest per bushel state price.

c. In the case of an agreement made on a flexible basis in which an eligible taxpayer receives a rent payment consisting of a fixed cash payment and an amount subject to adjustment according to a risk-sharing arrangement, or receives a rent payment consisting of an amount subject to adjustment according to a risk-sharing arrangement, the amount of the tax credit equals the sum of the following amounts:

(1) To the extent that a portion of the amount of the rent payment is calculated on a fixed basis as described in paragraph "*a*", that portion of the tax credit equals five percent of the fixed cash payment in the same manner as provided in paragraph "*a*".

(2) To the extent that a portion of the amount of the rent payment is calculated on a commodity share basis as described in paragraph "*b*", that portion of the tax credit equals fifteen percent of the amount that the eligible taxpayer would receive from the sale of the eligible taxpayer's share of the commodity in the same manner as provided in paragraph "*b*".

(3) (a) To the extent that the amount of the rent payment may be adjusted after taking into account all risk-sharing factors provided in the agreement, that portion of the tax credit equals fifteen percent of the highest adjusted amount that the eligible taxpayer could receive in excess of the amounts calculated in subparagraphs (1) and (2) based on an equation adopted by rule by the authority.

(b) As used in subparagraph division (a), *"risk-sharing factor"* means an occurrence or lack of occurrence that may affect the commodity's production or profitability as provided in the agreement, and which may include but is not limited to production costs, per acre crop yield, gross revenue, or market price.

(c) The authority shall adopt rules establishing criteria for commonly used risk-sharing factors and adjustment limits.

4. The authority shall provide the department with data, in the format prescribed by the department, of eligible taxpayers and persons who have been decertified due to lease termination or other cause of ineligibility by January 31 of each year. The data shall include the amount of the tax credit issued for the most recent year and all expected future tax credits under an agreement for each eligible taxpayer and the type of agreement.

5. The amount of tax credits that may be awarded to an eligible taxpayer for any one year under an agreement shall not exceed fifty thousand dollars.

6. The amount of the tax credit shall be reduced by the percent ownership interest of the qualifying beginning farmer in the agricultural asset.

7. A tax credit in excess of the eligible taxpayer's tax liability for the tax year is not refundable but may be credited to the tax liability for the following ten tax years or until depleted, whichever is earlier. A tax credit shall not be carried back to a tax year prior to the tax year in which the eligible taxpayer redeems the tax credit.

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8. *a.* To claim a tax credit under this section, an eligible taxpayer shall include one or more tax credit certificates with the eligible taxpayer's tax return pursuant to rules adopted by the department.

b. A tax credit shall not be transferable to any other person other than the eligible taxpayer's estate or trust upon the eligible taxpayer's death pursuant to rules adopted by the department.

9. If an agreement is terminated by the eligible taxpayer, all of the following shall apply:

a. Any tax credit properly claimed by the eligible taxpayer prior to the date of termination or for the year during which the termination occurred shall be allowed except as provided in paragraph "*b*", but no additional tax credits may be issued or claimed under the program for that agreement. The eligible taxpayer may apply for and be awarded another beginning farmer tax credit under a new agreement for the same agricultural assets as provided in this section.

b. If the authority determines that the eligible taxpayer is at fault for the termination, any beginning farmer tax credit that is claimed by the eligible taxpayer for the year during which the termination occurred shall be disallowed and the amount shall be considered a tax payment due. If an eligible taxpayer does not notify the authority of the termination within thirty days of the date of the termination in the manner and form prescribed by the authority, the eligible taxpayer shall be conclusively deemed at fault for the termination.

2019 Acts, ch 161, §11, 18, 19; 2020 Acts, ch 1062, §94; 2021 Acts, ch 177, §65, 67
Referred to in §16.77, 16.79A, 16.81, 16.82A

16.82A Beginning farmer tax credit awards — amount and availability.

1. *a.* Upon approval of an application as provided in section 16.81, the authority shall make a tax credit award to the eligible taxpayer. The tax credit award shall equal the sum of the tax credits calculated by the authority under section 16.82 for all eligible years under the approved agreement.

b. The authority shall notify the eligible taxpayer of the tax credit award under the program. The notification shall include the total tax credit award, the amount of the tax credit award that will be issued by way of a tax credit certificate in each future year under the approved agreement, and a statement that the eligible taxpayer has no right to receive tax credit certificates and claim tax credits under the program if all requirements of the agreement and the program are not satisfied.

c. If, after a tax credit award is made, the eligible taxpayer or qualified beginning farmer no longer meets the requirements of the agreement or the program, the authority may revoke the tax credit award and may rescind any tax credit certificate that has been issued.

2. The amount of beginning farmer tax credits that may be awarded by the authority in any one calendar year under the beginning farmer tax credit program shall not in the aggregate exceed a limit of twelve million dollars. Tax credits shall be awarded by the authority not later than December 15 of each calendar year after the agricultural development board reviews applications as provided in section 16.81 and the authority determines tax credit amounts for the approved applications as provided in section 16.82, aggregated for purposes of meeting the annual program award limits.

3. *a.* The authority shall issue tax credit certificates on an annual basis to eligible taxpayers who have received a tax credit award. The tax credit certificate shall contain the information required by the department.

b. The aggregate amount of tax credit certificates issued to an eligible taxpayer shall not exceed the eligible taxpayer's tax credit award.

c. A tax credit certificate, unless rescinded by the authority, shall be accepted by the department as payment for taxes pursuant to chapter 422, subchapters II and III, subject to any conditions or restrictions placed by the authority upon the face of the tax credit certificate and subject to the limitations of the program.

2019 Acts, ch 161, §12, 18, 19; 2020 Acts, ch 1062, §13, 94
Referred to in §16.79A, 16.81
Applicability of section to tax credits awarded to applicants submitting applications before May 21, 2019, for agricultural transfer tax credits under former §16.80, for the tax year beginning January 1, 2019, see 2019 Acts, ch 161, §16, 17, 19

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SUBPART C

AGRICULTURAL PRODUCER PROGRAMS

16.83 Additional loan program.

1. The authority may enter into a loan agreement with a beginning farmer to finance in whole or in part the acquisition by construction or purchase of agricultural land, agricultural improvements, or depreciable agricultural property. The repayment obligation of the beginning farmer may be unsecured, or may be secured by a mortgage or security agreement or by other security as the authority deems advisable, and may be evidenced by one or more notes of the beginning farmer. The loan agreement may contain terms and conditions as the authority deems advisable.

2. The authority may issue its bonds and notes for the purposes set forth in subsection 1 and may enter into a lending agreement or purchase agreement with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. Bonds and notes must be authorized by a resolution of the authority. The authority and the bondholders or noteholders may enter into an agreement to provide for any of the following:

a. That the proceeds of the bonds and notes, and the investments on the proceeds, may be received, held, and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amounts payable under the loan agreement or any other security instrument securing the debt obligation of the beginning farmer.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreement or security instrument on their own behalf without the appointment or designation of a trustee and if there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained therein, the payment or performance may be enforced in accordance with the provisions contained therein.

d. That if there is a default in the payment of the principal or interest on a mortgage or security instrument or a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument may be foreclosed or enforced and any collateral sold under proceedings or actions permitted by law and a trustee under the mortgage or security agreement or the holder of any bonds or notes secured thereby may become a purchaser if the trustee or holder is the highest bidder.

e. Other terms and conditions.

3. The authority may provide in the resolution authorizing the issuance of the bonds or notes that the principal and interest shall be limited obligations payable solely out of the revenues derived from the debt obligation, collateral, or other security furnished by or on behalf of the beginning farmer, and that the principal and interest does not constitute an indebtedness of the authority or a charge against its general credit or general fund.

4. The powers granted the authority under this section are in addition to other powers granted to the authority to administer this subchapter as provided in this chapter. All other provisions of this chapter, except section 16.28, subsection 4, apply to bonds or notes issued pursuant to and powers granted to the authority under this section except to the extent that they are inconsistent with this section.

2014 Acts, ch 1080, §63, 78

16.84 Financial assistance for agricultural producers.

1. In addition to the other programs authorized pursuant to this subchapter, the authority is authorized to provide any type of economic assistance directly or indirectly to agricultural producers, and may develop and implement programs including but not limited to the making of loan guaranties, interest buy-downs, grants, secured or unsecured direct loans, secondary market purchases of loans or mortgages, loans to lending institutions or other agricultural lenders as designated by rule of the authority, or entities that provide funds or credits to such lenders or institutions, to assist agricultural producers within the state. The authority may

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exercise any of the powers granted to the authority in this chapter in order to fulfill the goal of providing financial assistance to agricultural producers. The authority may participate in and cooperate with programs of any agency or instrumentality of the federal government or with programs of any other state agency in the administration of the programs to provide economic assistance to agricultural producers.

2. The authority shall provide in any program developed and implemented pursuant to this section that assistance shall be provided only if the following criteria are satisfied:

a. The agricultural producer is a resident of the state.

b. The agricultural producer's land and farm operations are located within the state.

c. Based upon the agricultural producer's net worth, cash flow, debt-to-asset ratio, and other criteria as prescribed by rule of the authority, the authority determines that without such assistance the agricultural producer could not reasonably be expected to be able to obtain, retain, restructure, or service loans or other financing for operating expenses, cash flow requirements, or capital acquisition and maintenance upon a reasonable and affordable basis.

d. Other criteria as the authority prescribes by rule.

3. The authority is granted all powers which are necessary or useful to develop and implement programs and authorizations pursuant to subsection 1. These powers include but are not limited to:

a. All general and specific powers stated in subchapter IV and this subchapter.

b. The power to make or enter into or to require the making or entry into of agreements of any type, with or by any person, that are necessary to effect the purposes of this section. These agreements may include but are not limited to contracts, notes, bonds, guaranties, mortgages, loan agreements, trust indentures, reimbursement agreements, letters of credit or other liquidity or credit enhancement agreements, reserve agreements, loan or mortgage purchase agreements, buy-down agreements, grants, collateral or security agreements, insurance contracts, or other similar documents. The agreements may contain any terms and conditions which the authority determines are reasonably necessary or useful to implement the purposes of this section or which are usually included in agreements or documents between private or public persons in similar transactions.

c. The power to require submission of evidence satisfactory to the authority of the receipt by an agricultural producer of the assistance intended under a program developed and implemented pursuant to this section. In that connection, the authority, through its members, employees, or agents, may inspect the books and records of any person receiving or involved in the provision of assistance in accordance with this section.

d. The power to establish by rule appropriate enforcement provisions in order to assure compliance with this section and rules adopted pursuant to this section, to seek the enforcement of such rules and the terms of any agreement or document by decree of any court of competent jurisdiction, and to require as a condition of providing assistance pursuant to this section the consent of any person receiving or involved in the provision of the assistance to the jurisdiction of the courts of this state over any enforcement proceeding.

e. The power to require, as a condition of the provision of assistance pursuant to this section, any representations and warranties on the part of any person receiving or involved in providing such assistance that the authority determines are reasonably necessary or useful to carry out the purposes of this section. A person receiving or involved in providing assistance pursuant to this section is liable to the authority for damages suffered by the authority by reason of a misrepresentation or the breach of a warranty.

4. All persons, public and private, are authorized to cooperate with the authority and to participate in the programs developed and implemented pursuant to this section and in accordance with the rules of the authority.

5. The powers granted the authority under this section are in addition to other powers contained in this chapter. All other provisions of this chapter, except section 16.28, subsection 4, apply to bonds or notes issued pursuant to powers granted to the authority under this section, to reserve funds, to appropriations, and to the remedies of bondholders and noteholders except to the extent that they are inconsistent with this section.

2014 Acts, ch 1080, §64, 78

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16.85 through 16.89 Reserved.

SUBCHAPTER IX
TITLE GUARANTY

PART 1
GENERAL

16.90 Definition.

As used in this subchapter, unless the context otherwise requires, *"title guaranty"* means a guaranty against loss or damage caused by a defective title to real property.

2014 Acts, ch 1080, §65, 78

PART 2
PROGRAM

16.91 Iowa title guaranty program.

1. The authority, through the Iowa title guaranty division, shall initiate and operate a program in which the division shall offer guaranties of real property titles in this state. The terms, conditions, and form of the guaranty contract shall be forms approved by the board. The division shall fix a charge for the guaranty in an amount sufficient to permit the program to operate on a self-sustaining basis, including payment of administrative costs and the maintenance of an adequate reserve against claims under the Iowa title guaranty program. A title guaranty fund is created in the office of the treasurer of state. Funds collected under this program shall be placed in the title guaranty fund and are available to pay all claims, necessary reserves and all administrative costs of the Iowa title guaranty program. Moneys in the fund shall not revert to the general fund and interest on the moneys in the fund shall be deposited in the housing trust fund created in section 16.181 and shall not accrue to the general fund. If the board determines that there are surplus funds in the title guaranty fund after providing for adequate reserves and operating expenses of the division, the surplus funds shall be transferred to the housing assistance fund created pursuant to section 16.40.

2. A title guaranty, closing protection letter, or gap coverage issued under this program is an obligation of the division only and claims are payable solely and only out of the moneys, assets, and revenues of the title guaranty fund and are not an indebtedness or liability of the state. The state is not liable on any guaranty, closing protection letter, or gap coverage.

3. With the approval of the board, the division shall consult with the insurance division of the department of insurance and financial services in developing a guaranty contract acceptable to the secondary market and developing any other feature of the program with which the insurance division may have special expertise. Except as provided in this subsection, the Iowa title guaranty program is not subject to the jurisdiction of or regulation by the insurance division or the commissioner of insurance.

4. Each participating attorney and abstractor may be required to pay an annual participation fee to be eligible to participate in the Iowa title guaranty program. The fee, if any, shall be set by the division, subject to the approval of the authority.

5. The participation of abstractors and attorneys shall be in accordance with rules established by the division and adopted by the authority pursuant to chapter 17A.

a. (1) Each participant shall at all times maintain liability coverage in amounts approved by the division. Upon payment of a claim by the division, the division shall be subrogated to the rights of the claimant against all persons relating to the claim.

(2) Additionally, each participating abstractor is required to own or lease, and maintain and use in the preparation of abstracts, an up-to-date abstract title plant including tract

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indices for real estate for each county in which abstracts are prepared for real property titles guaranteed by the division. The tract indices shall contain a reference to all instruments affecting the real estate which are recorded in the office of the county recorder, and shall commence not less than forty years prior to the date the abstractor commences participation in the Iowa title guaranty program. However, a participating attorney providing abstract services continuously from November 12, 1986, to the date of application, either personally or through persons under the attorney's supervision and control is exempt from the requirements of this subparagraph.

b. The division may waive the requirements of this subsection pursuant to an application of an attorney or abstractor which shows that the requirements impose a hardship to the attorney or abstractor and that the waiver clearly is in the public interest or is absolutely necessary to ensure availability of title guaranties throughout the state.

6. Prior to the issuance of a title guaranty, the division shall require evidence that an abstract of title to the property in question has been brought up-to-date and certified by a participating abstractor in a form acceptable to the division, and a title opinion issued by a participating attorney in a form acceptable to the division stating the attorney's opinion as to the title. The division shall require evidence of the abstract being brought up-to-date and the abstractor shall retain evidence of the abstract as determined by the division.

7. The attorney rendering a title opinion shall be authorized to issue a title guaranty certificate subject to the rules of the authority.

8. The authority shall adopt rules pursuant to chapter 17A that are necessary for the implementation of the Iowa title guaranty program as established by the division and that have been approved by the authority.

85 Acts, ch 252, §30
CS85, §220.91
87 Acts, ch 75, §1; 88 Acts, ch 1145, §2 – 5; 92 Acts, ch 1090, §1
C93, §16.91
97 Acts, ch 214, §6; 2000 Acts, ch 1166, §1; 2007 Acts, ch 54, §27; 2008 Acts, ch 1032, §132; 2008 Acts, ch 1097, §2; 2014 Acts, ch 1012, §3 – 5; 2014 Acts, ch 1080, §66, 78; 2016 Acts, ch 1122, §1; 2023 Acts, ch 19, §2713; 2025 Acts, ch 147, §25
Referred to in §447.13

16.92 Real estate transfer — mortgage release certificate.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Applicant" means a person authorized to regularly lend moneys to be secured by a mortgage on real property in this state, a licensed real estate broker, a licensed attorney, a participating abstractor, or a licensed closing agent.

b. "Closing agent" means a closing agent subject to the licensing requirements of chapter 535B.

c. "Division" means the Iowa title guaranty division in the authority, the director of the division, or a designee of the director.

d. "Mortgage" means a mortgage or mortgage lien on an interest in real property in this state given to secure a loan in an original principal amount equal to or less than the maximum principal amount as determined by the division and adopted by the authority pursuant to rules promulgated under chapter 17A.

e. "Mortgage servicer" means the mortgagee or a person other than the mortgagee to whom a mortgagor or the mortgagor's successor in interest is instructed by the mortgagee to send payments on a loan secured by the mortgage. A person transmitting a payoff statement for a mortgage is a mortgage servicer for purposes of such mortgage and this chapter.

f. "Mortgagee" means the grantee of a mortgage. If a mortgage has been assigned of record, the mortgagee is the last person to whom the mortgage is assigned of record.

g. "Mortgagor" means the grantor of a mortgage.

h. "Participating abstractor" means an abstractor participating in the Iowa title guaranty program.

i. "Payoff statement" means a written statement furnished by the mortgage servicer which sets forth all of the following:

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(1) The unpaid balance of the loan secured by a mortgage, including principal, interest, and any other charges properly due under or secured by the mortgage, or the amount required to be paid in order to release or partially release the mortgage.

(2) The address where payment is to be sent or other specific instructions for making a payment.

(3) The legal description, street address, or other description sufficient to identify the property that will be released from the mortgage.

2. *Application.* The division may execute and record a certificate of release on behalf of the division in the real property records of each county in which a mortgage is recorded as provided in this section if all of the following are satisfied:

a. The applicant submits all of the following in writing to the division:

(1) A payoff statement or other documentation of the amount due, acceptable to the division, as evidence that the mortgage does not continue to secure an unpaid obligation due the mortgagee or an unfunded commitment by the mortgagor to the mortgagee.

(2) Evidence that payment was made, including, if available, a statement as to the date the payment was received by the mortgagee or mortgage servicer, with supporting documentation, as evidenced by one or more of the following:

(a) A bank check, certified check, escrow account check, real estate broker trust account check, attorney trust account check, or wire receipt, that was negotiated by the mortgagee or mortgage servicer.

(b) Other documentary evidence, acceptable to the division, of payment to the mortgagee or mortgage servicer.

b. The applicant confirms in writing to the division all of the following:

(1) More than thirty days have elapsed since the date the payment was sent.

(2) An effective satisfaction or release of the mortgage has not been executed and recorded within thirty days after the date of payment.

3. *Notice.*

a. Prior to the execution and filing of a certificate of release pursuant to this section, the division shall notify the mortgage servicer in writing of all of the following:

(1) The mortgage has not been released.

(2) The division's intention to execute and record a certificate of release pursuant to this section after expiration of the thirty-day period following the sending of the notice.

b. The notice shall include instructions to notify the division in writing within thirty days of the effective date of the notice of any reason why the certificate of release should not be executed and recorded.

c. For purposes of this section, notice may be served by any of the following methods:

(1) By certified mail or any commercial delivery service, properly addressed with postage or cost of delivery provided for.

(2) By facsimile transmission or electronic mail to an address provided by the mortgage servicer, but only if the mortgage servicer agrees to receive notice in that manner.

(3) By publication in a newspaper of general circulation published in each county where the mortgage is recorded once each week for three consecutive weeks after receiving an affidavit by the applicant that service in accordance with the provisions of subparagraph (1) or (2) cannot be made on the mortgage servicer.

(4) By otherwise causing the notice to be received by the mortgage servicer within the time it would have been received if notice had been served by certified mail or commercial delivery service.

d. For purposes of this section, notice is effective under any of the following circumstances:

(1) The day after the notice is deposited with a commercial delivery service for overnight delivery.

(2) Three days after the notice is deposited with the United States postal service, or with a commercial delivery service for delivery other than by overnight delivery.

(3) The day the notice is transmitted, if served pursuant to paragraph "*c*", subparagraph (2).

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(4) On the last day of publication, if published pursuant to paragraph "*c*", subparagraph (3).

(5) The day the notice is received, if served by a method other than as provided in paragraph "*c*", subparagraph (1), (2), or (3).

e. If, prior to executing and recording the certificate of release, the division receives a written notification setting forth a reason that is satisfactory to the division as to why the certificate of release should not be executed, the division shall not execute and record the certificate of release.

4. *Contents.* A certificate of release executed under this section must contain substantially the information set forth as follows:

a. The name of the mortgagor.

b. The name of the original mortgagee.

c. The date of the mortgage.

d. The date of recording, including the volume and page or other applicable recording information in the real property records of each county where the mortgage is recorded.

e. A statement that the release was prepared in accordance with this section.

5. *Execution.* A certificate of release under this section shall be executed and acknowledged in the same manner as required by law for the execution of a deed.

6. *Recording.* The certificate of release or partial release shall be recorded in each county where the mortgage is recorded.

7. *Effect.*

a. For purposes of a release or partial release of a mortgage, a certificate of release executed under this section that contains the information and statements required under subsection 4 is prima facie evidence of the facts contained in such release or partial release, is entitled to be recorded with the county recorder where the mortgage is recorded, operates as a release or partial release of the mortgage described in the certificate of release, and may be relied upon by any person who owns or subsequently acquires an interest in the property released from the mortgage. The county recorder shall rely upon the certificate of release to release the mortgage.

b. Recording of a wrongful or erroneous certificate of release by the division shall not relieve the mortgagor, or the mortgagor's successors or assigns on the debt, from personal liability on the loan or on other obligations secured by the mortgage.

c. In addition to any other remedy provided by law, if the division through an act of negligence wrongfully or erroneously records a certificate of release under this section, the division is liable to the mortgagee and mortgage servicer for actual damages sustained due to the recording of the certificate of release.

d. Upon payment of a claim relating to the recording of a certificate of release, the division is subrogated to the rights of the claimant against all persons relating to the claim.

8. *Fee.* The division may charge a fee for services under this section.

99 Acts, ch 54, §1; 2000 Acts, ch 1166, §2 – 5; 2001 Acts, ch 24, §15; 2005 Acts, ch 26, §1, 2; 2007 Acts, ch 52, §1 – 4; 2008 Acts, ch 1191, §32; 2013 Acts, ch 85, §1, 2; 2014 Acts, ch 1012, §6; 2014 Acts, ch 1080, §67, 78; 2015 Acts, ch 30, §26; 2016 Acts, ch 1011, §3; 2025 Acts, ch 147, §26, 27

16.93 Closing protection letters.

1. The authority, through the Iowa title guaranty division, may issue a closing protection letter to a person to whom a proposed title guaranty is to be issued, upon the request of the person, if the division issues a commitment for title guaranty or title guaranty certificate. The closing protection letter shall conform to the terms of coverage and form of the instrument as approved by the board and may indemnify a person to whom a proposed title guaranty is to be issued against loss of settlement funds due to only the following acts of the division's named participating attorney, participating abstractor, or closer:

a. Theft of settlement funds.

b. Failure by the participating attorney, participating abstractor, or closer to comply with written closing instructions of the person to whom a proposed title guaranty is to be issued

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relating to title certificate coverage when agreed to by the participating attorney, participating abstractor, or closer.

2. A closing protection letter shall only be issued to a person to whom a proposed title guaranty is to be issued for real property transactions in which the division has committed to issue an owner or lender certificate and for which the division receives a premium and other payments or fees for a title guaranty certificate or other coverage.

3. The division shall establish the amount of coverage to be provided and may distinguish between classes of property including but not limited to residential, agricultural, or commercial, provided that the total amount of coverage provided by the closing protection letter shall not exceed the amount of the commitment or title guaranty to be issued. Liability under the closing protection letter shall be coextensive with liability under the certificate to be issued in connection with a transaction such that payments under the terms of the closing protection letter shall reduce by the same amount the liability under the title guaranty certificate and payment under the title guaranty certificate shall reduce the liability under the terms of the closing protection letter.

4. The division may adopt a required fee for providing closing protection letter coverage.

5. The division shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

6. The authority shall adopt rules pursuant to chapter 17A as necessary to administer this section.

2000 Acts, ch 1166, §6; 2008 Acts, ch 1055, §1, 2; 2014 Acts, ch 1080, §68, 78; 2025 Acts, ch 147, §28, 29

16.94 through 16.99 Reserved.

16.100 and 16.100A Repealed by 2014 Acts, ch 1080, §111, 114.

SUBCHAPTER X

SPECIAL FINANCING PROGRAMS

PART 1

ECONOMIC DEVELOPMENT PROGRAMS

16.101 Legislative findings. Repealed by 2007 Acts, ch 54, §45.

16.102 Establishment of economic development program — bonds and notes — projects.

The authority may assist the development and expansion of family farming, housing, and business in the state through the establishment of the economic development program. The authority may issue its bonds or notes, or series of bonds or notes for the purpose of defraying the cost of one or more projects and make secured and unsecured loans for the acquisition and construction of projects on terms the authority determines.

86 Acts, ch 1212, §3
C87, §220.102
C93, §16.102
2007 Acts, ch 54, §28, 29; 2009 Acts, ch 43, §5; 2014 Acts, ch 1080, §69, 78
Referred to in §16.4D, 16.104

16.103 Iowa economic development program — specific powers.

In carrying out the economic development program, the authority may do any of the following:

1. Make secured and unsecured loans for both the acquisition and the construction of projects on terms the authority determines. A loan may be made to any person or entity including but not limited to a city or county for a project approved by the authority. The

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authority may take any action which is reasonable and lawful to protect its security and to avoid losses from its loans.

2. Acquire, hold, and mortgage personal property and real estate and interests in real estate to be used as a project.

3. Purchase, construct, improve, furnish, equip, lease, option, sell, exchange, or otherwise dispose of one or more projects under the terms the authority determines. However, in the lease, sale, or loan agreement relating to a project, the authority shall provide for adequate maintenance of the project.

4. Grant a mortgage, lien, pledge, assignment, or other encumbrance on one or more projects, revenues, or reserve or other funds established in connection with obligations, or with respect to a lease, sale, or loan relating to one or more projects, or a guaranty or insurance agreement relating to one or more projects, or a secured or unsecured interest of the authority in one or more projects or parts of one or more projects.

5. Provide that the interest on obligations may vary in accordance with a base or formula authorized by the authority.

6. Contract for the acquisition, construction, or both of one or more projects or parts of one or more projects and for the leasing, subleasing, sale, or other disposition of one or more projects in a manner determined by the authority.

86 Acts, ch 1212, §4
C87, §220.103
C93, §16.103
2013 Acts, ch 100, §5, 17; 2014 Acts, ch 1080, §70, 78

16.104 Loan agreements.

1. The authority may enter into loan agreements with one or more borrowers to finance in whole or in part the acquisition of one or more projects by construction or purchase. The repayment obligation of the borrower or borrowers may be unsecured, secured by a mortgage or security agreement, or secured by other security as the authority deems advisable. The repayment obligation may be evidenced by one or more notes of the borrower or borrowers. The loan agreements may contain terms and conditions the authority deems advisable.

2. The authority may issue its bonds and notes for the projects set forth in section 16.102 and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee or agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the bondholders or noteholders, or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amounts payable under the loan agreements or any other security instruments securing the debt obligations of the borrower or borrowers.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or security instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the loan agreements or security instruments, the payment or performance may be enforced in accordance with the loan agreement or security instrument.

d. That if there is a default in the payment of the principal or interest on a mortgage or security instrument or if there is a violation of an agreement contained in the mortgage or security instrument, the mortgage or security instrument may be foreclosed or enforced. Collateral may be sold under proceedings or actions permitted by law. A trustee under the mortgage or security agreement or the holder of any bonds or notes secured by the mortgage or security agreement may become a purchaser if the trustee or holder is the highest bidder.

e. Other terms and conditions as deemed necessary or appropriate by the authority.

86 Acts, ch 1212, §5

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C87, §220.104
87 Acts, ch 115, §33
C93, §16.104

16.105 Security for bonds — reserve funds — validity of pledge — nonliability.

1. The authority may provide in the resolution authorizing the issuance of its bonds or notes for the economic development program that the principal of, premium, if any, and interest on the bonds or notes are payable exclusively from any of the following:

a. The income and receipts or other money derived from the projects financed with the proceeds of the bonds or notes.

b. The income and receipts or other money derived from designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes.

c. The authority's income and receipts of other assets generally, or a designated part or parts of them.

2. *a.* For the purpose of securing one or more issues of its bonds or notes, the authority may establish one or more special funds, called "capital reserve funds". The authority may pay into the capital reserve funds the proceeds of the sale of its bonds or notes and other money which may be made available to the authority from other sources for the purposes of the capital reserve funds. Except as provided in this section, money in a capital reserve fund shall be used only as required for any of the following:

(1) The payment of the principal of and interest on bonds or notes or of the sinking fund payments with respect to those bonds or notes.

(2) The purchase or redemption of the bonds or notes.

(3) The payment of a redemption premium required to be paid when the bonds or notes are redeemed before maturity.

b. However, money in a capital reserve fund shall not be withdrawn if the withdrawal would reduce the amount in the capital reserve fund to less than the capital reserve fund requirement, except for the purpose of making payment, when due, of principal, interest, redemption premiums on the bonds or notes, and making sinking fund payments when other money pledged to the payment of the bonds or notes is not available for the payments. Income or interest earned by, or increment to, a capital reserve fund from the investment of all or part of the fund may be transferred by the authority to other funds or accounts of the authority if the transfer does not reduce the amount of the capital reserve fund below the capital reserve fund requirement.

3. If the authority decides to issue bonds or notes secured by a capital reserve fund, the bonds or notes shall not be issued if the amount in the capital reserve fund is less than the capital reserve fund requirement, unless at the time of issuance of the bonds or notes the authority deposits in the capital reserve fund from the proceeds of the bonds or notes to be issued or from other sources, an amount which, together with the amount then in the fund, is not less than the capital reserve fund requirement.

4. In computing the amount of a capital reserve fund for the purpose of this section, securities in which all or a portion of the fund is invested shall be valued by a reasonable method established by the authority by resolution. Valuation shall include the amount of interest earned or accrued as of the date of valuation.

5. In this section, "*capital reserve fund requirement*" means the amount required to be on deposit in the capital reserve fund as of the date of computation as determined by resolution of the authority.

6. To assure maintenance of the capital reserve funds, the chairperson of the authority shall, on or before July 1 of each calendar year, make and deliver to the governor the chairperson's certificate stating the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Within thirty days after the beginning of the session of the general assembly next following the delivery of the certificate, the governor may submit to both houses printed copies of a budget including the sum, if any, required to restore each capital reserve fund to the capital reserve fund requirement for that fund. Any sums appropriated by the general assembly and paid to the authority pursuant to this section shall be deposited by the authority in the applicable capital reserve fund.

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7. All amounts paid to the authority by the state pursuant to this section shall be considered advances by the state to the authority and, subject to the rights of the holders of any bonds or notes of the authority that have previously been issued or will be issued, shall be repaid to the state without interest from all available operating revenues of the authority in excess of amounts required for the payment of bonds, notes, or obligations of the authority, the capital reserve fund, and operating expenses.

8. If any amount deposited in a capital reserve fund is withdrawn for payment of principal, premium, or interest on the bonds or notes or sinking fund payments with respect to bonds or notes thus reducing the amount of that fund to less than the capital reserve fund requirement, the authority shall immediately notify the general assembly of this event and shall take steps to restore the capital reserve fund to the capital reserve fund requirement for that fund from any amounts designated as being available for such purpose.

9. The authority may establish reserve funds, other than capital reserve funds, to secure one or more issues of its bonds or notes. The authority may deposit in a reserve fund established under this subsection the proceeds of the sale of its bonds or notes and other money which is made available from any other source. The authority may allow a reserve fund established under this subsection to be depleted without complying with subsection 6 or subsection 8.

10. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

11. Neither the members of the authority nor a person executing the bonds or notes are liable personally on the bonds or notes or are subject to personal liability or accountability by reason of the issuance of the bonds or notes.

12. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state, except the authority, and are payable solely from the income and receipts or other funds or property of the authority which are designated in the resolution of the authority authorizing the issuance of the bonds or notes as being available as security for bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state, except the authority, to the payment of a bond or note. The issuance of a bond or note by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply money from, or levy or pledge any form of taxation whatever to the payment of the bond or note.

86 Acts, ch 1212, §6
C87, §220.105
C93, §16.105
2005 Acts, ch 3, §13; 2008 Acts, ch 1032, §201; 2014 Acts, ch 1080, §71, 72, 78

16.106 Adoption of rules. Repealed by 2014 Acts, ch 1080, §111, 114.

16.107 Infrastructure loan program. Repealed by 2001 Acts, ch 61, §19.

16.108 through 16.120 Reserved.

16.121 through 16.125 Repealed by 2007 Acts, ch 54, §45.

16.126 through 16.130 Reserved.

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PART 2

WATER POLLUTION CONTROL WORKS, DRINKING WATER, AND WASTEWATER PROGRAMS

Referred to in §16.151

16.131 Water pollution control works and drinking water facilities financing program — funding — bonds and notes.

1. The authority shall cooperate with the department of natural resources in the creation, administration, and financing of the water pollution control works and drinking water facilities financing program established in sections 455B.291 through 455B.299.

2. The authority may issue its bonds and notes for the purpose of funding the funds created under section 16.133A and the state matching funds required pursuant to the Clean Water Act and the Safe Drinking Water Act.

3. The authority may issue its bonds and notes for the purposes established and may enter into one or more loan agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the authority or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amount payable under the loan agreements or any other instruments securing the debt obligations under the loan agreements.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or other instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the loan agreements or other instruments, the payment or performance may be enforced in accordance with the loan agreement or other instrument.

d. Other terms and conditions as deemed necessary or appropriate by the authority.

4. The powers granted the authority under this section are in addition to other powers contained in this chapter. All other provisions of this chapter, except section 16.28, subsection 4, apply to bonds or notes issued and powers granted to the authority under this section except to the extent they are inconsistent with this section.

5. All bonds or notes issued by the authority in connection with the program are exempt from taxation by this state and the interest on the bonds or notes is exempt from state income tax.

6. The authority shall determine the interest rate and repayment terms for loans made under the program, in cooperation with the department, and the authority shall enter into loan agreements with eligible entities in compliance with and subject to the terms and conditions of the Clean Water Act, the Safe Drinking Water Act, and any other applicable federal law.

7. The authority shall process, review, and approve or deny loan applications pursuant to eligibility requirements established by rule of the authority and in accordance with the intended use plan applications approved by the department.

8. The authority may charge loan recipients fees and assess costs against such recipients necessary for the continued operation of the program. Fees and costs collected pursuant to this subsection shall be deposited in the appropriate fund or funds described in section 16.133A.

9. Notwithstanding any provision of this chapter to the contrary, moneys received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and deposited in the revolving loan funds may be used in any manner permitted or required by applicable federal law.

88 Acts, ch 1217, §20
C89, §220.131

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C93, §16.131
97 Acts, ch 4, §1; 2002 Acts, 2nd Ex, ch 1003, §234, 262; 2009 Acts, ch 30, §1 – 4; 2009 Acts, ch 100, §3, 21; 2014 Acts, ch 1080, §73, 78
Referred to in §16.131A, 16.132, 16.133, 16.134, 422.7(2)(f)

16.131A Definitions.

As used in section 16.131, this section, and sections 16.132 through 16.135, unless the context otherwise requires:

1. *"Clean Water Act"* means the federal Water Pollution Control Act of 1972, Pub. L. No. 92-500, as amended by the Water Quality Act of 1987, Pub. L. No. 100-4, as published in 33 U.S.C. §1251 – 1376, as amended.

2. *"Commission"* means the environmental protection commission created under section 455A.6.

3. *"Cost"* means all costs, charges, expenses, or other indebtedness incurred by a loan recipient and determined by the department as reasonable and necessary for carrying out all works and undertakings necessary or incidental to the accomplishment of any project.

4. *"Department"* means the department of natural resources created in section 455A.2.

5. *"Eligible entity"* means a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from any of the revolving loan funds.

6. *"Loan recipient"* means an eligible entity that has received a loan under the program.

7. *"Municipality"* means a city, county, sanitary district, state agency, or other governmental body or corporation empowered to provide sewage collection and treatment services or drinking water, or any combination of two or more of the governmental bodies or corporations acting jointly, in connection with a project.

8. *"Program"* means the water pollution control works and drinking water facilities financing program created pursuant to section 455B.294.

9. *"Project"* means one of the following:

a. In the context of water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment, and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in section 212 of the Clean Water Act, or the implementation and development of management programs established under sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control projects and related development activities authorized under those sections.

b. In the context of drinking water facilities, the acquisition, construction, reconstruction, extending, remodeling, improving, repairing, or equipping of waterworks, water mains, extensions, or treatment facilities useful for providing potable water to residents served by a water system, including the acquisition of real property needed for any of the foregoing purposes, and such other purposes and programs as may be authorized under the Safe Drinking Water Act.

10. *"Revolving loan funds"* means the funds of the program established under sections 16.133A and 455B.295.

11. *"Safe Drinking Water Act"* means Tit. XIV of the federal Public Health Service Act, commonly known as the "Safe Drinking Water Act", 42 U.S.C. §300f et seq., as amended by the Safe Drinking Water Amendments of 1996, Pub. L. No. 104-182, as amended.

12. *"Water system"* means any community water system or nonprofit noncommunity water system, each as defined in the Safe Drinking Water Act, that is eligible under the rules of the department to receive a loan under the program for the purposes of undertaking a project.

2009 Acts, ch 30, §5; 2011 Acts, ch 34, §7; 2014 Acts, ch 1080, §74, 78

16.132 Security — reserve funds — pledges — nonliability.

1. The authority may provide in the resolution, trust agreement, or other instrument authorizing the issuance of its bonds or notes pursuant to section 16.131 that the principal

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of, premium, and interest on the bonds or notes are payable from any of the following and may pledge the same to its bonds and notes:

a. The income and receipts or other money derived from the projects financed with the proceeds of the bonds or notes.

b. The income and receipts or other money derived from designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes.

c. The amounts on deposit in the revolving loan funds.

d. The amounts payable to the authority by eligible entities pursuant to loan agreements with eligible entities.

e. Any other funds or accounts established by the authority in connection with the program or the sale and issuance of its bonds or notes.

2. The authority may establish reserve funds, to secure one or more issues of its bonds or notes. The authority may deposit in a reserve fund established under this subsection the proceeds of the sale of its bonds or notes and other money which is made available from any other source.

3. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the money or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

4. Neither the members of the authority nor persons executing the bonds or notes are liable personally on the bonds or notes or are subject to personal liability or accountability by reason of the issuance of the bonds or notes.

5. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state within the meaning of any constitutional or statutory debt limitations but are special obligations of the authority, and are payable solely from the income and receipts or other funds or property of the authority, and the amounts on deposit in the revolving loan funds, and the amounts payable to the authority under its loan agreements with eligible entities to the extent that the amounts are designated in the resolution, trust agreement, or other instrument of the authority authorizing the issuance of the bonds or notes as being available as security for such bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state to the payment of any bonds or notes. The issuance of any bonds or notes by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply money from, or levy or pledge any form of taxation whatever to the payment of the bonds or notes.

88 Acts, ch 1217, §21
C89, §220.132
C93, §16.132
97 Acts, ch 4, §2 – 4; 2002 Acts, 2nd Ex, ch 1003, §235, 262; 2003 Acts, ch 44, §15, 114; 2009 Acts, ch 30, §6, 7; 2014 Acts, ch 1080, §75, 78
Referred to in §16.131A, 16.133

16.133 Adoption of rules.

The authority shall adopt rules pursuant to chapter 17A to implement sections 16.131 and 16.132.

88 Acts, ch 1217, §22
C89, §220.133
C93, §16.133
Referred to in §16.131A

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16.133A Funds and accounts — program funds and accounts not part of state general fund.

1. The authority may establish and maintain funds and accounts determined to be necessary to carry out the purposes of the program and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts. The department and the authority may combine administration of the revolving loan funds and cross collateralize the same to the extent permitted by the Clean Water Act, the Safe Drinking Water Act, and other applicable federal law. Moneys appropriated to and used by the authority and department for purposes of paying the costs and expenses associated with the administration of the program shall be administered as determined by the authority and department.

2. The funds or accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the authority or trustee pursuant to a trust agreement. Funds and accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, are separate dedicated funds and accounts under the administration and control of the authority and subject to section 16.31.

2009 Acts, ch 30, §8
Referred to in §16.131, 16.131A, 455B.291

16.134 Wastewater and drinking water treatment financial assistance program.

1. The Iowa finance authority shall establish and administer a wastewater and drinking water treatment financial assistance program. The purpose of the program shall be to provide financial assistance to enhance water quality. The program shall be administered in accordance with rules adopted by the authority pursuant to chapter 17A. For purposes of this section, *"program"* means the wastewater and drinking water treatment financial assistance program and *"committee"* means the water quality financing review committee created in subsection 9.

2. A wastewater and drinking water treatment financial assistance fund is created and shall consist of appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law. Moneys transferred to the fund pursuant to section 16.134A are appropriated to the authority for purposes of the program. 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.

3. Financial assistance under the program shall be used to install or upgrade wastewater treatment facilities and systems and drinking water treatment facilities and systems, including source water protection projects, and for engineering or technical assistance for facility planning and design.

4. The committee shall approve financial assistance from the fund in accordance with the following:

a. Priority shall be given for projects in which a disadvantaged community is seeking financial assistance for the installation or upgrade of wastewater treatment facilities and drinking water treatment facilities. For purposes of this section, the term *"disadvantaged community"* means the same as defined by the department.

b. Priority shall be given to projects meeting criteria established in section 455B.199B in which the applicant seeks financial assistance to be used with financing under the water pollution control works and drinking water facilities financing program pursuant to section 16.131 or other federal, state, or private financing.

c. Priority shall also be given to projects whose completion will provide significant improvement to water quality in the relevant watershed.

d. Priority shall also be given to communities that employ an alternative wastewater treatment technology pursuant to section 455B.199C.

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e. Priority shall also be given to those communities where sewer or water rates are the highest as a percentage of that community's median household income.

f. Priority shall also be given to communities that employ technology to address the goals of the Iowa nutrient reduction strategy.

g. Priority shall also be given to communities whose drinking water facilities and systems use as a supply, or to projects whose completion will improve, surface waters on the state's impaired waters list as described in section 455B.194 and 455B.195.

h. Financial assistance in the form of grants shall be issued on an annual basis.

i. An applicant shall not receive a grant that exceeds one million dollars.

5. A utility management organization formed under chapter 28E or operated by a rural water system organized under chapter 357A or chapter 504 shall be considered eligible for financial assistance under the program.

6. The authority in cooperation with the department of natural resources shall provide information and resources to the committee when the committee is determining the qualifications of a community for financial assistance from the fund.

7. The authority shall enter into agreements with financial assistance recipients and distribute moneys under the program pursuant to financial assistance determinations made by the committee. The authority may use an amount of not more than one percent of any moneys appropriated for deposit in the fund for administration purposes.

8. By October 1 of each year, or as part of the annual report under section 16.7, the authority shall submit a report to the governor and the general assembly itemizing expenditures under the program during the previous fiscal year, if any.

9. *a.* Beginning September 1, 2027, and every ten years thereafter, a program review committee is established for purposes of reviewing the wastewater and drinking water treatment financial assistance program. By December 1 of the same year, the program review committee shall file a report with the governor and the general assembly that reviews the effectiveness of the program during the prior ten fiscal years.

b. The program review committee shall consist of the following members:

(1) The governor or the governor's designee.

(2) The secretary of agriculture or the secretary's designee.

(3) The director of the authority or the director's designee.

(4) The director of the department of natural resources or the director's designee.

(5) Four members of the general assembly, with two from the senate and two from the house of representatives and not more than one member from each chamber being from the same political party. The two senators shall be designated one member each by the president of the senate, after consultation with the majority leader of the senate, and by the minority leader of the senate. The two representatives shall be designated one member each by the speaker of the house of representatives, after consultation with the majority leader of the house of representatives, and by the minority leader of the house of representatives.

c. Staffing services shall be provided by the authority.

10. *a.* A water quality financing review committee is created consisting of the secretary of agriculture or the secretary's designee, the director of the authority or the director's designee, and the director of the department of natural resources or the director's designee.

b. The committee shall review and approve or deny applications for financial assistance under the wastewater and drinking water treatment financial assistance program established in this section.

2006 Acts, ch 1179, §63; 2009 Acts, ch 30, §9, 10; 2009 Acts, ch 72, §1; 2014 Acts, ch 1080, §76, 78; 2018 Acts, ch 1001, §4; 2018 Acts, ch 1152, §2, 3; 2023 Acts, ch 19, §2146, 2147; 2024 Acts, ch 1182, §133; 2026 Acts, ch 1147, §27

Referred to in §16.131A, 16.134A, 16.152

Subsection 4, paragraph i amended

16.134A Water quality financial assistance fund — appropriation.

1. A water quality financial assistance fund is created in the state treasury as a revolving fund.

2. The fund shall consist of all of the following:

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a. (1) Moneys transferred to the fund pursuant to section 423G.6.

(2) This paragraph *"a"* is repealed on January 1, 2040.

b. Appropriations made to the fund and transfers of interest, earnings, and moneys from other funds as provided by law.

3. Except for moneys deposited in the fund for a specified purpose, for each fiscal year in the period beginning July 1, 2026, and ending June 30, 2039, there is appropriated the following amounts from the balance of the fund for all of the following purposes:

a. Five hundred thousand dollars to the department of natural resources for the purposes of water quality monitoring, including, at the department's discretion, continuous monitoring.

b. The following percentages of moneys remaining in the fund for the following purposes:

(1) Sixty-five percent to the Iowa finance authority to support the wastewater and drinking water treatment financial assistance program created in section 16.134.

(2) Fifteen percent to the division of soil conservation and water quality of the department of agriculture and land stewardship to support the water quality urban infrastructure program created in section 466B.44.

(3) Twenty percent to the division of soil conservation and water quality of the department of agriculture and land stewardship for deposit in the water quality initiative fund created in section 466B.45 to provide technical assistance and support conservation practices, including but not limited to buffers, cover crops, edge-of-field structures, grazing systems, and working lands, in counties located in the following United States geological survey hydrologic unit code 8 watersheds:

(a) Boone.
(b) East fork Des Moines.
(c) Middle Des Moines.
(d) North Raccoon.
(e) South Raccoon.
(f) Upper Des Moines.

4. 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.

2018 Acts, ch 1001, §5; 2019 Acts, ch 59, §12; 2021 Acts, ch 143, §35, 36; 2026 Acts, ch 1147, §28
Referred to in §16.131A, 16.134, 16.152, 16.153, 423G.6
Subsection 3 amended

16.135 Wastewater viability assessment.

1. The authority, in cooperation with the department of natural resources and the economic development authority, shall require the use of a wastewater viability assessment for any wastewater treatment facility seeking a grant under the wastewater treatment financial assistance program. A wastewater viability assessment shall determine the long-term operational and financial capacity of the facility and its ratepayers. The authority shall develop minimum criteria for eligibility based on the viability assessment.

2. The authority, in cooperation with the department of natural resources, shall develop a wastewater viability assessment. The assessment shall include as part of the assessment all of the following factors:

a. The ability of the applicant to provide proper oversight and management through a certified operator.

b. The financial ability of the users to support the existing wastewater treatment system, improvements to the wastewater treatment system, and the long-term maintenance of the wastewater treatment system.

2009 Acts, ch 72, §2; 2011 Acts, ch 34, §8; 2011 Acts, ch 118, §85, 89
Referred to in §16.131A

16.136 through 16.140 Reserved.

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PART 3

UNSEWERED COMMUNITY REVOLVING LOAN PROGRAM

16.141 Unsewered community revolving loan program — fund.

1. The authority shall establish and administer an unsewered community revolving loan program. Assistance under the program shall consist of no-interest loans with a term not to exceed forty years and shall be used for purposes of installing sewage disposal systems in a city without a sewage disposal system or in an area where a cluster of homes is located.

2. An unsewered community may apply for assistance under the program. In awarding assistance, the authority shall encourage the use of innovative, cost-effective sewage disposal systems and technologies. The authority shall adopt rules that prioritize applications for disadvantaged unsewered communities.

3. For purposes of this section, *"an area where a cluster of homes is located"* means an area located in the unincorporated area of a county which includes six or more homes but less than five hundred homes.

4. An unsewered community revolving loan fund is created in the state treasury under the control of the authority and consisting of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the authority for placement in the fund.

5. Repayments of moneys loaned and recaptures of loans shall be deposited in the fund.

6. Moneys in the fund shall be used to provide assistance under the unsewered community revolving loan program established in this section.

7. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

2009 Acts, ch 76, §1
Referred to in §455B.191

16.142 through 16.150 Reserved.

PART 4

WATER QUALITY PROGRAMS

16.151 Definitions.

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

1. *"Cost"* means all costs, charges, expenses, or other indebtedness incurred by a loan recipient and determined by the authority as reasonable and necessary for carrying out all works and undertakings necessary or incidental to the accomplishment of any project.

2. *"Eligible entity"* means a municipality or a landowner, as determined by the authority, a public utility as defined in section 476.1, a specified industry, or a rural water district or rural water association as defined in section 357A.1.

3. *"Loan recipient"* means an eligible entity that has received a loan under the program.

4. *"Municipality"* means a governmental body such as a state agency or a political subdivision of the state. Municipality includes but is not limited to a city, city utility, county, soil and water conservation district, sanitary district, a subdistrict of any of the foregoing districts, a state agency, or other governmental body or corporation empowered to provide sewage collection and treatment services or drinking water, or any entity jointly exercising governmental powers pursuant to chapter 28E or 28F, or any other combination of two or more governmental bodies or corporations acting jointly under the laws of this state in connection with a project.

5. *"Program"* means the water quality financing program created in this part.

6. *"Project"* means any combination of improvements, structures, developments, tasks, actions, constructions, modifications, operations, or practices designed to improve water quality that are proposed by an eligible entity and approved by the authority. *"Project"* includes but is not limited to any of the following:

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a. A project meeting the requirements of part 2 of this subchapter.

b. A project, operation, or practice undertaken or carried out to address watershed protection, flood prevention, or water quality improvement.

c. A project meeting the requirements of a sponsor project under section 455B.199.

7. *"Specified industry"* means any of the following:

a. An entity engaged in an industry identified in the Iowa nutrient reduction strategy, as determined by the authority, which industry is or will be required pursuant to the Iowa nutrient reduction strategy to collect data on the source, concentration, and mass of total nitrogen or total phosphorus in its effluent, and to evaluate alternatives for reducing the amount of nutrients in its discharge.

b. An entity implementing technology or operational improvements to reduce nutrients in its discharge.

2018 Acts, ch 1001, §6; 2018 Acts, ch 1152, §4, 5
For future contingent repeal of this part, see §16.152, subsection 8

16.152 Water quality financing program — future repeal.

1. The authority, in cooperation with the department of natural resources and the department of agriculture and land stewardship, shall establish and administer a water quality financing program. The purpose of the program shall be to provide financial assistance to enhance the quality of surface water and groundwater, particularly by providing financial assistance for projects designed to improve water quality by addressing point and nonpoint sources, with a higher prioritization provided to collaborative efforts.

2. The authority shall determine the interest rate and repayment terms for loans made under the program, in cooperation with the department of natural resources and the department of agriculture and land stewardship, and the authority shall enter into loan agreements with eligible entities in compliance with and subject to the terms and conditions of the program as described in this part.

3. The authority may charge loan recipients fees and assess costs against such recipients necessary for the continued operation of the program. Such fees and costs shall not exceed the costs directly associated with the administration of the program. Fees and costs collected pursuant to this subsection shall be deposited in the appropriate fund or account created in section 16.153.

4. The program shall be administered by the authority in accordance with rules adopted by the authority pursuant to chapter 17A.

5. The authority shall not initiate any new loans under this part after June 30, 2026. Any loan or interest payments received by the authority on or after July 1, 2026, shall be deposited in the water quality financial assistance fund created pursuant to section 16.134A for the purposes of supporting the wastewater and drinking water treatment financial assistance program created in section 16.134.

6. For the fiscal year beginning July 1, 2026, and ending June 30, 2027, the authority shall allocate a sum not to exceed twenty-five million dollars from any unencumbered or unobligated moneys in the water quality financing program fund to a regional water authority, with membership consisting of public utilities, as defined in section 476.1, rural water districts organized and existing under chapter 357A, and other governmental entities, which serves a population of at least six hundred thousand and is headquartered in the most populous county in the state based on the 2020 federal decennial census, for the purpose of constructing and installing additional nutrient removal technology. These moneys shall remain available for expenditure until June 30, 2029.

7. Any unencumbered or unobligated moneys in the water quality financing program fund created pursuant to section 16.153 remaining after July 31, 2026, are transferred to the water quality financial assistance fund created pursuant to section 16.134A, to be used for purposes specified in section 16.134A, subsection 3, paragraph *"b"*, subparagraph (3). An amount equal to the amount of moneys obligated by the authority prior to July 1, 2026, shall remain in the water quality financing program fund.

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8. This part is repealed on the date that all loans made pursuant to this part are paid in full. The authority shall notify the Iowa Code editor of this occurrence.

2018 Acts, ch 1001, §7; 2026 Acts, ch 1147, §29
NEW subsections 5, 6, 7, and 8

16.153 Water quality financing program fund — other funds — trust agreement.

1. *a.* A water quality financing program fund is created and shall consist of appropriations made to the fund, moneys credited to the fund pursuant to section 16.134A, and transfers of interest, earnings, and moneys from other funds as provided by law. The fund shall be administered by the authority as a revolving fund. Moneys in the fund are appropriated to the authority for purposes of the program. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

b. The authority shall use the moneys in the fund to provide financial assistance to eligible entities under the program. The authority may provide financial assistance in the form deemed most convenient for the efficient financing of projects, including loans, forgivable loans, or grants. The authority shall administer the fund and the program in such a manner as to provide a permanent source of water quality project financial assistance to eligible entities.

c. The authority may annually use an amount of not more than one percent of the moneys in the fund for administrative purposes.

2. *a.* The authority may establish and maintain other funds and accounts determined to be necessary to carry out the purposes of the program and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts.

b. Moneys appropriated to and used by the authority for purposes of paying the costs and expenses associated with the administration of the program shall be administered as determined by the authority.

c. All moneys transferred to the authority for purposes of the program shall be deposited and held in a fund or account established and maintained pursuant to this section.

3. The funds or accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the authority or trustee pursuant to a trust agreement. Funds and accounts held by the authority, or a trustee acting on behalf of the authority pursuant to a trust agreement related to the program, are separate dedicated funds and accounts under the administration and control of the authority and subject to section 16.31.

4. By October 1 of each year or as part of the annual report under section 16.7, the authority shall submit a report to the governor and the general assembly itemizing expenditures from the fund, if any, during the previous fiscal year.

2018 Acts, ch 1001, §8; 2018 Acts, ch 1152, §6; 2024 Acts, ch 1182, §134
Referred to in §16.152
For future contingent repeal of this part, see §16.152, subsection 8

16.154 Eligible entities — agreements required.

1. An eligible entity may apply to the authority for financial assistance under the program by submitting a plan on an application form as required by the authority. To be approved for an award of financial assistance, the plan must meet all of the following requirements:

a. The plan proposes one or more projects that improve water quality in the local area or watershed. Projects shall use practices identified in the Iowa nutrient reduction strategy.

b. The plan describes the manner in which the projects will be financed and undertaken, including, as applicable, the sources of revenue directed to financing the improvements as well as the eligible entities that will be receiving the revenues and how such revenues will be spent on the projects.

2. The authority shall review and approve or deny applications for financial assistance.

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The provision of financial assistance under the program shall take into account, as applicable, the number of municipalities, landowners, public utilities, specified industries, rural water districts, or rural water associations comprising an eligible entity and the eligible entity's financing capacity. The authority shall score applications for financial assistance according to rules adopted pursuant to this part. The authority shall only provide financial assistance to eligible entities that have sufficient financing capacity and that submit an appropriate plan designed to improve water quality.

3. If an application by an eligible entity is approved, the eligible entity may enter into an agreement with the authority for the provision of financial assistance. The agreement shall include standard terms for the receipt of program moneys and any other terms the authority deems necessary or convenient for the efficient administration of the program.

2018 Acts, ch 1001, §9; 2018 Acts, ch 1152, §7, 8; 2019 Acts, ch 59, §13, 14; 2024 Acts, ch 1022, §4

For future contingent repeal of this part, see §16.152, subsection 8

PART 5

911 PROGRAM

16.155 Residential treatment facilities. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.57.

16.156 through 16.160 Reserved.

16.161 Authority to issue 911 program bonds and notes.

1. The authority shall assist the program manager, appointed pursuant to section 34A.2A, as provided in chapter 34A, subchapter II, and the authority shall have all of the powers delegated to it by a joint 911 service board or the department of public defense in a chapter 28E agreement with respect to the issuance and securing of bonds or notes and the carrying out of the purposes of chapter 34A.

2. The authority shall provide a mechanism for the pooling of funds of two or more joint 911 service boards to be used for the joint purchasing of necessary equipment and reimbursement of land-line and wireless service providers' costs for upgrades necessary to provide 911 service. When two or more joint 911 service boards have agreed to pool funds for the purpose of purchasing necessary equipment to be used in providing 911 service, the authority shall issue bonds and notes as provided in sections 34A.20 through 34A.22.

90 Acts, ch 1144, §5
C91, §220.161
C93, §16.161
98 Acts, ch 1101, §1, 2, 16; 99 Acts, ch 96, §3; 2004 Acts, ch 1175, §461; 2018 Acts, ch 1026, §9

PART 6

COMMUNITY COLLEGES AND CHARTER SCHOOLS

16.162 Authority to issue community college dormitory bonds and notes.

The authority shall assist a community college or the state board of education as provided in chapter 260C, and the authority shall have all of the powers delegated to it in a chapter 28E agreement by a community college board of directors, the state board of education, or a private developer contracting with a community college to develop a housing facility, such as a dormitory, for the community college, with respect to the issuance or securing of bonds or notes as provided in sections 260C.71 and 260C.72.

90 Acts, ch 1253, §75; 90 Acts, ch 1254, §5
C91, §220.162

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C93, §16.162
2011 Acts, ch 20, §2

16.163 Charter school facilities revolving loan program fund — credit enhancement agreements.

1. *a.* A charter school facilities revolving loan program fund is created within the authority to assist charter schools established pursuant to chapter 256E, subchapter I, in acquiring suitable school facilities. The moneys in the charter school facilities revolving loan program fund are appropriated to the authority for use in the development and operation of a charter school facilities revolving loan program to assist charter schools in purchasing, acquiring, developing, reconstructing, remodeling, or replacing school buildings.

b. Moneys transferred by the authority for deposit in the charter school facilities revolving loan program fund, moneys appropriated to the charter school facilities revolving loan program, and any other moneys available to and obtained or accepted by the authority for placement in the charter school facilities revolving loan program fund shall be deposited in the fund. Additionally, payment of interest, recaptures of awards, and other repayments to the charter school facilities revolving loan program fund shall be deposited in the fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the charter school facilities revolving loan program fund shall be credited to the fund. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for the same purpose in the succeeding fiscal year.

c. The authority shall annually allocate moneys available in the charter school facilities revolving loan program fund to assist charter schools in purchasing, acquiring, developing, reconstructing, remodeling, or replacing school buildings.

2. In addition to the charter school facilities revolving loan program authorized pursuant to subsection 1, the authority is authorized to make or enter into a liquidity or credit enhancement agreement with a charter school established pursuant to chapter 256E, subchapter I, to assist the charter school in purchasing, acquiring, developing, reconstructing, remodeling, or replacing school buildings.

2026 Acts, ch 1086, §72, 101
NEW section

16.164 through 16.170 Reserved.

PART 7

RECOVERY ZONE BONDS

16.171 Recovery zone bonds — reporting — reallocation. Repealed by 2014 Acts, ch 1080, §111, 114.

16.172 through 16.176 Reserved.

PART 8

PRISON INFRASTRUCTURE REVENUE BONDS

16.177 Prison infrastructure revenue bonds.

1. The authority is authorized to issue its bonds to provide prison infrastructure financing as provided in this section. The bonds may only be issued to finance projects which have been approved for financing by the general assembly. Bonds may be issued in order to fund the construction and equipping of a project or projects, the payment of interest on the bonds, the establishment of reserves to secure the bonds, the costs of issuance of the bonds and other expenditures incident to or necessary or convenient to carry out the bond issue. The

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bonds are investment securities and negotiable instruments within the meaning of and for the purposes of the uniform commercial code, chapter 554.

2. The department of corrections is authorized to pledge amounts in the Iowa prison infrastructure fund established under section 602.8108A as security for the payment of the principal of, premium, if any, and interest on the bonds. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents, and are not an indebtedness of this state or the authority, or a charge against the general credit or general fund of the state or the authority, and the state shall not be liable for the bonds except from amounts on deposit in the fund. Bonds issued under this section shall contain a statement that the bonds do not constitute an indebtedness of the state or the authority.

3. The proceeds of bonds issued by the authority and not required for immediate disbursement may be deposited with a trustee or depository as provided in the bond documents and invested in any investment approved by the authority and specified in the trust indenture, resolution, or other instrument pursuant to which the bonds are issued without regard to any limitation otherwise provided by law.

4. The bonds shall be:

a. In a form, issued in denominations, executed in a manner, and payable over terms and with rights of redemption, and be subject to such other terms and conditions as prescribed in the trust indenture, resolution, or other instrument authorizing their issuance.

b. Negotiable instruments under the laws of the state and may be sold at prices, at public or private sale, and in a manner, as prescribed by the authority. Chapters 73A, 74, 74A, and 75 do not apply to the sale or issuance of the bonds.

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent with this chapter and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

5. The bonds are securities in which public officers and bodies of this state, political subdivisions of this state, insurance companies and associations and other persons carrying on an insurance business, banks, trust companies, savings associations, and investment companies, administrators, guardians, executors, trustees, and other fiduciaries, and other persons authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

6. Bonds must be authorized by a trust indenture, resolution, or other instrument of the authority. However, a trust indenture, resolution, or other instrument authorizing the issuance of bonds may delegate to an officer of the issuer the power to negotiate and fix the details of an issue of bonds.

7. Neither the resolution or trust agreement, nor any other instrument by which a pledge is created is required to be recorded or filed under the uniform commercial code, chapter 554, to be valid, binding, or effective.

8. Bonds issued under this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this section shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and any state inheritance tax.

9. The authority shall cooperate with the department of corrections in the implementation of this section.

94 Acts, ch 1196, §20; 95 Acts, ch 202, §11; 2005 Acts, ch 3, §14; 2008 Acts, ch 1119, §4; 2010 Acts, ch 1138, §50; 2012 Acts, ch 1017, §42; 2014 Acts, ch 1076, §13; 2025 Acts, ch 148, §27, 53, 54

Referred to in §8.57F, 422.7(2)(g), 602.8108A

2025 amendment to subsection 8 applies retroactively to January 1, 2025, to the estates of decedents dying on or after January 1, 2025; 2025 Acts, ch 148, §54

16.178 through 16.180 Reserved.

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PART 9

HOUSING TRUST FUND

16.181 Housing trust fund.

1. *a.* A housing trust fund is created within the authority. The moneys in the housing trust fund are annually appropriated to the authority to be used for the development and preservation of affordable housing for low-income people in the state and for the Iowa mortgage help initiative. Payment of interest, recaptures of awards, or other repayments to the housing trust fund shall be deposited in the fund. Notwithstanding section 12C.7, interest or earnings on moneys in the housing trust fund or appropriated to the fund shall be credited to the fund. Notwithstanding section 8.33, unencumbered and unobligated moneys remaining in the fund at the close of each fiscal year shall not revert but shall remain available for expenditure for the same purposes in the succeeding fiscal year.

b. Assets in the housing trust fund shall consist of all of the following:

(1) Any moneys received by the authority from the national housing trust fund created pursuant to the federal Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289.

(2) Any assets transferred by the authority for deposit in the housing trust fund.

(3) Any other moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the authority for placement in the housing trust fund.

c. The authority shall create the following programs within the housing trust fund:

(1) Local housing trust fund program. At least sixty percent of available moneys in the housing trust fund shall be allocated for the local housing trust fund program.

(2) Project-based housing program. Moneys remaining in the housing trust fund after the allocation in subparagraph (1) shall be used to make awards to project-based housing programs located in areas where a local housing trust fund does not exist or for a project-based housing program that is not eligible for funding through a local housing trust fund.

2. *a.* In order to be eligible to apply for funding from the local housing trust fund program, a local housing trust fund must be approved by the authority and have all of the following:

(1) A local governing board recognized by the city, county, council of governments, or regional officials as the board responsible for coordinating local housing programs.

(2) A housing assistance plan approved by the authority.

(3) Sufficient administrative capacity in regard to housing programs.

(4) A local match requirement approved by the authority.

b. An award from the local housing trust fund program shall not exceed ten percent of the balance in the program at the beginning of the fiscal year plus ten percent of any deposits made during the fiscal year.

c. By December 31 of each year, a local housing trust fund receiving moneys from the local housing trust fund program shall submit a report to the authority itemizing expenditures of the awarded moneys.

3. The authority shall adopt rules pursuant to chapter 17A necessary to administer this section.

2003 Acts, ch 179, §101; 2008 Acts, ch 1032, §6; 2009 Acts, ch 43, §6 – 8; 2010 Acts, ch 1193, §104

Referred to in §16.91, 16.181A, 428A.8, 543B.46, 543D.21, 543E.18

16.181A Housing trust fund — appropriations.

1. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2009, and beginning July 1, 2011, and for each succeeding fiscal year, the sum of three million dollars.

2. There is appropriated from the rebuild Iowa infrastructure fund to the Iowa finance

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authority for deposit in the housing trust fund created in section 16.181, for the fiscal year beginning July 1, 2010 and ending June 30, 2011, the sum of one million dollars.

2008 Acts, ch 1179, §54; 2010 Acts, ch 1184, §84; 2010 Acts, ch 1193, §37

16.182 through 16.185 Repealed by 2014 Acts, ch 1080, §111, 114.

16.186 and 16.187 Repealed by 2010 Acts, ch 1184, §95.

16.188 Workforce housing assistance grant fund. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.50.

16.189 and 16.190 Reserved.

PART 10

IOWA JOBS PROGRAM

Referred to in §16.16

16.191 and 16.192 Repealed by 2013 Acts, ch 142, §27.

16.193 Iowa finance authority duties — appropriation.

1. The authority shall adopt administrative rules pursuant to chapter 17A necessary to administer the Iowa jobs program and Iowa jobs II program. The authority shall be responsible for providing technical assistance and application assistance to applicants under the programs, negotiating contracts, and providing project follow up.

2. For the period beginning July 1, 2009, and ending June 30, 2011, two hundred thousand dollars of the moneys deposited in the rebuild Iowa infrastructure fund shall be allocated each fiscal year to the Iowa finance authority for purposes of administering the Iowa jobs program and Iowa jobs II program, notwithstanding section 8.57, subsection 3, paragraph *"c"*.

3. *a.* During the term of the Iowa jobs program and Iowa jobs II program, the Iowa finance authority shall collect data on all of the projects approved for the programs. The department of management and the state agencies associated with the projects shall assist the authority with the data collection and in developing the report required by this subsection. The authority shall report quarterly to the governor and the general assembly concerning the data.

b. The report shall include but is not limited to all of the following:

(1) The nature of each project and its purpose.

(2) The status of each project and the amount and percentage of program funds expended for the project.

(3) The outside funding that is matched or leveraged by the program funds.

(4) The number of jobs created or retained by each project.

(5) For each project, the names of the project contractors, state of residence of the project contractors, and the state of residence of the contractors' employees.

c. The authority shall maintain an internet site that allows citizens to track project data on a county-by-county basis.

2009 Acts, ch 173, §7, 36; 2010 Acts, ch 1184, §86, 87, 96; 2011 Acts, ch 34, §10, 11; 2011 Acts, ch 131, §52, 158; 2011 Acts, ch 133, §28, 50; 2012 Acts, ch 1021, §134; 2013 Acts, ch 142, §13

16.194 Iowa jobs program.

1. An Iowa jobs program is created to assist in the development and completion of public construction projects relating to disaster relief and mitigation and to local infrastructure. *"Local infrastructure"* includes projects relating to disaster rebuilding, reconstruction and replacement of local public buildings, flood control and flood protection, and future flood prevention.

UNOFFICIAL VERSION: 2017 EARLY RELEASE

2. A city or county or a public organization in this state may submit an application to the authority for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

3. Financial assistance under the program shall be awarded in the form of grants.

4. The authority shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.

b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.

c. Sustainability and energy efficiency.

d. Benefits for disaster recovery.

e. The project's readiness to proceed.

5. An applicant must demonstrate local support for the project as defined by rule.

6. Any award of financial assistance to a project shall be limited as follows:

a. Up to seventy-five percent of the total cost of a project for replacing or rebuilding existing disaster-related damaged property.

b. Up to fifty percent of the total cost for all other projects.

7. In order for a project to be eligible to receive financial assistance from the authority, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

8. The authority shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the date of the initial financial assistance application.

b. For a project that has previously received financial assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.

9. *a.* The total amount of allocations for future flood prevention, reconstruction and replacement of local public buildings, disaster rebuilding, flood control and flood protection projects shall not exceed one hundred sixty-five million dollars for the fiscal year beginning July 1, 2009.

b. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the authority. The authority shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The authority shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

11. For purposes of this section, "*public organization*" means a nonprofit organization that sponsors or supports the public needs of the local community.

2009 Acts, ch 173, §8, 36; 2013 Acts, ch 142, §14 – 19
Referred to in §12.87, 16.195

16.194A Iowa jobs II program — disaster prevention.

1. An Iowa jobs II program is created to assist in the development and completion of public construction projects relating to disaster prevention including but not limited to the construction of, or the replacement or reconstruction of, local public buildings in a manner that mitigates damages from future disasters, including flooding.

2. A city or county in this state that applies the smart planning principles and guidelines pursuant to sections 18B.1 and 18B.2 may submit an application to the authority for financial assistance for a local infrastructure competitive grant for an eligible project under the program, notwithstanding any limitation on the state's percentage in funding as contained in section 29C.6, subsection 17.

UNOFFICIAL VERSION: 2023 EARLY RELEASE

3. Financial assistance under the program shall be awarded in the form of grants.

4. The authority shall consider the following criteria in evaluating eligible projects to receive financial assistance under the program:

a. The total number and quality of jobs to be created and the benefits likely to accrue to areas distressed by high unemployment.

b. Financial feasibility, including the ability of projects to fund depreciation costs or replacement reserves, and the availability of other federal, state, local, and private sources of funds.

c. Sustainability and energy efficiency.

d. Benefits for disaster prevention.

e. The project's readiness to proceed.

5. An applicant must demonstrate local support for the project as defined by rule.

6. Any award of financial assistance to a project shall be limited to up to ninety percent of the total cost of the development and completion of a public construction project relating to disaster prevention consistent with the purposes of the program as specified in subsection 1.

7. In order for a project to be eligible to receive financial assistance from the authority, the project must be a public construction project pursuant to subsection 1 with a demonstrated substantial local, regional, or statewide economic impact.

8. The authority shall not approve an application for assistance for any of the following purposes:

a. To refinance a loan existing prior to the date of the initial financial assistance application.

b. For a project that has previously received financial assistance under the program, unless the applicant demonstrates that the financial assistance would be used for a significant expansion of a project.

9. Any portion of an amount allocated for projects that remains unexpended or unencumbered one year after the allocation has been made may be reallocated to another project category, at the discretion of the authority. The authority shall ensure that all bond proceeds be expended within three years from when the allocation was initially made.

10. The authority shall ensure that funds obligated under this section are coordinated with other federal program funds received by the state, and that projects receiving funds are located in geographically diverse areas of the state.

11. An applicant or combination of applicants for a project within the same county shall not be awarded more than forty percent of the funds available under this program.

2010 Acts, ch 1184, §88; 2013 Acts, ch 142, §20 – 22
Referred to in §12.87, 16.195

16.195 Iowa jobs and Iowa jobs II program application review.

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the authority for review and approval.

2. When reviewing the applications, the authority shall consider the project criteria specified in sections 16.194 and 16.194A. The authority shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the programs, the authority shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the authority any time moneys are disbursed to a recipient of financial assistance under the programs.

2009 Acts, ch 173, §9, 36; 2010 Acts, ch 1184, §89; 2011 Acts, ch 34, §12; 2013 Acts, ch 90, §14; 2013 Acts, ch 142, §23
Referred to in §16.196

16.196 Iowa jobs program projects — appropriations.

1. There is appropriated from the revenue bonds capitals fund created in section 12.88, to the authority, for the fiscal year beginning July 1, 2009, and ending June 30, 2010, one hundred sixty-five million dollars to be allocated as follows:

UNOFFICIAL VERSION: NOT FOR EARLY RELEASE

a. One hundred eighteen million five hundred thousand dollars for competitive grants for local infrastructure projects relating to disaster rebuilding, reconstruction and replacement of local buildings, flood control and flood protection, and future flood prevention public projects. An applicant for a local infrastructure grant shall not receive more than fifty million dollars in financial assistance from the fund.

b. Forty-six million five hundred thousand dollars for disaster relief and mitigation and local infrastructure grants for the following renovation and construction projects, notwithstanding any limitation on the state's percentage participation in funding as contained in section 29C.6, subsection 17:

(1) For grants to a county with a population between one hundred eighty-nine thousand and one hundred ninety-six thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Ten million dollars for the construction of a new, shared facility between nonprofit human service organizations serving the public, especially the needs of low-income Iowans, including those displaced as a result of the disaster of 2008.

(b) Five million dollars for the construction or renovation of a facility for a county-funded workshop program serving the public and particularly persons with mental illness or developmental disabilities.

(2) For grants to a city with a population between one hundred ten thousand and one hundred twenty thousand in the latest preceding certified federal census, to be distributed as follows:

(a) Five million dollars for an economic redevelopment project benefiting the public by improving energy efficiency and the development of alternative and renewable energy technologies.

(b) Ten million dollars for a museum serving the public and dedicated to the preservation of an eastern European cultural heritage through the collection, exhibition, preservation, and interpretation of historical artifacts.

(c) Five million dollars for a theater serving the public and promoting culture, entertainment, and tourism.

(d) Five million dollars for a public library.

(e) Five million dollars for a public works building.

(3) One million five hundred thousand dollars, to be distributed as follows:

(a) Five hundred thousand dollars to a city with a population between six hundred and six hundred fifty in the latest preceding certified federal census, for a public fire station.

(b) Five hundred thousand dollars to a city with a population between one thousand four hundred and one thousand five hundred in the latest preceding certified federal census, for a public fire station.

(c) Five hundred thousand dollars for a city with a population between seven thousand eight hundred and seven thousand eight hundred fifty, for a public fire station.

2. Grant awards for a project under subsection 1, paragraph *"b"*, are contingent upon submission of a plan for each project by the applicable county or city governing board or in the case of a project submitted pursuant to subsection 1, paragraph *"b"*, subparagraph (2), subparagraph division (b), by the board of directors, to the authority, no later than September 1, 2009, detailing a description of the project, the plan to rebuild, and the amount or percentage of federal, state, local, or private matching moneys which will be or have been provided for the project. Funds not utilized in accordance with subsection 1, shall revert to the revenue bonds capitals fund. A grant recipient under subsection 1, paragraph *"b"*, shall not be precluded from applying for a local infrastructure competitive grant pursuant to this section and section 16.195.

3. Annually, on or before January 15 of each year, the authority shall report to the legislative services agency and the department of management the status of all projects receiving moneys from the fund completed or in progress. The report shall include a description of the project, the progress of work completed, the total estimated cost of the project, a list of all revenue sources being used to fund the project, the amount of funds expended, the amount of funds obligated, and the date the project was completed or an estimated completion date of the project, where applicable.

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4. Payment of moneys appropriated from the fund shall be made in a manner that does not adversely affect the tax-exempt status of any outstanding bonds issued by the treasurer of state.

2009 Acts, ch 173, §10, 36; 2013 Acts, ch 142, §24

16.197 Limitation of liability. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.16.

16.198 through 16.200 Reserved.

16.201 Jumpstart housing assistance program. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.56.

16.202 through 16.210 Reserved.

16.211 and 16.212 Repealed by 2014 Acts, ch 1080, §111, 114.

16.213 through 16.220 Reserved.

16.221 Agricultural development division — administration of programs. Repealed by 2014 Acts, ch 1080, §111, 114. See §16.2B.

16.222 through 16.229 Reserved.

PART 11

NATURAL HAZARD MITIGATION FINANCING PROGRAM

Referred to in §29D.3

16.230 Definitions.

As used in this part:

1. *"Department"* means the department of homeland security and emergency management.
2. *"Fund"* means the natural hazard mitigation revolving loan fund created in section 29D.4.
3. *"Loan recipient"* means the same as defined in section 29D.2.
4. *"Program"* means the natural hazard mitigation financing program created in section 29D.3.
5. *"Project"* means the same as defined in section 29D.2.

2025 Acts, ch 28, §1; 2026 Acts, ch 1040, §11

Section amended

16.231 Funds and accounts — program funds and accounts not part of state general fund.

1. The department, in consultation with the authority, may establish and maintain funds or accounts determined to be necessary to carry out the purposes of chapter 29D and shall provide for the funding, administration, investment, restrictions, and disposition of the funds and accounts. Any moneys appropriated to the department and the authority for purposes of paying the costs and expenses associated with the administration of the program shall be administered as determined by the department in consultation with the authority.
2. The funds or accounts held by the department or the authority, or a trustee acting on behalf of the department or the authority pursuant to a trust agreement related to the program, shall not be considered part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state, but shall remain in the funds and accounts maintained by the department or the authority, or a trustee pursuant to a trust agreement. Funds and accounts held by the department or the authority, or a trustee

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acting on behalf of the department or the authority pursuant to a trust agreement related to the program, are separate dedicated funds and accounts under the administration and control of the department in consultation with the authority.

2025 Acts, ch 28, §2

16.232 Program funding — bonds and notes.

1. The authority shall cooperate with the department in the creation, administration, and financing of the program.

2. The authority may issue bonds and notes for the purpose of funding the fund and the state matching funds required pursuant to the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. §5121 et seq. The authority may enter into one or more loan agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of, and the security for, each bond or note. The authority and each bondholder or noteholder, or a trustee agent designated by the authority, may enter into an agreement to provide for any of the following:

a. That the proceeds of the bond or note and the investments of the proceeds may be received, held, and disbursed by the authority or by a trustee or agent designated by the authority.

b. That the bondholder or noteholder, or a trustee or agent designated by the authority, may collect, invest, and apply the amount payable under the loan agreement or any other instruments securing the debt obligations under the loan agreement.

c. That the bondholder or noteholder may enforce the remedies provided in the loan agreement or other instruments on the bondholder's or noteholder's behalf without the appointment or designation of a trustee. If there is a default in the principal of, or interest on, the bond or note or in the performance of any agreement contained in the loan agreement or other instrument, the payment or performance may be enforced in accordance with the loan agreement or other instrument.

d. Other terms and conditions as deemed necessary or appropriate by the authority.

3. Chapter 16, except to the extent inconsistent with this section, shall apply to bonds or notes issued, and powers granted to the authority, under this section. Section 16.28, subsection 4, shall not apply to this section.

4. All bonds or notes issued by the authority in connection with the program are exempt from taxation by this state and the interest on the bonds or notes is exempt from state income tax.

2025 Acts, ch 28, §3
Referred to in §422.7(2)(u)

16.233 Security — reserve funds — pledges — nonliability.

1. The authority may provide in the resolution, trust agreement, or other instrument authorizing the issuance of bonds or notes pursuant to chapter 29D that the principal of, premium, and interest on the bonds or notes are payable from any of the following and may pledge the same to the authority's bonds or notes:

a. The income and receipts or other moneys derived from the projects financed with the proceeds of the bonds or notes.

b. The income and receipts or other moneys derived from designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes.

c. The amounts on deposit in the fund.

d. The amounts payable to the authority by loan recipients pursuant to loan agreements with loan recipients.

e. Any other funds or accounts established by the authority in connection with the program or the sale and issuance of the authority's bonds or notes.

2. The authority may establish reserve funds to secure one or more issues of its bonds or notes. The authority may deposit in a reserve fund established under this subsection the proceeds of the sale of the authority's bonds or notes and other moneys which are made available from any other source.

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3. It is the intention of the general assembly that a pledge made in respect of bonds or notes shall be valid and binding from the time the pledge is made, that the moneys or property so pledged and received after the pledge by the authority shall immediately be subject to the lien of the pledge without physical delivery or further act, and that the lien of the pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, nor any other instrument by which a pledge is created needs to be recorded or filed under the Iowa uniform commercial code, chapter 554, to be valid, binding, or effective against the parties.

4. Neither the members of the authority nor persons executing the bonds or notes are liable personally on the bonds or notes or are subject to personal liability or accountability by reason of the issuance of the bonds or notes.

5. The bonds or notes issued by the authority are not an indebtedness or other liability of the state or of a political subdivision of the state within the meaning of any constitutional or statutory debt limitations but are special obligations of the authority, and are payable solely from the income and receipts or other funds or property of the authority, and the amounts on deposit in the revolving loan funds, and the amounts payable to the authority under the authority's loan agreements with loan recipients to the extent that the amounts are designated in the resolution, trust agreement, or other instrument of the authority authorizing the issuance of the bonds or notes as being available as security for such bonds or notes. The authority shall not pledge the faith or credit of the state or of a political subdivision of the state to the payment of any bonds or notes. The issuance of any bonds or notes by the authority does not directly, indirectly, or contingently obligate the state or a political subdivision of the state to apply moneys from, or levy or pledge any form of taxation to the payment of the bonds or notes.

2025 Acts, ch 28, §4

16.234 through 16.239 Reserved.

PART 12

RURAL IOWA INFRASTRUCTURE BANK REVOLVING LOAN PROGRAM

16.240 Rural Iowa infrastructure bank revolving loan program — fund.

1. As used in this section, "*small or medium sized community*" means a city with a population of eleven thousand or less.

2. The authority shall establish and administer a rural Iowa infrastructure bank revolving loan program. The purpose of the program is to provide loans to small or medium sized communities to upgrade water or wastewater infrastructure.

3. *a.* A small or medium size community shall apply to the authority for a loan under the program in a manner approved by the authority.

b. Loan agreements may contain terms and conditions the authority deems advisable, but the interest rate on any loan shall not exceed one percent.

4. A rural Iowa infrastructure bank program fund is created in the state treasury under the control of the authority and consisting of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the authority for placement in the fund. Moneys in the fund are appropriated to the authority for the purpose of providing loans to small or medium sized communities under the program established in this section. Repayments of moneys loaned and recaptures of loans shall be deposited in the fund. Moneys in the fund are not subject to section 8.33. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund.

5. The authority may adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1147, §30
NEW section

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CHAPTER 16A

ECONOMIC PROTECTIVE AND INVESTMENT AUTHORITY

Repealed by 2008 Acts, ch 1156, §53

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2027 EARLY RELEASE

SUBTITLE 6

ADMINISTRATIVE PROCEDURE

CHAPTER 17

RESERVED

CHAPTER 17A

IOWA ADMINISTRATIVE PROCEDURE ACT

Referred to in §2C.9, 6B.2A, 7.17, 8.41, 8.85, 8.91, 8A.104, 8A.203, 8A.326, 8A.413, 8A.415, 8A.455, 8A.514, 8A.608, 8A.615, 8D.4, 8D.11, 8G.3, 9.4, 9.12, 9A.103, 9I.9, 10A.104, 10A.113, 10A.114, 10A.204, 10A.206, 10A.305, 10A.318, 10A.319, 10A.322, 10A.323, 10A.324, 10A.506, 10A.511, 10A.515, 10A.517, 10A.518, 10A.519, 10A.523, 10A.531, 10A.601, 10A.801, 10A.802, 10B.4, 10B.7, 11.6, 12.34, 12.43, 12.51, 12.62, 12B.10, 12B.10C, 12C.6, 12C.9, 12C.16, 12C.22, 12C.28, 12C.29, 12D.2, 12E.8, 12I.2, 12L.2, 13.15, 13B.4, 13B.13, 15.106A, 15.106E, 15.118, 15.120, 15.252, 15.281, 15.371, 15.411, 15.492, 15.504, 15.517, 15.602, 15E.18, 15E.27, 15E.63, 15E.167, 15E.211, 15E.305, 15E.364, 15F.104, 15F.401, 15G.103, 15H.7, 15H.8, 15H.9, 15H.10, 16.1A, 16.5, 16.5E, 16.5F, 16.17, 16.40, 16.45, 16.57D, 16.58, 16.78, 16.79, 16.91, 16.92, 16.93, 16.133, 16.134, 16.152, 16.181, 16.193, 16.240, 19B.3, 19B.7, 20.6, 20.11, 20.15, 20.17, 20.24, 20.34, 21.5, 22.5, 22.11, 22.12, 23.6, 23.7, 23.10, 23A.2, 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17A.1 Citation and statement of purpose.

1. This chapter may be cited as the "*Iowa Administrative Procedure Act*".

2. This chapter is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public. Nothing in this chapter is meant to discourage agencies from adopting procedures providing greater protections to the public or conferring additional rights upon the public; and save for express provisions of this chapter to the contrary, nothing in this chapter is meant to abrogate in whole or in part any statute prescribing procedural duties for an agency which are greater than or in addition to those provided here. This chapter is meant to apply to all rulemaking and contested case proceedings and all suits for the judicial review of agency action that are not specifically excluded from this chapter or some portion thereof by its express terms or by the express terms of another chapter.

3. The purposes of this chapter are: To provide legislative oversight of powers and duties

delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability.

4. In accomplishing its objectives, the intention of this chapter is to strike a fair balance between these purposes and the need for efficient, economical and effective government administration. The chapter is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

[C75, 77, 79, 81, §17A.1]

2005 Acts, ch 3, §15; 2008 Acts, ch 1032, §135

17A.2 Definitions.

As used in this chapter:

1. *"Agency"* means each board, commission, department, officer, or other administrative office or unit of the state. *"Agency"* does not mean the general assembly or any of its components, the judicial branch or any of its components, the office of consumer advocate, the governor, or a political subdivision of the state or its offices and units. Unless provided otherwise by statute, no less than two-thirds of the members eligible to vote of a multimember agency constitute a quorum authorized to act in the name of the agency.

2. *"Agency action"* includes the whole or a part of an agency rule or other statement of law or policy, order, decision, license, proceeding, investigation, sanction, relief, or the equivalent or a denial thereof, or a failure to act, or any other exercise of agency discretion or failure to do so, or the performance of any agency duty or the failure to do so.

3. *"Agency member"* means an individual who is the statutory or constitutional head of an agency, or an individual who is one of several individuals who constitute the statutory or constitutional head of an agency.

4. *"ARC number"* means the identification number assigned by the governor's administrative rules coordinator to each rulemaking document.

5. *"Contested case"* means a proceeding including but not restricted to ratemaking, price fixing, and licensing in which the legal rights, duties or privileges of a party are required by Constitution or statute to be determined by an agency after an opportunity for an evidentiary hearing.

6. *"License"* includes the whole or a part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by statute.

7. *"Licensing"* includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

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

9. *"Person"* means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

10. *"Provision of law"* means the whole or part of the Constitution of the United States of America or the Constitution of the State of Iowa, or of any federal or state statute, court rule, executive order of the governor, or agency rule.

11. *"Rule"* means each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency. Notwithstanding any other statute, the term includes an executive order or directive of the governor which creates an agency or establishes a program or which transfers a program between agencies established by statute or rule. The term includes the amendment or repeal of an existing rule, but does not include:

a. A statement concerning only the internal management of an agency and which does not

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substantially affect the legal rights of, or procedures available to, the public or any segment thereof.

b. A declaratory order issued pursuant to section 17A.9, or an interpretation issued by an agency with respect to a specific set of facts and intended to apply only to that specific set of facts.

c. An intergovernmental, interagency, or intra-agency memorandum, directive, manual, or other communication which does not substantially affect the legal rights of, or procedures available to, the public or any segment thereof.

d. A determination, decision, or order in a contested case.

e. An opinion of the attorney general.

f. Those portions of staff manuals, instructions, or other statements issued by an agency which set forth criteria or guidelines to be used by its staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution, or settlement of cases, when the disclosure of such statements would do any of the following:

(1) Enable law violators to avoid detection.

(2) Facilitate disregard of requirements imposed by law.

(3) Give a clearly improper advantage to persons who are in an adverse position to the state.

g. A specification of the prices to be charged for goods or services sold by an agency as distinguished from a license fee, application fee, or other fees as described in section 17A.6C.

h. A statement concerning only the physical servicing, maintenance, or care of publicly owned or operated facilities or property.

i. A statement relating to the use of a particular publicly owned or operated facility or property, the substance of which is indicated to the public by means of signs or signals.

j. A decision by an agency not to exercise a discretionary power.

k. A statement concerning only inmates of a penal institution, students enrolled in an educational institution, or patients admitted to a hospital, when issued by such an agency.

l. An advisory opinion of the Iowa ethics and campaign disclosure board.

12. *"Rulemaking"* means the process for adopting, amending, or repealing a rule.

[C54, 58, 62, 66, 71, 73, §17A.1; C75, 77, 79, 81, §17A.2]

83 Acts, ch 127, §2; 83 Acts, ch 186, §10005, 10201; 86 Acts, ch 1245, §2036; 90 Acts, ch 1266, §31; 98 Acts, ch 1047, §11; 98 Acts, ch 1202, §4 – 6, 46; 2010 Acts, ch 1054, §1, 6; 2018 Acts, ch 1041, §6; 2023 Acts, ch 70, §3, 4, 14; 2024 Acts, ch 1043, §27

Referred to in §17A.3, 22.9, 172D.1, 229.23, 257.10, 262.69, 298A.2, 316.9, 321.253A, 422.21, 441.21, 441.49, 455A.14, 476A.1, 543D.18A, 906.3

17A.3 Public information — availability of rules and orders.

1. In addition to other requirements imposed by Constitution or statute, each agency shall:

a. Make available for public inspection all rules, and make available for public inspection and index by subject, all other written statements of law or policy, or interpretations formulated, adopted, or used by the agency in the discharge of its functions. Except as otherwise required by Constitution or statute, or in the use of discovery under the Iowa rules of civil procedure or in criminal cases, an agency shall not be required to make available for public inspection those portions of its staff manuals, instructions, or other statements excluded from the definition of *"rule"* by section 17A.2, subsection 11, paragraph *"f"*.

b. Make available for public inspection and index by name and subject all final orders, decisions, and opinions: Provided that to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets, an agency shall delete identifying details when it makes available for public inspection any final order, decision, or opinion; however, in each case the justification for the deletion shall be explained fully in writing.

2. No agency rule or other written statement of law or policy, or interpretation, order, decision, or opinion is valid or effective against any person or party, nor shall it be invoked by the agency for any purpose, until it has been made available for public inspection and indexed as required by subsection 1, paragraphs *"a"* and *"b"*. This provision is not applicable

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in favor of any person or party who has actual timely knowledge thereof and the burden of proving such knowledge shall be on the agency.

[C75, 77, 79, 81, §17A.3]

86 Acts, ch 1245, §2037; 98 Acts, ch 1202, §7, 46; 2024 Acts, ch 1169, §4

Referred to in §17A.9A, 22.7(15), 422.68, 904.602

17A.4 Procedure for adoption of rules.

1. Prior to the adoption, amendment, or repeal of any rule an agency shall:

a. Give notice of its intended action by submitting the notice to the administrative rules coordinator and the administrative code editor. The administrative rules coordinator shall assign an ARC number to each rulemaking document. The administrative code editor shall publish each notice meeting the requirements of this chapter in the Iowa administrative bulletin created pursuant to section 2B.5A. The legislative services agency shall provide the chairpersons and ranking members of the appropriate standing committees of the general assembly a means to receive an electronic copy of the notice for additional study. Any notice of intended action shall be published at least thirty-five days in advance of the action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views.

b. Afford all interested persons not less than twenty days to submit data, views, or arguments in writing. If timely requested in writing by twenty-five interested persons, by a governmental subdivision, by the administrative rules review committee, by an agency, or by an association having not less than twenty-five members, the agency must give interested persons an opportunity to make oral presentation. The opportunity for oral presentation must be held at least twenty days after publication of the notice of its time and place in the Iowa administrative bulletin. The agency shall consider fully all written and oral submissions respecting the proposed rule. Within one hundred eighty days following either the notice published according to the provisions of paragraph *"a"* or within one hundred eighty days after the last date of the oral presentations on the proposed rule, whichever is later, the agency shall adopt a rule pursuant to the rulemaking proceeding or shall terminate the proceeding by publishing notice of termination in the Iowa administrative bulletin.

c. Mail the number of copies of the proposed rule as requested to the state office of a trade or occupational association which has registered its name and address with the agency. The trade or occupational association shall reimburse the agency for the actual cost incurred in providing the copies of the proposed rule under this paragraph. Failure to provide copies as provided in this paragraph shall not be grounds for the invalidation of a rule, unless that failure was deliberate on the part of that agency or the result of gross negligence.

2. An agency shall include in a preamble to each rule it adopts a brief explanation of the principal reasons for its action and, if applicable, a brief explanation of the principal reasons for its failure to provide in that rule for the waiver of the rule in specified situations if no such waiver provision is included in the rule. This explanatory requirement does not apply when the agency adopts a rule that only defines the meaning of a provision of law if the agency does not possess delegated authority to bind the courts to any extent with its definition. In addition, if requested to do so by an interested person, either prior to adoption or within thirty days thereafter, the agency shall issue a concise statement of the principal reasons for and against the rule adopted, incorporating therein the reasons for overruling considerations urged against the rule. This concise statement shall be issued either at the time of the adoption of the rule or within thirty-five days after the agency receives the request.

3. *a.* When the statute so provides, or with the approval of the administrative rules review committee, if the committee finds good cause that notice and public participation would be unnecessary, impracticable, or contrary to the public interest, the provisions of subsection 1 shall be inapplicable.

b. (1) If the administrative rules review committee by a two-thirds vote, the governor, or the attorney general files with the administrative code editor an objection to the adoption of a rule or portion of a rule pursuant to this subsection, the rule or portion of the rule shall cease to be effective one hundred eighty days after the date the objection was filed.

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(2) If the administrative rules review committee files with the administrative code editor an objection to the adoption of a rule or portion of a rule pursuant to this subsection, the administrative rules review committee, by a separate two-thirds vote, may suspend the applicability of the rule or portion of the rule until the rule ceases to be effective under this paragraph *"b"*. The determination to suspend the applicability of the rule or portion of the rule shall be included in the copy of the objection to be forwarded to the agency.

c. If an objection to a rule is filed under this subsection, a copy of the objection, properly dated, shall be forwarded to the agency at the time of filing the objection. In any action contesting a rule or portion of a rule adopted pursuant to this subsection, the burden of proof shall be on the agency to show that the procedures of subsection 1 were impracticable, unnecessary, or contrary to the public interest.

4. Any rule filed pursuant to this section or section 17A.5 that necessitates additional annual expenditures of at least one hundred thousand dollars or combined expenditures of at least five hundred thousand dollars within five years by all affected persons, including the agency itself, shall be accompanied by a fiscal impact statement outlining the expenditures. The agency shall promptly deliver a copy of the statement to the legislative services agency. To the extent feasible, the legislative services agency shall analyze the statement and provide a summary of that analysis to the administrative rules review committee. If the agency has made a good-faith effort to comply with the requirements of this subsection, the rule shall not be invalidated on the ground that the contents of the statement are insufficient or inaccurate.

5. A rule is not valid unless adopted in substantial compliance with the requirements of this section that are in effect at the time of adoption of the rule. However, a rule shall be conclusively presumed to have been made in compliance with all of the procedural requirements of this section if it has not been invalidated on the grounds of noncompliance in a proceeding commenced within two years after its effective date.

6. *a.* If the administrative rules review committee created by section 17A.8, the governor, or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency, the committee, governor, or attorney general may, in writing, notify the agency of the objection. In the case of a rule filed without notice pursuant to subsection 3, or a rule made effective under section 17A.5, subsection 2, paragraph *"b"*, the committee, governor, or attorney general may notify the agency of such an objection. The committee, governor, or attorney general shall also file a certified copy of such an objection in the office of the administrative code editor and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule objected to according to the above procedure is not unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to it.

b. If the agency fails to meet the burden of proof prescribed for a rule objected to according to the provisions of paragraph *"a"*, the court shall declare the rule or portion of the rule objected to invalid and judgment shall be rendered against the agency for court costs. Such court costs shall include a reasonable attorney fee and shall be payable by the director of the department of administrative services from the support appropriations of the agency which adopted the rule in question.

7. The governor may rescind an adopted rule by executive order within seventy days of the rule becoming effective. The governor shall provide a copy of the executive order to the administrative code editor who shall include it in the next publication of the Iowa administrative bulletin.

8. Upon the vote of two-thirds of its members, the administrative rules review committee, following notice of intended action as provided in subsection 1 and prior to adoption of a rule pursuant to that notice, may suspend the agency from adopting that notice for seventy days. Notice that adoption of a notice of intended action was suspended under this provision shall be published in the Iowa administrative code and bulletin.

9. *a.* If a provision of an Act of the general assembly expressly requires rulemaking by an

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agency, or if another statute that governs or is directly related to a provision of an Act of the general assembly expressly requires rulemaking by an agency, the agency shall make one of the following submissions regarding such rulemaking within one hundred eighty days of the date on which the provision becomes effective:

(1) Submit a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to subsection 1.

(2) Submit written notification to the administrative rules review committee that the agency has not submitted a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to subsection 1. The notification shall include the provision of the Act of the general assembly for which rulemaking is required, the subject matter of the provision, an explanation of the delay in the submission of a notice of intended action, and an estimated timeline for submission of a notice of intended action.

b. This subsection shall not be construed to prohibit an agency from conducting rulemaking relating to a provision of an Act of the general assembly for which a submission was not made pursuant to paragraph "*a*". This subsection shall not be construed to prohibit an agency from conducting additional rulemaking subsequent to completion of any rulemaking for which a submission was made pursuant to paragraph "*a*".

[C66, 71, §17A.6, 17A.7; C73, §17A.6, 17A.7, 17A.17; C75, 77, 79, 81, §17A.4]

83 Acts, ch 142, §9; 86 Acts, ch 1245, §2038; 90 Acts, ch 1266, §32; 91 Acts, ch 258, §17, 18; 98 Acts, ch 1202, §8, 9, 46; 2003 Acts, ch 35, §27, 49; 2003 Acts, ch 145, §286; 2006 Acts, ch 1011, §2; 2008 Acts, ch 1031, §80; 2010 Acts, ch 1031, §52, 58; 2013 Acts, ch 114, §1 – 3; 2014 Acts, ch 1092, §13 – 15; 2016 Acts, ch 1126, §1 – 3; 2020 Acts, ch 1090, §2, 3; 2023 Acts, ch 70, §5, 6, 14; 2024 Acts, ch 1043, §28

Referred to in §2B.5A, 2B.17, 17A.4A, 17A.4B, 17A.6, 17A.7, 17A.8, 35A.13, 68B.2, 100B.22, 124.201A, 135C.2, 163.2A, 163.30, 249.9A, 249A.3, 249A.20A, 249A.21, 267.6, 455B.105, 479.29, 479B.20, 502.321B, 505.18A, 514B.4A, 519A.4

Rules mandating expenditures by political subdivisions; limitations; fiscal impact statements; §25B.6

17A.4A Regulatory analysis.

1. An agency shall issue a regulatory analysis of a proposed rule that complies with subsection 2, paragraphs "*a*" and "*b*", prior to submitting a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to section 17A.4, subsection 1, paragraph "*a*".

2. *a.* The regulatory analysis must contain all of the following:

(1) A description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

(2) A description of the probable quantitative and qualitative impact of the proposed rule, economic or otherwise, upon affected classes of persons, including a description of the nature and amount of all of the different kinds of costs that would be incurred in complying with the proposed rule.

(3) The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

(4) A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction.

(5) A determination of whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule.

(6) A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

b. In the case of a rule that would have a substantial impact on small business, the regulatory analysis must contain a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rule on small business:

(1) Establish less stringent compliance or reporting requirements in the rule for small business.

(2) Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small business.

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(3) Consolidate or simplify the rule's compliance or reporting requirements for small business.

(4) Establish performance standards to replace design or operational standards in the rule for small business.

(5) Exempt small business from any or all requirements of the rule.

c. The agency shall reduce the impact of a proposed rule that would have a substantial impact on small business by using a method discussed in paragraph *"b"* if the agency finds that the method is legal and feasible in meeting the statutory objectives which are the basis of the proposed rule.

3. Each regulatory analysis must include quantifications of the data to the extent practicable and must take account of both short-term and long-term consequences.

4. The agency shall submit the regulatory analysis to the administrative code editor, who shall publish it in the Iowa administrative bulletin. The regulatory analysis shall include a statement of either the terms or substance of the agency's intended action or a description of the subjects and issues involved. The agency shall afford all interested persons not less than twenty days to submit data, views, or arguments in writing, and the regulatory analysis shall include the time when, the place where, and the manner in which interested persons may do so. The agency shall give interested persons an opportunity to make oral presentation on the regulatory analysis. The opportunity for oral presentation shall be held at least twenty days after publication of its time and place in the Iowa administrative bulletin.

5. The agency shall not submit a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to section 17A.4, subsection 1, paragraph *"a"*, for a proposed rule until the conclusion of the opportunity for oral presentation required by subsection 4. In the case of a rule adopted without prior notice and an opportunity for public participation in reliance upon section 17A.4, subsection 3, the agency shall have until seventy days after the adoption to submit a regulatory analysis as described in subsection 4 for publication in the Iowa administrative bulletin. If a rule adopted in reliance upon section 17A.4, subsection 3, will be published in the Iowa administrative bulletin concurrently with a corresponding notice of intended action, a separate regulatory analysis for the notice of intended action is not required.

6. If the agency has made a good-faith effort to comply with the requirements of subsections 1 through 3, the rule may not be invalidated on the ground that the contents of the regulatory analysis are insufficient or inaccurate.

7. *a.* For the purpose of this section, *"small business"* means any entity including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, to which all of the following apply:

(1) It is not an affiliate or subsidiary of an entity dominant in its field of operation.

(2) It has either twenty or fewer full-time equivalent positions or less than one million dollars in annual gross revenues in the preceding fiscal year.

b. For purposes of this definition, *"dominant in its field of operation"* means having more than twenty full-time equivalent positions and more than one million dollars in annual gross revenues, and *"affiliate or subsidiary of an entity dominant in its field of operation"* means an entity which is at least twenty percent owned by an entity dominant in its field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of an entity dominant in that field of operation.

98 Acts, ch 1202, §10, 46; 2008 Acts, ch 1031, §81; 2021 Acts, ch 76, §7; 2024 Acts, ch 1169, §5 – 8

Referred to in §17A.7, 17A.33

17A.4B Jobs impact statement.

1. *a. "Benefit"* means the reasonably identifiable and quantifiable positive effect or outcome that is expected to result from implementation of a rule.

b. "Cost" means reasonably identifiable, significant, direct or indirect, economic impact that is expected to result from implementation of and compliance with a rule.

c. "Jobs" means private sector employment including self-employment and areas for potential for employment growth.

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d. "Jobs impact statement" means a statement that does all of the following:

(1) Identifies the purpose of a rule and the applicable section of the statute that provides specific legal authority for the agency to adopt the rule.

(2) Identifies and describes the cost that the agency anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur due to implementing and complying with a rule.

(3) Determines whether a rule would have a positive or negative impact on private sector jobs and employment opportunities in Iowa.

(4) Describes and quantifies the nature of the impact a rule will have on private sector jobs and employment opportunities including the categories of jobs and employment opportunities that are affected by the rule, and the number of jobs or potential job opportunities and the regions of the state affected by the rule.

(5) Identifies, where possible, the additional costs to employers per employee due to implementing and complying with a rule.

(6) Includes other relevant analysis requested by the administrative rules coordinator.

2. Prior to implementation of a rule, an agency shall take steps to minimize the adverse impact on jobs and the development of new employment opportunities due to implementation of the rule.

3. An agency shall provide a jobs impact statement to the administrative rules coordinator prior to publication of a notice of intended action or the publication of a rule filed without notice pursuant to section 17A.4, subsection 3.

4. The jobs impact statement shall be published as part of the preamble to the notice of rulemaking in the Iowa administrative bulletin, unless the administrative rules coordinator determines that publication of the entire jobs impact statement would be unnecessary or impractical.

5. An agency shall accept comments and information from stakeholders prior to final preparation of the jobs impact statement. Any concerned private sector employer or self-employed individual, potential employer, potential small business, or member of the public may submit information relating to a jobs impact statement prior to publication of a notice of intended action or publication of a rule filed without notice pursuant to section 17A.4, subsection 3. An agency may request that such information be submitted to the agency.

6. If a jobs impact statement is revised after a notice of intended action or a rule filed without notice pursuant to section 17A.4, subsection 3, is published, the revised jobs impact statement shall be published as part of the preamble to the adopted version of the rule, unless the administrative rules coordinator determines that publication of the entire jobs impact statement would be unnecessary or impractical.

7. The analysis in the jobs impact statement shall give particular weight to jobs in production sectors of the economy which includes the manufacturing and agricultural sectors of the economy and shall include analysis, where applicable, of the impact of the rule on expansion of existing businesses or facilities.

8. The administrative rules coordinator may waive the jobs impact statement requirement for rules proposed under section 17A.4, subsection 3, or section 17A.5, subsection 2, paragraph *"b"*.

2017 Acts, ch 126, §1; 2019 Acts, ch 59, §15

17A.5 Filing and taking effect of rules.

1. Each agency shall file each rule adopted by the agency with the office of the administrative rules coordinator and provide an exact copy to the administrative code editor. The administrative rules coordinator shall assign an ARC number to each rulemaking document. The administrative code editor shall keep a permanent electronic register of the rules open to public inspection. The administrative code editor shall publish each rule adopted in accordance with this chapter in the Iowa administrative code.

2. A rule adopted after July 1, 1975, is effective thirty-five days after filing, as required in this section, and indexing and publication in the Iowa administrative bulletin except that:

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a. If a later date is required by statute or specified in the rule, the later date is the effective date.

b. (1) Subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the administrative rules coordinator, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, indexing, and publication, if the agency finds any of the following:

(a) That a statute so provides.

(b) That the rule confers a benefit or removes a restriction on the public or some segment thereof.

(c) That this effective date is necessary because of imminent peril to the public health, safety, or welfare.

(2) In any subsequent action contesting the effective date of a rule adopted under this paragraph *"b"*, the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph *"b"*.

[C54, 58, 62, §17A.3, 17A.4; C66, 71, 73, §17A.8; C75, 77, 79, 81, §17A.5]

89 Acts, ch 83, §10; 90 Acts, ch 1266, §33; 91 Acts, ch 258, §19; 2006 Acts, ch 1011, §3; 2015 Acts, ch 30, §27; 2018 Acts, ch 1041, §7; 2020 Acts, ch 1090, §4; 2023 Acts, ch 70, §7, 14

Referred to in §2B.5A, 2B.17, 17A.4, 17A.4B, 17A.6, 17A.7, 17A.8, 35A.13, 100B.22, 124.201A, 135C.2, 163.2A, 214A.2, 249.9A, 249A.3, 249A.20A, 249A.21, 267.6, 505.18A, 519A.4

17A.6 Publications — procedures for standards adopted by reference.

1. For purposes of subsections 3 through 6, unless the context otherwise requires:

a. "Adopt by reference" or *"adoption by reference"* means incorporating the text of a cited publication, or a part thereof, into a rule without including the text of the publication in the rule.

b. "Publication" does not include the Iowa Code, Iowa Acts, Iowa administrative code, or Iowa court rules.

2. The administrative code editor shall publish the Iowa administrative bulletin and the Iowa administrative code as provided in section 2B.5A.

3. An agency that adopts standards by reference to another publication shall post the publication, or the relevant part of the publication, containing the standards on the agency's internet site. An agency shall not post a link for this purpose to an internet site that is not maintained by the agency. If a posted publication or part of a publication varies from the publication or part adopted by reference as described in subsection 5, the adoption by reference described in subsection 5 shall control. This subsection does not apply to a publication that is a federal statute or regulation.

4. In lieu of the procedures established in subsection 3, an agency may establish alternative procedures providing for public access to a publication containing standards adopted by reference if the publication is proprietary or contains proprietary information. For purposes of this subsection, *"public access"* means access that does not require purchase of the publication or payment for access to the publication.

5. An agency that adopts standards by reference to another publication or a part thereof shall include as part of the reference a date certain, edition or amendment number, or other information identifying the specific version of the publication or the specific point in time from which the text of the publication can be determined. The adoption of standards by reference to another publication or a part thereof shall not include adoption of any amendment, edition, or version of the publication subsequent to the effective date of the adoption.

6. An agency shall include in the preamble to each rule submitted pursuant to section 17A.4 or 17A.5 that adopts standards by reference to another publication or part thereof a brief explanation of the content of the publication or part. If such a rule updates a reference

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to a publication previously adopted by reference, the agency shall include in the preamble a brief explanation of any significant changes in the content of the publication or part.

[C54, 58, 62, 66, §14.3, 17A.9; C71, 73, §14.6(5); C75, 77, 79, 81, §17A.6]

88 Acts, ch 1158, §2; 89 Acts, ch 296, §4; 90 Acts, ch 1266, §34; 91 Acts, ch 42, §2, 3; 91 Acts, ch 258, §20; 95 Acts, ch 14, §1; 96 Acts, ch 1099, §9, 10; 2003 Acts, ch 35, §28, 29, 49; 2003 Acts, ch 145, §141; 2006 Acts, ch 1011, §4; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1031, §53; 2020 Acts, ch 1090, §5; 2023 Acts, ch 70, §8, 14; 2024 Acts, ch 1169, §9; 2026 Acts, ch 1031, §2

Referred to in §10A.110, 10A.506, 505.35, 546.2
State publications; see §8A.205
Subsection 1, paragraph b amended

17A.6A Rulemaking internet site.

1. Subject to the direction of the administrative rules coordinator, each agency shall make available to the public a uniform, searchable, and user-friendly rules database, published on an internet site.

2. An agency's rulemaking internet site shall also make available to the public all of the following:

a. A brief summary of the rulemaking process, including a description of any opportunity for public participation in the process.

b. Process forms for filing comments or complaints concerning proposed or adopted rules.

c. Process forms and instructions for filing a petition for rulemaking pursuant to section 17A.7, a petition for a declaratory order pursuant to section 17A.9, or a petition for a waiver of an administrative rule pursuant to section 17A.9A.

d. Any other material prescribed by the administrative rules coordinator.

3. To the extent practicable, the administrative rules coordinator shall create a uniform format for rulemaking internet sites.

2012 Acts, ch 1138, §18; 2017 Acts, ch 29, §19; 2020 Acts, ch 1090, §6

17A.6B Agency fees internet site — notice.

1. The department of management shall establish and maintain a user-friendly state services fee database and internet site for use by the public. Each agency shall make available through the internet site the current fees, rates, and charges imposed by the agency on the public.

2. The state services fee internet site shall provide timely notice of any modifications in fees, rates, and charges imposed by an agency by providing for an electronic mail notification system for interested parties.

2014 Acts, ch 1088, §1; 2024 Acts, ch 1185, §107

17A.6C Agency fees — rules.

When an agency establishes the amount of a license fee, application fee, or other fee, including any subsequent increase or decrease in the amount, the amount shall be specified in a notice of intended action and a rule adopted by the agency. This section does not apply when the amount of a fee is specifically established or described in the Iowa Code, Iowa Acts, or Iowa court rules, or by federal law. This section shall not be construed to authorize an agency to establish a fee without statutory authority.

2023 Acts, ch 70, §9, 14

Referred to in §17A.2

17A.7 Petition for adoption, amendment, or repeal of rules — periodic review and rescission — rescission of judicially invalidated rules.

1. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with section 17A.4, or adopt a rule if it is not required to be filed according to the procedures of section 17A.4, subsection 1. The

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agency shall submit the petition and the disposition of the petition to the administrative rules review committee.

2. *a.* Beginning January 1, 2027, each agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. Over each five-year period of time, an agency shall perform a retrospective analysis that includes a comprehensive evaluation and rigorous cost-benefit analysis of each existing chapter of rules to determine whether the benefits the rules are intended to achieve are being realized, whether those benefits justify the costs imposed by the rules, and whether there are less restrictive alternatives to accomplish those benefits.

b. The administrative rules coordinator may adopt a schedule for agencies to conduct reviews under this subsection that staggers the reviews evenly over each five-year period. If the administrative rules coordinator does so, the administrative rules coordinator shall publish the schedule on the internet site established or designated under paragraph "*c*".

c. When the agency completes the five-year review of the agency's rules, the agency shall provide a written summary of the results to the administrative rules coordinator and the administrative rules review committee. The administrative rules coordinator shall publish each summary on an internet site established or designated for purposes of this subsection. The summary shall include all of the following for each chapter of rules:

(1) The intended benefits of the rules and if the benefits are being achieved.

(2) The costs imposed by the rules and if the costs are justified by the benefits identified in subparagraph (1).

(3) Less restrictive alternatives to the rules and an analysis of how other states regulate the activities addressed by the chapter.

3. *a.* Each chapter of rules is rescinded five years after the date on which the most recent regulatory readoption of the chapter became effective. A chapter rescinded in this manner ceases to be effective as of the date of rescission. The date of rescission of a chapter under this subsection shall not be altered if such date falls on a Saturday, Sunday, or holiday.

b. Before rescission under paragraph "*a*" occurs, the agency that adopted the chapter may complete a regulatory readoption of the chapter. A regulatory readoption shall be subject to the rulemaking process under this chapter, including but not limited to sections 17A.4, 17A.4A, and 17A.5. An agency completing a regulatory readoption of a chapter shall do so from a zero base. A regulatory readoption of a chapter shall include all amendments to the chapter found necessary or appropriate by the agency during the agency's comprehensive review and retroactive analysis of the chapter pursuant to subsection 2 that have not yet been adopted by the agency. A regulatory readoption of a chapter shall include notations of additions to or deletions from the language of the prior chapter in the item statements in any rulemaking document published in the Iowa administrative bulletin. The agency shall indicate in the preamble of the rulemaking document that the document is part of the regulatory readoption of the chapter. For purposes of this subsection, "*zero base*" means adoption of a chapter without any presumption in favor of retaining the prior language of the chapter.

c. (1) If a chapter has been rescinded under this subsection, the agency that adopted the chapter shall notify the administrative code editor in writing of the rescission. The administrative rules coordinator may notify the administrative code editor in writing on behalf of the agency.

(2) As soon as practicable after receiving such notification, the administrative code editor shall publish notice of the rescission in the Iowa administrative bulletin and, no sooner than two weeks after such publication, remove the chapter from the Iowa administrative code.

d. When a regulatory readoption of a chapter is published in the Iowa administrative code, the administrative code editor shall include the next rescission date of the chapter, as provided in this subsection, with the chapter.

e. (1) Notwithstanding paragraph "*a*":

(a) The date of rescission of a chapter that becomes effective as a whole from January 1,

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2023, through January 1, 2028, both dates inclusive, shall be deemed to be five years after the date on which the chapter most recently became effective as a whole.

(b) The date of rescission of a chapter that was in effect prior to January 1, 2023, and did not become effective as a whole from January 1, 2023, through January 1, 2028, both dates inclusive, shall be deemed to be January 1, 2028.

(2) The effective date of adoption, amendment, or rescission of individual rules or portions of rules in a chapter, and the date of any changes to the chapter or rules or portions of rules in the chapter pursuant to section 2B.13, shall not be considered when determining the effective date of the chapter as a whole for purposes of this paragraph.

(3) The administrative code editor shall include the next rescission date of a chapter under this paragraph with the chapter in lieu of the date provided in paragraph *"d"*.

f. The administrative rules review committee may grant an extension of up to one hundred eighty days of the date of rescission of a chapter of rules provided in this subsection upon written request by the agency that adopted the chapter. The request shall be submitted to the administrative rules review committee by the agency at least thirty-five days before the date of rescission with a copy provided to the administrative code editor. The request shall include an explanation of the agency's reasoning for seeking an extension and any other information the agency finds appropriate. If the administrative rules review committee approves the request, the administrative code editor shall update the rescission date included with the chapter pursuant to paragraph *"d"* or *"e"*.

4. *a.* If a rule or portion of a rule adopted by an agency is determined by a court of competent jurisdiction to exceed the statutory authority of the agency or to be invalid on other grounds, or if a statute granting an agency authority to adopt a rule or portion of a rule is determined by a court of competent jurisdiction to be unconstitutional or to be invalid on other grounds, the agency, after the conclusion of any applicable period for appeals, shall notify the administrative code editor in writing of the court's decision. The notification shall include a copy of the decision and a citation to the affected rule or portion of the rule. The administrative rules coordinator may notify the administrative code editor in writing on behalf of the agency.

b. As soon as practicable after receiving such notification, the administrative code editor shall publish notice in the Iowa administrative bulletin of the court's decision and the citation of the affected rule or portion of the rule and, no sooner than two weeks after such publication, remove the rule or portion of the rule from the Iowa administrative code.

[C75, 77, 79, 81, §17A.7]

98 Acts, ch 1202, §11, 46; 2008 Acts, ch 1032, §136; 2012 Acts, ch 1138, §19; 2013 Acts, ch 90, §15; 2020 Acts, ch 1090, §7; 2022 Acts, ch 1032, §9; 2024 Acts, ch 1169, §10, 11; 2026 Acts, ch 1031, §7

Referred to in §17A.6A, 200.14, 200A.4, 272C.16, 455B.173, 455B.176A, 459.103, 459A.104, 459B.104, 546.2

Subsections 2 and 3 amended

17A.8 Administrative rules review committee.

1. There is created the "Administrative Rules Review Committee." The committee shall be bipartisan and shall be composed of the following members:

a. Three senators appointed by the majority leader of the senate and two senators appointed by the minority leader of the senate.

b. Three representatives appointed by the speaker of the house of representatives and two representatives appointed by the minority leader of the house of representatives.

2. A committee member shall be appointed as of the convening of a regular session convened in an odd-numbered year. The term of office for a member from the house of representatives shall end upon the convening of the general assembly following the appointment. The term of office for a member from the senate shall end upon the convening of the general assembly after the general assembly following appointment. However, a member shall serve until a successor is appointed. A vacancy on the committee shall be filled by the original appointing authority for the remainder of the term. A vacancy shall exist whenever a committee member ceases to be a member of the house from which the member was appointed.

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3. A committee member shall be paid the per diem specified in section 2.10, subsection 5, for each day in attendance and shall be reimbursed for actual and necessary expenses. There is appropriated from money in the general fund not otherwise appropriated an amount sufficient to pay costs incurred under this section.

4. *a.* The committee shall prescribe its rules of procedure. The committee may employ a secretary or may appoint the administrative code editor or a designee to act as secretary.

b. The chairperson of the committee shall be chosen as provided in this paragraph. For the term commencing with the convening of the first regular session of each general assembly and ending upon the convening of the second regular session of that general assembly, the chairperson shall be chosen by the committee from its members who are members of the house of representatives. For the term commencing with the convening of the second regular session of each general assembly and ending upon the convening of the first regular session of the next general assembly, the chairperson shall be chosen by the committee from its members who are members of the senate. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.

5. A regular committee meeting shall be held at the seat of government on the second Tuesday of each month or on an alternative date established by the committee. Unless impracticable, in advance of each such meeting the subject matter to be considered shall be published in the Iowa administrative bulletin. A special committee meeting may be called by the chairperson at any place in the state and at any time. Unless impracticable, in advance of each special meeting notice of the time and place of such meeting and the subject matter to be considered shall be published in the Iowa administrative bulletin.

6. The committee shall meet for the purpose of selectively reviewing rules, whether proposed or in effect. A regular or special committee meeting shall be open to the public and an interested person may be heard and present evidence. The committee may require a representative of an agency whose rule or proposed rule is under consideration to attend a committee meeting.

7. The committee may refer a rule to the speaker of the house and the president of the senate at the next regular session of the general assembly. The speaker and the president shall refer such a rule to the appropriate standing committee of the general assembly.

8. If the committee finds objection to a rule, it may utilize the procedure provided in section 17A.4, subsection 6. In addition or in the alternative, the committee may include in the referral, under subsection 7 of this section, a recommendation that the rule be overcome by statute. If the committee of the general assembly to which a rule is referred finds objection to the referred rule, it may recommend to the general assembly that this rule be overcome by statute. This section shall not be construed to prevent a committee of the general assembly from reviewing a rule on its own motion.

9. *a.* Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule or portion of a rule until the adjournment of the next regular session of the general assembly, unless the rule was adopted under section 17A.5, subsection 2, paragraph *"b"*. If the rule was adopted under section 17A.5, subsection 2, paragraph *"b"*, the administrative rules review committee, within thirty-five days of the publication of the rule in the Iowa administrative bulletin and upon the vote of two-thirds of its members, may suspend the applicability of the rule or portion of the rule until the adjournment of the next regular session of the general assembly.

b. The committee shall refer a rule or portion of a rule whose effective date has been delayed or applicability has been suspended to the speaker of the house of representatives and the president of the senate who shall refer the delayed or suspended rule or portion of the rule to the appropriate standing committees of the general assembly. A standing committee shall review the rule within twenty-one days after the rule is referred to the committee by the speaker of the house of representatives or the president of the senate and shall take formal committee action by sponsoring a joint resolution to nullify the rule, by proposing legislation relating to the rule, or by refusing to propose a joint resolution or legislation concerning the rule. The standing committee shall inform the administrative rules review committee of the committee action taken concerning the rule. If the general assembly has not nullified the rule by a joint resolution, the rule shall become effective upon the adjournment of the session of

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the general assembly. The speaker of the house of representatives and the president of the senate shall notify the administrative code editor of the final disposition of each rule or portion of a rule whose effective date has been delayed or whose applicability has been suspended pursuant to this subsection.

c. Notice of an effective date that was delayed or of applicability that was suspended under this provision shall be published in the Iowa administrative code and bulletin.

10. *a.* Upon the vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule or portion of a rule seventy days beyond that permitted in section 17A.5, unless the rule was adopted under section 17A.5, subsection 2, paragraph *"b"*. If the rule was adopted under section 17A.5, subsection 2, paragraph *"b"*, the administrative rules review committee, within thirty-five days of the publication of the rule in the Iowa administrative bulletin and upon the vote of two-thirds of its members, may suspend the applicability of the rule or portion of the rule for seventy days.

b. Notice of an effective date that was delayed or of applicability that was suspended under this provision shall be published in the Iowa administrative code and bulletin.

[C54, 58, 62, §17A.2; C66, 71, 73, §17A.2 – 17A.4, 17A.10; C75, 77, 79, 81, §17A.8]

86 Acts, ch 1245, §2024, 2039; 91 Acts, ch 258, §21 – 23; 95 Acts, ch 49, §1; 98 Acts, ch 1202, §12, 46; 2003 Acts, ch 35, §30, 49; 2008 Acts, ch 1031, §97; 2008 Acts, ch 1156, §19, 58; 2012 Acts, ch 1138, §20; 2013 Acts, ch 114, §4; 2020 Acts, ch 1090, §8, 9; 2022 Acts, ch 1021, §8; 2023 Acts, ch 70, §10, 11, 14

Referred to in §2B.5A, 17A.4

17A.9 Declaratory orders.

1. *a.* Any person may petition an agency for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the agency.

b. (1) An agency shall issue a declaratory order in response to a petition for that order unless the agency determines that issuance of the order under the circumstances would be contrary to a rule adopted in accordance with subsection 2.

(2) However, an agency shall not issue a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

2. Each agency shall adopt rules that provide for the form, contents, and filing of petitions for declaratory orders, the procedural rights of persons in relation to the petitions, and the disposition of the petitions. The rules must describe the classes of circumstances in which the agency will not issue a declaratory order and must be consistent with the public interest and with the general policy of this chapter to facilitate and encourage agency issuance of reliable advice.

3. Within fifteen days after receipt of a petition for a declaratory order, an agency shall give notice of the petition to all persons to whom notice is required by any provision of law and may give notice to any other persons.

4. Persons who qualify under any applicable provision of law as an intervenor and who file timely petitions for intervention according to agency rules may intervene in proceedings for declaratory orders. The provisions of sections 17A.10 through 17A.18 apply to agency proceedings for declaratory orders only to the extent an agency so provides by rule or order.

5. Within thirty days after receipt of a petition for a declaratory order, an agency, in writing, shall do one of the following:

a. Issue an order declaring the applicability of the statute, rule, or order in question to the specified circumstances.

b. Set the matter for specified proceedings.

c. Agree to issue a declaratory order by a specified time.

d. Decline to issue a declaratory order, stating the reasons for its action.

6. A copy of all orders issued in response to a petition for a declaratory order must be mailed promptly to the petitioner and any other parties.

7. A declaratory order has the same status and binding effect as any final order issued in a contested case proceeding. A declaratory order must contain the names of all parties to the

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proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusion.

8. If an agency has not issued a declaratory order within sixty days after receipt of a petition therefor, or such later time as agreed by the parties, the petition is deemed to have been denied. Once a petition for a declaratory order is deemed denied or if the agency declines to issue a declaratory order pursuant to subsection 5, paragraph *"d"*, a party to that proceeding may either seek judicial review or await further agency action with respect to its petition for a declaratory order.

[C75, 77, 79, 81, §17A.9]
98 Acts, ch 1202, §13, 46; 2008 Acts, ch 1032, §201
Referred to in §17A.2, 17A.6A, 17A.19, 23.6, 256.9A

17A.9A Waivers.

1. Any person may petition an agency for a waiver from the requirements of a rule, pursuant to the requirements of this section, if the agency has established by rule an application, evaluation, and issuance procedure permitting waivers. An agency shall not grant a petition for waiver of a rule unless the agency has jurisdiction over the rule and the waiver is consistent with any applicable statute, constitutional provision, or other provision of law. In addition, this section does not authorize an agency to waive any requirement created or duty imposed by statute.

2. Upon petition of a person, an agency may in its sole discretion issue a waiver from the requirements of a rule if the agency finds, based on clear and convincing evidence, all of the following:

a. The application of the rule would pose an undue hardship on the person for whom the waiver is requested.

b. The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.

c. The provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of law.

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

3. The burden of persuasion rests with the person who petitions an agency for the waiver of a rule. Each petition for a waiver shall be evaluated by the agency based on the unique, individual circumstances set out in the petition. A waiver, if granted, shall be drafted by the agency so as to provide the narrowest exception possible to the provisions of the rule. The agency may place any condition on a waiver that the agency finds desirable to protect the public health, safety, and welfare. A waiver shall not be permanent, unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the agency, a waiver may be renewed if the agency finds all of the factors set out in subsection 2 remain valid.

4. A grant or denial of a waiver petition shall be indexed, filed, and available for public inspection as provided in section 17A.3. The administrative code editor and the administrative rules coordinator shall maintain an internet site to identify rules for which a petition for a waiver has been granted or denied and make this information available to the public. When an agency grants or denies a waiver, the agency shall submit the information required by this subsection on the internet site within sixty days. The internet site shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the agencies' actions on the waiver request. To the extent practicable, the agency shall include information detailing the extent to which the granting of a waiver has established a precedent for additional waivers and the extent to which the granting of a waiver has affected the general applicability of the rule itself.

5. For purposes of this section, *"waiver"* means an agency action which suspends in whole

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or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

2000 Acts, ch 1176, §1; 2020 Acts, ch 1090, §10; 2022 Acts, ch 1021, §9
Referred to in §17A.6A, 105.18, 153.39, 256.180, 478.34

17A.10 Informal settlements — waiver.

1. Unless precluded by statute, informal settlements of controversies that may culminate in contested case proceedings according to the provisions of this chapter are encouraged. Agencies shall prescribe by rule specific procedures for attempting such informal settlements prior to the commencement of contested case proceedings. This subsection shall not be construed to require either party to such a controversy to utilize the informal procedures or to settle the controversy pursuant to those informal procedures.

2. The parties to a contested case proceeding may, by written stipulation representing an informed mutual consent, waive any provision of this chapter relating to such proceedings. In addition to consenting to such a waiver in individual cases, an agency may, by rule, express its consent to such a waiver as to an entire class of cases.

[C75, 77, 79, 81, §17A.10]
Referred to in §17A.9, 123.37, 421.5, 421.17

17A.10A Contested cases — no factual dispute.

Upon petition by a party in a matter that would be a contested case if there was a dispute over the existence of material facts, all of the provisions of this chapter applicable to contested cases, except those relating to presentation of evidence, shall be applicable even though there is no factual dispute in the particular case.

98 Acts, ch 1202, §14, 46
Referred to in §17A.9, 23.10, 421.17

17A.11 Presiding officer, disqualification, substitution.

1. *a.* If the agency or an officer of the agency under whose authority the contested case is to take place is a named party to that proceeding or a real party in interest to that proceeding the presiding officer may be, in the discretion of the agency, either the agency, one or more members of a multimember agency, or one or more administrative law judges assigned by the division of administrative hearings in accordance with the provisions of section 10A.801. However, a party may, within a time period specified by rule, request that the presiding officer be an administrative law judge assigned by the division of administrative hearings. Except as otherwise provided by statute, the agency shall grant a request by a party for an administrative law judge unless the agency finds, and states reasons for the finding, that any of the following conditions exist:

(1) There is a compelling need to expedite issuance of a final decision in order to protect the public health, safety, or welfare.

(2) A qualified administrative law judge is unavailable to hear the case within a reasonable time.

(3) The case involves significant policy issues of first impression that are inextricably intertwined with the factual issues presented.

(4) The demeanor of the witnesses is likely to be dispositive in resolving the disputed factual issues.

(5) Funds are unavailable to pay the costs of an administrative law judge and an intra-agency appeal.

(6) The request was not timely filed.

(7) There is other identified good cause, as specified by rule, for denying the request.

b. If the agency or an officer of the agency under whose authority the contested case is to take place is not a named party to that proceeding or a real party in interest to that proceeding the presiding officer may be, in the discretion of the agency, either the agency, one or more members of a multimember agency, an administrative law judge assigned by the division of administrative hearings in accordance with the provisions of section 10A.801, or any other qualified person designated as a presiding officer by the agency. Any other person designated as a presiding officer by the agency may be employed by and officed in the agency for which

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that person acts as a presiding officer, but such a person shall not perform duties inconsistent with that person's duties and responsibilities as a presiding officer.

c. For purposes of paragraph *"a"*, the division of administrative hearings established in section 10A.801 shall be treated as a wholly separate agency from the department of inspections, appeals, and licensing.

2. Any person serving or designated to serve alone or with others as a presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is or may be disqualified.

3. Any party may timely request the disqualification of a person as a presiding officer by filing a motion supported by an affidavit asserting an appropriate ground for disqualification, after receipt of notice indicating that the person will preside or upon discovering facts establishing grounds for disqualification, whichever is later.

4. A person whose disqualification is requested shall determine whether to grant the request, stating facts and reasons for the determination.

5. If a substitute is required for a person who is disqualified or becomes unavailable for any other reason, the substitute shall be appointed by either of the following:

a. The governor, if the disqualified or unavailable person is an elected official.

b. The appointing authority, if the disqualified or unavailable person is an appointed official.

6. Any action taken by a duly-appointed substitute for a disqualified or unavailable person is as effective as if taken by the latter.

[C75, 77, 79, 81, §17A.11]

88 Acts, ch 1109, §4; 98 Acts, ch 1202, §15, 46; 2023 Acts, ch 19, §1730

Referred to in §8A.413, 10A.318, 10A.801, 17A.9, 148.2A, 148.7, 169.5, 169.14, 256B.6, 421.17, 455B.174, 476.2, 505.29, 524.228, 533.501, 903A.1

Board of medicine alternate members for contested case hearings, see §148.2A

17A.12 Contested cases — notice — hearing — records.

1. In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail return receipt requested. However, an agency may provide by rule for the delivery of such notice by other means. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

2. The notice shall include:

a. A statement of the time, place, and nature of the hearing.

b. A statement of the legal authority and jurisdiction under which the hearing is to be held.

c. A reference to the particular sections of the statutes and rules involved.

d. A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

3. If a party fails to appear or participate in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, enter a default decision or proceed with the hearing and make a decision in the absence of the party. The parties shall be duly notified of the decision, together with the presiding officer's reasons for the decision, which is the final decision of the agency, unless within fifteen days, or such period of time as otherwise specified by statute or rule, after the date of notification or mailing of the decision, further appeal is initiated. If a decision is rendered against a party who failed to appear for the hearing and the presiding officer is timely requested by that party to vacate the decision for good cause, the time for initiating a further appeal is stayed pending a determination by the presiding officer to grant or deny the request. If adequate reasons are provided showing good cause for the party's failure to appear, the presiding officer shall vacate the decision and, after proper service of notice, conduct another evidentiary hearing. If adequate reasons are not provided showing good cause for the party's failure to appear, the presiding officer shall deny the motion to vacate.

4. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to be represented by counsel at their own expense.

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5. Unless precluded by statute, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default, or another method agreed upon by the parties in writing.

6. The record in a contested case shall include:

a. All pleadings, motions, and intermediate rulings.

b. All evidence received or considered and all other submissions.

c. A statement of all matters officially noticed.

d. All questions and offers of proof, objections, and rulings thereon.

e. All proposed findings and exceptions.

f. Any decision, opinion, or report by the officer presiding at the hearing.

7. Oral proceedings shall be open to the public and shall be recorded either by mechanized means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision.

8. Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

9. Unless otherwise provided by statute, a person's request or demand for a contested case proceeding shall be in writing, delivered to the agency by United States postal service or personal service and shall be considered as filed with the agency on the date of the United States postal service postmark or the date personal service is made.

[C75, 77, 79, 81, §17A.12]

87 Acts, ch 71, §1; 98 Acts, ch 1202, §16, 46; 2017 Acts, ch 54, §11

Referred to in §10A.320, 17A.9, 17A.13, 17A.16, 68B.31, 96.11, 124.305, 125.18, 147A.5, 147A.17, 169.34, 217.30, 321.556, 421.17, 476A.4

Interpreters in legal proceedings, chapters 622A, 622B

17A.13 Subpoenas — discovery.

1. Agencies have all subpoena powers conferred upon them by their enabling acts or other statutes. In addition, prior to the commencement of a contested case by the notice referred to in section 17A.12, subsection 1, an agency having power to decide contested cases may subpoena books, papers, records, and any other real evidence necessary for the agency to determine whether it should institute a contested case proceeding. After the commencement of a contested case, each agency having power to decide contested cases may administer oaths and issue subpoenas in those cases. Discovery procedures applicable to civil actions are available to all parties in contested cases before an agency. Evidence obtained in discovery may be used in the hearing before the agency if that evidence would otherwise be admissible in the agency hearing. Agency subpoenas shall be issued to a party on request. On contest, the court shall sustain the subpoena or similar process or demand to the extent that it is found to be in accordance with the law applicable to the issuance of subpoenas or discovery in civil actions. In proceedings for enforcement, the court shall issue an order requiring the appearance of the witness or the production of the evidence or data within a reasonable time under penalty of punishment for contempt in cases of willful failure to comply.

2. An agency that relies on a witness in a contested case, whether or not an agency employee, who has made prior statements or reports with respect to the subject matter of the witness' testimony, shall, on request, make such statements or reports available to parties for use on cross-examination, unless those statements or reports are otherwise expressly exempt from disclosure by Constitution or statute. Identifiable agency records that are relevant to disputed material facts involved in a contested case, shall, upon request, promptly be made available to a party unless the requested records are expressly exempt from disclosure by Constitution or statute.

[C75, 77, 79, 81, §17A.13]

83 Acts, ch 186, §10006, 10201

Referred to in §17A.9, 17A.17, 68B.31A, 421.17, 542.11

17A.14 Rules of evidence — official notice.

In contested cases:

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1. Irrelevant, immaterial, or unduly repetitious evidence should be excluded. A finding shall be based upon the kind of evidence on which reasonably prudent persons are accustomed to rely for the conduct of their serious affairs, and may be based upon such evidence even if it would be inadmissible in a jury trial. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be required to be submitted in verified written form.

2. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original, if available.

3. Witnesses at the hearing, or persons whose testimony has been submitted in written form if available, shall be subject to cross-examination by any party as necessary for a full and true disclosure of the facts.

4. Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

5. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

[C75, 77, 79, 81, §17A.14]
Referred to in §17A.9, 68B.31, 421.17

17A.15 Final decisions — proposed decisions — conclusiveness — review by the agency.

1. When the agency presides at the reception of the evidence in a contested case, the decision of the agency is a final decision.

2. When the agency did not preside at the reception of the evidence in a contested case, the presiding officer shall make a proposed decision. Findings of fact shall be prepared by the officer presiding at the reception of the evidence in a contested case unless the officer becomes unavailable to the agency. If the officer is unavailable, the findings of fact may be prepared by another person qualified to be a presiding officer who has read the record, unless demeanor of witnesses is a substantial factor. If demeanor is a substantial factor and the presiding officer is unavailable, the portions of the hearing involving demeanor shall be heard again or the case shall be dismissed.

3. When the presiding officer makes a proposed decision, that decision then becomes the final decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within the time provided by rule. On appeal from or review of the proposed decision, the agency has all the power which it would have in initially making the final decision except as it may limit the issues on notice to the parties or by rule. The agency may reverse or modify any finding of fact if a preponderance of the evidence will support a determination to reverse or modify such a finding, or may reverse or modify any conclusion of law that the agency finds to be in error. In cases where there is an appeal from a proposed decision or where a proposed decision is reviewed on motion of the agency, an opportunity shall be afforded to each party to file exceptions, present briefs and, with the consent of the agency, present oral arguments to the agency members who are to render the final decision.

4. This section shall not preclude an agency from instituting a system whereby the proposed decision of a presiding officer in a contested case may be appealed to, or reviewed on motion of, a body consisting of one or more persons that is between the presiding officer and the agency. If an agency institutes such a system of intermediate review, the proposed decision of the presiding officer becomes the final decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the intermediate reviewing body within the time provided by rule. An intermediate reviewing body may be vested with

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all or a part of the power which it would have in initially making the decision. A decision of such an intermediate reviewing body is also a proposed decision and shall become the final decision of the agency without further proceedings unless there is an appeal to, or review on motion of, the agency within the time provided by rule. In cases where there is an appeal from a proposed decision rendered by a presiding officer to an intermediate reviewing body, or where such a proposed decision is reviewed on motion of an intermediate reviewing body, an opportunity shall be afforded to each party to file exceptions, present briefs and, with the consent of the intermediate reviewing body, present oral arguments to those who are to render the decision.

5. When an appeal from an agency decision in a contested case may be taken to another agency pursuant to statute, or a second agency may according to statute review on its own motion the decision in a contested case by the first agency, the appeal or review shall be deemed a continuous proceeding as though before one agency. A decision of the first agency in such a case is a proposed decision and shall become the final decision without further proceedings unless there is an appeal to, or review on motion of, the second agency within the time provided by statute or rule. In deciding an appeal from or review of a proposed decision of the first agency, the second agency shall have all those powers conferred upon it by statute and shall afford each party an opportunity to file exceptions, present briefs and, with its consent, present oral arguments to agency members who are to render the final decision.

[C75, 77, 79, 81, §17A.15]

98 Acts, ch 1202, §17, 46

Referred to in §10A.321, 10A.330, 10A.801, 17A.9, 256.7, 331.190, 421.17

17A.16 Decisions and orders — rehearing.

1. A proposed or final decision or order in a contested case shall be in writing or stated in the record. A proposed or final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings. The decision shall include an explanation of why the relevant evidence in the record supports each material finding of fact. If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling upon each proposed finding. Each conclusion of law shall be supported by cited authority or by a reasoned opinion. Parties shall be promptly notified of each proposed or final decision or order by the delivery to them of a copy of such decision or order in the manner provided by section 17A.12, subsection 1.

2. Except as expressly provided otherwise by another statute referring to this chapter by name, any party may file an application for rehearing, stating the specific grounds for the rehearing and the relief sought, within twenty days after the date of the issuance of any final decision by the agency in a contested case. A copy of the application for rehearing shall be timely mailed by the presiding agency to all parties of record not joining in the application. An application for rehearing shall be deemed to have been denied unless the agency grants the application within twenty days after its filing.

[C75, 77, 79, 81, §17A.16]

86 Acts, ch 1245, §518; 88 Acts, ch 1100, §1; 98 Acts, ch 1202, §18, 46

Referred to in §10A.601, 17A.9, 17A.19, 421.17, 508B.14, 515G.14

17A.17 Ex parte communications and separation of functions.

1. *a.* Unless required for the disposition of ex parte matters specifically authorized by statute, a presiding officer in a contested case shall not communicate directly or indirectly with any person or party in connection with any issue of fact or law in that contested case, except upon notice and opportunity for all parties to participate as shall be provided for by agency rules.

b. However, without such notice and opportunity for all parties to participate, a presiding officer in a contested case may communicate with members of the agency, and may have the aid and advice of persons other than those with a personal interest in, or those engaged in personally investigating, prosecuting, or advocating in, either the case under consideration or a pending factually related case involving the same parties so long as those persons do not

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directly or indirectly communicate to the presiding officer any ex parte communications they have received of a type that the presiding officer would be prohibited from receiving or that furnish, augment, diminish, or modify the evidence in the record.

2. Unless required for the disposition of ex parte matters specifically authorized by statute, parties or their representatives in a contested case and persons with a direct or indirect interest in such a case shall not communicate, directly or indirectly, in connection with any issue of fact or law in that contested case, with a presiding officer in that contested case, except upon notice and opportunity for all parties to participate as shall be provided for by agency rules.

3. If, before serving as the presiding officer in a contested case, a person receives an ex parte communication relating directly to the merits of the proceeding over which that person subsequently presides, the person, promptly after starting to serve, shall disclose to all parties any material factual information so received and not otherwise disclosed to those parties pursuant to section 17A.13, subsection 2, or through discovery.

4. A presiding officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all such written communications received, all written responses to the communications, and a memorandum stating the substance of all such oral and other communications received, all responses made, and the identity of each person from whom the presiding officer received a prohibited ex parte communication, and shall advise all parties that these matters have been placed on the record. Any party desiring to rebut the prohibited ex parte communication must be allowed to do so, upon requesting the opportunity for rebuttal within ten days after notice of the communication.

5. If the effect of an ex parte communication received in violation of this section is so prejudicial that it cannot be cured by the procedure in subsection 4, a presiding officer who receives the communication shall be disqualified and the portions of the record pertaining to the communication shall be sealed by protective order.

6. The agency and any party may report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law. In addition, each agency by rule shall provide for appropriate sanctions, including default, suspending or revoking a privilege to practice before the agency, and censuring, suspending, or dismissing agency personnel, for any violations of this section.

7. A party to a contested case proceeding may file a timely and sufficient affidavit alleging a violation of any provision of this section. The agency shall determine the matter as part of the record in the case. When an agency in these circumstances makes such a determination with respect to an agency member, that determination shall be subject to de novo judicial review in any subsequent review proceeding of the case.

8. An individual who participates in the making of any proposed or final decision in a contested case shall not have personally investigated, prosecuted, or advocated in connection with that case, the specific controversy underlying that case, or another pending factually related contested case, or pending factually related controversy that may culminate in a contested case, involving the same parties. In addition, such an individual shall not be subject to the authority, direction, or discretion of any person who has personally investigated, prosecuted, or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy, involving the same parties. However, this section shall not be construed to preclude a person from serving as a presiding officer solely because that person determined there was probable cause to initiate the proceeding.

[C75, 77, 79, 81, §17A.17]

98 Acts, ch 1202, §19, 46; 2008 Acts, ch 1032, §201; 2016 Acts, ch 1073, §13

Referred to in §2C.9, 10A.318, 17A.9, 216.15, 421.17, 542.11

17A.18 Licenses.

1. When the grant, denial, or renewal of a license is required by Constitution or statute to be preceded by notice and opportunity for an evidentiary hearing, the provisions of this chapter concerning contested cases apply.

2. When a licensee has made timely and sufficient application for the renewal of a license

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or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking judicial review of the agency order or a later date fixed by order of the agency or the reviewing court.

3. No revocation, suspension, annulment, or withdrawal, in whole or in part, of any license is lawful unless, prior to the institution of agency proceedings, the agency gave written, timely notice by personal service as in civil actions or by restricted certified mail to the licensee of facts or conduct and the provision of law which warrants the intended action, and the licensee was given an opportunity to show, in an evidentiary hearing conducted according to the provisions of this chapter for contested cases, compliance with all lawful requirements for the retention of the license.

[C75, 77, 79, 81, §17A.18]
98 Acts, ch 1202, §20, 46
Referred to in §17A.9, 99B.3, 99B.55, 207.14, 237A.2, 252J.8, 272D.8, 421.17, 423.36, 455B.474, 459.315A

17A.18A Emergency adjudicative proceedings.

1. Notwithstanding any other provision of this chapter and to the extent consistent with the Constitution of the State of Iowa and of the United States, an agency may use emergency adjudicative proceedings in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

2. The agency may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare that justifies use of emergency adjudication.

3. The agency shall issue an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the agency's discretion, to justify the determination of an immediate danger and the agency's decision to take the specific action.

4. The agency shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when issued.

5. After issuing an order pursuant to this section, the agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

6. The agency record consists of any documents regarding the matter that were considered or prepared by the agency. The agency shall maintain these documents as its official record.

7. Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in emergency adjudicative proceedings or for judicial review thereof.

98 Acts, ch 1202, §21, 46; 2006 Acts, ch 1030, §5
Referred to in §124.305, 163.3E, 165B.5, 207.14, 235E.2, 421.17, 459.314B, 502.412, 507A.10, 507B.6A, 508E.16, 515I.12, 522C.14, 522F.21, 523A.805, 523C.19, 523D.13, 523I.203, 533A.7, 533D.12, 535B.7, 535D.13, 536.9, 536A.18

17A.19 Judicial review.

Except as expressly provided otherwise by another statute referring to this chapter by name, the judicial review provisions of this chapter shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of such agency action. However, nothing in this chapter shall abridge or deny to any person or party who is aggrieved or adversely affected by any agency action the right to seek relief from such action in the courts.

1. A person or party who has exhausted all adequate administrative remedies and who is aggrieved or adversely affected by any final agency action is entitled to judicial review thereof under this chapter. When agency action is pursuant to rate regulatory powers over public utilities or common carriers and the aggrievement or adverse effect is to the rates or charges of a public utility or common carrier, the agency action shall not be final until all agency remedies have been exhausted and a decision prescribing rates which satisfy the requirements of those provisions of the Code has been rendered. A preliminary, procedural, or intermediate agency action is immediately reviewable if all adequate administrative

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remedies have been exhausted and review of the final agency action would not provide an adequate remedy. If a declaratory order has not been rendered within sixty days after the filing of a petition therefor under section 17A.9, or by such later time as agreed by the parties, or if the agency declines to issue such a declaratory order after receipt of a petition therefor, any administrative remedy available under section 17A.9 shall be deemed inadequate or exhausted.

2. Proceedings for judicial review shall be instituted by filing a petition either in Polk county district court or in the district court for the county in which the petitioner resides or has its principal place of business. When a proceeding for judicial review has been commenced, a court may, in the interest of justice, transfer the proceeding to another county where the venue is proper. Within ten days after the filing of a petition for judicial review the petitioner shall serve by the means provided in the Iowa rules of civil procedure for the personal service of an original notice, or shall mail copies of the petition to all parties named in the petition and, if the petition involves review of agency action in a contested case, all parties of record in that case before the agency. Such personal service or mailing shall be jurisdictional. The delivery by personal service or mailing referred to in this subsection may be made upon the party's attorney of record in the proceeding before the agency. A mailing shall be addressed to the parties or their attorney of record at their last known mailing address. Proof of mailing shall be by affidavit. Any party of record in a contested case before an agency wishing to intervene and participate in the review proceeding must file an appearance within forty-five days from the time the petition is filed.

3. If a party files an application under section 17A.16, subsection 2, for rehearing with the agency, the petition for judicial review must be filed within thirty days after that application has been denied or deemed denied. If a party does not file an application under section 17A.16, subsection 2, for rehearing, the petition must be filed within thirty days after the issuance of the agency's final decision in that contested case. If an application for rehearing is granted, the petition for review must be filed within thirty days after the issuance of the agency's final decision on rehearing. In cases involving a petition for judicial review of agency action other than the decision in a contested case, the petition may be filed at any time petitioner is aggrieved or adversely affected by that action.

4. The petition for review shall name the agency as respondent, except as provided in sections 10A.324 and 20.34. All petitions for review shall contain a concise statement of:

a. The nature of the agency action which is the subject of the petition.

b. The particular agency action appealed from.

c. The facts on which venue is based.

d. The grounds on which relief is sought.

e. The relief sought.

5. *a.* The filing of the petition for review does not itself stay execution or enforcement of any agency action. Unless precluded by law, the agency may grant a stay on appropriate terms or other temporary remedies during the pendency of judicial review.

b. A party may file an interlocutory motion in the reviewing court, during the pendency of judicial review, seeking review of the agency's action on an application for stay or other temporary remedies.

c. If the agency refuses to grant an application for stay or other temporary remedies, or application to the agency for a stay or other temporary remedies is an inadequate remedy, the court may grant relief but only after a consideration and balancing of all of the following factors:

(1) The extent to which the applicant is likely to prevail when the court finally disposes of the matter.

(2) The extent to which the applicant will suffer irreparable injury if relief is not granted.

(3) The extent to which the grant of relief to the applicant will substantially harm other parties to the proceedings.

(4) The extent to which the public interest relied on by the agency is sufficient to justify the agency's action in the circumstances.

d. If the court determines that relief should be granted from the agency's action on an application for stay or other temporary remedies, the court may remand the matter to the

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agency with directions to deny a stay, to grant a stay on appropriate terms, or to grant other temporary remedies, or the court may issue an order denying a stay, granting a stay on appropriate terms, or granting other temporary remedies.

6. Within thirty days after filing of the petition, or within further time allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of any contested case which may be the subject of the petition. By stipulation of all parties to the review proceedings, the record of such a case may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

7. In proceedings for judicial review of agency action a court may hear and consider such evidence as it deems appropriate. In proceedings for judicial review of agency action in a contested case, however, a court shall not itself hear any further evidence with respect to those issues of fact whose determination was entrusted by the Constitution or a statute to the agency in that contested case proceeding. Before the date set for hearing a petition for judicial review of agency action in a contested case, application may be made to the court for leave to present evidence in addition to that found in the record of the case. If it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court and mail copies of the new findings or decisions to all parties.

8. Except to the extent that this chapter provides otherwise, in suits for judicial review of agency action all of the following apply:

a. The burden of demonstrating the required prejudice and the invalidity of agency action is on the party asserting invalidity.

b. The validity of agency action must be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time that action was taken.

9. The court shall make a separate and distinct ruling on each material issue on which the court's decision is based.

10. The court may affirm the agency action or remand to the agency for further proceedings. The court shall reverse, modify, or grant other appropriate relief from agency action, equitable or legal and including declaratory relief, if it determines that substantial rights of the person seeking judicial relief have been prejudiced because the agency action is any of the following:

a. Unconstitutional on its face or as applied or is based upon a provision of law that is unconstitutional on its face or as applied.

b. Beyond the authority delegated to the agency by any provision of law or in violation of any provision of law.

c. Based upon an erroneous interpretation of a provision of law whose interpretation has not clearly been vested by a provision of law in the discretion of the agency.

d. Based upon a procedure or decision-making process prohibited by law or was taken without following the prescribed procedure or decision-making process.

e. The product of decision making undertaken by persons who were improperly constituted as a decision-making body, were motivated by an improper purpose, or were subject to disqualification.

f. Based upon a determination of fact clearly vested by a provision of law in the discretion of the agency that is not supported by substantial evidence in the record before the court when that record is viewed as a whole. For purposes of this paragraph, the following terms have the following meanings:

(1) *"Substantial evidence"* means the quantity and quality of evidence that would be deemed sufficient by a neutral, detached, and reasonable person, to establish the fact at issue when the consequences resulting from the establishment of that fact are understood to be serious and of great importance.

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(2) *"Record before the court"* means the agency record for judicial review, as defined by this chapter, supplemented by any additional evidence received by the court under the provisions of this chapter.

(3) *"When that record is viewed as a whole"* means that the adequacy of the evidence in the record before the court to support a particular finding of fact must be judged in light of all the relevant evidence in the record cited by any party that detracts from that finding as well as all of the relevant evidence in the record cited by any party that supports it, including any determinations of veracity by the presiding officer who personally observed the demeanor of the witnesses and the agency's explanation of why the relevant evidence in the record supports its material findings of fact.

g. Action other than a rule that is inconsistent with a rule of the agency.

h. Action other than a rule that is inconsistent with the agency's prior practice or precedents, unless the agency has justified that inconsistency by stating credible reasons sufficient to indicate a fair and rational basis for the inconsistency.

i. The product of reasoning that is so illogical as to render it wholly irrational.

j. The product of a decision-making process in which the agency did not consider a relevant and important matter relating to the propriety or desirability of the action in question that a rational decision maker in similar circumstances would have considered prior to taking that action.

k. Not required by law and its negative impact on the private rights affected is so grossly disproportionate to the benefits accruing to the public interest from that action that it must necessarily be deemed to lack any foundation in rational agency policy.

l. Based upon an irrational, illogical, or wholly unjustifiable interpretation of a provision of law whose interpretation has clearly been vested by a provision of law in the discretion of the agency.

m. Based upon an irrational, illogical, or wholly unjustifiable application of law to fact that has clearly been vested by a provision of law in the discretion of the agency.

n. Otherwise unreasonable, arbitrary, capricious, or an abuse of discretion.

11. In making the determinations required by subsection 10, paragraphs *"a"* through *"n"*, the court shall do all of the following:

a. Shall not give any deference to the view of the agency with respect to whether particular matters have been vested by a provision of law in the discretion of the agency.

b. Should not give any deference to the view of the agency with respect to particular matters that have not been vested by a provision of law in the discretion of the agency.

c. Shall give appropriate deference to the view of the agency with respect to particular matters that have been vested by a provision of law in the discretion of the agency.

12. A defendant in a suit for civil enforcement of agency action may defend on any of the grounds specified in subsection 10, paragraphs *"a"* through *"n"*, if that defendant, at the time the enforcement suit was filed, would have been entitled to rely upon any of those grounds as a basis for invalidating the agency action in a suit for judicial review of that action brought at the time the enforcement suit was filed. If a suit for civil enforcement of agency action in a contested case is filed within the time period in which the defendant could have filed a petition for judicial review of that agency action, and the agency subsequently dismisses its suit for civil enforcement of that agency action against the defendant, the defendant may, within thirty days of that dismissal, file a petition for judicial review of the original agency action at issue if the defendant relied upon any of the grounds for judicial review in subsection 10, paragraphs *"a"* through *"n"*, in a responsive pleading to the enforcement action, or if the time to file a responsive pleading had not yet expired at the time the enforcement action was dismissed.

[C75, 77, 79, 81, §17A.19; 81 Acts, ch 24, §1, 2]

98 Acts, ch 1202, §22 – 24, 46; 2017 Acts, ch 54, §12; 2025 Acts, ch 92, §2

Referred to in §10A.322, 10A.330, 10A.601, 15.106E, 16.5E, 17A.19A, 21.6, 22.8, 22.10, 23.5, 23.10, 80A.17, 84D.4, 90A.11, 92.22, 99A.6, 103.29, 103.31, 103.39, 105.27, 135.69, 139A.22, 152C.4, 156.16, 157.13, 169.15, 185.34, 214A.11, 216.17, 231.78, 252.27, 261B.3, 272C.3, 272C.6, 321.52, 321.560, 331.190, 368.22, 441.37B, 455I.9, 476.6, 514G.110, 514J.110, 522B.11, 522C.13, 522D.7, 522F.20, 533A.16, 535B.13, 535D.13, 542.14, 542B.27, 543D.21, 543E.18, 544A.15

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17A.19A Intervention by members of the general assembly.

The majority leader of the senate, the minority leader of the senate, the speaker of the house of representatives, and the minority leader of the house of representatives may each intervene in a proceeding for judicial review of agency action under section 17A.19. Other members of the general assembly may join a motion to intervene filed pursuant to this section.

2026 Acts, ch 1154, §1
NEW section

17A.20 Appeals.

An aggrieved or adversely affected party to the judicial review proceeding may obtain a review of any final judgment of the district court under this chapter by appeal. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

[C75, 77, 79, 81, §17A.20]
83 Acts, ch 186, §10007, 10201
Referred to in §207.15, 231.78, 252.27, 321.52

17A.21 Inconsistency with federal law.

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, or would otherwise be inconsistent with requirements of federal law, such provision shall be suspended as to such agency, but only to the extent necessary to prevent denial of such funds or services or to eliminate the inconsistency with federal requirements. If the attorney general makes such a suspension determination, the attorney general shall report it to the general assembly at its next session. This report shall include any recommendations in regard to corrective legislation needed to conform this chapter with the federal law.

[C75, 77, 79, 81, §17A.21]

17A.22 Agency authority to implement chapter.

Agencies shall have all the authority necessary to comply with the requirements of this chapter through the adoption of rules or otherwise.

[C75, 77, 79, 81, §17A.22]
2020 Acts, ch 1090, §11

17A.23 Construction — delegation of authority.

1. Except as expressly provided otherwise by this chapter or by another statute referring to this chapter by name, the rights created and the requirements imposed by this chapter shall be in addition to those created or imposed by every other statute in existence on July 1, 1975, or enacted after that date. If any other statute in existence on July 1, 1975, or enacted after that date diminishes a right conferred upon a person by this chapter or diminishes a requirement imposed upon an agency by this chapter, this chapter shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this cited chapter.

2. This chapter shall be construed broadly to effectuate its purposes. This chapter shall also be construed to apply to all agencies not expressly exempted by this chapter or by another statute specifically referring to this chapter by citation; and except as to proceedings in process on July 1, 1975, this chapter shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this chapter or by another statute specifically referring to this chapter by citation.

3. An agency shall have only that authority or discretion delegated to or conferred upon the agency by law and shall not expand or enlarge its authority or discretion beyond the powers delegated to or conferred upon the agency. Unless otherwise specifically provided in statute, a grant of rulemaking authority shall be construed narrowly.

4. An agency shall not implement or enforce any standard, requirement, or threshold, including any term or condition of a permit or license issued by the agency, unless that standard, requirement, or threshold is clearly required or clearly permitted by a state statute,

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rule adopted pursuant to this chapter, or a federal statute or regulation, or is required by a court ruling, a state or federal executive order, a state or federal directive that would result in the gain or loss of specific funding, or a federal waiver.

[C75, 77, 79, 81, §17A.23]

89 Acts, ch 83, §11; 98 Acts, ch 1202, §25, 46; 2005 Acts, ch 3, §16; 2013 Acts, ch 114, §5; 2018 Acts, ch 1040, §1

17A.24 Uniform rules on agency procedure.

1. The administrative rules coordinator may adopt uniform rules on agency procedure that are suitable for general applicability to agencies. Such adoption and such rules shall be subject to this chapter. Such rules may address the subjects of agency procedures for rulemaking, petitions for rulemaking, waiver of rules, declaratory orders, contested cases, and fair information practices.

2. If an agency does not have rules in effect concerning a matter relating to a subject addressed in uniform rules on agency procedure adopted pursuant to subsection 1, uniform rules adopted pursuant to subsection 1 concerning the matter shall apply to the agency as though the agency had adopted them.

3. An agency may adopt rules providing for additions, exceptions, or amendments to a uniform rule on agency procedure that, pursuant to subsection 2, is applicable to the agency.

4. This section does not apply to uniform rules on agency procedure published prior to January 1, 2024, and does not affect the validity of rules that have adopted such uniform rules by reference.

5. The attorney general shall assist the administrative rules coordinator in implementation of this section upon request.

2024 Acts, ch 1169, §12; 2026 Acts, ch 1031, §3
Subsection 2 amended

17A.25 through 17A.32 Reserved.

17A.33 Review by administrative rules review committee — priority.

The administrative rules review committee shall review existing rules, as time permits, to determine if there are adverse or beneficial effects from these rules. The committee shall give a high priority to rules that are referred to it by small business as defined in section 17A.4A. The review of these rules shall be forwarded to the appropriate standing committees of the house and senate.

84 Acts, ch 1007, §3; 98 Acts, ch 1202, §26, 46

17A.34 Competition with private enterprise — notice for proposed rules.

When a rule is proposed, the administrative rules coordinator shall make an initial determination of whether the rule may cause a service or product to be offered for sale to the public by a state agency that competes with private enterprise. If such a service or product may be offered as a result of the proposed rule, that fact shall be included in the notice of intended action of the rule.

2001 Acts, ch 66, §1

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SUBTITLE 7

LAND USE — PLANNING

CHAPTER 18

DEPARTMENT OF GENERAL SERVICES

Repealed by 2003 Acts, ch 145, §291; see chapter 8A, subchapter III

CHAPTER 18A

CAPITOL PLANNING

§18A.1 – 18A.7 transferred to §8A.371 – 8A.378 in Code Supplement 2007; see 2007 Acts, ch 115, §10 – 16
§18A.11 repealed by 2007 Acts, ch 115, §17

CHAPTER 18B

LAND USE — SMART PLANNING

18B.1 Iowa smart planning principles.
18B.2 Local comprehensive planning and development guidelines.

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18B.1 Iowa smart planning principles.

State agencies, local governments, and other public entities shall consider and may apply the following principles during deliberation of all appropriate planning, zoning, development, and resource management decisions, except that nothing in this section shall be construed to expand the eminent domain authority of a state agency, local government, or other public entity beyond that which is authorized under chapter 6A or 6B:

1. *Collaboration.* Governmental, community, and individual stakeholders, including those outside the jurisdiction of the entity, are encouraged to be involved and provide comment during deliberation of planning, zoning, development, and resource management decisions and during implementation of such decisions. The state agency, local government, or other public entity is encouraged to develop and implement a strategy to facilitate such participation.

2. *Efficiency, transparency, and consistency.* Planning, zoning, development, and resource management should be undertaken to provide efficient, transparent, and consistent outcomes. Individuals, communities, regions, and governmental entities should share in the responsibility to promote the equitable distribution of development benefits and costs.

3. *Clean, renewable, and efficient energy.* Planning, zoning, development, and resource management should be undertaken to promote clean and renewable energy use and increased energy efficiency.

4. *Occupational diversity.* Planning, zoning, development, and resource management should promote increased diversity of employment and business opportunities, promote access to education and training, expand entrepreneurial opportunities, and promote the establishment of businesses in locations near existing housing, infrastructure, and transportation.

5. *Revitalization.* Planning, zoning, development, and resource management should facilitate the revitalization of established town centers and neighborhoods by promoting development that conserves land, protects historic resources, promotes pedestrian

accessibility, and integrates different uses of property. Remediation and reuse of existing sites, structures, and infrastructure is preferred over new construction in undeveloped areas.

6. *Housing diversity.* Planning, zoning, development, and resource management should encourage diversity in the types of available housing, support the rehabilitation of existing housing, and promote the location of housing near public transportation and employment centers.

7. *Community character.* Planning, zoning, development, and resource management should promote activities and development that are consistent with the character and architectural style of the community and should respond to local values regarding the physical character of the community.

8. *Natural resources and agricultural protection.* Planning, zoning, development, and resource management should emphasize protection, preservation, and restoration of natural resources, agricultural land, and cultural and historic landscapes, and should increase the availability of open spaces and recreational facilities.

9. *Sustainable design.* Planning, zoning, development, and resource management should promote developments, buildings, and infrastructure that utilize sustainable design and construction standards and conserve natural resources by reducing waste and pollution through efficient use of land, energy, water, air, and materials.

10. *Transportation diversity.* Planning, zoning, development, and resource management should promote expanded transportation options for residents of the community. Consideration should be given to transportation options that maximize mobility, reduce congestion, conserve fuel, and improve air quality.

2010 Acts, ch 1184, §17
Referred to in §16.194A, 18B.2, 28I.4, 329.3, 335.5, 414.3

18B.2 Local comprehensive planning and development guidelines.

1. For the purposes of this chapter, unless the context otherwise requires:

a. (1) *"Development"* means any of the following:

(a) Construction, reconstruction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation.

(b) Man-made changes in the use or appearance of any structure or in the land itself.

(c) The division or subdivision of land.

(d) Any change in the intensity of use or the use of land.

(2) *"Development"* does not include any of the following:

(a) Activities on or uses of agricultural land, farm houses, or agricultural buildings or structures, unless such buildings or structures are located in the floodplain of a river or stream.

(b) Installation, operation, and maintenance of soil and water conservation practices.

(c) The choice of crops or a change in the choice of crops on agricultural land.

b. "Land development regulations" means zoning, subdivision, site plan, corridor map, floodplain, or storm water ordinances, rules, or regulations, or other governmental controls that affect the use of property.

c. "Municipality" means a city or a county.

2. A municipality shall consider the smart planning principles under section 18B.1 and may include the following information, if applicable, when developing or amending a comprehensive plan under chapter 335 or chapter 414 or when developing or amending other local land development regulations:

a. Information relating to public participation during the creation of the comprehensive plan or land development regulations, including documentation of the public participation process, a compilation of objectives, policies, and goals identified in the public comment received, and identification of the groups or individuals comprising any work groups or committees that were created to assist the planning and zoning commission or other appropriate decision-making body of the municipality.

b. Information relating to the primary characteristics of the municipality and a description of how each of those characteristics impacts future development of the municipality. Such information may include historical information about the municipality,

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the municipality's geography, natural resources, natural hazards, population, demographics, types of employers and industry, labor force, political and community institutions, housing, transportation, educational resources, and cultural and recreational resources. The comprehensive plan or land development regulations may also identify characteristics and community aesthetics that are important to future development of the municipality.

c. Objectives, information, and programs that identify current land uses within the municipality and that guide the future development and redevelopment of property, consistent with the municipality's characteristics identified under paragraph "*b*". The comprehensive plan or land development regulations may include information on the amount, type, intensity, and density of existing land use, trends in the market price of land used for specific purposes, and plans for future land use throughout the municipality. The comprehensive plan or land development regulations may identify and include information on property that has the possibility for redevelopment, a map of existing and potential land use and land use conflicts, information and maps relating to the current and future provision of utilities within the municipality, information and maps that identify the current and future boundaries for areas reserved for soil conservation, water supply conservation, flood control, and surface water drainage and removal. Information provided under this paragraph may also include an analysis of the current and potential impacts on local watersheds and air quality.

d. Objectives, policies, and programs to further the vitality and character of established residential neighborhoods and new residential neighborhoods and plans to ensure an adequate housing supply that meets both the existing and forecasted housing demand. The comprehensive plan or land development regulations may include an inventory and analysis of the local housing stock and may include specific information such as age, condition, type, market value, occupancy, and historical characteristics of all the housing within the municipality. The comprehensive plan or land development regulations may identify specific policies and programs that promote the development of new housing and maintenance or rehabilitation of existing housing and that provide a range of housing choices that meet the needs of the residents of the municipality.

e. Objectives, policies, and programs to guide future development of sanitary sewer service, storm water management, water supply, solid waste disposal, wastewater treatment technologies, recycling facilities, and telecommunications facilities. The comprehensive plan or land development regulations may include estimates regarding future demand for such utility services.

f. Objectives, policies, and programs to guide the future development of a safe, convenient, efficient, and economical transportation system. Plans for such a transportation system may be coordinated with state and regional transportation plans and take into consideration the need for diverse modes of transportation, accessibility, improved air quality, and interconnectivity of the various modes of transportation.

g. Objectives, policies, and programs to promote the stabilization, retention, or expansion of economic development and employment opportunities. The comprehensive plan or land development regulations may include an analysis of current industries and economic activity and identify economic growth goals for the municipality. The comprehensive plan or land development regulations may also identify locations for future brownfield or grayfield development.

h. Objectives, policies, and programs addressing preservation and protection of agricultural and natural resources.

i. Objectives, policies, and programs to assist future development of educational facilities, cemeteries, health care facilities, child care facilities, law enforcement and fire protection facilities, libraries, and other governmental facilities that are necessary or desirable to meet the projected needs of the municipality.

j. Objectives, policies, and programs to identify characteristics and qualities that make the municipality unique and that are important to the municipality's heritage and quality of life.

k. Objectives, policies, and programs that identify the natural and other hazards that have the greatest likelihood of impacting the municipality or that pose a risk of catastrophic damage as such hazards relate to land use and development decisions, as well as the steps

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necessary to mitigate risk after considering the local hazard mitigation plan approved by the federal emergency management agency.

l. Objectives, policies, and programs for joint planning and joint decision making with other municipalities or governmental entities, including school districts and drainage districts, for siting and constructing public facilities and sharing public services. The comprehensive plan or land development regulations may identify existing or potential conflicts between the municipality and other local governments related to future development of the municipality and may include recommendations for resolving such conflicts. The comprehensive plan or land development regulations may also identify opportunities to collaborate and partner with neighboring jurisdictions and other entities in the region for projects of mutual interest.

m. A compilation of programs and specific actions necessary to implement any provision of the comprehensive plan, including changes to any applicable land development regulations, official maps, or subdivision ordinances.

3. A municipality's comprehensive plan developed using the guidelines under this section shall address prevention and mitigation of, response to, and recovery from a catastrophic flood.

2010 Acts, ch 1184, §18; 2019 Acts, ch 24, §104
Referred to in §16.194A, 335.5, 414.3

CHAPTER 18C

RESERVED

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SUBTITLE 8

PERSONNEL

CHAPTER 19

DIVERSITY, EQUITY, AND INCLUSION ACTIVITIES — PROHIBITION AND ENFORCEMENT

Diversity, equity, and inclusion activities at public institutions of higher education, see chapter 261J

19.1 Definitions.
19.2 Restrictions on use of moneys.
19.3 Enforcement — venue.

19.1 Definitions.

As used in this chapter:

1. *"Diversity, equity, and inclusion"* includes any of the following:

a. Any effort to manipulate or otherwise influence the composition of the employees or student body with reference to race, sex, color, or ethnicity, apart from ensuring colorblind and sex-neutral admissions and hiring in accordance with state and federal anti-discrimination laws.

b. Any effort to promote differential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.

c. Any effort to promote or promulgate policies and procedures designed or implemented to encourage preferential treatment of or provide special benefits to individuals on the basis of race, color, or ethnicity.

d. Any effort to promote or promulgate trainings, programming, or activities designed or implemented to encourage preferential treatment of or provide special benefits to individuals on the basis of race, color, ethnicity, gender identity, or sexual orientation.

e. Any effort to promote, as the official position of the state entity, a policy, program, training, practice, activity, or procedure referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, anti-racism, systemic oppression, social justice, intersectionality, neopronouns, heteronormativity, disparate impact, gender theory, racial privilege, sexual privilege, or any related formulation of these concepts.

2. *"Diversity, equity, and inclusion office"* means any division, office, center, or other unit of a state entity that is responsible for creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, or procedures related to diversity, equity, and inclusion. *"Diversity, equity, and inclusion office"* does not include any of the following:

a. An office staffed exclusively by licensed attorneys and paralegal and secretarial support for the licensed attorneys, and certified by the attorney general as operating with the sole and exclusive mission of ensuring legal compliance with the state entity's obligations under Tit. IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any other applicable federal or state law or a court order.

b. An academic department within a public school that exists primarily for the purpose of offering courses and that does not establish a policy or procedure to which other departments of the public school are subject.

c. An office solely engaged in recruitment.

d. A registered student organization.

e. An office that a state entity is required to maintain pursuant to a contract or agreement with a federal governmental entity.

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3. *"Diversity, equity, and inclusion officer"* means an individual who is either employed by a state entity or who is an independent contractor of a state entity and whose duties include coordinating, creating, developing, designing, implementing, organizing, planning, or promoting policies, programming, training, practices, activities, and procedures relating to diversity, equity, and inclusion. *"Diversity, equity, and inclusion officer"* does not include any of the following:

a. Any employee who is a licensed attorney and whose sole job duties related to diversity, equity, and inclusion are to ensure compliance with the state entity's obligations under Tit. IX of the federal Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., as amended, the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq., as amended, the federal Age Discrimination in Employment Act of 1967, 29 U.S.C. §621 et seq., as amended, the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, or any other applicable federal or state law or a court order.

b. Any employee while engaged in teaching, research, or the production of creative works, the dissemination of the employee's research or creative works, or advising a registered student organization.

c. A guest speaker or performer with a short-term engagement.

d. Any employee that a state entity is required to employ pursuant to a contract or agreement with a federal governmental entity.

4. *"Gender identity"* means a gender-related identity of a person, regardless of the person's assigned sex at birth.

5. *"Sexual orientation"* means the same as defined in section 216.2.

6. *"State entity"* means the state, including but not limited to a state agency, department, division, board, commission, institution, or authority; a city; a county; a township; or any other political subdivision or special district in this state as established pursuant to state or local law.

2025 Acts, ch 113, §1, 4

19.2 Restrictions on use of moneys.

1. A state entity shall not expend any moneys appropriated by the general assembly or any other moneys derived from bequests, charges, deposits, donations, endowments, fees, grants, gifts, income, receipts, tuition, or any other source to establish, sustain, support, or staff a diversity, equity, and inclusion office, or to contract, employ, engage, or hire an individual to serve as a diversity, equity, and inclusion officer.

2. Subsection 1 shall not be construed to cover or affect a state entity's funding of any of the following:

a. Academic course instruction.

b. Research or creative works by the state entity's students, employees, or other research personnel, and the dissemination of such research or creative works.

c. Activities of registered student organizations.

d. Arrangements for guest speakers and performers with short-term engagements.

e. Mental or physical health services provided by licensed professionals.

f. Policies, programming, training, practices, activities, or procedures related to diversity, equity, and inclusion that are required pursuant to a contract or agreement with a federal governmental entity.

3. Subsection 1 shall not be construed as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of the state entity.

2025 Acts, ch 113, §2, 4

Referred to in §19.3

19.3 Enforcement — venue.

1. Any person may notify the attorney general of a state entity's potential violation of section 19.2. The attorney general may bring an action against a state entity for a writ of mandamus to compel the state entity to comply with section 19.2.

2. A student enrolled in a public school, an alumnus of a public school, or an employee of

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a state entity alleging a violation of section 19.2 may bring a civil action for injunctive relief against the state entity to prohibit the state entity from continuing such violation.

3. An action brought under this section may be brought in any of the following:

a. The county in which all or a substantial part of the events or omissions giving rise to the action occurred.

b. The county in which the principal office of the state entity is located.

c. The county in which the claimant resides, if the claimant is an individual and resides in this state.

d. The county in which a defendant resides, if the defendant is an individual and resides in this state.

2025 Acts, ch 113, §3, 4

CHAPTER 19A

DEPARTMENT OF PERSONNEL

Repealed by 2003 Acts, ch 145, §291; see chapter 8A, subchapter IV

CHAPTER 19B

EQUAL OPPORTUNITY

19B.1	Definition.	19B.7	State contracts and services — state-assisted programs — responsibilities of department of administrative services — regents.
19B.2	Equal opportunity in state employment.	19B.8	Sanctions.
19B.3	Administrative responsibilities of department of administrative services and board of regents.	19B.9	and 19B.10 Reserved.
19B.4	State agency programs.	19B.11	School districts, area education agencies, and community colleges — duties of director of department of education.
19B.5	Annual reports. Repealed by 2026 Acts, ch 1186, §34.	19B.12	Sexual harassment prohibited.
19B.6	Responsibilities of department of administrative services.		

19B.1 Definition.

As used in this chapter unless the context otherwise requires, "*state agency*" means an office, bureau, division, department, board, or commission in the executive branch of state government.

86 Acts, ch 1245, §220; 2026 Acts, ch 1186, §3

Referred to in §19B.6

Subsection 1 stricken and former subsection 2 editorially combined with unnumbered paragraph 1

19B.2 Equal opportunity in state employment.

1. It is the policy of this state to provide equal opportunity in state employment to all persons. An individual shall not be denied equal access to state employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability. This policy shall be construed broadly to effectuate its purposes.

2. It is the policy of this state to permit special appointments by bypassing the usual testing procedures for any applicant for whom the division of vocational rehabilitation services of the department of workforce development or the department for the blind has certified the applicant's disability and competence to perform the job. The department of administrative services, in cooperation with the department for the blind and the division of vocational rehabilitation services, shall develop appropriate certification procedures. This subsection should not be interpreted to bar promotional opportunities for persons who are

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blind or persons with physical or mental disabilities. If this subsection conflicts with any other provisions of this chapter, the provisions of this subsection govern.

86 Acts, ch 1245, §221; 94 Acts, ch 1109, §1; 96 Acts, ch 1129, §12; 2003 Acts, ch 145, §286; 2016 Acts, ch 1011, §4; 2023 Acts, ch 19, §2233; 2026 Acts, ch 1186, §4
Referred to in §19B.6
Subsection 1 amended

19B.3 Administrative responsibilities of department of administrative services and board of regents.

1. The department of administrative services is responsible for the administration and promotion of equal opportunity efforts in the recruitment, appointment, assignment, and advancement of personnel by all state agencies except the state board of regents and the institutions under the board's jurisdiction. In carrying out this responsibility, the department shall do all of the following with respect to state agencies other than the state board of regents and the board's institutions:

a. Address equal opportunity training needs of all state agencies by doing all of the following:

(1) Providing appropriate training for managers and supervisors.

(2) Ensuring that all state agencies make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

b. Coordinate and develop equal employment opportunity reports, including the initiation of the processes necessary for the completion of the annual EEO-4 report required by the federal equal employment opportunity commission.

c. Address equal opportunity policies with respect to employee benefits and leaves of absence.

d. Adopt equal employment opportunity rules in accordance with chapter 17A.

2. The state board of regents is responsible for the administration and promotion of equal opportunity efforts in the recruitment, appointment, assignment, and advancement of personnel by the board and the institutions under its jurisdiction. In carrying out this responsibility, the board shall do all of the following with respect to the board and its institutions:

a. Address equal opportunity training needs by doing all of the following:

(1) Providing appropriate training for managers and supervisors.

(2) Ensuring that the board and its institutions make training available for all staff members whose duties relate to personnel administration.

(3) Investigating means for training in the area of career development.

b. Require development of equal employment opportunity reports, including the initiation of the processes necessary for the completion of reports required by the federal equal employment opportunity commission.

c. Address equal opportunity policies with respect to employee benefits and leaves of absence.

d. Adopt equal employment opportunity rules in accordance with chapter 17A.

86 Acts, ch 1245, §222; 2000 Acts, ch 1095, §1; 2003 Acts, ch 145, §286; 2026 Acts, ch 1186, §5
Referred to in §19B.6
Section amended

19B.4 State agency programs.

Each state agency, including the state board of regents and its institutions, shall conduct programs of job orientation and provide organizational structure and training for upward mobility of employees. Emphasis shall be placed upon fair practices in employment.

86 Acts, ch 1245, §223; 90 Acts, ch 1075, §1; 2003 Acts, ch 145, §286; 2026 Acts, ch 1186, §6
Referred to in §19B.6
Subsection 1 stricken and former subsection 2 renumbered as unnumbered paragraph 1

19B.5 Annual reports. Repealed by 2026 Acts, ch 1186, §34.

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19B.6 Responsibilities of department of administrative services.

The department of administrative services shall oversee the implementation of sections 19B.1 through 19B.4 and shall work with the governor to ensure compliance with those sections by all state agencies, excluding the state board of regents and the board's institutions.

86 Acts, ch 1245, §225; 2001 Acts, ch 147, §4; 2003 Acts, ch 145, §286; 2015 Acts, ch 138, §56, 161, 162; 2026 Acts, ch 1186, §7

Section amended

19B.7 State contracts and services — state-assisted programs — responsibilities of department of administrative services — regents.

1. Except as otherwise provided in subsection 2, the department of administrative services is responsible for the administration and promotion of equal opportunity in all state contracts and services and the prohibition of discriminatory and unfair practices within any program receiving or benefiting from state financial assistance in whole or in part. In carrying out these responsibilities the department of administrative services shall:

a. Establish for all state agencies a contract compliance policy, applicable to state contracts and services and to programs receiving or benefiting from state financial assistance, to assure:

(1) The utilization of Iowa-based business enterprises as sources of supplies, equipment, construction, and services.

(2) Nondiscrimination in employment by state contractors and subcontractors.

b. Adopt administrative rules in accordance with chapter 17A to implement the contract compliance policy.

c. Monitor the actions of state agencies to ensure compliance.

d. Report results under the contract compliance policy to the governor and the general assembly on an annual basis. Any information reported by the department of administrative services to the economic development authority pursuant to section 73.22 shall not be required to be part of the report under this paragraph. The report must detail specific efforts to promote equal opportunity through state contracts and services and efforts to promote, develop, and stimulate the utilization of Iowa-based business enterprises.

2. The state board of regents is responsible for administering the provisions of this section for the institutions under its jurisdiction.

86 Acts, ch 1245, §226; 2007 Acts, ch 207, §9, 18; 2011 Acts, ch 118, §85, 89; 2015 Acts, ch 138, §57, 161, 162; 2026 Acts, ch 1186, §8 – 11

Referred to in §8A.111
Subsection 1, paragraph a, subparagraph (1) stricken
Subsection 1, paragraph a, former subparagraph (2) amended and renumbered as (1)
Subsection 1, paragraph a, former subparagraph (3) renumbered as (2)
Subsection 1, paragraph d amended
Subsection 1, paragraph e stricken

19B.8 Sanctions.

The department of administrative services may impose appropriate sanctions on individual state agencies, including the state board of regents and the board's institutions, and upon a community college, area education agency, or school district, in order to ensure compliance with state programs emphasizing equal opportunity, contract compliance policies, and requirements for procurement goals for Iowa-based business enterprises.

86 Acts, ch 1245, §227; 92 Acts, ch 1212, §1; 2015 Acts, ch 138, §58, 161, 162; 2026 Acts, ch 1186, §12

Section amended

19B.9 and 19B.10 Reserved.

19B.11 School districts, area education agencies, and community colleges — duties of director of department of education.

1. It is the policy of this state to provide equal opportunity in school district, area education agency, and community college employment to all persons. An individual shall not be denied

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equal access to school district, area education agency, or community college employment opportunities because of race, creed, color, religion, national origin, sex, age, or physical or mental disability.

2. The director of the department of education shall actively promote fair employment practices for all school district, area education agency, and community college employees, and the state board of education shall adopt rules requiring specific steps by school districts, area education agencies, and community colleges to accomplish the goal of equal employment opportunity in the recruitment, appointment, assignment, and advancement of personnel. The director of education shall consult with the department of administrative services in the performance of duties under this section.

3. The director of the department of education shall submit a report of the director's accomplishments and programs pursuant to this section to the department of management and the general assembly by January 31 of each year.

86 Acts, ch 1245, §228; 88 Acts, ch 1284, §42; 90 Acts, ch 1253, §121; 2003 Acts, ch 145, §286; 2026 Acts, ch 1186, §13
Section amended

19B.12 Sexual harassment prohibited.

A state employee shall not sexually harass another state employee, a person in the care or custody of the state employee or a state institution, or a person attending a state educational institution. This section applies to full-time, part-time, or temporary employees, to inpatients and outpatients, and to full-time or part-time students.

1. An employee in a supervisory position shall not threaten or insinuate, explicitly or implicitly, that another employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, salary advancement, job assignments, or other terms, conditions, or privileges of employment.

2. An employee shall not discriminate against another state employee, a person in the care or custody of the employee or a state institution, or a person attending a state educational institution based on sex or create an intimidating, hostile, or offensive working environment in a state work, educational, or correctional situation.

3. *a.* As used in this section, *"sexual harassment"* means persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment, or otherwise function normally within an institution responsible for the person's care, rehabilitation, education, or training.

b. "Sexual harassment" may include, but is not limited to, the following:

(1) Unsolicited sexual advances by a person toward another person who has clearly communicated the other person's desire not to be the subject of those advances.

(2) Sexual advances or propositions made by a person having superior authority toward another person within the workplace or institution.

(3) Instances of offensive sexual remarks or speech or graphic sexual displays directed at a person in the workplace or institution, who has clearly communicated the person's objection to that conduct, and where the person is not free to avoid that conduct due to the requirements of the employment or the confines or operations of the institution.

(4) Dress requirements that bear no relation to the person's employment responsibilities or institutional status.

4. The department of administrative services for all state agencies, and the state board of regents for its institutions, shall adopt rules and appropriate internal, confidential grievance procedures to implement this section, and shall adopt procedures for determining violations of this section and for ordering appropriate dispositions that may include, but are not limited to, discharge, suspension, or reduction in rank or grade as defined in section 8A.413, subsection 19.

5. The department of administrative services shall develop for all state agencies, and all state agencies shall distribute at the time of hiring or orientation, a guide for employees

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that describes the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures.

6. The state board of regents shall develop, and direct the institutions under its control to distribute at the time of hiring, registration, admission, or orientation, a guide for employees, students, and patients that describes the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures.

7. This section does not supersede a provision of a collective bargaining agreement negotiated under chapter 20, or the grievance procedures provisions of chapter 20.

8. This section does not supersede the remedies provided under chapter 216.

92 Acts, ch 1086, §3; 2003 Acts, ch 145, §143, 286; 2008 Acts, ch 1031, §98
Referred to in §2.11, 2.42, 602.1401

CHAPTER 20

PUBLIC EMPLOYMENT RELATIONS (COLLECTIVE BARGAINING)

Referred to in §1C.2, 2.40, 8.5, 8.56, 8.58, 8A.402, 8A.411, 8A.413, 8D.3, 10A.601, 12.9, 13.13, 13.34, 15.106C, 19B.12, 21.9, 28J.7, 70A.20, 70A.23, 70A.37, 80.6, 80.6A, 80.15, 173.1, 235E.2, 256E.23, 260C.18D, 261E.9, 273.12, 279.13, 279.14, 279.19A, 284.3, 284.3A, 284.4, 284.8, 284.11, 284.13, 331.324, 400.8A, 411.39, 456A.13A, 602.1401, 602.11108

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20.1 Public policy.

1. The general assembly declares that it is the public policy of the state to promote harmonious and cooperative relationships between government and its employees by permitting public employees to organize and bargain collectively; to protect the citizens of this state by assuring effective and orderly operations of government in providing for their health, safety, and welfare; to prohibit and prevent all strikes by public employees; and to protect the rights of public employees to join or refuse to join, and to participate in or refuse to participate in, employee organizations.

2. The general assembly declares that the purposes of the employment appeal board with respect to this chapter are to implement the provisions of this chapter and adjudicate and conciliate employment-related cases involving the state of Iowa and other public employers and employee organizations. For these purposes the powers and duties of the board include but are not limited to the following:

a. Determining appropriate bargaining units and conducting representation elections.

b. Adjudicating prohibited practice complaints including the exercise of exclusive original jurisdiction over all claims alleging the breach of the duty of fair representation imposed by section 20.17.

c. Fashioning appropriate remedial relief for violations of this chapter, including but not limited to the reinstatement of employees with or without back pay and benefits.

d. Adjudicating and serving as arbitrators regarding state merit system grievances and, upon joint request, grievances arising under collective bargaining agreements between public employers and certified employee organizations.

e. Providing mediators and arbitrators to resolve impasses in negotiations.

f. Collecting and disseminating information concerning the wages, hours, and other conditions of employment of public employees.

[C75, 77, 79, 81, §20.1]

86 Acts, ch 1238, §39, 58; 86 Acts, ch 1245, §229; 87 Acts, ch 19, §3; 90 Acts, ch 1037, §1, 2; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1165, §1, 2; 2023 Acts, ch 19, §2156; 2024 Acts, ch 1170, §171

State merit system, see chapter 8A, subchapter IV

20.2 Title.

This chapter shall be known as the *"Public Employment Relations Act"*.

[C75, 77, 79, 81, §20.2]

20.3 Definitions.

When used in this chapter, unless the context otherwise requires:

1. *"Arbitration"* means the procedure whereby the parties involved in an impasse submit their differences to a third party for a final and binding decision or as provided in this chapter.

2. *"Board"* means the employment appeal board established under section 10A.601.

3. *a. "Confidential employee"* means any public employee who works in the personnel offices of a public employer or who has access to information subject to use by the public employer in negotiating or who works in a close continuing working relationship with public officers or representatives associated with negotiating on behalf of the public employer.

b. "Confidential employee" also includes the personal secretary of any of the following:

(1) Any elected official or person appointed to fill a vacancy in an elective office.

(2) A member of any board or commission.

(3) The administrative officer, director, or chief executive officer of a public employer or major division thereof.

(4) The deputy or first assistant of any of the persons described in subparagraphs (1) through (3).

4. *"Employee organization"* means an organization of any kind in which public employees participate and which exists for the primary purpose of representing employees in their employment relations.

5. *"Governing body"* means the board, council, or commission, whether elected or appointed, of a political subdivision of this state, including school districts and other special purpose districts, which determines the policies for the operation of the political subdivision.

6. *"Impasse"* means the failure of a public employer and the employee organization to reach agreement in the course of negotiations.

7. *"Mediation"* means assistance by an impartial third party to reconcile an impasse between the public employer and the employee organization through interpretation, suggestion, and advice.

8. *"Professional employee"* means any one of the following:

a. Any employee engaged in work to which all of the following apply:

(1) The work is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work.

(2) The work involves the consistent exercise of discretion and judgment in its performance.

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(3) The work is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time.

(4) The work requires knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes.

b. Any employee to whom all of the following apply:

(1) The employee has completed the courses of specialized intellectual instruction and study described in paragraph "*a*", subparagraph (4).

(2) The employee is performing related work under the supervision of a professional person to qualify the employee to become a professional employee as defined in paragraph "*a*".

9. *"Public employee"* means any individual employed by a public employer, except individuals exempted under the provisions of section 20.4.

10. *"Public employer"* means the state of Iowa, its boards, commissions, agencies, departments, and its political subdivisions including school districts and other special purpose districts.

11. *"Public safety employee"* means a public employee who is employed as one of the following:

a. A sheriff's regular deputy.

b. A marshal or police officer of a city, township, or special-purpose district or authority who is a member of a paid police department.

c. A member, except a non-peace officer member, of the division of state patrol, narcotics enforcement, state fire marshal, or criminal investigation, including but not limited to a gaming enforcement officer, who has been duly appointed by the department of public safety in accordance with section 80.15.

d. A conservation officer or park ranger as authorized by section 456A.13.

e. A permanent or full-time fire fighter of a city, township, or special-purpose district or authority who is a member of a paid fire department.

f. A peace officer designated by the department of transportation under section 321.477 who is subject to mandated law enforcement training.

12. *"Strike"* means a public employee's refusal, in concerted action with others, to report to duty, or a willful absence from the employee's position, or a stoppage of work by the employee, or the employee's abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of public employment.

13. *"Supplemental pay"* means a payment of moneys or other thing of value that is in addition to compensation received pursuant to any other permitted subject of negotiation specified in section 20.9 and is related to the employment relationship.

[C75, 77, 79, 81, §20.3]

2010 Acts, ch 1165, §3, 4; 2017 Acts, ch 2, §1, 26, 27; 2018 Acts, ch 1026, §10; 2024 Acts, ch 1170, §172

Referred to in §8.5, 20.32, 22.7(69), 70A.19, 70A.41, 80.45A, 185.34, 235A.15, 400.18, 400.28, 602.11108

20.4 Exclusions.

The following public employees shall be excluded from the provisions of this chapter:

1. Elected officials and persons appointed to fill vacancies in elective offices, and members of any board or commission.

2. Representatives of a public employer, including the administrative officer, director or chief executive officer of a public employer or major division thereof as well as the officer's or director's deputy, first assistant, and any supervisory employees. *"Supervisory employee"* means any individual having authority in the interest of the public employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or effectively

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to recommend such action, if, in connection with the foregoing, exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. All school superintendents, assistant superintendents, principals and assistant principals shall be deemed to be supervisory employees.

3. Confidential employees.

4. Students working as part-time public employees twenty hours per week or less, except graduate or other postgraduate students in preparation for a profession who are engaged in academically related employment as a teaching, research, or service assistant.

5. Temporary public employees employed for a period of four months or less.

6. Commissioned and enlisted personnel of the Iowa national guard.

7. Judicial officers, and confidential, professional, or supervisory employees of the judicial branch.

8. Patients and inmates employed, sentenced or committed to any state or local institution.

9. Persons employed by the state department of justice.

10. Persons employed by the credit union division of the department of insurance and financial services.

11. Persons employed by the banking division of the department of insurance and financial services.

12. The appointee serving as the coordinator of the office of renewable fuels and coproducts, as provided in section 159A.3.

[C75, 77, 79, 81, §20.4]

83 Acts, ch 186, §10012, 10201; 86 Acts, ch 1245, §230; 86 Acts, ch 1246, §612; 89 Acts, ch 158, §3; 89 Acts, ch 296, §5; 91 Acts, ch 254, §3; 94 Acts, ch 1119, §9; 98 Acts, ch 1047, §12; 2007 Acts, ch 88, §1; 2010 Acts, ch 1061, §5; 2023 Acts, ch 19, §2053, 2073, 2714

Referred to in §12.9, 20.3, 279.23

20.5 Public employment relations board. Repealed by 2024 Acts, ch 1170, §368.

20.6 General powers and duties of board.

The board shall:

1. Administer the provisions of this chapter and delegate the powers and duties of the board to persons employed by the board, as appropriate.

2. Collect, for public employers other than the state and its boards, commissions, departments, and agencies, data and conduct studies relating to wages, hours, benefits, and other terms and conditions of public employment and make the same available to any interested person or organization.

3. Establish minimum qualifications for arbitrators and mediators, establish procedures for appointing, maintaining, and removing from a list persons representative of the public to be available to serve as arbitrators and mediators, and establish compensation rates for arbitrators and mediators.

4. Hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such power to a member of the board, persons appointed or employed by the board, including administrative law judges, or administrative law judges employed by the division of administrative hearings created by section 10A.801, for the performance of its functions. The board may petition the district court at the seat of government or of the county where a hearing is held to enforce a board order compelling the attendance of witnesses and production of records.

5. Adopt rules in accordance with the provisions of chapter 17A as it may deem necessary to carry out the purposes of this chapter.

6. Appoint a certified shorthand reporter to report state employee grievance and discipline resolution proceedings pursuant to section 8A.415 and fix a reasonable amount of compensation for such service and for any transcript requested by the board, which amounts shall be taxed as other costs.

7. Contract with a vendor as the board may deem necessary to conduct elections required by section 20.15 on behalf of the board. The board shall establish fees by rule pursuant to

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chapter 17A to cover the cost of elections required by section 20.15. Such fees shall be paid in advance of an election and shall be paid by each employee organization listed on the ballot.

[C75, 77, 79, 81, §20.6]

88 Acts, ch 1109, §5; 91 Acts, ch 174, §1; 98 Acts, ch 1202, §28, 46; 2010 Acts, ch 1165, §6; 2017 Acts, ch 2, §2, 3, 26, 27; 2023 Acts, ch 19, §2158; 2024 Acts, ch 1170, §173

Referred to in §20.33
Personnel appeals, see §8A.415
Appeals of adverse employment actions against whistleblowers, see §70A.28

20.7 Public employer rights.

Public employers shall have, in addition to all powers, duties, and rights established by constitutional provision, statute, ordinance, charter, or special act, the exclusive power, duty, and the right to:

1. Direct the work of its public employees.
2. Hire, evaluate, promote, demote, transfer, assign, and retain public employees in positions within the public agency.
3. Suspend or discharge public employees for proper cause.
4. Maintain the efficiency of governmental operations.
5. Relieve public employees from duties because of lack of work or for other legitimate reasons.
6. Determine and implement methods, means, assignments, and personnel by which the public employer's operations are to be conducted.
7. Take such actions as may be necessary to carry out the mission of the public employer.
8. Initiate, prepare, certify, and administer its budget.
9. Exercise all powers and duties granted to the public employer by law.

[C75, 77, 79, 81, §20.7]

2017 Acts, ch 2, §4, 26, 27

20.8 Public employee rights.

Public employees shall have the right to:

1. Organize, or form, join, or assist any employee organization.
2. Negotiate collectively through representatives of their own choosing.
3. Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this chapter or any other law of the state.
4. Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type.
5. Exercise any right or seek any remedy provided by law, including but not limited to those rights and remedies available under sections 70A.28 and 70A.29, chapter 8A, subchapter IV, and chapters 216 and 400.

[C75, 77, 79, 81, §20.8]

2017 Acts, ch 2, §5, 26, 27

Referred to in §20.10

20.9 Scope of negotiations.

1. For negotiations regarding a bargaining unit with at least thirty percent of members who are public safety employees, the public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with respect to wages, hours, vacations, insurance, holidays, leaves of absence, shift differentials, overtime compensation, supplemental pay, seniority, transfer procedures, job classifications, health and safety matters, evaluation procedures, procedures for staff reduction, in-service training, grievance procedures for resolving any questions arising under the agreement, and other matters mutually agreed upon. For negotiations regarding a bargaining unit that does not have at least thirty percent of members who are public safety employees, the public employer and the employee organization shall meet at reasonable times, including meetings reasonably in advance of the public employer's budget-making process, to negotiate in good faith with

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respect to base wages and other matters mutually agreed upon. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession. Mandatory subjects of negotiation specified in this subsection shall be interpreted narrowly and restrictively.

2. Nothing in this section shall diminish the authority and power of the department of administrative services, board of regents' merit system, Iowa public broadcasting board's merit system, or any civil service commission established by constitutional provision, statute, charter, or special act to recruit employees, prepare, conduct, and grade examinations, rate candidates in order of their relative scores for certification for appointment or promotion or for other matters of classification, reclassification, or appeal rights in the classified service of the public employer served.

3. All retirement systems, dues checkoffs, and other payroll deductions for political action committees or other political contributions or political activities shall be excluded from the scope of negotiations. For negotiations regarding a bargaining unit that does not have at least thirty percent of members who are public safety employees, insurance, leaves of absence for political activities, supplemental pay, transfer procedures, evaluation procedures, procedures for staff reduction, and subcontracting public services shall also be excluded from the scope of negotiations.

4. The term of a contract entered into pursuant to this chapter shall not exceed five years.

[C75, 77, 79, 81, §20.9]

2003 Acts, ch 145, §286; 2017 Acts, ch 2, §6, 26, 27

Referred to in §20.3, 20.10, 20.15, 20.17, 20.22, 21.9, 70A.30, 284.3A

Certain dues checkoffs prohibited, see §70A.19

20.10 Prohibited practices.

1. It shall be a prohibited practice for any public employer, public employee, or employee organization to refuse to negotiate in good faith with respect to the scope of negotiations as defined in section 20.9.

2. It shall be a prohibited practice for a public employer or the employer's designated representative to:

a. Interfere with, restrain, or coerce public employees in the exercise of rights granted by this chapter.

b. Dominate or interfere in the administration of any employee organization.

c. Encourage or discourage membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment.

d. Discharge or discriminate against a public employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under this chapter, or because the employee has formed, joined, or chosen to be represented by any employee organization.

e. Refuse to negotiate collectively with representatives of certified employee organizations as required in this chapter.

f. Deny the rights accompanying certification granted in this chapter.

g. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this chapter.

h. Engage in a lockout.

3. It shall be a prohibited practice for public employees or an employee organization or for any person, union, or organization or their agents to:

a. Interfere with, restrain, coerce, or harass any public employee with respect to any of the employee's rights under this chapter or in order to prevent or discourage the employee's exercise of any such right, including, without limitation, all rights under section 20.8.

b. Interfere, restrain, or coerce a public employer with respect to rights granted in this chapter or with respect to selecting a representative for the purposes of negotiating collectively or the adjustment of grievances.

c. Refuse to bargain collectively with a public employer as required in this chapter.

d. Refuse to participate in good faith in any agreed upon impasse procedures or those set forth in this chapter.

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e. Violate section 20.12.

f. Violate the provisions of sections 732.1 through 732.3, which are hereby made applicable to public employers, public employees, and employee organizations.

g. Picket in a manner which interferes with ingress and egress to the facilities of the public employer.

h. Engage in, initiate, sponsor, or support any picketing that is performed in support of a strike, work stoppage, boycott, or slowdown against a public employer.

i. Picket for any unlawful purpose.

j. Negotiate or attempt to negotiate directly with a member of the governing board of a public employer if the public employer has appointed or authorized a bargaining representative for the purpose of bargaining with the public employees or their representative, unless the member of the governing board is the designated bargaining representative of the public employer.

4. The expressing of any views, argument, or opinion, or the dissemination thereof, whether orally or in written, printed, graphic, or visual form, shall not constitute or be evidence of any prohibited practice under any of the provisions of this chapter, if such expression contains no threat of reprisal or force or promise of benefit.

[C75, 77, 79, 81, §20.10]

2010 Acts, ch 1165, §7 – 13; 2017 Acts, ch 2, §7, 26, 27; 2021 Acts, ch 80, §10

Referred to in §20.11

20.11 Prohibited practice violations.

1. Proceedings against a party alleging a violation of section 20.10 shall be commenced by filing a complaint with the board within ninety days of the alleged violation, causing a copy of the complaint to be served upon the accused party. The accused party shall have ten days within which to file a written answer to the complaint. However, the board may conduct a preliminary investigation of the alleged violation, and if the board determines that the complaint has no basis in fact, the board may dismiss the complaint. The board shall promptly thereafter set a time and place for hearing in the county where the alleged violation occurred, provided, however, that the presiding officer may conduct the hearing through the use of technology from a remote location. The parties shall be permitted to be represented by counsel, summon witnesses, and request the board to subpoena witnesses on the requester's behalf. Compliance with the technical rules of pleading and evidence shall not be required.

2. The board may designate one of its members, an administrative law judge, or any other qualified person employed by the board to serve as the presiding officer at the hearing. The presiding officer has the powers as may be exercised by the board for conducting the hearing and shall follow the procedures adopted by the board for conducting the hearing. The proposed decision of the presiding officer may be appealed to the board, or reviewed on motion of the board, in accordance with the provisions of chapter 17A.

3. The board shall appoint a certified shorthand reporter to report the proceedings and the board shall fix the reasonable amount of compensation for such service, and for any transcript requested by the board, which amounts shall be taxed as other costs.

4. The board shall file its findings of fact and conclusions of law within sixty days of the close of any hearing, receipt of the transcript, or submission of any briefs. If the board finds that the party accused has committed a prohibited practice, the board may, within thirty days of its decision, enter into a consent order with the party to discontinue the practice, or after the thirty days following the decision may petition the district court for injunctive relief pursuant to rules of civil procedure 1.1501 to 1.1511.

5. The board's review of proposed decisions and the rehearing of final decisions is governed by the provisions of chapter 17A.

[C75, 77, 79, 81, §20.11]

88 Acts, ch 1109, §6; 89 Acts, ch 296, §6, 7; 91 Acts, ch 174, §2; 2010 Acts, ch 1165, §14; 2023 Acts, ch 19, §2159

Referred to in §20.33

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20.12 Strikes prohibited — penalties.

1. It shall be unlawful for any public employee or any employee organization, directly or indirectly, to induce, instigate, encourage, authorize, ratify, or participate in a strike against any public employer.

2. It shall be unlawful for any public employer to authorize, consent to, or condone a strike; or to pay or agree to pay any public employee for any day in which the employee participates in a strike; or to pay or agree to pay any increase in compensation or benefits to any public employee in response to or as a result of any strike or any act which violates subsection 1. It shall be unlawful for any official, director, or representative of any public employer to authorize, ratify, or participate in any violation of this subsection. Nothing in this subsection shall prevent new or renewed bargaining and agreement within the scope of negotiations as defined by this chapter, at any time after such violation of subsection 1 has ceased; but it shall be unlawful for any public employer or employee organization to bargain at any time regarding suspension or modification of any penalty provided in this section or regarding any request by the public employer to a court for such suspension or modification.

3. In the event of any violation or imminently threatened violation of subsection 1 or 2, any citizen domiciled within the jurisdictional boundaries of the public employer may petition the district court for the county in which the violation occurs or the district court for Polk county for an injunction restraining such violation or imminently threatened violation. Rules of civil procedure 1.1501 to 1.1511 regarding injunctions shall apply. However, the court shall grant a temporary injunction if it appears to the court that a violation has occurred or is imminently threatened; the plaintiff need not show that the violation or threatened violation would greatly or irreparably injure the plaintiff; and no bond shall be required of the plaintiff unless the court determines that a bond is necessary in the public interest. Failure to comply with any temporary or permanent injunction granted pursuant to this section shall constitute a contempt punishable pursuant to chapter 665. The punishment shall not exceed five hundred dollars for an individual, or ten thousand dollars for an employee organization or public employer, for each day during which the failure to comply continues, or imprisonment in a county jail not exceeding six months, or both such fine and imprisonment. An individual or an employee organization which makes an active good faith effort to comply fully with the injunction shall not be deemed to be in contempt.

4. If a public employee is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this section, the employee shall be ineligible for any employment by the same public employer for a period of twelve months. The employee's public employer shall immediately discharge the employee, but upon the employee's request the court shall stay the discharge to permit further judicial proceedings.

5. If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction pursuant to this section, or is convicted of violating this section, the employee organization shall be immediately decertified, shall cease to represent the bargaining unit, and may again be certified only after twenty-four months have elapsed from the effective date of decertification and only if a new petition for certification pursuant to section 20.14 is filed and a new certification election pursuant to section 20.15 is held. The penalties provided in this section may be suspended or modified by the court, but only upon request of the public employer and only if the court determines the suspension or modification is in the public interest.

6. Each of the remedies and penalties provided by this section is separate and several, and is in addition to any other legal or equitable remedy or penalty.

[C75, 77, 79, 81, §20.12]
2017 Acts, ch 2, §8, 26, 27
Referred to in §20.10

20.13 Bargaining unit determination.

1. Board determination of an appropriate bargaining unit shall be upon petition filed by a public employer, public employee, or employee organization.

2. Within thirty days of receipt of a petition, the board shall conduct a public hearing, receive written or oral testimony, and promptly thereafter file an order defining the

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appropriate bargaining unit. In defining the unit, the board shall take into consideration, along with other relevant factors, the principles of efficient administration of government, the existence of a community of interest among public employees, the history and extent of public employee organization, geographical location, and the recommendations of the parties involved.

3. Professional and nonprofessional employees shall not be included in the same bargaining unit unless a majority of both agree.

[C75, 77, 79, 81, §20.13]
2010 Acts, ch 1165, §15; 2023 Acts, ch 19, §2160
Referred to in §20.14

20.14 Bargaining representative determination.

1. Board certification of an employee organization as the exclusive bargaining representative of a bargaining unit shall be upon a petition filed with the board by a public employer, public employee, or an employee organization and an election conducted pursuant to section 20.15.

2. The petition of an employee organization shall allege that:

a. The employee organization has submitted a request to a public employer to bargain collectively on behalf of a designated group of public employees.

b. The petition is accompanied by written evidence that thirty percent of such public employees are members of the employee organization or have authorized it to represent them for the purposes of collective bargaining.

3. The petition of a public employee shall allege that an employee organization which has been certified as the bargaining representative does not represent a majority of such public employees and that the petitioners do not want to be represented by an employee organization or seek certification of an employee organization.

4. The petition of a public employer shall allege that it has received a request to bargain from an employee organization which has not been certified as the bargaining representative of the public employees in an appropriate bargaining unit.

5. The board shall investigate the allegations of any petition and shall give reasonable notice of the receipt of such a petition to all public employees, employee organizations and public employers named or described in such petitions or interested in the representation questioned. The board shall thereafter call an election under section 20.15, unless:

a. It finds that less than thirty percent of the public employees in the unit appropriate for collective bargaining support the petition for decertification or for certification.

b. The appropriate bargaining unit has not been determined pursuant to section 20.13.

[C75, 77, 79, 81, §20.14]
2010 Acts, ch 1165, §16, 17
Referred to in §20.12, 20.15, 22.7(69)

20.15 Elections — agreements with the state.

1. *Initial certification elections.*

a. Upon the filing of a petition for certification of an employee organization, the board shall submit a question to the public employees at an election in the bargaining unit found appropriate by the board. The question on the ballot shall permit the public employees to vote for no bargaining representation or for any employee organization which has petitioned for certification or which has presented proof satisfactory to the board of support of thirty percent or more of the public employees in the appropriate unit.

b. (1) If a majority of the public employees in the bargaining unit vote for no bargaining representation, the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization.

(2) If a majority of the public employees in the bargaining unit vote for a listed employee organization, then that employee organization shall represent the public employees in the bargaining unit found appropriate by the board.

(3) If none of the choices on the ballot receive the vote of a majority of the public

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employees in the bargaining unit, the public employees in the bargaining unit found appropriate by the board shall not be represented by an employee organization.

c. The board shall not consider a petition for certification of an employee organization as the exclusive representative of a bargaining unit unless a period of two years has elapsed from the date of the last certification election in which an employee organization was not certified as the exclusive representative of that bargaining unit, of the last retention and recertification election in which an employee organization was not retained and recertified as the exclusive representative of that bargaining unit, or of the last decertification election in which an employee organization was decertified as the exclusive representative of that bargaining unit. The board shall also not consider a petition for certification as the exclusive bargaining representative of a bargaining unit if the bargaining unit is at that time represented by a certified exclusive bargaining representative.

2. *Retention and recertification elections.*

a. (1) The board shall conduct an election to retain and recertify the bargaining representative of a bargaining unit prior to the expiration of the bargaining unit's collective bargaining agreement. The question on the ballot shall be whether the bargaining representative of the public employees in the bargaining unit shall be retained and recertified as the bargaining representative of the public employees in the bargaining unit.

(2) (a) For collective bargaining agreements with a June 30 expiration date, the election shall occur between June 1 and November 1, both dates included, in the year prior to that expiration date.

(b) For collective bargaining agreements with an expiration date different than the one specified in subparagraph division (a), the election shall occur between three hundred sixty-five and two hundred seventy days prior to the expiration date.

(3) Prior to conducting an election under this paragraph, the board shall issue a written notice of intent to conduct an election to the public employer and the bargaining representative. The public employer, after receiving such notice, shall submit to the board a list of employees in the bargaining unit within ten days. The board shall utilize the submitted list to determine the employees eligible to vote in the election and the outcome of the election as provided in paragraph *"b"*. The board shall establish procedures for filing an objection to the board concerning a notice of intent to conduct an election or a list of employees in a bargaining unit.

(4) Upon the conclusion of the ten-day period for a public employer to submit a list of employees in a bargaining unit to the board as required by subparagraph (3), the board shall publish on its internet site a list of public employers to which a notice of intent to conduct an election has been issued as provided in subparagraph (3), but the election has not yet been conducted by the board. The list shall specify any public employers on the list that have failed to submit a list of employees to the board as required by subparagraph (3). The board's list shall also include the date on which it was initially published. The board shall update the list if a public employer subsequently submits a list of employees to the board.

(5) (a) It shall be unlawful for any public employer to fail to submit a list of employees to the board as required by subparagraph (3).

(b) Within sixty days of the board's initial publication of a list of public employers pursuant to subparagraph (4), a resident of Iowa may petition the district court within the jurisdictional boundaries of a public employer or the district court for Polk county for a writ of mandamus to compel the public employer to provide the list to the board as required by subparagraph (3). The individual need not show that failure by the public employer to submit a list of employees to the board as required by subparagraph (3) has caused or will cause injury to the individual. The court shall expedite resolution of such an action and shall grant such a writ if it appears to the court that the public employer has failed to submit a list of employees to the board as required by subparagraph (3).

(c) The court shall award court costs, reasonable attorney fees, and any other relief the court determines is appropriate to the prevailing party in such an action.

(6) The board shall extend the timelines established in or implementing subparagraph (2) as needed to allow for resolution of the petition and any resulting appeals. The board may also reschedule an election originally scheduled as provided in subparagraph (2), subparagraph

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division (a), for the next election period provided in subparagraph (2), subparagraph division (b), or vice versa, if necessary to allow for such resolution.

(7) The board shall adopt rules pursuant to chapter 17A establishing procedures and timelines applicable to this subsection, including but not limited to procedures for extending the timelines established in or implementing subparagraph (2) as described in subparagraph (6).

b. (1) If a majority of the public employees in the bargaining unit vote to retain and recertify the representative, the board shall retain and recertify the bargaining representative and the bargaining representative shall continue to represent the public employees in the bargaining unit.

(2) If a majority of the public employees in the bargaining unit do not vote to retain and recertify the representative, the board, after the period for filing written objections pursuant to subsection 4 has elapsed, shall immediately decertify the representative and the public employees shall not be represented by an employee organization except pursuant to the filing of a subsequent petition for certification of an employee organization as provided in section 20.14 and an election conducted pursuant to such petition. Such written objections and decertifications shall be subject to applicable administrative and judicial review.

3. *Decertification elections.*

a. Upon the filing of a petition for decertification of an employee organization, the board shall submit a question to the public employees at an election in the bargaining unit found appropriate by the board. The question on the ballot shall be whether the bargaining representative of the public employees in the bargaining unit shall be decertified as the bargaining representative of public employees in the bargaining unit.

b. (1) If a majority of the public employees in the bargaining unit vote to decertify the bargaining representative, the board, after the period for filing written objections pursuant to subsection 4 has elapsed, shall immediately decertify the representative and the public employees shall not be represented by an employee organization except pursuant to the filing of a subsequent petition for certification of an employee organization as provided in section 20.14 and an election conducted pursuant to such petition. Such written objections and decertifications shall be subject to applicable administrative and judicial review.

(2) If a majority of the public employees in the bargaining unit do not vote to decertify the bargaining representative, the bargaining representative shall continue to represent the public employees in the bargaining unit.

c. The board shall not consider a petition for decertification of an employee organization unless a bargaining unit's collective bargaining agreement exceeds two years in length. The board shall not schedule a decertification election for a bargaining unit within one year of a prior certification, retention and recertification, or decertification election involving the bargaining unit. Unless otherwise prohibited by this paragraph, the board shall schedule a decertification election not less than one hundred fifty days before the expiration date of the bargaining unit's collective bargaining agreement.

4. *Invalidation of elections.* Upon written objections filed by any public employee, public employer, or employee organization involved in the election within ten days after notice of the results of the election, if the board finds that misconduct or other circumstances prevented the public employees eligible to vote from freely expressing their preferences, the board may invalidate the election and hold a second election for the public employees.

5. *Results certified.* Upon completion of a valid election in which the majority choice of the public employees in the bargaining unit is determined, the board shall certify the results of the election and shall give reasonable notice of the order to all employee organizations listed on the ballot, the public employers, and the public employees in the appropriate bargaining unit.

6. *State agreements.* A collective bargaining agreement with the state, its boards, commissions, departments, and agencies shall be for two years. The provisions of a collective bargaining agreement or arbitrator's award affecting state employees shall not provide for renegotiations which would require the refinancing of subjects within the scope of negotiations under section 20.9 for the second year of the term of the agreement, except as provided in section 20.17, subsection 6. The effective date of any such agreement shall

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be July 1 of odd-numbered years, provided that if an exclusive bargaining representative is certified on a date which will prevent the negotiation of a collective bargaining agreement prior to July 1 of odd-numbered years for a period of two years, the certified collective bargaining representative may negotiate a one-year contract with the public employer which shall be effective from July 1 of the even-numbered year to July 1 of the succeeding odd-numbered year when new agreements shall become effective.

[C75, 77, 79, 81, §20.15]

2010 Acts, ch 1165, §18; 2017 Acts, ch 2, §9, 26, 27; 2026 Acts, ch 1117, §1 – 3

Referred to in §20.6, 20.12, 20.14, 20.33, 22.7(69), 22.7(70), 602.1401

2026 amendment to subsection 2, paragraph a applies to a retention and recertification election under subsection 2 for which the date of issuance of a notice of intent to conduct an election by the employment appeal board occurs on or after May 19, 2026; 2026 Acts, ch 1117, §3

Subsection 2, paragraph a amended

20.16 Duty to bargain.

Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit.

[C75, 77, 79, 81, §20.16]

20.17 Procedures.

1. The employee organization certified as the bargaining representative shall be the exclusive representative of all public employees in the bargaining unit and shall represent all public employees fairly. However, any public employee may meet and adjust individual complaints with a public employer. To sustain a claim that a certified employee organization has committed a prohibited practice by breaching its duty of fair representation, a public employee must establish by a preponderance of the evidence action or inaction by the organization which was arbitrary, discriminatory, or in bad faith.

2. The employee organization and the public employer may designate any individual as its representative to engage in collective bargaining negotiations.

3. Negotiating sessions, strategy meetings of public employers, mediation, and the deliberative process of arbitrators shall be exempt from the provisions of chapter 21. However, the employee organization shall present its initial bargaining position to the public employer at the first bargaining session. The public employer shall present its initial bargaining position to the employee organization at the second bargaining session, which shall be held no later than two weeks following the first bargaining session. Both sessions shall be open to the public and subject to the provisions of chapter 21. Parties who by agreement are utilizing a cooperative alternative bargaining process may exchange their respective initial interest statements in lieu of initial bargaining positions at these open sessions. Hearings conducted by arbitrators shall be open to the public.

4. The terms of a proposed collective bargaining agreement shall be made available to the public by the public employer and reasonable notice shall be given to the public employees by the employee organization prior to a ratification election. The collective bargaining agreement shall become effective only if ratified by a majority of those voting by secret ballot.

5. Terms of any collective bargaining agreement may be enforced by a civil action in the district court of the county in which the agreement was made upon the initiative of either party.

6. A collective bargaining agreement or arbitrator's award shall not be valid or enforceable if its implementation would be inconsistent with any statutory limitation on the public employer's funds, spending, or budget or would substantially impair or limit the performance of any statutory duty by the public employer. A collective bargaining agreement or arbitrator's award may provide for benefits conditional upon specified funds to be obtained by the public employer, but the agreement shall provide either for automatic reduction of such conditional benefits or for additional bargaining if the funds are not obtained or if a lesser amount is obtained.

7. If agreed to by the parties nothing in this chapter shall be construed to prohibit

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supplementary bargaining on behalf of public employees in a part of the bargaining unit concerning matters uniquely affecting those public employees or cooperation and coordination of bargaining between two or more bargaining units.

8. *a.* The salaries of all public employees of the state under a merit system and all other subjects within the scope of negotiations pursuant to the provisions of section 20.9 regarding public employees of the state shall be negotiated with the governor or the governor's designee on a statewide basis, except those subjects excluded from the scope of negotiations pursuant to the provisions of section 20.9, subsection 3.

b. For the negotiation of such a proposed, statewide collective bargaining agreement to become effective in the year following an election described in section 39.9, a ratification election referred to in section 20.17, subsection 4, shall not be held, and the parties shall not request arbitration as provided in section 20.22, subsection 1, until at least two weeks after the date of the beginning of the term of office of the governor in that year as prescribed in the Constitution of the State of Iowa. On or after the beginning of the term of office of the governor in that year as prescribed in the Constitution of the State of Iowa, the governor shall have the authority to reject such a proposed statewide collective bargaining agreement. If the governor does so, the parties shall commence collective bargaining in accordance with section 20.17. Such negotiation shall be complete not later than March 15 of that year, unless the parties mutually agree to a different deadline. The board shall adopt rules pursuant to chapter 17A providing for alternative deadlines for the completion of the procedures provided in sections 20.17, 20.19, 20.20, and 20.22 for negotiation of such statewide collective bargaining agreements in such years, which deadlines may be waived by mutual agreement of the parties.

9. The negotiation of a proposed collective bargaining agreement by representatives of a state public employer and a state employee organization shall be complete not later than March 15 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which any impasse item must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed state collective bargaining agreements not later than March 15. The date selected for the mandatory submission of impasse items to binding arbitration shall be sufficiently in advance of March 15 to ensure that the arbitrator's award can be reasonably made before March 15.

10. *a.* In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are teachers licensed under chapter 256, subchapter VII, part 3, and who are employed by a public employer which is a school district or area education agency shall complete the negotiation of a proposed collective bargaining agreement not later than May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of May 31 to ensure that the arbitrator's award can be reasonably made by May 31.

b. In the absence of an impasse agreement negotiated pursuant to section 20.19 which provides for a different completion date, public employees represented by a certified employee organization who are employed by a public employer which is a community college shall complete the negotiation of a proposed collective bargaining agreement not later than May 31 of the year when the agreement is to become effective. The board shall provide, by rule, a date on which impasse items in such cases must be submitted to binding arbitration and for such other procedures as deemed necessary to provide for the completion of negotiations of proposed collective bargaining agreements not later than May 31. The date selected for the mandatory submission of impasse items to binding arbitration in such cases shall be sufficiently in advance of May 31 to ensure that the arbitrator's award can be reasonably made by May 31.

c. Notwithstanding the provisions of paragraphs *"a"* and *"b"*, the May 31 deadline

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may be waived by mutual agreement of the parties to the collective bargaining agreement negotiations.

[C75, 77, 79, 81, §20.17]

89 Acts, ch 296, §8; 90 Acts, ch 1037, §3; 91 Acts, ch 174, §3; 92 Acts, ch 1011, §1; 92 Acts, ch 1212, §2; 92 Acts, ch 1227, §11; 2010 Acts, ch 1165, §19 – 22; 2017 Acts, ch 2, §10, 11, 26, 27; 2023 Acts, ch 19, §2537

Referred to in §20.1, 20.15, 20.22, 273.22, 275.33
State merit system, see chapter 8A, subchapter IV

20.18 Grievance procedures.

1. An agreement with an employee organization which is the exclusive representative of public employees in an appropriate unit may provide procedures for the consideration of public employee and employee organization grievances over the interpretation and application of agreements. Negotiated procedures may provide for binding arbitration of public employee and employee organization grievances over the interpretation and application of existing agreements. An arbitrator's decision on a grievance may not change or amend the terms, conditions, or applications of the collective bargaining agreement. Such procedures shall provide for the invoking of arbitration only with the approval of the employee organization in all instances, and in the case of an employee grievance, only with the additional approval of the public employee. The costs of arbitration shall be shared equally by the parties.

2. Public employees of the state or public employees covered by civil service shall follow either the grievance procedures provided in a collective bargaining agreement, or in the event that grievance procedures are not provided, shall follow grievance procedures established pursuant to chapter 8A, subchapter IV, or chapter 400, as applicable.

[C75, 77, 79, 81, §20.18]

86 Acts, ch 1118, §1; 2003 Acts, ch 145, §145; 2010 Acts, ch 1165, §23

Referred to in §235A.15

20.19 Impasse procedures — agreement of parties.

1. As the first step in the performance of their duty to bargain, the public employer and the employee organization shall endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of these impasse procedures not later than one hundred twenty days prior to the certified budget submission date of the public employer. However, if public employees represented by the employee organization are teachers licensed under chapter 256, subchapter VII, part 3, and the public employer is a school district or area education agency, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is a community college, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective. If the public employer is not subject to the budget certification requirements of section 24.17 and other applicable sections, the agreement shall provide for implementation of impasse procedures not later than one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences. If the parties fail to agree upon impasse procedures under the provisions of this section, the impasse procedures provided in sections 20.20 and 20.22 shall apply.

2. Parties who by agreement are utilizing a cooperative alternative bargaining process shall, at the outset of such process, agree upon a method and schedule for the completion of impasse procedures should they fail to reach a collective bargaining agreement through the use of such alternative bargaining process.

[C75, 77, 79, 81, §20.19]

91 Acts, ch 174, §4; 92 Acts, ch 1011, §2; 92 Acts, ch 1227, §12; 2010 Acts, ch 1193, §107; 2021 Acts, ch 80, §11; 2023 Acts, ch 19, §2538

Referred to in §20.17, 20.20

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20.20 Mediation.

In the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to the certified budget submission date, or one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective if public employees represented by the employee organization are teachers licensed under chapter 256, subchapter VII, part 3, and the public employer is a school district or area education agency, the board shall, upon the request of either party, appoint an impartial and disinterested person to act as mediator. If the public employer is a community college, and in the absence of an impasse agreement negotiated pursuant to section 20.19 or the failure of either party to utilize its procedures, one hundred twenty days prior to May 31 of the year when the collective bargaining agreement is to become effective, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as mediator. If the public employer is not subject to the budget certification requirements of section 24.17 or other applicable sections and in the absence of an impasse agreement negotiated pursuant to section 20.19, or the failure of either party to utilize its procedures, one hundred twenty days prior to the date the next fiscal or budget year of the public employer commences, the board, upon the request of either party, shall appoint an impartial and disinterested person to act as a mediator. It shall be the function of the mediator to bring the parties together to effectuate a settlement of the dispute, but the mediator may not compel the parties to agree.

[C75, 77, 79, 81, §20.20]

91 Acts, ch 174, §5; 92 Acts, ch 1011, §3; 92 Acts, ch 1227, §13; 2010 Acts, ch 1193, §108; 2023 Acts, ch 19, §2539

Referred to in §20.17, 20.19

20.21 Fact-finding. Repealed by 2010 Acts, ch 1165, §31.

20.22 Binding arbitration.

1. If an impasse persists ten days after the mediator has been appointed, the board shall have the power, upon request of either party, to arrange for arbitration, which shall be binding. The request for arbitration shall be in writing and a copy of the request shall be served upon the other party.

2. Each party shall serve its final offer on each of the impasse items upon the other party within four days of the board's receipt of the request for arbitration, or by a deadline otherwise agreed upon by the parties. The parties may continue to negotiate all offers until an agreement is reached or an award is rendered by the arbitrator. The full costs of arbitration under this section shall be shared equally by the parties to the dispute.

3. The submission of the impasse items to the arbitrator shall be limited to those items upon which the parties have not reached agreement. With respect to each such item, the arbitrator's award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitrator, except as provided in subsection 10, paragraph *"b"*.

4. Upon the filing of the request for arbitration, a list of five arbitrators shall be served upon the parties by the board. Within five days of service of the list, the parties shall determine by lot which party shall remove the first name from the list and the parties shall then alternately remove names from the list until the name of one person remains, who shall become the arbitrator. The parties shall immediately notify the board of their selection and the board shall notify the arbitrator. After consultation with the parties, the arbitrator shall set a time and place for an arbitration hearing.

5. The arbitrator shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in this section.

6. From the time the board notifies the arbitrator of the selection of the arbitrator until such time as the arbitrator's selection on each impasse item is made, there shall be no discussion concerning recommendations for settlement of the dispute by the arbitrator with parties other than those who are direct parties to the dispute.

7. For an arbitration involving a bargaining unit that has at least thirty percent of members

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who are public safety employees, the arbitrator shall consider and specifically address in the arbitrator's determination, in addition to any other relevant factors, the following factors:

a. Past collective bargaining contracts between the parties including the bargaining that led up to such contracts.

b. Comparison of wages, hours, and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

c. The interests and welfare of the public, the ability of the public employer to finance economic adjustments, and the effect of such adjustments on the normal standard of services.

8. For an arbitration involving a bargaining unit that does not have at least thirty percent of members who are public safety employees, the following shall apply:

a. The arbitrator shall consider and specifically address in the arbitrator's determination, in addition to any other relevant factors, the following factors:

(1) Comparison of base wages, hours, and conditions of employment of the involved public employees with those of other public employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved. To the extent adequate, applicable data is available, the arbitrator shall also compare base wages, hours, and conditions of employment of the involved public employees with those of private sector employees doing comparable work, giving consideration to factors peculiar to the area and the classifications involved.

(2) The interests and welfare of the public.

(3) The financial ability of the employer to meet the cost of an offer in light of the current economic conditions of the public employer. The arbitrator shall give substantial weight to evidence that the public employer's authority to utilize funds is restricted to special purposes or circumstances by state or federal law, rules, regulations, or grant requirements.

b. The arbitrator shall not consider the following factors:

(1) Past collective bargaining agreements between the parties or bargaining that led to such agreements.

(2) The public employer's ability to fund an award through the increase or imposition of new taxes, fees, or charges, or to develop other sources of revenues.

9. *a.* The arbitrator may administer oaths, examine witnesses and documents, take testimony and receive evidence, and issue subpoenas to compel the attendance of witnesses and the production of records. The arbitrator may petition the district court at the seat of government or of the county in which the hearing is held to enforce the order of the arbitrator compelling the attendance of witnesses and the production of records.

b. Except as required for purposes of the consideration of the factors specified in subsection 7, paragraphs "*a*" through "*c*", and subsection 8, paragraph "*a*", subparagraphs (1) through (3), the parties shall not introduce, and the arbitrator shall not accept or consider, any direct or indirect evidence regarding any subject excluded from negotiations pursuant to section 20.9.

10. *a.* The arbitrator shall select within fifteen days after the hearing the most reasonable offer, in the arbitrator's judgment, of the final offers on each impasse item submitted by the parties.

b. (1) However, for an arbitration involving a bargaining unit that does not have at least thirty percent of members who are public safety employees, with respect to any increase in base wages, the arbitrator's award shall not exceed the lesser of the following percentages in any one-year period in the duration of the bargaining agreement:

(a) Three percent.

(b) A percentage equal to the increase in the consumer price index for all urban consumers for the midwest region, if any, as determined by the United States department of labor, bureau of labor statistics, or a successor index. Such percentage shall be the change in the consumer price index for the twelve-month period beginning eighteen months prior to the month in which the impasse item regarding base wages was submitted to the arbitrator and ending six months prior to the month in which the impasse item regarding base wages was submitted to the arbitrator.

(2) To assist the parties in the preparation of their final offers on an impasse item

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regarding base wages, the board shall provide information to the parties regarding the change in the consumer price index for all urban consumers for the midwest region for any twelve-month period. The department of workforce development shall assist the board in preparing such information upon request.

11. The selections by the arbitrator and items agreed upon by the public employer and the employee organization, shall be deemed to be the collective bargaining agreement between the parties.

12. The determination of the arbitrator shall be final and binding subject to the provisions of section 20.17, subsection 6. The arbitrator shall give written explanation for the arbitrator's selections and inform the parties of the decision.

[C75, 77, 79, 81, §20.22]

2008 Acts, ch 1032, §201; 2010 Acts, ch 1165, §24 – 29; 2017 Acts, ch 2, §12, 13, 26, 27

Referred to in §20.17, 20.19

20.23 Legal actions.

Any employee organization and public employer may sue or be sued as an entity under the provisions of this chapter. Service upon the public employer shall be in accordance with law or the rules of civil procedure. Nothing in this chapter shall be construed to make any individual or the individual's assets liable for any judgment against a public employer or an employee organization.

[C75, 77, 79, 81, §20.23]

20.24 Notice and service — electronic filing system.

The board shall by rule establish an electronic filing system for the filing or service of any notice or other document required or permitted by law to be filed with or served on or filed or served by the board. Unless otherwise provided by law, the board may by rule require the filing or service of such notice or other document through the system, notwithstanding the provisions of chapter 17A concerning service or filing by mail. Any notice or other document not required by rule to be filed or served through the system shall be filed or served in accordance with chapter 17A. Unless otherwise provided by law, prescribed time periods shall commence from the date of filing or service through the system.

[C75, 77, 79, 81, §20.24]

2010 Acts, ch 1165, §30; 2014 Acts, ch 1004, §1

20.25 Internal conduct of employee organizations.

1. Every employee organization which is certified as a representative of public employees under the provisions of this chapter shall file with the board a registration report, signed by its president or other appropriate officer. The report shall be in a form prescribed by the board and shall be accompanied by two copies of the employee organization's constitution and bylaws. A filing by a national or international employee organization of its constitution and bylaws shall be accepted in lieu of a filing of such documents by each subordinate organization. All changes or amendments to such constitutions and bylaws shall be promptly reported to the board.

2. Every employee organization shall file with the board an annual report and an amended report whenever changes are made. The reports shall be in a form prescribed by the board, and shall provide the following information:

a. The names and addresses of the organization, any parent organization or organizations with which it is affiliated, the principal officers, and all representatives.

b. The name and address of its local agent for service of process.

c. A general description of the public employees the organization represents or seeks to represent.

d. The amounts of the initiation fee and monthly dues members must pay.

e. A pledge, in a form prescribed by the board, that the organization will comply with the laws of the state and that it will accept members without regard to age, race, sex, religion, national origin or physical disability as provided by law.

f. A financial report and audit.

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3. The constitution or bylaws of every employee organization shall provide that:

a. Accurate accounts of all income and expenses shall be kept, and annual financial report and audit shall be prepared, such accounts shall be open for inspection by any member of the organization, and loans to officers and agents shall be made only on terms and conditions available to all members.

b. Business or financial interests of its officers and agents, their spouses, minor children, parents or otherwise, that conflict with the fiduciary obligation of such persons to the organization shall be prohibited.

c. Every official or employee of an employee organization who handles funds or other property of the organization, or trust in which an organization is interested, or a subsidiary organization, shall be bonded. The amount, scope, and form of the bond shall be determined by the board.

4. The governing rules of every employee organization shall provide for periodic elections by secret ballot subject to recognized safeguards concerning the equal right of all members to nominate, seek office, and vote in such elections, the right of individual members to participate in the affairs of the organization, and fair and equitable procedures in disciplinary actions.

5. The board shall prescribe rules necessary to govern the establishment and reporting of trusteeships over employee organizations. Establishment of such trusteeships shall be permitted only if the constitution or bylaws of the organization set forth reasonable procedures.

6. An employee organization that has not registered or filed an annual report, or that has failed to comply with other provisions of this chapter, shall not be certified. Certified employee organizations failing to comply with this chapter may have such certification revoked by the board. Prohibitions may be enforced by injunction upon the petition of the board to the district court of the county in which the violation occurs. Complaints of violation of this section shall be filed with the board.

7. Upon the written request of any member of a certified employee organization, the auditor of state may audit the financial records of the certified employee organization.

[C75, 77, 79, 81, §20.25]

20.26 Employee organizations — political contributions — penalties.

1. An employee organization shall not make any direct or indirect contribution out of the funds of the employee organization to any political party or organization or in support of any candidate for elective public office.

2. Any employee organization which violates the provisions of this section or fails to file any required report or affidavit or files a false report or affidavit shall, upon conviction, be subject to a fine of not more than two thousand dollars.

3. Any person who willfully violates this section, or who makes a false statement knowing it to be false, or who knowingly fails to disclose a material fact shall, upon conviction, be subject to a fine of not more than one thousand dollars or imprisoned for not more than thirty days or shall be subject to both such fine and imprisonment. Each individual required to sign affidavits or reports under this section shall be personally responsible for filing such report or affidavit and for any statement contained therein the individual knows to be false.

4. Nothing in this section shall be construed to prohibit voluntary contributions by individuals to political parties or candidates, provided that such contributions are not made through payroll deductions.

5. Nothing in this section shall be construed to limit or deny any civil remedy which may exist as a result of action which may violate this section.

[C75, 77, 79, 81, §20.26]

2017 Acts, ch 2, §14, 26, 27; 2017 Acts, ch 54, §76

20.27 Conflict with federal aid.

If any provision of this chapter jeopardizes the receipt by the state or any of its political subdivisions of any federal grant-in-aid funds or other federal allotment of money, the

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provisions of this chapter shall, insofar as the fund is jeopardized, be deemed to be inoperative.

[C75, 77, 79, 81, §20.27]

20.28 Inconsistent statutes — effect.

A provision of the Code which is inconsistent with any term or condition of a collective bargaining agreement which is made final under this chapter shall supersede the term or condition of the collective bargaining agreement unless otherwise provided by the general assembly. A provision of a proposed collective bargaining agreement negotiated according to this chapter which conflicts with the Code shall not become a provision of the final collective bargaining agreement until the general assembly has amended the Code to remove the conflict.

[C79, 81, §20.28]

20.29 Filing agreement — public access — internet site.

1. Collective bargaining agreements shall be in writing and shall be signed by the parties.

2. A copy of a collective bargaining agreement entered into between a public employer and a certified employee organization and made final under this chapter shall be filed with the board by the public employer within ten days of the date on which the agreement is entered into.

3. Copies of collective bargaining agreements entered into between the state and the state employees' bargaining representatives and made final under this chapter shall be filed with the secretary of state and be made available to the public at cost.

4. The board shall maintain an internet site that allows searchable access to a database of collective bargaining agreements and other collective bargaining information.

[C79, 81, §20.29]

2017 Acts, ch 2, §15, 26, 27

20.30 Supervisory member — no reduction before retirement.

A supervisory member of any department or agency employed by the state of Iowa shall not be granted a voluntary reduction to a nonsupervisory rank or grade during the thirty-six months preceding retirement of the member. A member of any department or agency employed by the state of Iowa who retires in less than thirty-six months after voluntarily requesting and receiving a reduction in rank or grade from a supervisory to a nonsupervisory position shall be ineligible for a benefit to which the member is entitled as a nonsupervisory member but is not entitled as a supervisory member.

[C81, §20.30]

2017 Acts, ch 2, §16, 26, 27

20.31 Mediator privilege.

1. As used in this section, unless the context otherwise requires:

a. "*Mediation*" means a process in which an impartial person attempts to facilitate the resolution of a dispute by promoting voluntary agreement of the parties to the dispute. Mediation shall be deemed to commence upon the mediator's receipt of notice of assignment and shall be deemed to conclude when the dispute is resolved.

b. "*Mediator*" means a member or employee of the board or any other person appointed or requested by the board to assist parties in resolving disputes involving collective bargaining impasses, contested cases, other agency cases, or contract grievances.

2. A mediator shall not be required to testify in any judicial, administrative, arbitration, or grievance proceeding regarding any matters occurring in the course of a mediation, including any verbal or written communication or behavior, other than facts relating exclusively to the timing or scheduling of mediation. A mediator shall not be required to produce or disclose any documents, including notes, memoranda, or other work product, relating to mediation, other than documents relating exclusively to the timing or scheduling of mediation. This subsection shall not apply in any of the following circumstances:

a. The testimony, production, or disclosure is required by statute.

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b. The testimony, production, or disclosure provides evidence of an ongoing or future criminal activity.

c. The testimony, production, or disclosure provides evidence of child abuse as defined in section 232.68, subsection 2.

98 Acts, ch 1062, §7; 2017 Acts, ch 2, §17, 26, 27

20.32 Transit employees — applicability.

All provisions of this chapter applicable to employees described in section 20.3, subsection 11, shall be applicable on the same terms and to the same degree to any transit employee if it is determined by the director of the department of transportation, upon written confirmation from the United States department of labor, that a public employer would lose federal funding under 49 U.S.C. §5333(b) if the transit employee is not covered under certain collective bargaining rights.

2017 Acts, ch 2, §18, 26, 27

20.33 Retention of costs and fees.

1. All moneys paid in advance by the board and subsequently taxed as a cost to a party or parties pursuant to section 20.6, subsection 6, and section 20.11, subsection 3, shall, when reimbursed by the party or parties taxed under those sections, be retained by the board as appropriated receipts, as defined in section 8.2, and used exclusively to offset the cost of the certified shorthand reporter reporting the proceeding and of any transcript requested by the board.

2. All fees established and collected by the board pursuant to section 20.6, subsection 7, shall be retained by the board as appropriated receipts, as defined in section 8.2, and used exclusively for the purpose of covering the cost of elections required pursuant to section 20.15, including payment for the services of any vendor retained by the board to conduct or assist in the conduct of such an election.

2017 Acts, ch 169, §33; 2024 Acts, ch 1185, §108

20.34 Judicial review.

Notwithstanding chapter 17A, in a petition for judicial review of a decision of the board in a contested case under this chapter, the opposing party shall be named the respondent, and the board shall not be named as a respondent. Judicial review of agency action by the board under this chapter is not subject to chapter 17A.

2023 Acts, ch 19, §2161

Referred to in §17A.19

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SUBTITLE 9

RESTRAINTS ON GOVERNMENT

CHAPTER 21

OFFICIAL MEETINGS OPEN TO PUBLIC (OPEN MEETINGS)

Referred to in §7C.13, 13.14, 15.106A, 15.107C, 15.120, 15.123, 15E.63, 16.5F, 20.17, 22.7(60), 23.1, 23.2, 23.5, 23.6, 23.7, 23.8, 23.10, 23.11, 28A.9, 28E.6, 28F.13, 28J.28, 49.4, 49.5, 68B.31A, 84A.1A, 84A.4, 84D.5, 99G.8, 101C.3, 137.109, 148.7, 161A.47, 183A.5, 185.34, 237.21, 256.182, 256E.7, 256E.23, 256H.2, 256I.7, 261E.9, 272C.6, 279.15, 279.24, 279.38, 279.38A, 331.210A, 331.213, 331.234, 331.235, 331.238, 331.248, 331.909, 358C.12, 373.3, 441.31, 441.37A, 455A.20, 480.3, 602.2103, 679C.108

21.1 Intent — declaration of policy.
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21.8 Electronic meetings.
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21.11 Applicability to nonprofit corporations.
21.12 Member education course required.

21.1 Intent — declaration of policy.

This chapter seeks to assure, through a requirement of open meetings of governmental bodies, that the basis and rationale of governmental decisions, as well as those decisions themselves, are easily accessible to the people. Ambiguity in the construction or application of this chapter should be resolved in favor of openness.

[C79, 81, §28A.1]

C85, §21.1

21.2 Definitions.

As used in this chapter:

1. *"Governmental body"* means:

a. A board, council, commission, or other governing body expressly created by the statutes of this state or by executive order.

b. A board, council, commission, or other governing body of a political subdivision or tax-supported district in this state.

c. A multimembered body formally and directly created by one or more boards, councils, commissions, or other governing bodies subject to paragraphs *"a"* and *"b"* of this subsection.

d. Those multimembered bodies to which the state board of regents or a president of a university has delegated the responsibility for the management and control of the intercollegiate athletic programs at the state universities.

e. An advisory board, advisory commission, or task force created by the governor or the general assembly to develop and make recommendations on public policy issues.

f. A nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D or a nonprofit corporation which is a successor to the nonprofit corporation which built the facility.

g. A nonprofit corporation licensed to conduct gambling games pursuant to chapter 99F.

h. An advisory board, advisory commission, advisory committee, task force, or other body created by statute or executive order of this state or created by an executive order of a political subdivision of this state to develop and make recommendations on public policy issues.

i. The governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized.

j. An advisory board, advisory commission, advisory committee, task force, or other body created by an entity organized under chapter 28E, or by the administrator or joint board

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specified in a chapter 28E agreement, to develop and make recommendations on public policy issues.

2. *"Meeting"* means a gathering in person or by electronic means, formal or informal, of a majority of the members of a governmental body where there is deliberation or action upon any matter within the scope of the governmental body's policy-making duties. Meetings shall not include a gathering of members of a governmental body for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of this chapter.

3. *"Open session"* means a meeting to which all members of the public have access.

[C71, 73, 75, 77, §28A.1; C79, 81, §28A.2]

C85, §21.2

89 Acts, ch 73, §1; 90 Acts, ch 1175, §1; 90 Acts, ch 1271, §701; 91 Acts, ch 258, §26; 93 Acts, ch 25, §1; 2004 Acts, ch 1019, §1; 2009 Acts, ch 132, §1; 2009 Acts, ch 179, §31

Referred to in §9E.3, 21.11, 23.2, 331.909, 441.31

21.3 Meetings of governmental bodies.

1. Meetings of governmental bodies shall be preceded by public notice as provided in section 21.4 and shall be held in open session unless closed sessions are expressly permitted by law. Except as provided in section 21.5, all actions and discussions at meetings of governmental bodies, whether formal or informal, shall be conducted and executed in open session.

2. Each governmental body shall keep minutes of all its meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

[C71, 73, 75, 77, §28A.1, 28A.5; C79, 81, §28A.3]

C85, §21.3

93 Acts, ch 25, §2; 2020 Acts, ch 1062, §94

Referred to in §372.13

21.4 Public notice.

1. *a.* Except as provided in subsection 3, a governmental body shall give notice of the time, date, and place of each meeting, including a reconvened meeting of the governmental body, and the tentative agenda of the meeting, in a manner reasonably calculated to apprise the public of that information.

(1) Giving notice under this paragraph shall include all of the following:

(a) Advising the news media who have filed a request for notice with the governmental body.

(b) Posting the notice in a prominent and conspicuous place which is annually designated for such purposes by the governmental body, in a manner such that the notice is visible at all times.

(c) Posting the notice on the primary internet site owned or maintained and regularly updated by the governmental body or other primary internet presence moderated by the governmental body, if applicable.

(2) If a tentative agenda has been posted and is amended within the time frame established in subsection 2, paragraph *"a"*, the governmental body shall mark the agenda "AMENDED" and identify the amended provisions. Upon amendment, the governmental body shall give notice in accordance with subparagraph (1).

b. Each meeting shall be held at a place reasonably accessible to the public and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impracticable. Special access to the meeting may be granted to persons with disabilities.

2. *a.* Except as otherwise provided in paragraph *"c"*, notice conforming with all of the requirements of subsection 1 shall be given at least twenty-four hours prior to the commencement of any meeting of a governmental body unless for good cause such notice

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is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

b. When it is necessary to hold a meeting on less than twenty-four hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

c. If a governmental body is prevented from convening an otherwise properly noticed meeting under the requirements of subsection 1, the governmental body may convene the meeting if the governmental body posts an amended notice of the meeting conforming with all of the requirements of subsection 1.

3. Subsection 1 does not apply to any of the following:

a. A meeting reconvened within four hours of the start of its recess, where an announcement of the time, date, and place of the reconvened meeting is made at the original meeting in open session and recorded in the minutes of the meeting and there is no change in the agenda.

b. A meeting held by a formally constituted subunit of a parent governmental body during a lawful meeting of the parent governmental body or during a recess in that meeting of up to four hours, or a meeting of that subunit immediately following the meeting of the parent governmental body, if the meeting of that subunit is publicly announced in open session at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.

4. If another section of the Code requires a manner of giving specific notice of a meeting, hearing, or an intent to take action by a governmental body, compliance with that section shall constitute compliance with the notice requirements of this section.

[C71, 73, 75, 77, 79, 81, §28A.4]

C85, §21.4

96 Acts, ch 1129, §113; 2008 Acts, ch 1032, §201; 2011 Acts, ch 106, §4, 17; 2016 Acts, ch 1025, §1; 2026 Acts, ch 1106, §1

Referred to in §21.3, 21.8, 35C.1, 275.15, 282.11

Subsection 1, paragraph a amended

21.5 Closed session.

1. A governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body or all of the members present at the meeting. A governmental body may hold a closed session only to the extent a closed session is necessary for any of the following reasons:

a. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession or continued receipt of federal funds.

b. To discuss application for letters patent.

c. To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.

d. To discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board.

e. To discuss whether to conduct a hearing or to conduct hearings to suspend or expel a student, unless an open session is requested by the student or a parent or guardian of the student if the student is a minor.

f. To discuss the decision to be rendered in a contested case conducted according to the provisions of chapter 17A.

g. To avoid disclosure of specific law enforcement matters, such as current or proposed investigations or inspection or auditing techniques or schedules, which if disclosed would enable law violators to avoid detection.

h. To avoid disclosure of specific law enforcement matters, such as allowable tolerances

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or criteria for the selection, prosecution, or settlement of cases, which if disclosed would facilitate disregard of requirements imposed by law.

i. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

j. To discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property. The minutes and the audio recording of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

k. To discuss information contained in records in the custody of a governmental body that are confidential records pursuant to section 22.7, subsection 50.

l. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital's competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital's competitive position. For purposes of this paragraph, *"public hospital"* means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 226, 347, 347A, or 392, or a health care facility operated by an institution governed by the state board of regents. This paragraph does not apply to the information required to be disclosed pursuant to section 347.13, subsection 11, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

2. The vote of each member on the question of holding the closed session and the reason for holding the closed session by reference to a specific exemption under this section shall be announced publicly at the open session and entered in the minutes. A governmental body shall not discuss any business during a closed session which does not directly relate to the specific reason announced as justification for the closed session.

3. Final action by any governmental body on any matter shall be taken in an open session unless some other provision of the Code expressly permits such actions to be taken in closed session.

4. A governmental body shall not exclude a member of the governmental body from attending a closed session, unless the member's attendance at the closed session creates a conflict of interest for the member due to the specific reason announced as justification for holding the closed session.

5. *a.* A governmental body shall keep detailed minutes of all discussion, persons present, and action occurring at a closed session, and shall also audio record all of the closed session.

b. (1) The detailed minutes and audio recording of a closed session shall be sealed and shall not be public records open to public inspection. However, upon order of the court in an action to enforce this chapter, the detailed minutes and audio recording shall be unsealed and examined by the court in camera. The court shall then determine what part, if any, of the minutes should be disclosed to the party seeking enforcement of this chapter for use in that enforcement proceeding. In determining whether any portion of the minutes or recording shall be disclosed to such a party for this purpose, the court shall weigh the prejudicial effects to the public interest of the disclosure of any portion of the minutes or recording in question, against its probative value as evidence in an enforcement proceeding. After such a determination, the court may permit inspection and use of all or portions of the detailed minutes and audio recording by the party seeking enforcement of this chapter. A governmental body shall keep the detailed minutes and audio recording of any closed session for a period of at least one year from the date of that meeting, except as otherwise required by law.

(2) This paragraph *"b"* does not require the office of ombudsman to obtain a court order to examine the detailed minutes and audio recording of a closed session when such examination

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is relevant to an investigation under chapter 2C and the information sought is not available through other reasonable means. Any portion of the minutes or recording released by a governmental body to the office of ombudsman shall remain confidential pursuant to section 2C.9.

6. Nothing in this section requires a governmental body to hold a closed session to discuss or act upon any matter.

[C71, 73, 75, 77, §28A.3; C79, 81, §28A.5]

C85, §21.5

2002 Acts, ch 1076, §1; 2007 Acts, ch 63, §1, 2; 2008 Acts, ch 1191, §33, 99; 2009 Acts, ch 110, §1; 2011 Acts, ch 106, §5, 6, 17; 2013 Acts, ch 138, §114, 127; 2015 Acts, ch 67, §1; 2016 Acts, ch 1073, §14; 2016 Acts, ch 1074, §1; 2020 Acts, ch 1045, §4

Referred to in §21.3, 21.8, 22.7(60), 97B.8A, 203D.4, 279.24, 388.9, 411.5, 602.1202

21.6 Enforcement.

1. The remedies provided by this section against state governmental bodies shall be in addition to those provided by section 17A.19. Any aggrieved person, taxpayer to, or citizen of, the state of Iowa, or the attorney general or county attorney, may seek judicial enforcement of the requirements of this chapter. Suits to enforce this chapter shall be brought in the district court for the county in which the governmental body has its principal place of business.

2. Once a party seeking judicial enforcement of this chapter demonstrates to the court that the body in question is subject to the requirements of this chapter and has held a closed session, the burden of going forward shall be on the body and its members to demonstrate compliance with the requirements of this chapter.

3. Upon a finding by a preponderance of the evidence that a governmental body has violated any provision of this chapter, a court:

a. Shall assess each member of the governmental body who participated in its violation damages in the amount of not more than two thousand five hundred dollars and not less than five hundred dollars. However, if a member of a governmental body knowingly participated in such a violation, damages shall be in the amount of not more than twelve thousand five hundred dollars and not less than five thousand dollars. These damages shall be paid by the court imposing it to the state of Iowa, if the body in question is a state governmental body, or to the local government involved if the body in question is a local governmental body. A member of a governmental body found to have violated this chapter shall not be assessed such damages if that member proves that the member did any of the following:

(1) Voted against the closed session.

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with all the requirements of this chapter.

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the governmental body, given in writing.

b. Shall order the payment of all costs and reasonable attorney fees in the trial and appellate courts to any party successfully establishing a violation of this chapter. The costs and fees shall be paid by those members of the governmental body who are assessed damages under paragraph *"a"*. If no such members exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful party from the budget of the offending governmental body or its parent.

c. Shall void any action taken in violation of this chapter, if the suit for enforcement of this chapter is brought within six months of the violation and the court finds under the facts of the particular case that the public interest in the enforcement of the policy of this chapter outweighs the public interest in sustaining the validity of the action taken in the closed session. This paragraph shall not apply to an action taken regarding the issuance of bonds or other evidence of indebtedness of a governmental body if a public hearing, election or public sale has been held regarding the bonds or evidence of indebtedness.

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d. Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter.

e. May issue a mandatory injunction punishable by civil contempt ordering the members of the offending governmental body to refrain for one year from any future violations of this chapter.

4. Ignorance of the legal requirements of this chapter shall be no defense to an enforcement proceeding brought under this section. A governmental body which is in doubt about the legality of closing a particular meeting is authorized to bring suit at the expense of that governmental body in the district court of the county of the governmental body's principal place of business to ascertain the propriety of any such action, or seek a formal opinion of the attorney general or an attorney for the governmental body.

[C71, 73, 75, 77, §28A.7, 28A.8; C79, 81, §28A.6]

C85, §21.6

99 Acts, ch 9, §1; 2005 Acts, ch 99, §1; 2011 Acts, ch 106, §7, 17; 2012 Acts, ch 1115, §1, 17; 2025 Acts, ch 139, §1

Referred to in §21.12, 23.5, 23.6, 23.10

21.7 Rules of conduct at meetings.

The public may use cameras or recording devices at any open session. Nothing in this chapter shall prevent a governmental body from making and enforcing reasonable rules for the conduct of its meetings to assure those meetings are orderly, and free from interference or interruption by spectators.

[C79, 81, §28A.7]

C85, §21.7

21.8 Electronic meetings.

1. A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings. A governmental body conducting a meeting pursuant to this subsection shall comply with all of the following:

a. The governmental body provides public access to the conversation of the meeting to the extent reasonably possible.

b. The governmental body complies with section 21.4. For the purpose of this paragraph, the place of the meeting is the place from which the communication originates or where public access is provided to the conversation.

c. Minutes are kept of the meeting.

2. A meeting conducted in compliance with this section shall not be considered in violation of this chapter.

3. A meeting by electronic means may be conducted without complying with paragraph "*a*" of subsection 1 if conducted in accordance with all of the requirements for a closed session contained in section 21.5.

4. For the purposes of this section:

a. "*Hybrid meeting*" means a meeting involving both remote participation and in-person participation by members.

b. "*Remote participation*" means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools.

c. "*Teleconference participation*" means participation using audio conference tools involving multiple participants in at least two separate locations.

d. "*Virtual meeting*" means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location.

[C79, 81, §28A.8]

C85, §21.8

2007 Acts, ch 22, §11; 2024 Acts, ch 1170, §78 – 80

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21.9 Employment conditions discussed.

A meeting of a governmental body to discuss strategy in matters relating to employment conditions of employees of the governmental body who are not covered by a collective bargaining agreement under chapter 20 is exempt from this chapter. For the purpose of this section, *"employment conditions"* mean areas included in the scope of negotiations listed in section 20.9.

[81 Acts, ch 30, §1]
C83, §28A.9
C85, §21.9

21.10 Information to be provided.

The authority which appoints members of governmental bodies shall provide the members with information about this chapter and chapter 22. The appropriate commissioner of elections shall provide that information to members of elected governmental bodies.

89 Acts, ch 73, §2

21.11 Applicability to nonprofit corporations.

This chapter applies to nonprofit corporations which are defined as governmental bodies subject to section 21.2, subsection 1, paragraph *"f"*, only when the meetings conducted by the nonprofit corporations relate to the conduct of pari-mutuel racing and wagering pursuant to chapter 99D.

90 Acts, ch 1175, §2

21.12 Member education course required.

1. A newly elected or appointed public official who is a member of a governmental body shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the governmental body and the governmental body's members under this chapter and chapter 22 not later than the ninetieth day after the date the member does one of the following, as applicable:

a. Takes the initial oath of office.

b. Assumes responsibilities, if the member is not required to take an oath of office.

c. Is elected to the office.

2. The Iowa public information board shall ensure that the training is made available. The Iowa public information board may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity. The Iowa public information board shall ensure that at least one course of training approved or provided by the Iowa public information board is available at no cost.

3. The Iowa public information board or other entity providing the training shall provide a certificate of course completion to persons who complete the training required by this section. A governmental body shall maintain and make available for public inspection the record of the governmental body's members' completion of the training.

a. Completing the required training as a member of the governmental body satisfies the requirements of this section with regard to the member's service on a committee or subcommittee of the governmental body and the member's service on any other governmental body.

b. The training required by this section may be used to satisfy any corresponding training requirements concerning this chapter and chapter 22 as required by law for the members of a governmental body.

4. If one or more members of a governmental body fail to complete the training required by this section, the failure does not affect the validity of an action taken by the governmental body. However, the member must complete training within sixty days or may be assessed damages as described in section 21.6, subsection 3.

5. This section does not apply to a member of a governmental body if the member or

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governmental body is excluded from the jurisdiction of the Iowa public information board under section 23.12.

2025 Acts, ch 139, §2
Referred to in §23.6, 23.10

CHAPTER 22

EXAMINATION OF PUBLIC RECORDS (OPEN RECORDS)

Referred to in §2.42, 7C.13, 8.78, 8.97, 8.98, 8.99, 8C.4, 8C.5, 10A.105, 11.42, 15.106A, 15.107C, 15.118, 15.123, 15.318, 15.526, 15.532, 15E.29, 16.5F, 16.81, 21.10, 21.12, 23.1, 23.2, 23.5, 23.6, 23.7, 23.8, 23.10, 23.11, 23B.3, 28A.9, 28E.6, 28F.13, 28J.28, 39A.4, 49.75, 80F.1, 84A.1A, 84A.4, 84A.14, 84A.18, 87.11, 88.6, 88.16, 97A.5, 97B.17, 99D.19, 99E.4, 99E.8, 99F.12, 99G.10, 99G.34, 99G.35, 100C.3, 101A.2, 103A.17, 123.45A, 124E.19, 135.43, 135C.7A, 135D.7, 137.109, 144.43, 159.34, 159A.14, 162.10C, 183A.5, 203.16, 203C.24, 204.14F, 204A.5, 214A.36, 217.45, 231B.2, 231C.3, 235A.15, 235B.6, 235D.1, 235E.2, 237.18, 237.21, 252B.9, 252B.24, 252J.2, 256.146, 256.182, 256E.7, 256E.12, 256E.23, 256E.29, 256H.2, 256I.7, 261B.6, 261E.9, 266.46, 272D.2, 279.16, 279.24, 279.38, 279.38A, 279.62, 279.77, 279.87, 280.30, 321.197, 321.491, 321A.3, 321N.2, 321P2, 331.210A, 331.303, 331.305, 331.909, 358C.12, 388.10, 411.5, 421.17, 421.48, 422.20, 422.72, 432.1, 432.1A, 441.28A, 455B.105, 455B.117, 455B.179, 455K.4, 459.304, 459.312, 466.7, 480.3, 483A.33, 502.607, 502.809, 502A.15, 505.8, 505.17, 507.10, 507.14, 507A.4, 507C.11, 507E.5, 507F.12, 508.36, 508.106, 508C.12, 508C.13, 508C.18A, 508D.9, 508E.6, 508E.7, 508E.15, 510B.10, 513B.7, 514F.8, 515B.10, 515J.13, 518C.11, 521A.7, 521C.3, 521E.8, 521F.9, 521H.6, 521I.9, 522.8, 522B.5A, 522B.14, 522C.15, 522F.22, 523A.801, 523C.25, 523I.201, 523I.202, 523I.213A, 524.215, 529.2, 533.106A, 533.108, 533.501, 533A.10, 533C.202, 533C.607, 535B.10, 535D.15, 536.10, 536A.15, 542.7, 543B.15, 546.13, 554.9523, 602.2103, 633A.5107, 679C.106, 679C.108, 685.2, 685.6, 692.18, 714.24, 715A.9A, 724.6, 809A.18A, 904.602, 915.12

22.1	Definitions.	22.9	Denial of federal funds — rules.
22.2	Right to examine public records — exceptions.	22.10	Civil enforcement.
		22.11	Fair information practices.
22.3	Supervision — fees.	22.12	Political subdivisions.
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22.6	Penalty. Repealed by 2011 Acts, ch 106, §16, 17.	22.14	Public funds investment records in custody of third parties.
22.7	Confidential records.	22.15	Personnel records — discipline — employee notification.
22.8	Injunction to restrain examination.	22.16	Inspection of records — state archives.
22.8A	Injunction to restrain vexatious requester.		

22.1 Definitions.

As used in this chapter:

1. *"Government body"* means this state, or any county, city, township, school corporation, political subdivision, tax-supported district, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D; the governing body of a drainage or levee district as provided in chapter 468, including a board as defined in section 468.3, regardless of how the district is organized; or other entity of this state, or any branch, department, board, bureau, commission, council, committee, official, or officer of any of the foregoing or any employee delegated the responsibility for implementing the requirements of this chapter.

2. *"Lawful custodian"* means the government body currently in physical possession of the public record. The custodian of a public record in the physical possession of persons outside a government body is the government body owning that record. The records relating to the investment of public funds are the property of the public body responsible for the public funds. Each government body shall delegate to particular officials or employees of that government body the responsibility for implementing the requirements of this chapter and shall publicly announce the particular officials or employees to whom responsibility for implementing the requirements of this chapter has been delegated. *"Lawful custodian"* does not mean an automated data processing unit of a public body if the data processing unit holds

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the records solely as the agent of another public body, nor does it mean a unit which holds the records of other public bodies solely for storage.

3. *a. "Public records"* includes all records, documents, tape, or other information, stored or preserved in any medium, of or belonging to this state or any county, city, township, school corporation, political subdivision, nonprofit corporation other than a fair conducting a fair event as provided in chapter 174, whose facilities or indebtedness are supported in whole or in part with property tax revenue and which is licensed to conduct pari-mutuel wagering pursuant to chapter 99D, or tax-supported district in this state, or any branch, department, board, bureau, commission, council, or committee of any of the foregoing.

b. "Public records" also includes all records relating to the investment of public funds including but not limited to investment policies, instructions, trading orders, or contracts, whether in the custody of the public body responsible for the public funds or a fiduciary or other third party.

[C71, 73, 75, 77, 79, 81, §68A.1]

84 Acts, ch 1145, §1; 84 Acts, ch 1185, §1

C85, §22.1

90 Acts, ch 1271, §702; 91 Acts, ch 258, §27; 92 Acts, ch 1156, §6, 7; 2004 Acts, ch 1019, §2; 2005 Acts, ch 19, §15, 126; 2009 Acts, ch 132, §2; 2009 Acts, ch 179, §32; 2010 Acts, ch 1061, §180; 2017 Acts, ch 29, §20

Referred to in §8A.101, 23.2, 204A.5, 455B.117, 521J.1, 543E.5, 618.8, 618.11, 618.18, 618.19, 721.1

22.2 Right to examine public records — exceptions.

1. Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record. Unless otherwise provided for by law, the right to examine a public record shall include the right to examine a public record without charge while the public record is in the physical possession of the custodian of the public record. The right to copy a public record shall include the right to make photographs or photographic copies while the public record is in the possession of the custodian of the public record. All rights under this section are in addition to the right to obtain a certified copy of a public record under section 622.46.

2. A government body shall not prevent the examination or copying of a public record by contracting with a nongovernment body to perform any of its duties or functions.

3. If feasible, the custodian of a public record may provide for the electronic examination and copying of a public record in lieu of requiring in-person examination and copying of a public record. This subsection does not apply to searches of all indexes, general and specific, of public records relating to documents, instruments, and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts.

4. However, notwithstanding subsections 1 and 2, a government body is not required to permit access to or use of the following:

a. A geographic computer database by any person except upon terms and conditions acceptable to the governing body. The governing body shall establish reasonable rates and procedures for the retrieval of specified records, which are not confidential records, stored in the database upon the request of any person.

b. Data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, as provided in section 22.3A.

[C71, 73, 75, 77, 79, 81, §68A.2]

84 Acts, ch 1185, §2

C85, §22.2

89 Acts, ch 189, §1; 96 Acts, ch 1099, §14; 98 Acts, ch 1224, §17; 2015 Acts, ch 42, §1; 2020 Acts, ch 1103, §32, 51

Referred to in §8A.106, 8A.341, 22.8A, 22.14, 68B.32A, 331.608, 357A.11A, 388.9, 388.9A, 459.304, 459A.208, 502.809, 508.106, 904.602

22.3 Supervision — fees.

1. *a.* The examination and copying of public records shall be done under the supervision of the lawful custodian of the records or the lawful custodian's authorized designee.

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b. The lawful custodian shall not require the physical presence of a person requesting or receiving a copy of a public record and shall fulfill requests for a copy of a public record received in writing, by telephone, or by electronic means.

2. *a.* Fulfillment of a request for a copy of a public record may be contingent upon receipt of payment of reasonable expenses. The lawful custodian shall make every reasonable effort to provide the public record requested at no cost other than copying costs for a record which takes less than thirty minutes to produce.

b. In the event expenses are necessary, such expenses must be reasonable and shall be communicated to the requester upon receipt of the request.

c. A person may contest the reasonableness of the lawful custodian's expenses as provided for in this chapter.

3. The lawful custodian may adopt and enforce reasonable rules regarding the examination and copying of the public records and the protection of the records against damage or disorganization.

4. The lawful custodian shall provide a suitable location for the examination and copying of the public records, but if it is impracticable to do the examination and copying of the records in the office of the lawful custodian, the person desiring to examine or copy shall pay any necessary expenses of providing a place for the examination and copying.

5. *a.* The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the public records. All reasonable expenses of the examination and copying shall be paid by the person desiring to examine or copy the public record.

b. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those reasonable expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the office of the lawful custodian.

c. Costs for legal services should only be utilized for the redaction or review of legally protected confidential information.

d. A county recorder shall not charge a fee for the examination and copying of public records necessary to complete and file claims for benefits with the Iowa department of veterans affairs or the United States department of veterans affairs.

[C71, 73, 75, 77, 79, 81, §68A.3]

C85, §22.3

2001 Acts, ch 44, §2; 2005 Acts, ch 103, §1; 2006 Acts, ch 1010, §14; 2020 Acts, ch 1052, §1; 2022 Acts, ch 1039, §1; 2026 Acts, ch 1106, §2

Referred to in §2.42, 8A.341, 321.11, 483A.22A
Section amended

22.3A Access to data processing software.

1. As used in this section:

a. "Access" means the instruction of, communication with, storage of data in, or retrieval of data from a computer.

b. "Computer" means an electronic device which performs logical, arithmetical, and memory functions by manipulations of electronic or magnetic impulses, and includes all input, output, processing, storage, and communication facilities which are connected or related to the computer including a computer network. As used in this paragraph, "*computer*" includes any central processing unit, front-end processing unit, miniprocessor, or microprocessor, and related peripheral equipment such as data storage devices, document scanners, data entry terminal controllers, and data terminal equipment and systems for computer networks.

c. "Computer network" means a set of related, remotely connected devices and

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communication facilities including two or more computers with capability to transmit data among them through communication facilities.

d. "Data" means a representation of information, knowledge, facts, concepts, or instructions that has been prepared or is being prepared in a formalized manner and has been processed, or is intended to be processed, in a computer. Data may be stored in any form, including but not limited to a printout, magnetic storage media, disk, compact disc, punched card, or as memory of a computer.

e. "Data processing software" means an ordered set of instructions or statements that, when executed by a computer, causes the computer to process data, and includes any program or set of programs, procedures, or routines used to employ and control capabilities of computer hardware. As used in this paragraph *"data processing software"* includes but is not limited to an operating system, compiler, assembler, utility, library resource, maintenance routine, application, computer networking program, or the associated documentation.

2. *a.* A government body may provide, restrict, or prohibit access to data processing software developed by the government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body, regardless of whether the data processing software is separated or combined with a public record. A government body shall establish policies and procedures to provide access to public records which are combined with its data processing software. A public record shall not be withheld from the public because it is combined with data processing software.

b. A government body shall not acquire any electronic data processing system for the storage, manipulation, or retrieval of public records that would impair the government body's ability to permit the examination of a public record and the copying of a public record in either written or electronic form.

c. If a public record is only available as a part of or in combination with data processing software in order to permit the examination or copying of the public record, the government body shall bear the cost of separation of the public record from the data processing software.

d. An electronic public record shall be made available in the format in which it is readily accessible to the government body if that format is useable with commonly available data processing or database management software. The government body may make a public record available in a specific format requested by a person that is different from that in which the public record is readily accessible to the government body and may charge the reasonable costs of any required processing, programming, or other work required to produce the public record in the specific format in addition to any other costs allowed under this chapter.

e. The cost chargeable to a person receiving a public record separated from data processing software under this subsection shall not be in excess of the charge under this chapter unless the person receiving the public record requests that the public record be specially processed or produced in a format different from that in which the public record is readily accessible to the government body.

f. A government body may establish payment rates and procedures required to provide access to data processing software, regardless of whether the data processing software is separated from or combined with a public record. Proceeds from payments may be considered appropriated receipts, as defined in section 8.2. The payment amount shall be calculated as follows:

(1) The amount charged for access to a public record shall be not more than that required to recover direct publication costs, including but not limited to editing, compilation, and media production costs, incurred by the government body in developing the data processing software and preparing the data processing software for transfer to the person. The amount shall be in addition to any other fee required to be paid under this chapter for the examination and copying of a public record. If a person accesses a public record stored in an electronic format that does not require formatting, editing, or compiling to access the public record, the charge for providing the accessed public record shall not exceed the reasonable cost of accessing that public record. The government body shall, if requested, provide documentation which explains and justifies the amount charged. This subparagraph shall not apply to any publication for which a price has been established pursuant to another section, including section 2A.5.

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(2) If access to the data processing software is provided to a person for a purpose other than provided in subparagraph (1), the amount may be established according to the discretion of the government body, and may be based upon competitive market considerations as determined by the government body.

3. A government body is granted and may apply for and receive any legal protection necessary to secure a right to or an interest in data processing software developed by the government body, including but not limited to federal copyright, patent, and trademark protections, and any trade secret protection available under chapter 550. The government body may enter into agreements for the sale or distribution of its data processing software, including marketing and licensing agreements. The government body may impose conditions upon the use of the data processing software that is otherwise consistent with state and federal law.

96 Acts, ch 1099, §15; 98 Acts, ch 1224, §18; 99 Acts, ch 207, §12; 2003 Acts, ch 35, §38, 49; 2011 Acts, ch 127, §45, 89; 2015 Acts, ch 42, §2; 2024 Acts, ch 1185, §109
Referred to in §8.89, 8A.341, 22.2, 22.7(33), 169A.1

22.4 Public records requests.

The rights of persons under this chapter may be exercised under any of the following circumstances:

1. In person, at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time.

2. In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information.

[C71, 73, 75, 77, 79, 81, §68A.4]
84 Acts, ch 1185, §3
C85, §22.4
2020 Acts, ch 1103, §33, 51
Referred to in §8A.341

22.5 Enforcement of rights.

The provisions of this chapter and all rights of persons under this chapter may be enforced by mandamus or injunction, whether or not any other remedy is also available. In the alternative, rights under this chapter also may be enforced by an action for judicial review according to the provisions of the Iowa administrative procedure Act, chapter 17A, if the records involved are records of an "agency" as defined in that Act.

[C71, 73, 75, 77, 79, 81, §68A.5]
84 Acts, ch 1185, §4
C85, §22.5
2003 Acts, ch 44, §114
Referred to in §8A.341

22.6 Penalty. Repealed by 2011 Acts, ch 106, §16, 17.

22.7 Confidential records.

The following public records shall be kept confidential, unless otherwise ordered by a court, by the lawful custodian of the records, or by another person duly authorized to release such information:

1. Personal information in records regarding a student, prospective student, or former student maintained, created, collected or assembled by or for a school corporation or educational institution maintaining such records. This subsection shall not be construed to prohibit a postsecondary education institution from disclosing to a parent or guardian information regarding a violation of a federal, state, or local law, or institutional rule or policy governing the use or possession of alcohol or a controlled substance if the child

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is under the age of twenty-one years and the institution determines that the student committed a disciplinary violation with respect to the use or possession of alcohol or a controlled substance regardless of whether that information is contained in the student's education records. This subsection shall not be construed to prohibit a school corporation or educational institution from transferring student records electronically to the department of education, an accredited nonpublic school, an attendance center, a school district, or an accredited postsecondary institution in accordance with section 256.9, subsection 44.

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in section 915.20A. However, the department of health and human services shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

3. Trade secrets which are recognized and protected as such by law.

4. Records which represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body.

5. Peace officers' investigative reports, privileged records or information specified in section 80G.2, and specific portions of electronic mail and telephone billing records of law enforcement agencies if that information is part of an ongoing investigation, except where disclosure is authorized elsewhere in this Code. However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this section, except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual. Specific portions of electronic mail and telephone billing records may only be kept confidential under this subsection if the length of time prescribed for commencement of prosecution or the finding of an indictment or information under the statute of limitations applicable to the crime that is under investigation has not expired.

5A. *a.* A crisis intervention report generated by a law enforcement agency regarding a person experiencing a mental health crisis, substance use disorder crisis, or housing crisis, when the report is generated for the specific purpose of providing crisis intervention information to assist peace officers under any of the following circumstances:

(1) De-escalating conflicts.

(2) Referring a person experiencing a mental health crisis, substance use disorder crisis, or housing crisis to a mental health treatment provider, substance use disorder treatment provider, homeless service provider, or any other appropriate service provider.

b. A crisis intervention report generated for the purposes of this subsection shall be made available to the person who is the subject of the report upon the request of the person who is the subject of the report, and may be provided to a mental health treatment provider, substance use disorder treatment provider, homeless service provider, or any other appropriate service provider in connection with a referral for services.

c. Crisis intervention reports generated for the purposes of this subsection are not peace officers' investigative reports under subsection 5.

d. Notwithstanding other provisions of this subsection, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under this subsection, except where disclosure would pose a clear and present danger to the safety of the person subject to the crisis intervention report or the safety of others.

e. For the purposes of this subsection:

(1) *"Crisis intervention report"* or *"report"* means a report generated by a law enforcement agency using a prescribed form created by the department of justice to record the following information relevant to assess the nature of a crisis:

(a) Any biological or chemical causes of the crisis.

(b) Any observed demeanors and behaviors of the person experiencing the crisis.

(c) Persons notified in relation to the crisis.

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(d) Whether suicide or injuries occurred in relation to the crisis and the extent of those injuries.

(e) Whether weapons were involved in the crisis and a description of the weapon.

(f) The disposition of the crisis intervention and any crime committed.

(2) *"Housing crisis"* means a situation where a person is experiencing homelessness, a lack of adequate or safe housing, or is in imminent danger of homelessness or lack of adequate or safe housing.

6. Reports to governmental agencies which, if released, would give advantage to competitors and serve no public purpose.

7. Appraisals or appraisal information concerning the sale or purchase of real or personal property for public purposes, prior to the execution of any contract for such sale or the submission of the appraisal to the property owner or other interest holders as provided in section 6B.45.

8. Economic development authority information on an industrial prospect with which the authority is currently negotiating.

9. Criminal identification files of law enforcement agencies. However, records of current and prior arrests and criminal history data shall be public records.

10. A claim for compensation and reimbursement for legal assistance and supporting documents submitted to the state public defender for payment from the indigent defense fund established in section 815.11, as provided in section 13B.4A.

11. *a.* Personal information in confidential personnel records of government bodies relating to identified or identifiable individuals who are officials, officers, or employees of the government bodies. However, the following information relating to such individuals contained in personnel records shall be public records, except as otherwise provided in section 80G.3:

(1) The name and compensation of the individual including any written agreement establishing compensation or any other terms of employment excluding any information otherwise excludable from public information pursuant to this section or any other applicable provision of law. For purposes of this paragraph, "*compensation*" means payment of, or agreement to pay, any money, thing of value, or financial benefit conferred in return for labor or services rendered by an official, officer, or employee plus the value of benefits conferred including but not limited to casualty, disability, life, or health insurance, other health or wellness benefits, vacation, holiday, and sick leave, severance payments, retirement benefits, and deferred compensation.

(2) The dates the individual was employed by the government body.

(3) The positions the individual holds or has held with the government body.

(4) The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held, and dates of previous employment.

(5) The fact that the individual resigned in lieu of termination, was discharged, or was demoted as the result of a disciplinary action, and the documented reasons and rationale for the resignation in lieu of termination, the discharge, or the demotion. For purposes of this subparagraph, "*demoted*" and "*demotion*" mean a change of an employee from a position in a given classification to a position in a classification having a lower pay grade.

(6) The last date the individual, who resigned from or was discharged by the government body, performed work or actively carried out essential functions of the position, regardless of whether the information is contained in a written document, contract, agreement, or arrangement.

(7) The amount of moneys and public benefits provided to the individual for any continuation of pay, severance, or other compensation or benefits in excess of the amounts owed for work performed by the individual prior to the individual's last day as an employee, contractor, or appointee for the government body, regardless of whether the information is contained in a written document, contract, agreement, or arrangement.

b. Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to 20 U.S.C. §1232g.

12. Financial statements submitted to the department of agriculture and land stewardship

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pursuant to chapter 203 or chapter 203C, by or on behalf of a licensed grain dealer or warehouse operator or by an applicant for a grain dealer license or warehouse license.

13. The records of a library which, by themselves or when examined with other public records, would reveal the identity of the library patron checking out or requesting an item or information from the library. The records shall be released to a criminal or juvenile justice agency only pursuant to an investigation of a particular person or organization suspected of committing a known crime. The records shall be released only upon a judicial determination that a rational connection exists between the requested release of information and a legitimate end and that the need for the information is cogent and compelling.

14. The material of a library, museum or archive which has been contributed by a private person to the extent of any limitation that is a condition of the contribution.

15. Information concerning the procedures to be used to control disturbances at adult correctional institutions. Such information shall also be exempt from public inspection under section 17A.3. As used in this subsection disturbance means a riot or a condition that can reasonably be expected to cause a riot.

16. Information in a report to the department of health and human services, to a local board of health, or to a local health department, which identifies a person infected with a reportable disease.

17. Records of identity of owners of public bonds or obligations maintained as provided in section 76.10 or by the issuer of the public bonds or obligations. However, the issuer of the public bonds or obligations and a state or federal agency shall have the right of access to the records.

18. Communications not required by law, rule, procedure, or contract that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications from such persons outside of government could reasonably believe that those persons would be discouraged from making them to that government body if they were available for general public examination. As used in this subsection, *"persons outside of government"* does not include persons or employees of persons who are communicating with respect to a consulting or contractual relationship with a government body or who are communicating with a government body with whom an arrangement for compensation exists. Notwithstanding this provision:

a. The communication is a public record to the extent that the person outside of government making that communication consents to its treatment as a public record.

b. Information contained in the communication is a public record to the extent that it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

c. Information contained in the communication is a public record to the extent that it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent that its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate that the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger.

19. Examinations, including but not limited to cognitive and psychological examinations for law enforcement officer candidates administered by or on behalf of a governmental body, to the extent that their disclosure could reasonably be believed by the custodian to interfere with the accomplishment of the objectives for which they are administered.

20. Information concerning the nature and location of any archaeological resource or site if, in the opinion of the state archaeologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the state historic preservation officer pertaining to access, disclosure, and use of archaeological site records.

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21. Information concerning the nature and location of any ecologically sensitive resource or site if, in the opinion of the director of the department of natural resources after consultation with the state ecologist, disclosure of the information will result in unreasonable risk of damage to or loss of the resource or site where the resource is located. This subsection shall not be construed to interfere with the responsibilities of the federal government or the director of the department of natural resources and the state ecologist pertaining to access, disclosure, and use of the ecologically sensitive site records.

22. Reports or recommendations of the Iowa insurance guaranty association filed or made pursuant to section 515B.10, subsection 1, paragraph "*a*", subparagraph (2).

23. Information or reports collected or submitted pursuant to section 508C.12, subsections 3 and 5, and section 508C.13, subsection 2, except to the extent that release is permitted under those sections.

24. Reserved.

25. Financial information, which if released would give advantage to competitors and serve no public purpose, relating to commercial operations conducted or intended to be conducted by a person submitting records containing the information to the department of agriculture and land stewardship for the purpose of obtaining assistance in business planning.

26. Applications, investigation reports, and case records of persons applying for county general assistance pursuant to section 252.25.

27. Marketing and advertising budget and strategy of a nonprofit corporation which is subject to this chapter. However, this exemption does not apply to salaries or benefits of employees who are employed by the nonprofit corporation to handle the marketing and advertising responsibilities.

28. The information contained in records of the centralized employee registry created in chapter 252G, except to the extent that disclosure is authorized pursuant to chapter 252G.

29. Records and information obtained or held by independent special counsel during the course of an investigation conducted pursuant to section 68B.31A. Information that is disclosed to a legislative ethics committee subsequent to a determination of probable cause by independent special counsel and made pursuant to section 68B.31 is not a confidential record unless otherwise provided by law.

30. Information contained in a declaration of paternity completed and filed with the state registrar of vital statistics pursuant to section 144.12A, except to the extent that the information may be provided to persons in accordance with section 144.12A.

31. Memoranda, work products, and case files of a mediator and all other confidential communications in the possession of a mediator, as provided in chapter 10A, subchapter III, and chapter 216. Information in these confidential communications is subject to disclosure only as provided in sections 10A.332 and 216.15B, notwithstanding any other contrary provision of this chapter.

32. Social security numbers of the owners of unclaimed property reported to the treasurer of state pursuant to section 556.11, subsection 2, included on claim forms filed with the treasurer of state pursuant to section 556.19, included in outdated warrant reports received by the treasurer of state pursuant to section 556.2C, or stored in record systems maintained by the treasurer of state for purposes of administering chapter 556, or social security numbers of payees included on state warrants included in records systems maintained by the department of administrative services for the purpose of documenting and tracking outdated warrants pursuant to section 556.2C.

33. Data processing software, as defined in section 22.3A, which is developed by a government body or developed by a nongovernment body and used by a government body pursuant to a contractual relationship with the nongovernment body.

34. A record required under the Iowa financial transaction reporting Act listed in section 529.2, subsection 9.

35. Records of the department of health and human services pertaining to participants in the gambling treatment program except as otherwise provided in this chapter.

36. Records of a law enforcement agency or the state department of transportation regarding the issuance of a driver's license under section 321.189A.

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37. Mediation communications as defined in section 679C.102, except written mediation agreements that resulted from a mediation which are signed on behalf of a governing body. However, confidentiality of mediation communications resulting from mediation conducted pursuant to chapter 216 shall be governed by chapter 216.

38. *a.* Records containing information that would disclose, or might lead to the disclosure of, private keys used in an electronic signature or other similar technologies as provided in chapter 554D.

b. Records which if disclosed might jeopardize the security of an electronic transaction pursuant to chapter 554D.

39. Information revealing the identity of a packer or a person who sells livestock to a packer as reported to the department of agriculture and land stewardship pursuant to section 202A.2.

39A. Information related to the registration and identification of any premises where animals are kept as authorized pursuant to the foreign animal disease preparedness and response strategy as provided in section 163.3C.

40. The portion of a record request that contains an internet protocol number which identifies the computer from which a person requests a record, whether the person using such computer makes the request through the IowAccess network or directly to a lawful custodian. However, such record may be released with the express written consent of the person requesting the record.

41. *a.* Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports.

b. Notwithstanding paragraph *"a"*, the following shall be released as follows:

(1) Medical examiner-authored records and reports, including preliminary reports, investigative reports, and autopsy reports, shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency.

(2) Preliminary reports of investigations by the medical examiner and autopsy reports for a decedent by whom an anatomical gift was made in accordance with chapter 142C shall be released to a procurement organization as defined in section 142C.2, upon the request of such procurement organization, unless such disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

(3) Autopsy reports shall be released to the decedent's immediate next of kin, upon the request of the decedent's immediate next of kin, unless disclosure to the decedent's immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

c. Information regarding the cause and manner of death shall not be kept confidential under this subsection, unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

42. Information obtained by the commissioner of insurance in the course of an investigation as provided in section 523C.23.

43. Information obtained by the commissioner of insurance pursuant to section 502.607.

44. Information provided to the court and state public defender pursuant to section 13B.4, subsection 5; section 814.11, subsection 7; or section 815.10, subsection 5.

45. The critical asset protection plan or any part of the plan prepared pursuant to section 29C.8 and any information held by the department of homeland security and emergency management that was supplied to the department by a public or private agency or organization and used in the development of the critical asset protection plan to include, but not be limited to, surveys, lists, maps, or photographs. Communications and asset information not required by law, rule, or procedure that are provided to the director by persons outside of government and for which the director has signed a nondisclosure agreement are exempt from public disclosures. The department of homeland security and emergency management may provide all or part of the critical asset plan to federal, state, or local governmental agencies which have emergency planning or response functions if the director is satisfied that the need to know and intended use are reasonable. An agency receiving critical asset protection plan information from the department shall not redisseminate the information without prior approval of the director.

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46. Military personnel records recorded by the county recorder pursuant to section 331.608.

47. A report regarding interest held in agricultural land required to be filed pursuant to chapter 10B.

48. Sex offender registry records under chapter 692A, except as provided in section 692A.121.

49. Confidential information, as defined in section 10A.333, subsection 1, filed with the workers' compensation commissioner.

50. Information and records concerning physical infrastructure, cyber security, critical infrastructure, security procedures, or emergency preparedness developed, maintained, or held by a government body for the protection of life or property, if disclosure could reasonably be expected to jeopardize such life or property.

a. Such information and records include but are not limited to information directly related to vulnerability assessments; information contained in records relating to security measures such as security and response plans, security codes and combinations, passwords, restricted area passes, keys, and security or response procedures; emergency response protocols; and information contained in records that if disclosed would significantly increase the vulnerability of critical physical systems or infrastructures to attack.

b. For purposes of this subsection, *"cyber security information and records"* include but are not limited to information and records relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

51. The information contained in the information program established in section 124.551, except to the extent that disclosure is authorized pursuant to section 124.553.

52. *a.* The following records relating to a charitable donation made to a foundation acting solely for the support of an institution governed by the state board of regents, to the board of the Iowa state fair foundation when the record relates to a gift for deposit in or expenditure from the Iowa state fairgrounds trust fund as provided in section 173.22A, to a foundation acting solely for the support of an institution governed by chapter 260C, to a private foundation as defined in section 509 of the Internal Revenue Code organized for the support of a government body, or to an endow Iowa qualified community foundation, as defined in section 15E.303, organized for the support of a government body:

(1) Portions of records that disclose a donor's or prospective donor's personal, financial, estate planning, or gift planning matters.

(2) Records received from a donor or prospective donor regarding such donor's prospective gift or pledge.

(3) Records containing information about a donor or a prospective donor in regard to the appropriateness of the solicitation and dollar amount of the gift or pledge.

(4) Portions of records that identify a prospective donor and that provide information on the appropriateness of the solicitation, the form of the gift or dollar amount requested by the solicitor, and the name of the solicitor.

(5) Portions of records disclosing the identity of a donor or prospective donor, including the specific form of gift or pledge that could identify a donor or prospective donor, directly or indirectly, when such donor has requested anonymity in connection with the gift or pledge. This subparagraph does not apply to a gift or pledge from a publicly held business corporation.

b. The confidential records described in paragraph *"a"*, subparagraphs (1) through (5), shall not be construed to make confidential those portions of records disclosing any of the following:

(1) The amount and date of the donation.

(2) Any donor-designated use or purpose of the donation.

(3) Any other donor-imposed restrictions on the use of the donation.

(4) When a pledge or donation is made expressly conditioned on receipt by the donor, or any person related to the donor by blood or marriage within the third degree of consanguinity, of any privilege, benefit, employment, program admission, or other special consideration from the government body, a description of any and all such consideration offered or given in exchange for the pledge or donation.

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c. Except as provided in paragraphs *"a"* and *"b"*, portions of records relating to the receipt, holding, and disbursement of gifts made for the benefit of regents institutions and made through foundations established for support of regents institutions, including but not limited to written fundraising policies and documents evidencing fundraising practices, shall be subject to this chapter.

d. This subsection does not apply to a report filed with the Iowa ethics and campaign disclosure board pursuant to section 68B.22A.

53. Information obtained and prepared by the commissioner of insurance pursuant to section 507.14.

54. Information obtained and prepared by the commissioner of insurance pursuant to section 507E.5.

55. An intelligence assessment and intelligence data under chapter 692, except as provided in section 692.8A.

56. Individually identifiable client information contained in the records of the state database created as a homeless management information system pursuant to standards developed by the United States department of housing and urban development and utilized by the economic development authority.

57. The following information contained in the records of any governmental body relating to any form of housing assistance:

a. An applicant's social security number.

b. An applicant's personal financial history.

c. An applicant's personal medical history or records.

d. An applicant's current residential address when the applicant has been granted or has made application for a civil or criminal restraining order for the personal protection of the applicant or a member of the applicant's household.

58. Information filed with the commissioner of insurance pursuant to sections 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, and 523A.803.

59. The information provided in any report, record, claim, or other document submitted to the treasurer of state pursuant to chapter 556 concerning unclaimed or abandoned property, except the name and last known address of each person appearing to be entitled to unclaimed or abandoned property paid or delivered to the treasurer of state pursuant to that chapter.

60. Information in a record that would permit a governmental body subject to chapter 21 to hold a closed session pursuant to section 21.5 in order to avoid public disclosure of that information, until such time as final action is taken on the subject matter of that information. Any portion of such a record not subject to this subsection, or not otherwise confidential, shall be made available to the public. After the governmental body has taken final action on the subject matter pertaining to the information in that record, this subsection shall no longer apply. This subsection shall not apply more than ninety days after a record is known to exist by the governmental body, unless it is not possible for the governmental body to take final action within ninety days. The burden shall be on the governmental body to prove that final action was not possible within the ninety-day period.

61. Records of the department of health and human services pertaining to clients served by the state office or a local office of public guardian as defined in section 231E.3.

62. Records maintained by the department of health and human services or office of long-term care ombudsman that disclose the identity of a complainant, resident, tenant, or individual receiving services provided by the department of health and human services, an area agency on aging, or the office of long-term care ombudsman, unless disclosure is otherwise allowed under section 231.42, subsection 12, paragraph *"a"*.

63. Information obtained by the superintendent of credit unions in connection with a complaint response process as provided in section 533.501, subsection 3.

64. Information obtained by the commissioner of insurance in the course of an examination of a cemetery as provided in section 523I.213A, subsection 7.

65. Tentative, preliminary, draft, speculative, or research material, prior to its completion for the purpose for which it is intended and in a form prior to the form in which it is submitted for use or used in the actual formulation, recommendation, adoption, or execution of any official policy or action by a public official authorized to make such decisions for the

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governmental body or the government body. This subsection shall not apply to public records that are actually submitted for use or are used in the formulation, recommendation, adoption, or execution of any official policy or action of a governmental body or a government body by a public official authorized to adopt or execute official policy for the governmental body or the government body.

66. Personal information contained on electronic driver's license or nonoperator's identification card records that is provided by the licensee or card holder to the department of transportation for use by law enforcement, first responders, emergency medical service providers, and other medical personnel responding to or assisting with an emergency.

67. Electronic mail addresses of individuals or phone numbers of individuals, and personally identifiable information about those individuals, collected by state departments and agencies for the sole purpose of disseminating emergency or routine information and notices through electronic communications that are not prepared for a specific recipient.

68. Information required to be provided by a disclosing entity pursuant to 42 C.F.R. §455.104, pertaining to an individual with an ownership or control interest who is an officer or director of a nonprofit corporation.

69. The evidence of public employee support for the certification, retention and recertification, or decertification of an employee organization as defined in section 20.3 that is submitted to the employment appeal board as provided in section 20.14 or 20.15.

70. Information indicating whether a public employee voted in a certification, retention and recertification, or decertification election held pursuant to section 20.15 or how the employee voted on any question on a ballot in such an election.

71. Information and records related to cyber security information or critical infrastructure, the disclosure of which may expose or create vulnerability to critical infrastructure systems, held by the utilities commission or the department of homeland security and emergency management for purposes relating to the safeguarding of telecommunications, electric, water, sanitary sewage, storm water drainage, energy, hazardous liquid, natural gas, or other critical infrastructure systems. For purposes of this subsection, "*cyber security information*" includes but is not limited to information relating to cyber security defenses, threats, attacks, or general attempts to attack cyber system operations.

72. The voter verification number, as defined in section 53.2, subsection 4, paragraph "*c*", that is assigned to a voter and maintained and updated in the statewide voter registration system.

73. The personal identification number assigned by the state commissioner of elections pursuant to section 48A.10A, subsection 1.

74. Personal information as defined in section 22A.1.

75. Identifying information submitted to the department of revenue from a distributor pursuant to section 455C.2, subsection 2, paragraph "*b*". However, this subsection shall not be construed to prohibit the dissemination of aggregated information that does not identify a specific distributor.

76. Information obtained from security camera systems operated by the legislative branch monitoring property owned or leased by the state.

77. Information obtained from state employee identification card access systems for buildings and rooms owned or leased by the state.

78. Records received, collected, or created in the administration of severance tax for oil and gas production pursuant to section 458A.29, subsection 3.

[C71, 73, 75, 77, 79, 81, §68A.7; 81 Acts, ch 36, §1, ch 37, §1, ch 38, §1, ch 62, §4]

83 Acts, ch 90, §9; 84 Acts, ch 1014, §1; 84 Acts, ch 1185, §5, 6

C85, §22.7

85 Acts, ch 134, §16; 85 Acts, ch 175, §1; 85 Acts, ch 208, §1; 86 Acts, ch 1184, §1; 86 Acts, ch 1228, §1; 87 Acts, ch 223, §20; 88 Acts, ch 1010, §1; 88 Acts, ch 1256, §1; 89 Acts, ch 194, §1; 89 Acts, ch 304, §102; 89 Acts, ch 311, §22; 90 Acts, ch 1017, §1; 90 Acts, ch 1271, §703; 92 Acts, ch 1212, §3; 93 Acts, ch 79, §2; 93 Acts, ch 163, §27; 94 Acts, ch 1023, §76; 94 Acts, ch 1064, §1; 94 Acts, ch 1092, §1; 94 Acts, ch 1174, §1; 95 Acts, ch 100, §1; 95 Acts, ch 129, §1; 95 Acts, ch 191, §1; 96 Acts, ch 1037, §1; 96 Acts, ch 1099, §16; 96 Acts, ch 1133, §38; 96 Acts,

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ch 1150, §1; 96 Acts, ch 1212, §10; 97 Acts, ch 92, §1; 97 Acts, ch 159, §1; 98 Acts, ch 1062, §8, 9; 98 Acts, ch 1073, §9; 98 Acts, ch 1090, §59, 84; 99 Acts, ch 88, §1, 11, 13; 99 Acts, ch 146, §43; 2000 Acts, ch 1014, §1; 2000 Acts, ch 1140, §1; 2000 Acts, ch 1147, §27; 2000 Acts, ch 1161, §1; 2000 Acts, ch 1189, §25; 2001 Acts, ch 24, §17; 2001 Acts, ch 108, §1; 2002 Acts, ch 1038, §1; 2002 Acts, ch 1067, §13; 2002 Acts, ch 1076, §2; 2002 Acts, ch 1098, §1; 2002 Acts, ch 1117, §53, 56; 2003 Acts, ch 114, §1; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157; 2004 Acts, ch 1091, §3; 2004 Acts, ch 1104, §4; 2004 Acts, ch 1147, §6; 2004 Acts, ch 1161, §65, 68; 2004 Acts, ch 1175, §462, 468; 2005 Acts, ch 19, §16; 2005 Acts, ch 68, §2; 2005 Acts, ch 168, §8, 23; 2006 Acts, ch 1054, §1, 2; 2006 Acts, ch 1117, §2; 2006 Acts, ch 1122, §1; 2006 Acts, ch 1127, §1; 2006 Acts, ch 1147, §1, 11; 2006 Acts, ch 1148, §1; 2006 Acts, ch 1185, §57, 58, 92; 2007 Acts, ch 37, §1; 2007 Acts, ch 62, §1; 2007 Acts, ch 126, §11; 2007 Acts, ch 175, §1; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1144, §2, 12, 13; 2008 Acts, ch 1191, §34, 99; 2009 Acts, ch 23, §6; 2009 Acts, ch 48, §1; 2009 Acts, ch 119, §33; 2010 Acts, ch 1121, §1; 2011 Acts, ch 20, §3; 2011 Acts, ch 30, §1; 2011 Acts, ch 79, §2; 2011 Acts, ch 106, §8 – 10, 17; 2011 Acts, ch 118, §39, 85, 89; 2012 Acts, ch 1086, §1; 2012 Acts, ch 1115, §2, 17; 2013 Acts, ch 18, §4; 2013 Acts, ch 29, §7; 2013 Acts, ch 103, §1; 2013 Acts, ch 116, §2; 2013 Acts, ch 129, §47; 2014 Acts, ch 1136, §23; 2015 Acts, ch 42, §3; 2015 Acts, ch 60, §1; 2015 Acts, ch 128, §1, 50, 51; 2015 Acts, ch 138, §12, 161, 162; 2016 Acts, ch 1018, §1; 2016 Acts, ch 1085, §1, 3; 2017 Acts, ch 2, §19, 20, 26, 27, 50, 53, 54; 2017 Acts, ch 21, §1, 2; 2017 Acts, ch 54, §13; 2017 Acts, ch 110, §1; 2017 Acts, ch 122, §1, 2; 2017 Acts, ch 156, §1; 2018 Acts, ch 1041, §119; 2018 Acts, ch 1048, §1; 2021 Acts, ch 120, §1; 2021 Acts, ch 149, §2; 2022 Acts, ch 1071, §1; 2022 Acts, ch 1139, §1, 20; 2023 Acts, ch 19, §32, 2660; 2023 Acts, ch 64, §7; 2023 Acts, ch 119, §11; 2024 Acts, ch 1043, §29; 2024 Acts, ch 1170, §174, 369; 2025 Acts, ch 139, §3; 2026 Acts, ch 1106, §3; 2026 Acts, ch 1111, §1; 2026 Acts, ch 1141, §2

Referred to in §2C.9, 10B.5, 10B.5A, 15.274, 21.5, 22.10, 22.15, 29C.17A, 29E.1, 34A.7A, 39A.7, 47.1, 68B.31, 68B.32B, 76.11, 80B.13A, 80G.1, 87.11, 99D.19, 99E.8, 99F.12, 99G.34, 100.5, 124.553, 135.43, 135O.4, 136A.7, 147A.26, 159A.14, 163.2B, 163.3C, 166D.10, 173.22A, 202A.2, 203D.4, 206.19, 214A.36, 232.149, 252G.5, 262.9, 263B.10, 266.46, 279.51A, 280.19A, 280.36, 299A.11, 321.189A, 388.2A, 452A.33, 455B.117, 455C.2, 462A.7, 465C.14, 466B.43, 466B.44, 466B.47, 466B.49, 468.17A, 476.2, 476.74, 477A.7, 478.35, 510C.2, 515.103, 515J.13, 521A.7, 523A.204, 523A.205, 523A.206, 523A.207, 523A.401, 523A.803, 556.24A, 692.8A, 692.18, 692C.1, 708.2B, 716.6B, 901.5B, 901C.2, 901C.3, 907.4, 907.9, 915.90

Future repeal of subsection 39 if substantially similar federal legislation or regulation is implemented; finding and order by secretary of agriculture; 99 Acts, ch 88, §11

2017 amendment to subsection 11, paragraph a, subparagraph (5) takes effect February 17, 2017, and applies to all information described in subparagraph (5), as amended, relating to information placed in an individual's personnel records on or after February 17, 2017; 2017 Acts, ch 2, §53, 54

Subsection 11, paragraph a, NEW subparagraphs (6) and (7)

Subsection 58 amended

NEW subsection 78

22.8 Injunction to restrain examination.

1. The district court may grant an injunction restraining the examination, including copying, of a specific public record or a narrowly drawn class of public records. A hearing shall be held on a request for injunction upon reasonable notice as determined by the court to persons requesting access to the record which is the subject of the request for injunction. It shall be the duty of the lawful custodian and any other person seeking an injunction to ensure compliance with the notice requirement. Such an injunction may be issued only if the petition supported by affidavit shows and if the court finds both of the following:

a. That the examination would clearly not be in the public interest.

b. That the examination would substantially and irreparably injure any person or persons.

2. An injunction shall be subject to the rules of civil procedure except that the court in its discretion may waive bond.

3. In actions brought under this section the district court shall take into account the policy of this chapter that free and open examination of public records is generally in the public interest even though such examination may cause inconvenience or embarrassment to public officials or others. A court may issue an injunction restraining examination of a public record or a narrowly drawn class of such records, only if the person seeking the injunction demonstrates by clear and convincing evidence that this section authorizes its issuance. An injunction restraining the examination of a narrowly drawn class of public records may be issued only if such an injunction would be justified under this section for

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every member within the class of records involved if each of those members were considered separately.

4. Good-faith, reasonable delay by a lawful custodian in permitting the examination and copying of a government record is not a violation of this chapter if the purpose of the delay is any of the following:

a. To seek an injunction under this section.

b. To determine whether the lawful custodian is entitled to seek such an injunction or should seek such an injunction.

c. To determine whether the government record in question is a public record, or confidential record.

d. To determine whether a confidential record should be available for inspection and copying to the person requesting the right to do so. A reasonable delay for this purpose shall not exceed twenty calendar days and ordinarily should not exceed ten business days.

e. Actions for injunctions under this section may be brought by the lawful custodian of a government record, or by another government body or person who would be aggrieved or adversely affected by the examination or copying of such a record.

f. The rights and remedies provided by this section are in addition to any rights and remedies provided by section 17A.19.

[C71, 73, 75, 77, 79, 81, §68A.8]
84 Acts, ch 1185, §7
C85, §22.8
Referred to in §23.5, 23.11

22.8A Injunction to restrain vexatious requester.

1. The district court may grant an injunction restraining the right of a person found to be a vexatious requester to examine public records under section 22.2 from a specific government body, or may impose reasonable limitations on the manner, frequency, or scope of such requests. A hearing shall be held on a request for injunction after reasonable notice, as determined by the court, is given to the person alleged to be a vexatious requester. The government body seeking an injunction shall ensure compliance with the notice requirement. Such an injunction may be issued only if the petition supported by affidavit shows, and if the court finds, all of the following:

a. The requests, considered in totality, would clearly not be in the public interest.

b. The requests, considered in totality, constitute a pattern of vexatious conduct.

c. The continuation of such requests would substantially and irreparably injure the government body's ability to perform the government body's duties or functions.

d. Less restrictive measures under this chapter are inadequate to provide sufficient relief.

2. In an action brought under this section, the court shall take into account the policy of this chapter that free and open examination of public records is generally in the public interest even though such requests may cause inconvenience or embarrassment to public officials or others. A court may issue an injunction under this section only if the government body seeking the injunction demonstrates by clear and convincing evidence that this section authorizes the issuance of the injunction.

3. In determining whether conduct constitutes vexatious conduct under this section, the court may consider any of the following:

a. The number, frequency, timing, scope, and content of public requests.

b. The nature of oral and written communications related to the public requests.

c. Any prior administrative or judicial findings regarding the conduct of the requester.

d. All other relevant circumstances.

4. For purposes of this section:

a. *"News media"* includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news for monetary consideration.

b. (1) *"Vexatious conduct"* means a pattern of public records requests that satisfies one or more of the following:

(a) The requests are designed primarily to harass the government body, its officers, or its employees.

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(b) The government body shows by clear and convincing evidence that the requests impose an unreasonable burden on the government body and compliance would substantially interfere with essential governmental operations.

(c) The requests are submitted in a manner or accompanied by communication that constitute harassment of public officers or employees as provided in section 718.4.

(2) *"Vexatious conduct"* does not include solely a large volume of requests made by a person or a representative of the news media.

5. Upon finding by a preponderance of the evidence that the requester has not engaged in a pattern of vexatious conduct, a court shall order the payment of all costs and reasonable attorney fees, including appellate attorney fees, to the requester by the government body in the action brought under this section.

2026 Acts, ch 1106, §4
NEW section

22.9 Denial of federal funds — rules.

1. If it is determined that any provision of this chapter would cause the denial of funds, services or essential information from the United States government which would otherwise definitely 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, services, or essential information.

2. An agency within the meaning of section 17A.2, subsection 1, shall adopt as a rule, in each situation where this section is believed applicable, the agency's determination identifying those particular provisions of this chapter that must be waived in the circumstances to prevent the denial of federal funds, services, or information.

[C71, 73, 75, 77, 79, 81, §68A.9]
84 Acts, ch 1185, §8
C85, §22.9
2018 Acts, ch 1041, §8

22.10 Civil enforcement.

1. The rights and remedies provided by this section are in addition to any rights and remedies provided by section 17A.19. Any aggrieved person, any taxpayer to or citizen of the state of Iowa, or the attorney general or any county attorney, may seek judicial enforcement of the requirements of this chapter in an action brought against the lawful custodian and any other persons who would be appropriate defendants under the circumstances. Suits to enforce this chapter shall be brought in the district court for the county in which the lawful custodian has its principal place of business.

2. Once a party seeking judicial enforcement of this chapter demonstrates to the court that the defendant is subject to the requirements of this chapter, that the records in question are government records, and that the defendant refused to make those government records available for examination and copying by the plaintiff, the burden of going forward shall be on the defendant to demonstrate compliance with the requirements of this chapter.

3. Upon a finding by a preponderance of the evidence that a lawful custodian has violated any provision of this chapter, a court:

a. Shall issue an injunction punishable by civil contempt ordering the offending lawful custodian and other appropriate persons to comply with the requirements of this chapter in the case before it and, if appropriate, may order the lawful custodian and other appropriate persons to refrain for one year from any future violations of this chapter.

b. Shall assess the persons who participated in its violation damages in the amount of not more than five hundred dollars and not less than one hundred dollars. However, if a person knowingly participated in such a violation, damages shall be in the amount of not more than two thousand five hundred dollars and not less than one thousand dollars. These damages shall be paid by the court imposing them to the state of Iowa if the body in question is a state government body, or to the local government involved if the body in question is a local government body. A person found to have violated this chapter shall not be assessed such damages if that person proves that the person did any of the following:

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(1) Voted against the action violating this chapter, refused to participate in the action violating this chapter, or engaged in reasonable efforts under the circumstances to resist or prevent the action in violation of this chapter.

(2) Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with the requirements of this chapter. It shall constitute such good reason and good faith belief and a court shall not assess any damages, costs, or fees under this subsection if the person incorrectly balanced the right of the public to receive public records against the rights and obligations of the government body to maintain confidential records as provided in section 22.7 under any judicially created balancing test, unless the person is unable to articulate any reasonable basis for such balancing.

(3) Reasonably relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body, given in writing.

c. Shall order the payment of all costs and reasonable attorney fees, including appellate attorney fees, to any plaintiff successfully establishing a violation of this chapter in the action brought under this section. The costs and fees shall be paid by the particular persons who were assessed damages under paragraph *"b"* of this subsection. If no such persons exist because they have a lawful defense under that paragraph to the imposition of such damages, the costs and fees shall be paid to the successful plaintiff from the budget of the offending government body or its parent.

d. Shall issue an order removing a person from office if that person has engaged in a prior violation of this chapter for which damages were assessed against the person during the person's term.

4. Ignorance of the legal requirements of this chapter is not a defense to an enforcement proceeding brought under this section. A lawful custodian or its designee in doubt about the legality of allowing the examination or copying or refusing to allow the examination or copying of a government record is authorized to bring suit at the expense of that government body in the district court of the county of the lawful custodian's principal place of business, or to seek an opinion of the attorney general or the attorney for the lawful custodian, to ascertain the legality of any such action.

84 Acts, ch 1185, §9; 2005 Acts, ch 99, §2; 2011 Acts, ch 106, §11, 12, 17; 2012 Acts, ch 1115, §3, 17; 2021 Acts, ch 183, §6

Referred to in §23.5, 23.6, 23.10

22.11 Fair information practices.

This section may be cited as the *"Iowa Fair Information Practices Act"*. It is the intent of this section to require that the information policies of state agencies are clearly defined and subject to public review and comment.

1. Each state agency as defined in chapter 17A shall adopt rules which provide the following:

a. The nature and extent of the personally identifiable information collected by the agency, the legal authority for the collection of that information, and a description of the means of storage.

b. A description of which of its records are public records, which are confidential records, and which are partially public and partially confidential records and the legal authority for the confidentiality of the records. The description shall indicate whether the records contain personally identifiable information.

c. The procedure for providing the public with access to public records.

d. The procedures for allowing a person to review a government record about that person and have additions, dissents, or objections entered in that record unless the review is prohibited by statute.

e. The procedures by which the subject of a confidential record may have a copy of that record released to a named third party.

f. The procedures by which the agency shall notify persons supplying information

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requested by the agency of the use that will be made of the information, which persons outside of the agency might routinely be provided this information, which parts of the information requested are required and which are optional and the consequences of failing to provide the information requested.

g. Whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2. A state agency shall not use any personally identifiable information after July 1, 1988, unless it is in a record system described by the rules required by this section.

84 Acts, ch 1185, §10
Referred to in §22.12

22.12 Political subdivisions.

A political subdivision or public body which is not a state agency as defined in chapter 17A is not required to adopt policies to implement section 22.11. However, if a public body chooses to adopt policies to implement section 22.11 the policies must be adopted by the elected governing body of the political subdivision of which the public body is a part. The elected governing body must give reasonable notice, make the proposed policy available for public inspection and allow full opportunity for the public to comment before adopting the policy. If the public body is established pursuant to an agreement under chapter 28E, the policy must be adopted by a majority of the public agencies party to the agreement. These policies shall be kept in the office of the county auditor if adopted by the board of supervisors, the city clerk if adopted by a city, and the chief administrative officer of the public body if adopted by some other elected governing body.

84 Acts, ch 1185, §11

22.13 Settlements — government bodies.

When a government body reaches a final, binding, written settlement agreement that resolves a legal dispute claiming monetary damages, equitable relief, or a violation of a rule or statute, the government body shall, upon request and to the extent allowed under applicable law, prepare a brief summary of the resolution of the dispute indicating the identity of the parties involved, the nature of the dispute, and the terms of the settlement, including any payments made by or on behalf of the government body and any actions to be taken by the government body. A government body is not required to prepare a summary if the settlement agreement includes the information required to be included in the summary. The settlement agreement and any required summary shall be a public record.

91 Acts, ch 96, §1; 2011 Acts, ch 106, §13, 17
Referred to in §22.13A

22.13A Personnel settlement agreements — state employees — confidentiality — disclosure.

1. For purposes of this section:

a. *"Personnel settlement agreement"* means a binding legal agreement between a state employee and the state employee's employer, subject to section 22.13, to resolve a personnel dispute including but not limited to a grievance. *"Personnel settlement agreement"* does not include an initial decision by a state employee's employer concerning a personnel dispute or grievance.

b. *"State employee"* means an employee of the state who is an employee of the executive branch as described in sections 7E.2 and 7E.5.

2. Personnel settlement agreements shall not contain any confidentiality or nondisclosure provision that attempts to prevent the disclosure of the personnel settlement agreement. In addition, any confidentiality or nondisclosure provision in a personnel settlement agreement is void and unenforceable.

3. The requirements of this section shall not be superseded by any provision of a collective bargaining agreement.

4. All personnel settlement agreements shall be made easily accessible to the public on an internet site maintained as follows:

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a. For personnel settlement agreements with an employee of the executive branch, excluding an employee of the state board of regents or institution under the control of the state board of regents, by the department of administrative services.

b. For personnel settlement agreements with an employee of the state board of regents or institution under the control of the state board of regents, by the state board of regents.

5. *a.* A state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the personnel settlement agreement is first reviewed by the attorney general or the attorney general's designee. Additionally, a state agency shall not enter into a personnel settlement agreement with a state employee on behalf of the state unless the agreement has been approved in writing by the following individuals:

(1) For a state agency other than an institution governed by the board of regents, the director of the department of management, the director of the department of administrative services, and the head of the state agency.

(2) For an institution governed by the board of regents, the executive director of the board of regents and the head of the institution.

b. If paragraph "*a*", subparagraph (1) or (2) is not consistent with the provision of a collective bargaining agreement, a state agency shall provide the individuals referenced in this subsection, as applicable, with regular reports regarding any personnel settlement agreements entered into with state employees by the state agency.

2017 Acts, ch 2, §51, 53; 2017 Acts, ch 170, §30, 43

22.14 Public funds investment records in custody of third parties.

1. The records of investment transactions made by or on behalf of a public body are public records and are the property of the public body whether in the custody of the public body or in the custody of a fiduciary or other third party.

2. If such records of public investment transactions are in the custody of a fiduciary or other third party, the public body shall obtain from the fiduciary or other third party records requested pursuant to section 22.2.

3. If a fiduciary or other third party with custody of public investment transactions records fails to produce public records within a reasonable period of time as requested by the public body, the public body shall make no new investments with or through the fiduciary or other third party and shall not renew existing investments upon their maturity with or through the fiduciary or other third party. The fiduciary or other third party shall be liable for the penalties imposed under statute, common law, or contract due to the acts or omissions of the fiduciary or other third party.

92 Acts, ch 1156, §8; 2011 Acts, ch 106, §14, 17

22.15 Personnel records — discipline — employee notification.

A government body that takes disciplinary action against an employee that may result in information described in section 22.7, subsection 11, paragraph "*a*", subparagraph (5), being placed in the employee's personnel record, prior to taking such disciplinary action, shall notify the employee in writing that the information placed in the employee's personnel record as a result of the disciplinary action may become a public record.

2017 Acts, ch 2, §52, 53; 2018 Acts, ch 1026, §11

22.16 Inspection of records — state archives.

1. Notwithstanding any provision of law to the contrary, a public record that is an archive, as defined in section 8A.602, shall be available for public examination and copying under this chapter if the public record was created at least one hundred years prior to a request for access to the record, subject to the requirements of this section.

2. A public record as described in this section shall not be available for examination and copying under any of the following circumstances:

a. The public record is ordered to be sealed and is not subject to inspection by any federal or state court.

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b. The public record is prohibited from being disclosed under any federal law, rule, or regulation.

2018 Acts, ch 1125, §1

CHAPTER 22A

PROTECTION OF PERSONAL INFORMATION — TAX-EXEMPT ENTITIES

22A.1 Definitions.
22A.2 Personal information protected.
22A.3 Civil penalties.
22A.4 Criminal penalties.
22A.5 Campaign disclosure Act not affected.
22A.6 Applicability — department of revenue.

22A.1 Definitions.

As used in this chapter:

1. *"Personal information"* means any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to, any entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code. *"Personal information"* does not include information reportable to the secretary of state pursuant to chapter 504 or information provided to the attorney general or state auditor pursuant to chapter 504 or 537, or section 714.16.

2. *"Public agency"* means all of the following:

a. A state or municipal governmental unit, including but not limited to the state of Iowa, and a department, agency, office, commission, board, or division of the state.

b. A political subdivision of the state, including but not limited to a county, city, township, village, school district, or community college merged area.

c. An agency, authority, council, board, or commission of a political subdivision of the state.

d. A state or local court, tribunal, or other judicial or quasi-judicial body.

2021 Acts, ch 120, §2; 2022 Acts, ch 1021, §10

Referred to in §11.41, 22.7(74), 504.1604, 504.1605

22A.2 Personal information protected.

1. A public agency shall not do any of the following:

a. Require an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code to provide the public agency with personal information.

b. Release, publicize, or otherwise disclose personal information in the possession of the public agency without the express, written permission of every member, supporter, volunteer, and donor of the tax-exempt entity identified in the information and the tax-exempt entity.

c. Request or require a current or prospective contractor with the public agency to provide the public agency with a list of entities exempt from taxation under section 501(c) of the federal Internal Revenue Code to which the contractor has provided financial or nonfinancial support.

2. This section does not prohibit any of the following:

a. Disclosure of personal information pursuant to a lawful warrant issued by a court of competent jurisdiction.

b. Disclosure of personal information pursuant to a lawful request for discovery if all of the following requirements are met:

(1) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence.

(2) The requestor obtains a protective order barring disclosure of personal information to any person not directly involved in the litigation.

c. Disclosure of personal information pursuant to an agreement between a public agency

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and an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code.

d. Disclosure of personal information included in judicial proceedings that are public pursuant to section 602.1601. However, upon petition of an entity which is exempt from taxation under section 501(c) of the federal Internal Revenue Code, the court shall seal a case file that is otherwise public pursuant to section 602.1601 to protect the personal information contained in that file.

2021 Acts, ch 120, §3

22A.3 Civil penalties.

1. A person alleging a violation of this chapter, section 504.1604, subsection 5, or section 504.1605, subsection 5, may bring a civil action for injunctive relief, damages, or both. Damages may include either of the following:

a. Not less than two thousand five hundred dollars in compensatory damages for injury and loss for each violation.

b. For an intentional violation, not more than three times the amount described in paragraph *"a"* for each violation.

2. A court may, in its discretion, award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

2021 Acts, ch 120, §4
Referred to in §504.1604, 504.1605

22A.4 Criminal penalties.

A person who knowingly violates a provision of this chapter, section 504.1604, subsection 5, or section 504.1605, subsection 5, is guilty of a serious misdemeanor punishable by imprisonment for not more than ninety days or a fine of not more than one thousand dollars, or both.

2021 Acts, ch 120, §5
Referred to in §504.1604, 504.1605

22A.5 Campaign disclosure Act not affected.

This chapter shall not affect any provision of chapter 68A.

2021 Acts, ch 120, §6

22A.6 Applicability — department of revenue.

1. The following shall not be construed as a violation of this chapter with respect to the department of revenue:

a. The identification of a person as a representative, responsible party, employee, withholding agent, or other signatory or contact of an entity exempt from taxation under section 501(c) of the Internal Revenue Code on any return, form, application, or other document required to be filed with the department, including but not limited to a tax return or tax permit.

b. Powers exercised under section 422.70.

c. Information sought pursuant to discovery in a contested case proceeding.

d. Information that is expressly required to be provided by the department by law including but not limited to section 422.11S.

2. The restrictions imposed under this chapter shall not be construed to entitle any taxpayer or tax-exempt entity to any deduction, exemption, credit, or other tax position which the taxpayer or exempt entity is unable to substantiate with sufficient evidence.

2021 Acts, ch 151, §16

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CHAPTER 23

PUBLIC ACCESS TO GOVERNMENT INFORMATION (IOWA PUBLIC INFORMATION BOARD ACT)

23.1 Citation and purpose.
23.2 Definitions.
23.3 Board appointed — executive director.
23.4 Compensation and expenses.
23.5 Election of remedies.
23.6 Board powers and duties.
23.7 Filing of complaints with the board.
23.8 Initial processing of complaint.
23.9 Informal assistance.
23.10 Enforcement.
23.11 Defenses in a contested case proceeding.
23.12 Jurisdiction.

23.1 Citation and purpose.

This chapter may be cited as the *"Iowa Public Information Board Act"*. The purpose of this chapter is to provide an alternative means by which to secure compliance with and enforcement of the requirements of chapters 21 and 22 through the provision by the Iowa public information board to all interested parties of an efficient, informal, and cost-effective process for resolving disputes.

2012 Acts, ch 1115, §4, 17

23.2 Definitions.

1. *"Board"* means the Iowa public information board created in section 23.3.
2. *"Complainant"* means a person who files a complaint with the board.
3. *"Complaint"* means a written and signed document filed with the board alleging a violation of chapter 21 or 22.
4. *"Custodian"* means a government body, government official, or government employee designated as the lawful custodian of a government record pursuant to section 22.1.
5. *"Government body"* means the same as defined in section 22.1.
6. *"Governmental body"* means the same as defined in section 21.2.
7. *"Person"* means an individual, partnership, association, corporation, legal representative, trustee, receiver, custodian, government body, or official, employee, agency, or political subdivision of this state.
8. *"Respondent"* means any agency or other unit of state or local government, custodian, government official, or government employee who is the subject of a complaint.

2012 Acts, ch 1115, §5, 17

23.3 Board appointed — executive director.

1. An Iowa public information board is created consisting of nine members appointed by the governor, subject to confirmation by the senate. No more than three members appointed shall be representatives from the media including newspapers and no more than three members appointed shall be representatives of cities, counties, and other political subdivisions of the state.
2. Appointments to the board shall be subject to section 4A.12.
3. Members appointed to the board shall serve staggered four-year terms beginning and ending as provided in section 69.19.
4. A quorum of the board shall consist of five members.
5. A vacancy on the board shall be filled by the governor, as provided in subsection 1.
6. The board shall select one of its members to serve as chairperson and shall employ a person who shall be an attorney admitted to practice law before the courts of this state to serve as the executive director of the board.
7. The board shall meet at the call of the chairperson.
8. The board shall be an independent agency.

2012 Acts, ch 1115, §6, 17; 2024 Acts, ch 1004, §5; 2024 Acts, ch 1170, §86

Referred to in §23.2, 618.19
Confirmation, see §2.32

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23.4 Compensation and expenses.

Board members appointed by the governor shall be paid a per diem as specified in section 7E.6 and shall be reimbursed for actual and necessary expenses incurred while on official board business. Such per diem and expenses shall be paid from funds appropriated to the board.

2012 Acts, ch 1115, §7, 17

23.5 Election of remedies.

1. An aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may seek enforcement of the requirements of chapters 21 and 22 by electing either to file an action pursuant to section 17A.19, 21.6, or 22.10, whichever is applicable, or in the alternative, to file a timely complaint with the board.

2. If more than one person seeks enforcement of chapter 21 or 22 with respect to the same incident involving an alleged violation, and one or more of such persons elects to do so by filing an action under section 17A.19, 21.6, or 22.10, and one or more of such persons elects to do so by filing a timely complaint with the board, the court in which the action was filed shall stay the action pending resolution of the complaint with the board, authorizing the complainant to file a complaint with respect to the same incident with the board without regard to the timeliness of the filing of the complaint at the time the action in court is stayed.

3. If a person files an action pursuant to section 22.8 seeking to enjoin the inspection of a public record, the respondent or person requesting access to the record which is the subject of the request for injunction may remove the proceeding to the board for its determination by filing, within thirty days of the commencement of the judicial proceeding, a complaint with the board alleging a violation of chapter 22 in regard to the same matter.

2012 Acts, ch 1115, §8, 17

23.6 Board powers and duties.

The board shall have all of the following powers and duties:

1. Employ one employee as executive director who is an attorney admitted to practice law in the courts of this state to execute its authority including prosecuting respondents in proceedings before the board and representing the board in proceedings before a court, as appropriate.

2. Adopt rules pursuant to chapter 17A calculated to implement, enforce, and interpret the requirements of chapters 21 and 22 and to implement any authority delegated to the board by this chapter.

3. Issue, consistent with the requirements of section 17A.9, declaratory orders with the force of law determining the applicability of chapter 21 or 22 to specified fact situations and issue informal advice to any person concerning the applicability of chapters 21 and 22.

4. Receive complaints alleging violations of chapter 21 or 22, seek resolution of such complaints through informal assistance, formally investigate such complaints, decide after such an investigation whether there is probable cause to believe a violation of chapter 21 or 22 has occurred, and if probable cause has been found prosecute the respondent before the board in a contested case proceeding conducted according to the provisions of chapter 17A.

5. Request and receive from a governmental body or a government body assistance and information as necessary in the performance of its duties.

6. Examine, as deemed necessary by the board, a record of a governmental body or a government body that is the subject matter of a complaint, including any record that is confidential by law. Confidential records provided to the board by a governmental body or a government body shall continue to maintain their confidential status. Any member or employee of the board is subject to the same policies and penalties regarding the confidentiality of the document as an employee of the governmental body or the government body.

7. Issue subpoenas enforceable in court for the purpose of investigating complaints and to facilitate the prosecution and conduct of contested cases before the board.

8. After appropriate board proceedings, issue orders with the force of law, determining whether there has been a violation of chapter 21 or 22, requiring compliance with specified

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provisions of those chapters, imposing civil penalties equivalent to and to the same extent as those provided for in section 21.6, 21.12, or 22.10, as applicable, on a respondent who has been found in violation of chapter 21 or 22, and imposing any other appropriate remedies calculated to declare, terminate, or remediate any violation of those chapters.

9. Represent itself in judicial proceedings to enforce or defend its orders and rules through attorneys on its own staff, through the office of the attorney general, or through other attorneys retained by the board, at its option.

10. Make training opportunities available to lawful custodians, governmental bodies, government bodies, and other persons subject to the requirements of chapters 21 and 22 and require, in its discretion, appropriate persons who have responsibilities in relation to chapters 21 and 22 to receive periodic training approved by the board.

11. Disseminate information calculated to inform members of the public about the public's right to access government information in this state including procedures to facilitate this access and including information relating to the obligations of governmental bodies under chapter 21 and lawful custodians under chapter 22 and other laws dealing with this subject.

12. Prepare and transmit to the governor and to the general assembly, at least annually, reports describing complaints received, board proceedings, investigations, hearings conducted, decisions rendered, and other work performed by the board.

13. Make recommendations to the governor and the general assembly proposing legislation relating to public access to government information deemed desirable by the board in light of the policy of this state to provide as much public access as possible to government information as is consistent with the public interest.

2012 Acts, ch 1115, §9, 17; 2013 Acts, ch 135, §59; 2014 Acts, ch 1092, §16; 2025 Acts, ch 139, §4

23.7 Filing of complaints with the board.

1. The board shall adopt rules pursuant to chapter 17A providing for the timing, form, content, and means by which any aggrieved person, any taxpayer to or citizen of this state, the attorney general, or any county attorney may file a complaint with the board alleging a violation of chapter 21 or 22. The complaint must be filed within sixty days from the time the alleged violation occurred or the complainant could have become aware of the violation with reasonable diligence. All complaints filed with the board shall be public records.

2. All board proceedings in response to the filing of a complaint shall be conducted as expeditiously as possible.

2012 Acts, ch 1115, §10, 17

23.8 Initial processing of complaint.

Upon receipt of a complaint alleging a violation of chapter 21 or 22, the board shall do either of the following:

1. Determine that, on its face, the complaint is within the board's jurisdiction, appears legally sufficient, and could have merit. In such a case the board shall accept the complaint, and shall notify the parties of that fact in writing.

2. Determine that, on its face, the complaint is outside its jurisdiction, is legally insufficient, is frivolous, is without merit, involves harmless error, or relates to a specific incident that has previously been finally disposed of on its merits by the board or a court. In such a case the board shall decline to accept the complaint. If the board refuses to accept a complaint, the board shall provide the complainant with a written order explaining its reasons for the action.

2012 Acts, ch 1115, §11, 17

23.9 Informal assistance.

After accepting a complaint, the board shall promptly work with the parties, through employees of the board, to reach an informal, expeditious resolution of the complaint.

2013 Acts, ch 135, §60; 2014 Acts, ch 1092, §17

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23.10 Enforcement.

1. If any party declines informal assistance or if informal assistance fails to resolve the matter to the satisfaction of all parties, the board shall initiate a formal investigation concerning the facts and circumstances set forth in the complaint. The board shall, after an appropriate investigation, make a determination as to whether the complaint is within the board's jurisdiction and whether there is probable cause to believe that the facts and circumstances alleged in the complaint constitute a violation of chapter 21 or 22.

2. If the board finds the complaint is outside the board's jurisdiction or there is no probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order explaining the reasons for the board's conclusions and dismissing the complaint, and shall transmit a copy to the complainant and to the party against whom the complaint was filed.

3. *a.* If the board finds the complaint is within the board's jurisdiction and there is probable cause to believe there has been a violation of chapter 21 or 22, the board shall issue a written order to that effect and shall commence a contested case proceeding under chapter 17A against the respondent. If there are no material facts in dispute, the board may order that the contested case procedures relating to the presentation of evidence shall not apply as provided in section 17A.10A. The executive director of the board or an attorney selected by the executive director shall prosecute the respondent in the contested case proceeding. At the termination of the contested case proceeding the board shall, by a majority vote of its members, render a final decision as to the merits of the complaint. If the board finds that the complaint has merit, the board may issue any appropriate order to ensure enforcement of chapter 21 or 22 including but not limited to an order requiring specified action or prohibiting specified action and any appropriate order to remedy any failure of the respondent to observe any provision of those chapters.

b. If the board determines, by a majority vote of its members, that the respondent has violated chapter 21 or 22, the board may also do any or all of the following:

(1) Require the respondent to pay damages as provided for in section 21.6, 21.12, or 22.10, whichever is applicable, to the extent that provision would make such damages payable if the complainant had sought to enforce a violation in court instead of through the board.

(2) Void any action taken in violation of chapter 21 if a court would be authorized to do so in similar circumstances pursuant to section 21.6.

(3) Require the respondent to take any remedial action deemed appropriate by the board.

c. The board shall not have the authority to remove a person from public office for a violation of chapter 21 or 22. The board may file an action under chapter 21 or 22 to remove a person from office for violations that would subject a person to removal under those chapters.

d. A final board order resulting from such proceedings may be enforced by the board in court and is subject to judicial review pursuant to section 17A.19.

2012 Acts, ch 1115, §13, 17; 2013 Acts, ch 135, §61, 62; 2025 Acts, ch 139, §5

23.11 Defenses in a contested case proceeding.

A respondent may defend against a proceeding before the board charging a violation of chapter 21 or 22 on the ground that if such a violation occurred it was only harmless error or that clear and convincing evidence demonstrated that grounds existed to justify a court to issue an injunction against disclosure pursuant to section 22.8.

2012 Acts, ch 1115, §14, 17

23.12 Jurisdiction.

The board shall not have jurisdiction over the judicial or legislative branches of state government or any entity, officer, or employee of those branches, or over the governor or the office of the governor.

2012 Acts, ch 1115, §15, 17

Referred to in §21.12

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CHAPTER 23A

NONCOMPETITION BY GOVERNMENT

Referred to in §8.77, 8D.11A, 101.5A

23A.1	Definitions.	23A.2A	Competition with private industry — notation in legislation.
23A.2	State agencies and political subdivisions not to compete with private enterprise.	23A.3	Local purchases.
		23A.4	Relief for aggrieved persons.

23A.1 Definitions.

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

1. *"Political subdivision"* means a city, county, or school corporation.

2. *"Private enterprise"* means an individual, firm, partnership, joint venture, corporation, association, or other legal entity engaging in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services for profit.

3. *"State agency"* includes a state department, board, commission, or other unit of state government regardless of whether moneys are appropriated to the agency.

88 Acts, ch 1230, §1

23A.2 State agencies and political subdivisions not to compete with private enterprise.

1. A state agency or political subdivision shall not, unless specifically authorized by statute, rule, ordinance, or regulation:

a. Engage in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing, or advertising of goods or services to the public which are also offered by private enterprise unless such goods or services are for use or consumption exclusively by the state agency or political subdivision.

b. Offer or provide goods or services to the public for or through another state agency or political subdivision, by intergovernmental agreement or otherwise, in violation of this chapter.

2. The state board of regents or a school corporation may, by rule, provide for exemption from the application of this chapter for any of the following:

a. Goods and services that are directly and reasonably related to the educational mission of an institution or school.

b. Goods and services offered only to students, employees, or guests of the institution or school and which cannot be provided by private enterprise at the same or lower cost.

c. Use of vehicles owned by the institution or school for charter trips offered to the public, or to full, part-time, or temporary students.

d. Durable medical equipment or devices sold or leased for use off premises of an institution, school, or university of Iowa hospitals or clinics.

e. Goods or services which are not otherwise available in the quantity or quality required by the institution or school.

f. Telecommunications other than radio or television stations.

g. Sponsoring or providing facilities for fitness and recreation.

h. Food service and sales.

i. Sale of books, records, tapes, software, educational equipment, and supplies.

3. After July 1, 1988, before a state agency is permitted to continue to engage in an existing practice specified in subsection 1, that state agency must prepare for public examination documentation showing that the state agency can provide the goods or services at a competitive price. The documentation required by this subsection shall be in accordance with that required by generally accepted accounting principles.

4. If a state agency is authorized by statute to compete with private enterprise, or seeks to gain authorization to compete, the state agency shall prepare for public inspection documentation of all actual costs of the project as required by generally accepted accounting principles.

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5. Subsections 1 and 3 do not apply to activities of community action agencies under community action programs, as both are defined in section 216A.91.

6. *a.* The director of the department of corrections may, by rule, provide for exemptions from this chapter.

b. This chapter shall not be construed to impair cooperative agreements between Iowa state industries and private enterprise.

c. The director of the department of corrections, with the advice of the board of corrections, may, by rule, provide for exemption from this chapter for vocational-educational programs and farm operations of the department.

7. The state department of transportation may, in accordance with chapter 17A, provide for exemption from the application of subsection 1 for the activities related to highway maintenance, highway design and construction, publication and distribution of transportation maps, inventory sales to other state agencies and political subdivisions, equipment management and disposal, vehicle maintenance and repair services for other state agencies, and other similar essential operations.

8. This chapter does not apply to any of the following:

a. The operation of a city enterprise, as defined in section 384.24, subsection 2.

b. The performance of an activity that is an essential corporate purpose of a city, as defined in section 384.24, subsection 3, or which carries out the essential corporate purpose, or which is a general corporate purpose of a city as defined in section 384.24, subsection 4, or which carries out the general corporate purposes.

c. The operation of a city utility, as defined by section 390.1, subsection 3.

d. The performance of an activity by a city that is intended to assist in economic development or tourism.

e. The operation of a county enterprise, as defined in section 331.461, subsection 1 or 2.

f. The performance of an activity that is an essential county purpose, as defined in section 331.441, subsection 2, or which carries out the essential county purpose, or which is a general county purpose as defined in section 331.441, subsection 2, or which carries out the general county purpose.

g. The performance of an activity listed as a duty relating to a county service in section 331.381.

h. The performance of an activity listed in section 331.424, as a service for which a supplemental levy may be certified.

i. The performance of an activity by a county that is intended to assist in economic development or tourism.

j. The operation of a public transit system, as defined in chapter 324A, except that charter services, outside of a public transit system's normal service area, shall be conducted in Iowa intrastate commerce under the same conditions, restrictions, and obligations as those contained in 49 C.F.R. pt. 604. For purposes of this chapter, the definition and conduct of charter services shall be the same as those contained in 49 C.F.R. pt. 604.

k. The following activities of an institution or school under the control of the state board of regents or a school corporation:

(1) Residence halls.

(2) Student transportation, except as specifically listed in subsection 2, paragraph "*c*".

(3) Overnight accommodations for participants in programs of the institution or school, visitors to the institution or school, parents, and alumni.

(4) Sponsoring or providing facilities for cultural and athletic events.

(5) Items displaying the emblem, mascot, or logo of the institution or school, or that otherwise promote the identity of the institution or school and its programs.

(6) Souvenirs and programs relating to events sponsored by or at the institution or school.

(7) Radio and television stations.

(8) Health care and related services provided to patients and visitors by the university of Iowa.

(9) Goods, products, or professional services provided to the public in furtherance of the institution's or school's mission.

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(10) Services provided to the public at the Iowa state university college of veterinary medicine.

l. The offering of goods and services to the public as part of a client training program operated by a state resource center under the control of the department of health and human services provided that all of the following conditions are met:

(1) Any off-campus vocational or employment training program developed or operated by the department of health and human services for clients of a state resource center is a supported vocational training program or a supported employment program offered by a community-based provider of services or other employer in the community.

(2) (a) If a resident of a state resource center is to participate in an employment or training program which pays a wage in compliance with the federal Fair Labor Standards Act, the state resource center shall develop a community placement plan for the resident. The community placement plan shall identify the services and supports the resident would need in order to be discharged from the state resource center and to live and work in the community. The state resource center shall make reasonable efforts to implement the community placement plan including referring the resident to community-based providers of services.

(b) If a community-based provider of services is unable to accept a resident who is referred by the state resource center, the state resource center shall request and the provider shall indicate in writing to the state resource center the provider's reasons for its inability to accept the resident and describe what is needed to accept the resident.

(c) A resident who cannot be placed in a community placement plan with a community-based provider of services may be placed by the state resource center in an on-campus or off-campus vocational or employment training program.

(i) However, prior to placing a resident in an on-campus vocational or employment training program, the state resource center shall seek an off-campus vocational or employment training program offered by a community-based provider who serves the county in which the state resource center is based or the counties contiguous to the county, provided that the resident will not be required to travel for more than thirty minutes one way to obtain services.

(ii) If off-campus services cannot be provided by a community-based provider, the state resource center shall offer the resident an on-campus vocational or employment training program. The on-campus program shall be operated in compliance with the federal Fair Labor Standards Act. At least semiannually, the state resource center shall seek an off-campus community-based vocational or employment training option for each resident placed in an on-campus program.

(iii) The state resource center shall not place a resident in an off-campus program in which the cost to the state resource center would be in excess of the provider's actual cost as determined by purchase of service rules or if the service would not be reimbursed under the medical assistance program.

(3) The price of any goods and services offered to anyone other than a state agency or a political subdivision shall be at a minimum sufficient to cover the cost of any materials and supplies used in the program and to cover client wages as established in accordance with the federal Fair Labor Standards Act.

(4) Nothing in this paragraph shall be construed to prohibit a state resource center from providing a service a resident needs for compliance with accreditation standards for intermediate care facilities for persons with an intellectual disability.

m. The repair, calibration, or maintenance of radiological detection equipment by the department of homeland security and emergency management.

n. The performance of an activity authorized pursuant to section 8D.11A.

o. The performance of an activity authorized pursuant to section 8.77, subsection 1, paragraph *"p"*.

p. An activity carried out by the department of agriculture and land stewardship to promote the marketing of Iowa commodities and products, including as provided in chapters 159 and 187.

88 Acts, ch 1230, §2; 90 Acts, ch 1129, §1; 96 Acts, ch 1129, §113; 99 Acts, ch 86, §1; 2000 Acts, ch 1112, §51; 2001 Acts, ch 22, §2; 2001 Acts, ch 70, §4; 2002 Acts, ch 1117, §58; 2003

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Acts, ch 44, §16, 17; 2003 Acts, ch 145, §146; 2003 Acts, ch 179, §157; 2004 Acts, ch 1101, §13; 2008 Acts, ch 1032, §137; 2009 Acts, ch 41, §21; 2012 Acts, ch 1019, §4; 2013 Acts, ch 29, §8; 2013 Acts, ch 129, §28; 2015 Acts, ch 123, §1; 2020 Acts, ch 1045, §5, 6; 2022 Acts, ch 1021, §11; 2023 Acts, ch 19, §33, 34; 2023 Acts, ch 64, §8; 2024 Acts, ch 1170, §175; 2024 Acts, ch 1185, §110; 2026 Acts, ch 1139, §2
Subsection 8, NEW paragraph p

23A.2A Competition with private industry — notation in legislation.

When a bill or joint resolution is requested, the legislative services agency shall make an initial determination of whether the bill or joint resolution may cause a service or product to be offered for sale to the public by a state agency or political subdivision that competes with private enterprise. If such a service or product may be offered as a result of the bill or resolution, that fact shall be included in the explanation of the bill or joint resolution.

2001 Acts, ch 66, §2; 2003 Acts, ch 35, §44, 49

23A.3 Local purchases.

A city, county, area education agency, or school district shall adopt a policy for purchasing goods or services from private enterprise which requires consideration of purchasing these goods or services from a locally owned business located within the city, county, area education agency, or school district which offers these goods or services if the cost and other considerations are relatively equal. Nothing in this section shall be construed to prevent or prohibit the giving of a preference to businesses owned or operated by minorities or females as may be provided in any other provision of law.

88 Acts, ch 1230, §3

23A.4 Relief for aggrieved persons.

1. Any aggrieved person may, after pursuing remedies offered by chapter 17A, seek injunctive relief for violations of this chapter by filing an action in the district court for the county in which the aggrieved business is located.

2. A state agency or political subdivision found to be in violation of this chapter shall be assessed and shall pay to the aggrieved person fees and other expenses, as defined in section 625.28.

3. Chapter 17A and this section are the exclusive remedy for violations of this chapter. However, the office of ombudsman may review violations of this chapter and make recommendations as provided in chapter 2C.

88 Acts, ch 1230, §4; 2013 Acts, ch 10, §27; 2013 Acts, ch 140, §52

CHAPTER 23B

TRANSPARENCY IN PRIVATE ATTORNEY CONTRACTS

Referred to in §13.7

23B.1	Citation.	23B.4	No expansion of authority to contract.
23B.2	Definitions.		
23B.3	Contracts for legal services.	23B.5	Chapter inapplicable.

23B.1 Citation.

This chapter may be known and cited as the *"Transparency in Private Attorney Contracts Act"*.

2012 Acts, ch 1112, §2

23B.2 Definitions.

For the purposes of this chapter:

1. *"Government attorney"* means an attorney employed by the state as a staff attorney in the attorney general's office.

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2. *"Private attorney"* means any private attorney or law firm.

3. *"State"* means the state of Iowa and includes state officers, departments, boards, commissions, divisions, bureaus, councils, and units of organization, however designated, of the executive branch of state government, and any of its agents.

2012 Acts, ch 1112, §3

23B.3 Contracts for legal services.

1. The state shall not enter into a contingency fee contract with a private attorney unless the attorney general makes a written determination prior to entering into such a contract that contingency fee representation is both cost-effective and in the public interest. Any written determination shall include specific findings for each of the following factors:

a. Whether sufficient and appropriate legal and financial resources exist within the attorney general's office to handle the matter.

b. The time and labor required, the novelty, complexity, and difficulty of the questions involved, and the skill required to perform the attorney services properly.

c. The geographic area where the attorney services are to be provided.

d. The amount of experience desired for the particular kind of attorney services to be provided and the nature of the private attorney's experience with similar issues or cases.

2. If the attorney general makes the determination described in subsection 1, the attorney general shall follow the procurement process used by the department of administrative services in seeking private attorneys to represent the department of justice on a contingency fee basis, unless the attorney general determines that the procurement process is not feasible under the circumstances and sets forth the basis for this determination in writing.

3. *a.* Except as provided in paragraph *"c"*, the state shall not enter into a contingency fee contract that provides for a private attorney to receive an aggregate contingency fee in excess of the sum of the following:

(1) Twenty-five percent of any recovery up to and including ten million dollars, exclusive of reasonable costs and expenses.

(2) Twenty percent of any portion of any recovery that exceeds ten million dollars up to and including fifteen million dollars, exclusive of reasonable costs and expenses.

(3) Fifteen percent of any portion of any recovery that exceeds fifteen million dollars up to and including twenty million dollars, exclusive of reasonable costs and expenses.

(4) Ten percent of any portion of any recovery that exceeds twenty million dollars up to and including twenty-five million dollars, exclusive of reasonable costs and expenses.

(5) Five percent of any portion of any recovery that exceeds twenty-five million dollars, exclusive of reasonable costs and expenses.

b. Except as provided in paragraph *"c"*, the aggregate contingency fee of any recovery shall not exceed fifty million dollars, exclusive of reasonable costs and expenses, and regardless of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery.

c. The attorney general may request a waiver from the executive council of the aggregate contingency fee limits in paragraphs *"a"* and *"b"* if the attorney general provides a thirty-day notice of the attorney general's intent to request a waiver. The executive council, upon unanimous consent, may grant such a waiver.

4. The attorney general shall develop a standard addendum to every contract for contingent fee attorney services that shall be used in all cases, describing in detail what is expected of both the contracted private attorney and the state, including, without limitation, all of the following requirements:

a. A government attorney shall retain complete control over the course and conduct of the case.

b. A government attorney with supervisory authority shall be personally involved in overseeing the litigation.

c. A government attorney shall retain veto power over any decisions made by the contracted private attorney.

d. A defendant that is the subject of such litigation may contact the lead government attorney directly, without having to confer with the contracted private attorney.

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e. Decisions regarding settlement of the case shall be reserved exclusively to the discretion of the government attorney and the state.

f. A government attorney with supervisory authority for the case shall participate in all settlement conferences.

5. Copies of any executed contingency fee contract as well as the attorney general's written determination to enter into a contingency fee contract with a private attorney shall be posted on the attorney general's internet site for public inspection within five business days after the date the contract is executed and shall remain posted on the internet site for the duration of the contingency fee contract, including any extensions or amendments thereto. Any payment of contingency fees shall be posted on the attorney general's internet site within fifteen days after the payment of such contingency fees to the private attorney and shall remain posted on the internet site for at least one year thereafter.

6. Any private attorney under contract to provide services to the state on a contingency fee basis shall, from the inception of the contract until at least four years after the contract expires or is terminated, maintain detailed current records, including documentation of all expenses, disbursements, charges, credits, underlying receipts and invoices, and other financial transactions that concern the provision of such attorney services. The private attorney shall make all such records available for inspection and copying upon request in accordance with chapter 22.

7. The attorney general shall submit a report to the secretary of the senate and the chief clerk of the house of representatives describing the use of contingency fee contracts with private attorneys in the preceding calendar year by February 1 of each year. At a minimum, the report shall include all of the following information:

a. Identify all new contingency fee contracts entered into during the year and all previously executed contingency fee contracts that remain current during any part of the year, and for each contract describe:

(1) The name of the private attorney with whom the state has contracted, including the name of the attorney's law firm.

(2) The nature and status of the legal matter.

(3) The name of the parties to the legal matter.

(4) The amount of any recovery.

(5) The amount of any contingency fee paid.

b. Copies of any written determinations made under subsection 1 or 2 during the year.

2012 Acts, ch 1112, §4; 2013 Acts, ch 90, §257

23B.4 No expansion of authority to contract.

This chapter shall not be construed to expand the authority of a state agency or state agent to enter into contracts where no such authority previously existed.

2012 Acts, ch 1112, §5

23B.5 Chapter inapplicable.

This chapter shall not apply to legal services contracts under chapter 13B.

2012 Acts, ch 1112, §6

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CHAPTER 24

LOCAL BUDGETS

Referred to in §8.48, 28M.4, 29C.9, 29C.17, 145A.14, 145A.16, 176A.8, 176A.10, 257.7, 260C.18, 275.29, 298.1, 298A.2, 309.97, 331.401, 331.434, 331.502, 357J.10, 384.16, 384.19, 441.16

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24.1 Short title.

This chapter shall be known as the *"Local Budget Law"*.

[C24, 27, 31, 35, 39, §**368;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.1]

Referred to in §24.20

24.2 Definition of terms.

As used in this chapter and unless otherwise required by the context:

1. *"Book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. The words *"certifying board"* shall mean any public body which has the power or duty to certify any tax to be levied or sum of money to be collected by taxation.

3. The words *"fiscal year"* shall mean the period of twelve months beginning on July 1 and ending on the thirtieth day of June. The fiscal year of cities, counties, and other political subdivisions of the state shall begin July 1 and end the following June 30.

4. The words *"levying board"* shall mean board of supervisors of the county and any other public body or corporation that has the power to levy a tax.

5. *"Municipality"* means a public body or corporation that has power to levy or certify a tax or sum of money to be collected by taxation, except a county, city, drainage district, township, or road district.

6. The words *"state board"* shall mean the state appeal board as created by section 24.26.

7. The word *"tax"* shall mean any general or special tax levied against persons, property, or business, for public purposes as provided by law, but shall not include any special assessment nor any tax certified or levied by township trustees.

[C24, 27, 31, 35, 39, §**369;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.2]

83 Acts, ch 123, §30, 209; 2000 Acts, ch 1148, §1; 2002 Acts, ch 1119, §200, 201; 2013 Acts, ch 30, §7

Referred to in §24.20, 74.1, 331.433, 384.2

24.2A Budget statements to owners and taxpayers.

1. For purposes of this section only:

a. *"Budget year"* is the fiscal year beginning during the calendar year in which a budget is certified.

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b. "Current fiscal year" is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. "Political subdivision" means a school district, a county, or a city.

2. *a.* On or before 4:00 p.m. on March 5 of each year, each political subdivision shall file with the department of management a report containing all necessary information for the department of management to compile and calculate amounts required to be included in the statements mailed under paragraph *"b"* or provided under paragraph *"c"*. If a county or city fails to file all necessary information with the department of management by 4:00 p.m. on March 5, taxes levied by the county or city shall be limited to the prior year's budget amount.

b. Not later than March 15, the county auditor, using information compiled and calculated by the department of management under paragraph *"a"*, shall send to each property owner or taxpayer within the county by regular mail or post under paragraph *"c"* a statement, identified as not being a property tax bill and indicating the approximate date when a property tax bill will be delivered, but containing a minimum of all of the following, including the information in subparagraphs (3) and (4) for each of the political subdivisions comprising the owner's or taxpayer's taxing district:

(1) The address, property description, parcel identification number, actual value, and taxable value of the owner's or taxpayer's property.

(2) A comparison of the combined amount of property taxes due on the owner's or taxpayer's property for the city, if applicable, county, and school district for the current fiscal year and the combined proposed amount of property taxes due on the owner's or taxpayer's property for the city, if applicable, county, and school district for the budget year, including the percentage in change in such amounts.

(3) The date, time, and location of the political subdivision's public hearing under subsection 4, including a statement of the owner or taxpayer's ability to provide feedback at the public hearing and protest property assessments.

(4) Information on how to access on the political subdivision's internet site the political subdivision's statements under this section and other budget documents for prior fiscal years.

(5) A link to the department of management's internet site where the property owner or taxpayer may view an example of the statement and a brief explanation of the information included on the statement.

c. For budgets for fiscal years beginning on or after July 1, 2027, statements under paragraph *"b"*, in lieu of regular mail, may be provided by posting the statement not later than March 15 as a link on the county's internet site for public viewing. Additionally, if the political subdivision maintains a social media account on one or more social media applications, the statement or an electronic link to the statement shall be posted on each such account on a date no later than March 15.

3. The department of management shall prescribe the form for the report required under subsection 2, paragraph *"a"*; following consultation with the Iowa league of cities and the Iowa state association of counties, the statements required to be mailed under subsection 2, paragraph *"b"*, or provided under subsection 2, paragraph *"c"*; and the public hearing notice required under subsection 4, paragraph *"b"*. The statements required under subsection 2, paragraph *"b"*, shall be clear, concise, written in plain language, and may be presented using tables, written narrative, and graphic representations and shall contain the internet site, if applicable, and a telephone number for each political subdivision that owners and taxpayers may call if they have questions related to the statement.

4. *a.* Each political subdivision shall set a time and place for a public hearing on the political subdivision's proposed property tax amount for the budget year and the political subdivision's information included in the statements under subsection 2. The proposed property tax hearing shall be set on a date on or after March 20 of the budget year immediately preceding the budget year for which the tax is being proposed. At the hearing, the governing body of the political subdivision shall receive oral or written testimony from any resident or property owner of the political subdivision. This public hearing shall be separate from any other meeting of the governing body of the political subdivision, including any other meeting or public hearing relating to the political subdivision's budget, and other business of the political subdivision that is not related to the proposed property tax amounts

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and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the political subdivision's budget.

b. (1) If the political subdivision is a county, notice of the public hearing shall be published not less than ten nor more than twenty days prior to the hearing in the county newspapers selected under chapter 349.

(2) If the political subdivision is a city, notice of the public hearing shall be published pursuant to section 362.3 in a newspaper published at least once weekly and having general circulation in the city. However, if the city has a population of two hundred or less, publication may be made by posting in three public places in the city.

(3) If the political subdivision is a school district, notice of the public hearing shall be published not less than ten nor more than twenty days prior to the hearing in a newspaper published in the school district, if any, and if not, then in a newspaper of general circulation in the school district.

(4) Failure of a newspaper to publish a required notice under this paragraph shall not be considered a failure of a political subdivision to provide required notice under this paragraph if all of the following conditions are met:

(a) Notice of the public hearing was provided to each property owner and each taxpayer within the political subdivision in statements required under subsection 2.

(b) The political subdivision can demonstrate to the county auditor that the political subdivision provided sufficient time for the newspaper to publish the notice.

c. Notice of the hearing shall also be posted and clearly identified on the political subdivision's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the political subdivision's internet site with all such prior year notices. Additionally, if the political subdivision maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on a date no later than the date of publication of the notice.

2023 Acts, ch 71, §64, 98; 2024 Acts, ch 1094, §26 – 32, 47, 48; 2025 Acts, ch 130, §1; 2026 Acts, ch 1115, §149 – 154, 161

Referred to in §24.10, 24.20, 331.434, 331.435, 384.16, 384.17, 384.18

Section applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

Subsection 2, paragraph b, subparagraph (10) applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48

Subsection 4, paragraph b, subparagraph (4) applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48

2024 amendment to subsection 4, paragraph c applies retroactively to January 1, 2024; 2024 Acts, ch 1094, §48

2026 strike of subsection 1, paragraph c applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

2026 amendment to subsection 2, paragraph a applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

2026 amendment to subsection 2, paragraph b applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

Subsection 2, paragraph c applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

2026 amendment to subsection 3 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

2026 amendment to subsection 4, paragraph b, subparagraph (4), subparagraph division (a) applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161

Subsection 1, paragraph c stricken and former paragraph d redesignated as c

Subsection 2, paragraph a amended

Subsection 2, paragraph b stricken and rewritten

Subsection 2, NEW paragraph c

Subsection 3 amended

Subsection 4, paragraph b, subparagraph (4), subparagraph division (a) amended

24.3 Requirements of local budget.

A municipality shall not certify or levy in any fiscal year any tax on property subject to taxation unless and until the following estimates have been made, filed, and considered, and for school districts, the statements have been mailed or posted, as applicable, and public hearings held, as provided in this chapter:

1. The amount of income thereof for the several funds from sources other than taxation.
2. The amount proposed to be raised by taxation.
3. The amount proposed to be expended in each and every fund and for each and every

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general purpose during the fiscal year next ensuing, which in the case of municipalities shall be the period of twelve months beginning on the first day of July of the current calendar year.

4. A comparison of such amounts so proposed to be expended with the amounts expended for like purposes for the two preceding years.

[C24, 27, 31, 35, 39, §**370;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.3]
2021 Acts, ch 80, §12; 2023 Acts, ch 71, §65, 98; 2026 Acts, ch 1115, §155, 161
Referred to in §8.48, 24.4, 24.9, 24.20, 37.9
2023 amendment to unnumbered paragraph 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98
2026 amendment to unnumbered paragraph 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2027; 2026 Acts, ch 1115, §161
Unnumbered paragraph 1 amended

24.4 Time of filing estimates.

The estimates required under section 24.3 and any other estimates required by law shall be made and filed a sufficient length of time in advance of any regular or special meeting of the certifying board or levying board, as the case may be, at which tax levies are authorized to be made to permit publication, discussion, and consideration of the estimates and action to be taken as provided in this chapter.

[C24, 27, 31, 35, 39, §**371;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.4]
2020 Acts, ch 1063, §12; 2022 Acts, ch 1021, §12
Referred to in §24.9, 24.20, 37.9

24.5 Estimates itemized.

The estimates required under this chapter shall be fully itemized and classified so as to show each particular class of proposed expenditure, showing under separate heads the amount required in such manner and form as shall be prescribed by the state board.

[C24, 27, 31, 35, 39, §**372;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.5]
2020 Acts, ch 1063, §13
Referred to in §24.9, 24.20, 37.9

24.6 Emergency fund — levy.

1. A municipality may include in the estimate required, an estimate for an emergency fund. A municipality may assess and levy a tax for the emergency fund at a rate not to exceed twenty-seven cents per thousand dollars of assessed value of taxable property of the municipality. However, an emergency tax levy shall not be made until the municipality has first petitioned the state board and received its approval.

2. *a.* Transfers of moneys may be made from the emergency fund to any other fund of the municipality for the purpose of meeting deficiencies in a fund arising from any cause. However, a transfer shall not be made except upon the written approval of the state board, and then only when that approval is requested by a two-thirds vote of the governing body of the municipality.

b. Notwithstanding the requirements of paragraph *"a"*, if the municipality is a school corporation, the school corporation may transfer money from the emergency fund to any other fund of the school corporation for the purpose of meeting deficiencies in a fund arising within two years of a disaster as defined in section 29C.2, subsection 4. However, a transfer under this paragraph *"b"* shall not be made without the written approval of the school budget review committee.

[C24, 27, 31, 35, 39, §**373;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.6]
83 Acts, ch 123, §31, 209; 2009 Acts, ch 65, §1
Referred to in §24.9, 24.14, 24.20, 29C.20

24.7 Supplemental estimates.

Supplemental estimates for particular funds may be made for levies of taxes for future years when the same are authorized by law. Such estimates may be considered, and levies made therefor at any time by filing the same, and upon giving notice in the manner required

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in section 24.9. Such estimates and levies shall not be considered as within the provisions of section 24.8.

[C27, 31, 35, §373-a1; C39, §**373.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.7]
Referred to in §24.9, 24.20

24.8 Estimated tax collections.

The amount of the difference between the receipts estimated from all sources other than taxation and the estimated expenditures for all purposes, including the estimates for emergency expenditures, shall be the estimated amount to be raised by taxation upon the assessable property within the municipality for the next ensuing fiscal year. The estimate shall show the number of dollars of taxation for each thousand dollars of the assessed value of all property that is assessed.

[C24, 27, 31, 35, 39, §**374;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.8]
Referred to in §24.7, 24.9, 24.20

24.9 Filing estimates — notice of hearing — amendments.

1. *a.* Each municipality shall file with the secretary or clerk thereof the estimates required to be made in sections 24.3 through 24.8, at least twenty days before the date fixed by law for certifying the same to the levying board and shall forthwith fix a date for a hearing on the estimates, and shall publish such estimates and any annual levies previously authorized as provided in section 76.2, with a notice of the time when and the place where such hearing shall be held not less than ten nor more than twenty days before the hearing. Provided that in municipalities of less than two hundred population such estimates and the notice of hearing shall be posted in three public places in the district in lieu of publication. For any other municipality such publication shall be in a newspaper published in the municipality, if any, if not, then in a newspaper of general circulation in the municipality.

b. The department of management shall prescribe the form for public hearing notices for use by municipalities.

2. Budget estimates adopted and certified in accordance with this chapter may be amended and increased as the need arises to permit appropriation and expenditure during the fiscal year covered by the budget of unexpended cash balances on hand at the close of the preceding fiscal year and which cash balances had not been estimated and appropriated for expenditure during the fiscal year of the budget sought to be amended, and also to permit appropriation and expenditure during the fiscal year covered by the budget of amounts of cash anticipated to be available during the year from sources other than taxation and which had not been estimated and appropriated for expenditure during the fiscal year of the budget sought to be amended. Such amendments to budget estimates may be considered and adopted at any time during the fiscal year covered by the budget sought to be amended, by filing the amendments and upon publishing them and giving notice of the public hearing in the manner required in this section. Within ten days of the decision or order of the certifying or levying board, the proposed amendment of the budget is subject to protest, hearing on the protest, appeal to the state appeal board and review by that body, all in accordance with sections 24.27 through 24.32, so far as applicable. A local budget shall be amended by May 31 of the current fiscal year to allow time for a protest hearing to be held and a decision rendered before June 30. An amendment of a budget after May 31 which is properly appealed but without adequate time for hearing and decision before June 30 is void. Amendments to budget estimates accepted or issued under this section are not within section 24.14.

[C24, 27, 31, 35, 39, §**375;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.9; 82 Acts, ch 1079, §1]

83 Acts, ch 123, §32, 209; 97 Acts, ch 206, §11, 12, 24; 2014 Acts, ch 1026, §10; 2021 Acts, ch 80, §13; 2022 Acts, ch 1021, §13
Referred to in §24.7, 24.10, 24.11, 24.20, 37.9, 279.41, 297.22, 298A.2, 298A.12, 441.16

24.10 Levies void.

The verified proof of the publication of the notice under section 24.9 shall be filed in the office of the county auditor and preserved by the auditor. A levy shall not be valid unless and

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until such notices are published, mailed, and filed. However, failure of an owner or taxpayer to receive a statement under section 24.2A shall not invalidate a levy.

[C24, 27, 31, 35, 39, §**376;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.10]

2022 Acts, ch 1021, §14; 2023 Acts, ch 71, §66, 98

Referred to in §24.20, 37.9

2023 amendment applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

24.11 Meeting for review.

The certifying board or the levying board, as the case may be, shall meet at the time and place designated in the notice published under section 24.9. At the meeting, any person who would be subject to the tax levy shall be heard in favor of or against the budget estimates and proposed levy or any part thereof.

[C24, 27, 31, 35, 39, §**377;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.11]

2022 Acts, ch 1021, §15

Referred to in §24.20, 37.9

24.12 Record by certifying board.

After the hearing has been concluded, the certifying board shall enter of record its decision in the manner and form prescribed by the state board and shall certify the same to the levying board, which board shall enter upon the current assessment and tax roll the amount of taxes which it finds shall be levied for the ensuing fiscal year in each municipality for which it makes the tax levy.

[C24, 27, 31, 35, 39, §**378;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.12]

Referred to in §24.20, 37.9

24.13 Procedure by levying board.

Any board which has the power to levy a tax without the same first being certified to it, shall follow the same procedure for hearings as is required of certifying boards under this chapter.

[C24, 27, 31, 35, 39, §**379;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.13]

2014 Acts, ch 1092, §18

Referred to in §24.20

24.14 Tax limited.

A greater tax than that so entered upon the record shall not be levied or collected for the municipality proposing the tax for the purposes indicated and a greater expenditure of public money shall not be made for any specific purpose than the amount estimated and appropriated for that purpose, except as provided in sections 24.6 and 24.15. All budgets set up in accordance with the statutes shall take such funds, and allocations made by sections 123.17 and 452A.79, into account, and all such funds, regardless of their source, shall be considered in preparing the budget.

[C24, 27, 31, 35, 39, §**380;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §24.14; 81 Acts, ch 117, §1200]

83 Acts, ch 123, §33, 209; 89 Acts, ch 83, §12; 2003 Acts, ch 178, §1

Referred to in §24.9, 24.20

24.15 Further tax limitation.

No tax shall be levied by any municipality in excess of the estimates published, except such taxes as are approved by a vote of the people, but in no case shall any tax levy be in excess of any limitation imposed thereon now or hereafter by the Constitution and laws of the state.

[C24, 27, 31, 35, 39, §**381;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.15]

Referred to in §24.14, 24.20

24.16 Expenses — how paid.

The cost of publishing the notices and estimates required by this chapter, and the actual and necessary expenses of preparing the budget shall be paid out of the general funds of each municipality respectively.

[C24, 27, 31, 35, 39, §**382;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.16]

Referred to in §24.20, 37.9

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24.17 Budgets certified.

1. The local budgets of the various political subdivisions shall be certified by the chairperson of the certifying board or levying board, as the case may be, in duplicate to the county auditor not later than April 30 of each year on forms, and pursuant to instructions, prescribed by the department of management.

2. One copy of the budget shall be retained on file in the office by the county auditor and the other shall be certified by the county auditor to the state board. The department of management shall certify the taxes back to the county auditor by June 15.

[C24, 27, 31, 35, 39, §**383;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.17]

92 Acts, ch 1227, §14; 97 Acts, ch 206, §13, 24; 2019 Acts, ch 165, §1, 17; 2020 Acts, ch 1062, §94; 2023 Acts, ch 71, §67, 98

Referred to in §20.19, 20.20, 24.20, 24.35, 137.112, 257.7, 331.403, 331.434, 331.907, 384.22

2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

24.18 Summary of budget. Repealed by 2022 Acts, ch 1021, §186.

24.19 Levying board to spread tax.

At the time required by law the levying board shall spread the tax rates necessary to produce the amount required for the various funds of the municipality as certified by the certifying board, for the next succeeding fiscal year, as shown in the approved budget in the manner provided by law. One copy of said rates shall be certified to the state board.

[C24, 27, 31, 35, 39, §**385;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.19]

Referred to in §24.20

24.20 Tax rates final.

The several tax rates and levies of a municipality that are determined and certified in the manner provided in sections 24.1 through 24.19, except such tax rates and levies as are authorized by a vote of the people, shall stand as the tax rates and levies of said municipality for the ensuing fiscal year for the purposes set out in the budget.

[C24, 27, 31, 35, 39, §**386;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.20]

2008 Acts, ch 1031, §18; 2009 Acts, ch 133, §9

24.21 Transfer of inactive funds.

Subject to the provisions of any law relating to municipalities, when the necessity for maintaining any fund of the municipality has ceased to exist, and a balance remains in said fund, the certifying board or levying board, as the case may be, shall so declare by resolution, and upon such declaration, such balance shall forthwith be transferred to the fund or funds of the municipality designated by such board, unless other provisions have been made in creating such fund in which such balance remains. In the case of a special fund created by a city or a county under section 403.19, such balance remaining in the fund shall be allocated to and paid into the funds for the respective taxing districts as taxes by or for the taxing district into which all other property taxes are paid.

[C24, 27, 31, 35, 39, §**387;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.21]

2012 Acts, ch 1124, §4

Referred to in §331.432

24.22 Transfer of funds.

Upon the approval of the state board, it is lawful to make temporary or permanent transfers of money from one fund to another fund of the municipality. The certifying board or levying board shall provide that money temporarily transferred shall be returned to the fund from which it was transferred within the time and upon the conditions the state board determines. However, it is not necessary to return to the emergency fund, or to any other fund no longer required, any money transferred to any other fund.

[C24, 27, 31, 35, 39, §**388;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §24.22; 81 Acts, ch 117, §1002]

83 Acts, ch 123, §34, 209

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24.23 Supervisory power of state board.

The state board shall exercise general supervision over the certifying boards and levying boards of all municipalities with respect to budgets and shall prescribe for them all necessary rules, instructions, forms, and schedules. The best methods of accountancy and statistical statements shall be used in compiling and tabulating all data required by this chapter.

[C24, 27, 31, 35, 39, §**389;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.23]

24.24 Violations.

Failure on the part of a public official to perform any of the duties prescribed in chapter 73A, this chapter, section 8.39, and sections 11.1, 11.2, 11.4, and 11.5, constitutes a simple misdemeanor, and is sufficient ground for removal from office.

[C24, 27, 31, 35, 39, §**390;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §24.24]

2021 Acts, ch 80, §14

24.25 Reserved.

24.26 State appeal board.

1. The state appeal board in the department of management consists of the following:

a. The director of the department of management.

b. The auditor of state.

c. The treasurer of state.

2. The state board shall meet as necessary. The state board shall organize by the election from its members of a chairperson and a vice chairperson; and by appointing a secretary. Two members of the state board constitute a quorum for the transaction of any business.

3. The state board may appoint one or more competent and specially qualified persons as deputies, to appear and act for it at initial hearings. Each deputy appointed by the state board is entitled to receive the amount of the deputy's necessary expenses actually incurred while engaged in the performance of the deputy's official duties. The expenses shall be audited and approved by the state board and proper receipts filed for them.

4. The expenses of the state board shall be paid from the funds appropriated to the department of management.

[C39, §**390.1;** C46, 50, 54, §24.25; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.26]

86 Acts, ch 1245, §107; 2008 Acts, ch 1031, §83; 2024 Acts, ch 1170, §87

Referred to in §24.2

24.27 Protest to budget.

1. Not later than May 10, a number of persons in any political subdivision equal to one-fourth of one percent of those voting for the office of governor, at the last general election in the political subdivision, but the number shall not be less than ten, and the number need not be more than one hundred persons, who are affected by any proposed budget, expenditure or tax levy, or by any item thereof, may appeal from any decision of the certifying board or the levying board by filing with the county auditor of the county in which the political subdivision is located, a written protest setting forth their objections to the budget, expenditure or tax levy, or to one or more items thereof, and the grounds for their objections. If a budget is certified after April 30, all appeal time limits shall be extended to correspond to allowances for a timely filing.

2. Upon the filing of a protest, the county auditor shall immediately prepare a true and complete copy of the written protest, together with the budget, proposed tax levy or expenditure to which objections are made, and shall transmit them forthwith to the state board, and shall also send a copy of the protest to the certifying board or to the levying board, as the case may be.

[C39, §**390.2;** C46, 50, 54, §24.26; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.27; 82 Acts, ch 1079, §2]

93 Acts, ch 1, §1; 2019 Acts, ch 59, §16; 2019 Acts, ch 165, §2, 17; 2023 Acts, ch 71, §68, 98

Referred to in §24.9, 137.112, 331.436

2023 amendment to subsection 1 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

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24.28 Hearing on protest.

The state board, within a reasonable time, shall fix a date for an initial hearing on the protest and may designate a deputy to hold the hearing, which shall be held in the county or in one of the counties in which the political subdivision is located. Notice of the time and place of the hearing shall be given by certified mail to the appropriate officials of the local government and to the first ten property owners whose names appear upon the protest, at least five days before the date fixed for the hearing. At all hearings, the burden shall be upon the objectors with reference to any proposed item in the budget which was included in the budget of the previous year and which the objectors propose should be reduced or excluded; but the burden shall be upon the certifying board or the levying board, as the case may be, to show that any new item in the budget, or any increase in any item in the budget, is necessary, reasonable, and in the interest of the public welfare.

[C39, §**390.3;** C46, 50, 54, §24.27; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.28; 82 Acts, ch 1079, §3]

2023 Acts, ch 71, §69, 98

Referred to in §24.9, 24.29, 331.436

2023 amendment applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98

24.29 Appeal.

The state board may conduct the hearing or may appoint a deputy. A deputy designated to hear an appeal shall attend in person and conduct the hearing in accordance with section 24.28. The deputy shall promptly report the proceedings at the hearing, which report shall become a part of the permanent record of the state board.

[C39, §**390.4;** C46, 50, 54, §24.28; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.29; 82 Acts, ch 1079, §4]

2021 Acts, ch 76, §8

Referred to in §24.9, 331.436

24.30 Review by and powers of board.

It shall be the duty of the state board to review and finally pass upon all proposed budget expenditures, tax levies, and tax assessments from which appeal is taken. The state board shall have power and authority to approve, disapprove, or reduce all such proposed budgets, expenditures, and tax levies so submitted to it upon appeal, as provided in this chapter; but in no event may it increase such budget, expenditure, tax levies or assessments or any item contained therein. The state board shall have authority to adopt rules not inconsistent with the provisions of this chapter, to employ necessary assistants, authorize such expenditures, require such reports, make such investigations, and take such other action as it deems necessary to promptly hear and determine all such appeals; provided, however, that all persons so employed shall be selected from persons then regularly employed in some one of the offices of the members of the state board.

[C39, §**390.5;** C46, 50, 54, §24.29; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.30]

2023 Acts, ch 66, §5

Referred to in §24.9, 331.436

24.31 Rules of procedure — record.

The manner in which objections shall be presented, and the conduct of hearings and appeals, shall be simple and informal and in accordance with the rules prescribed by the state board for promptly determining the merits of all objections so filed, whether or not such rules conform to technical rules of procedure. Such record shall be kept of all proceedings, as the rules of the state board shall require.

[C39, §**390.6;** C46, 50, 54, §24.30; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.31]

Referred to in §24.9, 331.436

24.32 Decision certified.

After a hearing upon the appeal, the state board shall certify its decision to the county auditor and to the parties to the appeal as provided by rule, and the decision shall be final. The county auditor shall make up the records in accordance with the decision and the levying board shall make its levy in accordance with the decision. Upon receipt of the decision, the

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certifying board shall correct its records accordingly, if necessary. Final disposition of all appeals shall be made by the state board within forty-five days after the date of the appeal hearing.

[C39, §**390.7;** C46, 50, 54, §24.31; C58, 62, 66, 71, 73, 75, 77, 79, 81, §24.32; 82 Acts, ch 1079, §5]

2016 Acts, ch 1138, §11
Referred to in §24.9, 331.436

24.33 Reserved.

24.34 Unliquidated obligations.

A governmental entity, as defined in section 24.35, may establish an encumbrance system for any obligation not liquidated at the close of the fiscal year in which the obligation has been assigned, committed, restricted, or specified as nonspendable. The encumbered obligations may be retained upon the books of the governmental entity, as defined in section 24.35, until liquidated, all in accordance with generally accepted accounting principles, as established by the governmental accounting standards board.

[C75, 77, 79, 81, §24.34]
2026 Acts, ch 1115, §89
Section amended

24.35 General fund reserves — limitations.

1. For purposes of this section:

a. "Budget year" is the fiscal year beginning during the calendar year in which a budget is certified.

b. "Current fiscal year" is the fiscal year ending during the calendar year in which a budget for the budget year is certified.

c. "General fund" means a governmental entity's fund designated as such by law or the governmental entity's fund from which primary general operations of the governmental entity are funded.

d. "Governmental entity" means any unit of government or other public body or public corporation, including any intergovernmental entity, that has the power to impose or certify a property tax levy. *"Governmental entity"* does not include a school district or a governmental entity within the meaning of this paragraph if the governmental entity has a bond rating for the budget year that is the highest classification, as established by at least one of the standard rating services approved by the superintendent of banking by rule adopted under chapter 17A.

e. "Unassigned" means funds that are not restricted, committed, assigned, or nonspendable within the meaning of generally accepted accounting principles, as established by the governmental accounting standards board.

2. *a.* For budgets certified for budget years beginning on or after July 1, 2027, proposed unassigned reserve funds identified within a governmental entity's general fund shall not exceed an amount equal to thirty-five percent of the budgeted expenditures from the governmental entity's general fund for the current fiscal year prior to budgeted transfers from such general fund.

b. If the governmental entity's budget does not comply with the requirements of paragraph *"a"*, the department of management shall not certify the governmental entity's taxes back to the county auditor under section 24.17 and the governmental entity shall remedy the violation and recertify the budget.

3. Each governmental entity shall establish an obligated funds account within the governmental entity's general fund. Restricted, committed, assigned, or nonspendable funds within the meaning of generally accepted accounting principles, as established by the governmental accounting standards board, shall be deposited in and accounted for in the obligated funds account, including but not limited to such funds that are in the governmental entity's general fund for the purchase, lease-purchase, or major refurbishment of law enforcement, public safety, and public works vehicles and equipment and for vertical infrastructure and horizontal infrastructure projects.

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4. To ensure uniformity, accuracy, and efficiency in the certification of governmental entity budgets according to the requirements of this section, the department of management shall prescribe the procedures to be used and instruct the appropriate officials of the various governmental entities on implementation of the procedures.

2026 Acts, ch 1115, §90
Referred to in §11.11, 24.34
NEW section

24.36 through 24.47 Reserved.

24.48 Appeal to state board for suspension of limitations.

1. If the property tax valuations effective January 1, 1979, and January 1 of any subsequent year, are reduced or there is an unusually low growth rate in the property tax base of a political subdivision, the political subdivision may appeal to the state appeal board to request suspension of the statutory property tax levy limitations to continue to fund the present services provided. A political subdivision may also appeal to the state appeal board where the property tax base of the political subdivision has been reduced or there is an unusually low growth rate for any of the following reasons:

a. Any unusual increase in population as determined by the preceding certified federal census.

b. Natural disasters or other emergencies.

c. Unusual problems relating to major new functions required by state law.

d. Unusual staffing problems.

e. Unusual need for additional funds to permit continuance of a program which provides substantial benefit to its residents.

f. Unusual need for a new program which will provide substantial benefit to residents, if the political subdivision establishes the need and the amount of the necessary increased cost.

2. The state appeal board may approve or modify the request of the political subdivision for suspension of the statutory property tax levy limitations.

3. Upon decision of the state appeal board, the department of management shall make the necessary changes in the total budget of the political subdivision and certify the total budget to the governing body of the political subdivision and the appropriate county auditors.

4. The city finance committee shall have officially notified any city of its approval, modification, or rejection of the city's appeal of the decision of the director of the department of management regarding a city's request for a suspension of the statutory property tax levy limitation prior to thirty-five days before April 30.

5. *a.* For purposes of this section only, "*political subdivision*" means a city, school district, or any other special purpose district which certifies its budget to the county auditor and derives funds from a property tax levied against taxable property situated within the political subdivision.

b. For the purpose of this section, when the political subdivision is a city, the director of the department of management, and the city finance committee on appeal of the director's decision, shall be the state appeal board.

c. For budgets for fiscal years beginning on or after July 1, 2024, if the political subdivision is a city, a suspension of the statutory property tax levy limitations under this section shall only be approved by the state appeal board in the event of a natural disaster or under the reasons specified in subsection 1, paragraph "*c*" or "*f*".

6. The authority to suspend property tax levy limitations under this section shall not apply to the limitations of section 444.25.

[C79, 81, §24.48]

83 Acts, ch 123, §35, 209; 86 Acts, ch 1245, §108; 94 Acts, ch 1023, §5; 2008 Acts, ch 1032, §138; 2019 Acts, ch 165, §3, 17; 2023 Acts, ch 71, §11, 19, 70, 98; 2024 Acts, ch 1043, §30; 2026 Acts, ch 1115, §18

2023 amendment to subsection 4 applies to political subdivision budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §98
Subsection 5, paragraph c applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19
NEW subsection 6

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CHAPTER 25

CLAIMS AGAINST THE STATE AND BY THE STATE

Referred to in §8A.514, 313.16

Tort claims, see chapter 669

25.1 Receipt, investigation, and report.
25.2 Examination of report — approval or rejection — payment.
25.3 Filing with general assembly — testimony.
25.4 Attorney general.
25.5 Testimony — filing with board.
25.6 Claims by state against municipalities.
25.7 Claims refused — effect.
25.8 Limitation on claims to be considered.

25.1 Receipt, investigation, and report.

1. Except for those claims that are addressed as provided in section 25.2, subsection 3, when a claim is filed or made against the state, on which in the judgment of the director of the department of management the state would be liable except for the fact of its sovereignty or that it has no appropriation available for its payment, the director of the department of management shall deliver that claim to the state appeal board. However, this chapter does not apply to a claim as defined in section 669.2.

2. The state appeal board shall make a record of the receipt of claims received from the director of the department of management, notify the attorney general, and deliver a copy to the state official or agency against whom the claim is made, if any.

a. The official or agency shall report its recommendations concerning the claim to the attorney general who, with a view to determining the merits and legality of the claim, shall investigate the claim and report the findings and conclusions of the investigation to the state appeal board.

b. To help defray the initial costs of processing a claim and the costs of investigating a claim, the department of management may assess a processing fee and a fee to reimburse the office of the attorney general for the costs of the claim investigation against the state agency which incurred the liability of the claim.

3. Notwithstanding subsections 1 and 2, and section 25.2, the state appeal board shall not consider claims for refund of the unused portion of vehicle registration fees collected under section 321.105.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.1]

93 Acts, ch 180, §72; 96 Acts, ch 1075, §1; 2003 Acts, ch 179, §102; 2006 Acts, ch 1185, §93 – 95; 2023 Acts, ch 19, §2054, 2055, 2073

25.2 Examination of report — approval or rejection — payment.

1. The state appeal board with the recommendation of the attorney general may approve or reject claims against the state of less than five years involving the following:

a. Outdated sales and use tax refunds.
b. License refunds.
c. Additional agricultural land tax credits.
d. Outdated invoices.
e. Fuel and gas tax refunds.
f. Outdated homestead and veterans' exemptions.
g. Outdated funeral service claims.
h. Tractor fees.
i. Registration permits.
j. Outdated bills for merchandise.
k. Services furnished to the state.
l. Claims by any county or county official relating to the personal property tax credit.
m. Refunds of fees collected by the state.

2. Notwithstanding the time period specified in subsection 1, the state appeal board may approve or reject a claim against the state of five years or more, provided an error was made by the state or the claim involves a dispute that commenced five years or more prior.

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3. *a.* Notwithstanding subsection 1, an agency that receives a claim that is charged to a funding source other than the general fund of the state that does not revert and is based on an outdated invoice, outdated bill for merchandise, or for services furnished to the state may on its own approve or deny the claim. The agency shall provide the state appeal board with notification of receipt of the claim and action taken on the claim by the agency. The state appeal board shall adopt rules setting forth the procedures and standards for resolution of such claims by state agencies. Claims denied by an agency shall be forwarded to the state appeal board by the agency for further consideration, in accordance with this chapter.

b. The department of administrative services staff performing financial administration duties under chapter 8A, subchapter V, shall establish reporting requirements for dealing with claims under this subsection as necessary to conform with generally accepted accounting principles.

4. Payments authorized by the state appeal board shall be paid from the appropriation or fund of original certification of the claim. However, if that appropriation or fund has since reverted under section 8.33, then such payment authorized by the state appeal board shall be out of any moneys in the state treasury not otherwise appropriated.

5. Outstanding state warrants that have been canceled pursuant to section 8A.519 and were charged to the general fund of the state or another state funding source shall be addressed as provided in section 556.2C.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.2]

93 Acts, ch 180, §73; 95 Acts, ch 219, §37; 96 Acts, ch 1038, §1; 96 Acts, ch 1075, §2; 2003 Acts, ch 145, §286; 2006 Acts, ch 1185, §96 – 101; 2019 Acts, ch 24, §104; 2023 Acts, ch 19, §2056, 2073

Referred to in §8.5, 8A.111, 8A.512, 25.1, 556.2C

25.3 Filing with general assembly — testimony.

On the second day after the convening of each regular session of the general assembly, the state appeal board shall file with the clerk of the house of representatives and the secretary of the senate a list of all claims rejected by the state appeal board together with a copy of the report made to it by the attorney general and its recommendation thereon for each claim, which report and recommendation shall be delivered to the claims committee of the house and senate. Any testimony taken by the attorney general shall be preserved by the state appeal board and made available to the claims committee of the general assembly.

[C24, 27, 31, §405; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.3]

2023 Acts, ch 19, §2057, 2073

25.4 Attorney general.

The attorney general shall investigate and report on all claims between the state and other parties, which may be referred to the state appeal board, and on any other claims or matters which the state appeal board may direct.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.4]

2023 Acts, ch 19, §2058, 2073

25.5 Testimony — filing with board.

The attorney general shall fully investigate each claim and the facts upon which same is based and may take testimony in the form of affidavits or otherwise, and in connection therewith shall ex officio be empowered to administer oaths, to compel the attendance of witnesses and certify to any district court for contempt. All testimony, affidavits, and other papers in connection with a claim, obtained by the attorney general in making an investigation shall be filed with the report to the state appeal board.

[C24, 27, 31, §403; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.5]

2023 Acts, ch 19, §2059, 2073

Referred to in §669.19

25.6 Claims by state against municipalities.

The state appeal board may investigate and collect claims which the state has against municipal or political corporations in the state including counties, cities, townships, and

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school corporations. The board shall refer any such claim to the attorney general, when the claim has not been promptly paid, and if the attorney general is not able to collect the full amount of the claim, the attorney general shall fully investigate and report to the state appeal board findings of fact and conclusions of law, together with any recommendation as to the claim. Thereafter the state appeal board may effect a compromise settlement with the debtor in an amount and under terms as the board deems just and equitable in view of the findings and conclusions reported to it. If the state appeal board is unable to collect a claim in full or effect what it has determined to be a fair compromise, it shall deliver the claim to the attorney general for action as the attorney general shall determine. When a claim is compromised by the state appeal board, the board shall file with the department of management and the department of administrative services a statement as to the settlement, together with a true copy of the agreement of settlement, and if in settlement an amount less than the face amount is accepted in full, the proper entries shall be made in the books of the department of management, the department of administrative services, and the auditor of state showing the amount of the claim, the amount of the settlement, and the amount charged off.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.6]
88 Acts, ch 1134, §15; 2003 Acts, ch 145, §286; 2023 Acts, ch 19, §2060, 2073

25.7 Claims refused — effect.

When any claim against the state has been presented to the general assembly through the state appeal board, and the general assembly has failed or refused to make an appropriation therefor, such failure or refusal to appropriate shall constitute an adjudication against said claim, which shall bar any further proceedings before the general assembly for the payment of same.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.7]

25.8 Limitation on claims to be considered.

A claim against the state shall not be considered or allowed by the general assembly unless the claim has been presented before the state appeal board as provided in this chapter.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §25.8]
2025 Acts, ch 30, §8

CHAPTER 25A

WORKPLACE TRAINING BY GOVERNMENT ENTITIES

25A.1 Training prohibited by state and local governments — specific defined concepts.

25A.1 Training prohibited by state and local governments — specific defined concepts.

1. For purposes of this section, unless the context otherwise requires:

a. *"Agency"* or *"state agency"* means the same as defined in section 8A.101.

b. *"Governmental entity"* means any unit of government in the executive, legislative, or judicial branch of government; an agency or political subdivision; any unit of state government, including its political subdivisions; or any association or other organization whose membership consists primarily of one or more of any of the foregoing and whose budget is comprised primarily of tax-generated revenue.

c. *"Governmental subdivision"* means a county or city or combination thereof.

d. *"Race or sex scapegoating"* means the same as defined in section 261H.8, subsection 1.

e. *"Race or sex stereotyping"* means the same as defined in section 261H.8, subsection 1.

f. *"Specific defined concepts"* means the same as defined in section 261H.8.

2. Each agency, governmental entity, or governmental subdivision may continue training

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that fosters a workplace and learning environment that is respectful of all employees. However, the head of an agency, governmental entity, or governmental subdivision shall ensure that any mandatory staff training provided by an employee of an agency, governmental entity, or governmental subdivision, or by a contractor hired by the agency, governmental entity, or governmental subdivision does not teach, advocate, encourage, promote, or act upon stereotyping, scapegoating, or prejudice toward others on the basis of demographic group membership or identity. This subsection shall not be construed as preventing an employee or contractor who provides mandatory training from responding to questions regarding stereotyping, scapegoating, or prejudice raised by participants in the training.

3. Each agency, governmental entity, or governmental subdivision shall prohibit its employees from discriminating against other employees by any characteristic protected under the federal Civil Rights Act of 1964, Pub. L. No. 88-352, as amended, and applicable state law.

4. This section shall not be construed to do any of the following:

a. Prevent an agency, governmental entity, or governmental subdivision from promoting racial, cultural, ethnic, or intellectual diversity or inclusiveness, provided such efforts are consistent with the provisions of this section.

b. Create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the state of Iowa, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

c. Prohibit a state or federal court or agency of competent jurisdiction from ordering a training or remedial action containing discussions of specific defined concepts as a remedial action due to a finding of discrimination, including discrimination based on race or sex.

d. Prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination.

2021 Acts, ch 163, §1

CHAPTER 25B

STATE MANDATES — FUNDING REQUIREMENTS

Referred to in §618.11

Implementation of new or revised federal block grants affecting political subdivisions; see §8.41

25B.1 Title.
25B.2 Findings and purpose — effect of unfunded state mandate.
25B.3 Definitions.
25B.4 State mandate information.
25B.5 Cost estimates — notation in Acts.
25B.6 State rules.
25B.7 Funding property tax credits and exemptions.

25B.1 Title.

This chapter may be cited as the *"State Mandates Act"*.

83 Acts, ch 142, §1

25B.2 Findings and purpose — effect of unfunded state mandate.

1. The general assembly finds that preceding actions of state government in specifying the manner, standards, and conditions under which public services are rendered to citizens by the political subdivisions of this state in some cases have not resulted in equitable relationships between the state government and its political subdivisions. Some state actions have dealt in detail with the internal management of the political subdivisions; some have specified the establishment of new services and facilities without providing new revenue

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sources or financial participation by the state to meet the additional costs; and other actions have specified the adoption of higher service standards without a complete assessment of the impact on the expenditures and tax rates of the political subdivisions.

2. It is the purpose of this chapter to enunciate policies, criteria, and procedures to govern future state-initiated specification of local government services, standards, employment conditions, and retirement benefits that necessitates increased expenditures by political subdivisions or agencies and entities which contract with a political subdivision to provide services.

3. *a.* If, on or after July 1, 1994, a state mandate is enacted by the general assembly, or otherwise imposed, on a political subdivision and the state mandate requires a political subdivision to engage in any new activity, to provide any new service, or to provide any service beyond that required by any law enacted prior to July 1, 1994, and the state does not appropriate moneys to fully fund the cost of the state mandate, the political subdivision is not required to perform the activity or provide the service and the political subdivision shall not be subject to the imposition of any fines or penalties for the failure to comply with the state mandate unless the legislation specifies the amount or proportion of the cost of the state mandate which the state shall pay annually. However, this subsection does not apply to any requirement imposed on a political subdivision relating to public employee retirement systems under chapters 97B, 410, and 411.

b. For the purposes of this subsection, any requirement originating from the federal government and administered, implemented, or enacted by the state, or any allocation of federal moneys conditioned upon enactment of a state law or rule, is not a state mandate.

c. For the purposes of this subsection, *"political subdivision"* includes community colleges and area education agencies.

83 Acts, ch 142, §2; 94 Acts, ch 1173, §2; 2008 Acts, ch 1032, §201

25B.3 Definitions.

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

1. *"Political subdivision"* means a city, county, township, or school district.

2. *"State mandate"* means a statutory requirement or appropriation which requires a political subdivision of the state to establish, expand, or modify its activities in a manner which necessitates additional combined annual expenditures of local revenue by all affected political subdivisions of at least one hundred thousand dollars, or additional combined expenditures of local revenue by all affected political subdivisions within five years of enactment of five hundred thousand dollars or more, excluding an order issued by a court of this state.

83 Acts, ch 142, §3; 92 Acts, ch 1123, §1; 94 Acts, ch 1173, §3

25B.4 State mandate information.

The director of the department of management shall report at least biennially to the governor and the general assembly regarding the administration of this chapter including any proposed changes.

83 Acts, ch 142, §4

25B.5 Cost estimates — notation in Acts.

1. When a bill or joint resolution is requested, the legislative services agency shall make an initial determination of whether the bill or joint resolution may impose a state mandate. If a state mandate may be included, that fact shall be included in the explanation of the bill or joint resolution.

2. If a bill or joint resolution may include a state mandate, the legislative services agency shall determine if the bill or joint resolution contains a state mandate. If the bill or joint resolution contains a state mandate and is still eligible for consideration during the legislative session for which the bill or joint resolution was drafted, the legislative services agency shall prepare an estimate of the amount of costs imposed.

3. If a bill or joint resolution containing a state mandate is enacted, unless the estimate already on file with the house of origin is sufficient, the legislative services agency shall

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prepare a final estimate of additional local revenue expenditures required by the state mandate and file the estimate with the secretary of state for inclusion with the official copy of the bill or resolution to which it applies. A notation of the filing of the estimate shall be made in the Iowa Acts published pursuant to chapter 2B.

83 Acts, ch 142, §5; 92 Acts, ch 1123, §2; 2003 Acts, ch 35, §39, 49
Referred to in §2B.10

25B.6 State rules.

1. A state agency or department shall not propose or adopt an administrative rule which exceeds its statutory authority by mandating expenditures by political subdivisions, or agencies and entities which contract with political subdivisions to provide services. A state administrative rule, proposed pursuant to chapter 17A, which necessitates additional combined annual expenditures exceeding one hundred thousand dollars by all affected political subdivisions or agencies and entities which contract with the affected political subdivisions to provide services shall be accompanied by a fiscal impact statement outlining the costs. An affected political subdivision, or an entity representing an affected political subdivision, shall cooperate in the preparation of the fiscal impact statement. The fiscal impact statement shall be submitted to the administrative rules coordinator for publication in the Iowa administrative bulletin along with the notice of intended action.

2. The fiscal impact statement shall also be submitted to the legislative fiscal committee of the legislative council. Beginning in the first full fiscal year after adoption of the state administrative rule, the fiscal committee shall annually prepare a report for each fiscal impact statement submitted detailing the fiscal impact of the administrative rule on the affected political subdivision, or agencies and entities which contract with the political subdivision to provide services. The report shall be transmitted to the governor and the general assembly.

83 Acts, ch 142, §6; 91 Acts, ch 179, §1; 94 Acts, ch 1173, §4; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1021, §16

25B.7 Funding property tax credits and exemptions.

1. Beginning with property taxes due and payable in the fiscal year beginning July 1, 1998, the cost of providing a property tax credit or property tax exemption which is enacted by the general assembly on or after January 1, 1997, shall be fully funded by the state. If a state appropriation made to fund a credit or exemption which is enacted on or after January 1, 1997, is not sufficient to fully fund the credit or exemption, the political subdivision shall be required to extend to the taxpayer only that portion of the credit or exemption estimated by the department of revenue to be funded by the state appropriation. The department of revenue shall determine by June 15 the estimated portion of the credit or exemption which will be funded by the state appropriation.

2. The requirement for fully funding and the consequences of not fully funding credits and exemptions under subsection 1 also apply to all of the following:

a. Homestead tax credit pursuant to section 425.1 and sections 425.2 through 425.13.

b. Low-income property tax credit and elderly and disabled property tax credit pursuant to sections 425.16 through 425.40, subject to the limitation of section 425.39, subsection 1, paragraph "*b*".

97 Acts, ch 206, §4; 99 Acts, ch 180, §22, 24; 2003 Acts, ch 44, §18; 2003 Acts, ch 145, §286; 2021 Acts, ch 177, §124, 131; 2023 Acts, ch 71, §24, 48 – 50, 55, 56; 2026 Acts, ch 1115, §123, 148
Referred to in §425.1A, 425.39
2023 amendment to subsection 2, paragraph a applies retroactively to assessment years beginning on or after January 1, 2023; 2023 Acts, ch 71, §49
2023 strike of former subsection 2, paragraph c applies retroactively to assessment years beginning on or after January 1, 2023; 2023 Acts, ch 71, §56
2026 amendment to subsection 2, paragraph a applies retroactively to assessment years beginning on or after January 1, 2026; 2026 Acts, ch 1115, §148
Subsection 2, paragraph a amended

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CHAPTER 26

PUBLIC CONSTRUCTION BIDDING

Referred to in §8A.311, 35A.10, 218.58, 256E.23, 297.7, 314.1B, 330A.12, 331.341, 357.14, 357A.12, 384.37, 384.53, 384.103, 386.6, 386.7, 390.3, 418.4

Guaranteed maximum price contracts, see chapter 26A
Labor and materials on public improvements; see also chapter 573

26.1 Short title.
26.2 Definitions.
26.3 Competitive bids for public improvement contracts.
26.4 Architectural, landscape architectural, and engineering services — exemptions — prohibitions.
26.5 Prohibited contracts.
26.6 Donated funds.
26.7 Notice to bidders.
26.8 Bid security.
26.9 Award of contract.
26.10 Opening and considering bids.
26.11 Delegation of authority.
26.12 When hearing necessary.
26.13 Early release of retained funds. Repealed by 2018 Acts, ch 1097, §6.
26.14 Competitive quotations for public improvement contracts.
26.14A Alternative procedures.
26.15 Structure demolition project.
26.16 Prequalification requirements prohibited.

26.1 Short title.

This chapter shall be known and may be cited as the *"Iowa Construction Bidding Procedures Act"*.

2006 Acts, ch 1017, §1, 42, 43

26.2 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

1. *"Estimated total cost of a public improvement"* or *"estimated total cost"* means the estimated total cost to the governmental entity to construct a public improvement, including cost of labor, materials, equipment, and supplies, but excluding the cost of architectural, landscape architectural, or engineering design services and inspection.

2. *"Governmental entity"* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, excluding the state board of regents and the state department of transportation.

3. *a. "Public improvement"* means a building or construction work that is constructed under the control of a governmental entity and for which either of the following applies:

(1) Has been paid for in whole or in part with funds of the governmental entity.

(2) A commitment has been made prior to construction by the governmental entity to pay for the building or construction work in whole or in part with funds of the governmental entity.

b. "Public improvement" includes a building or improvement constructed or operated jointly with any other public or private agency, but excludes all of the following:

(1) Urban renewal demolition and low-rent housing projects.

(2) Industrial aid projects authorized under chapter 419.

(3) Emergency work or repair or maintenance work performed by employees of a governmental entity.

(4) A highway, bridge, or culvert project.

(5) Construction or repair or maintenance work performed for a city utility under chapter 388 when such work is performed by its employees or when such work relates to existing utility infrastructure or establishing connections to existing utility infrastructure. For purposes of this subparagraph,*"utility infrastructure"* includes facilities used for the storage, collection, disposal, treatment, generation, transmission, or distribution of water, sewage, waste, electricity, gas, or telecommunications service.

(6) Construction or repair or maintenance work performed for a rural water district under chapter 357A by its employees.

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(7) Equipment acquired by or for a city utility under chapter 388 when such equipment is related to an electric generating project.

(8) The furnishing of a manufactured home, as defined in section 435.1, as well as all work necessary to install the home in accordance with 24 C.F.R. pt. 3285, including but not limited to the erection of the foundation or tiedown system, supporting, anchoring, and close-up of the home, and implementing the utility service connections for the home.

4. *"Repair or maintenance work"* means the preservation of a building, storm sewer, sanitary sewer, or other public facility or structure so that it remains in sound or proper condition, including minor replacements and additions as necessary to restore the public facility or structure to its original condition with the same design.

5. *"Under the control of a governmental entity"* includes determining the construction work to be performed or establishing the specifications for a building or construction work to be occupied by the governmental entity.

2006 Acts, ch 1017, §2, 42, 43; 2007 Acts, ch 144, §1, 2; 2018 Acts, ch 1075, §2, 3, 12, 13; 2018 Acts, ch 1172, §71, 72; 2019 Acts, ch 59, §17; 2020 Acts, ch 1092, §1, 2; 2026 Acts, ch 1024, §1

Referred to in §8.46, 26A.1, 260C.38, 278.1, 297.7, 298.3, 314.1A, 331.341, 364.4, 384.20
Subsection 3, paragraph b, NEW subparagraphs (7) and (8)

26.3 Competitive bids for public improvement contracts.

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by posting a notice to bidders not less than thirteen and not more than forty-five days before the date for filing bids in a relevant contractor plan room service with statewide circulation, in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. If circumstances beyond the control of the governmental entity cause a scheduled bid letting to be postponed and there are no changes to the project's contract documents, a notice to bidders of the revised date shall be posted not less than four and not more than forty-five days before the revised date for filing bids in a relevant contractor plan room service with statewide circulation, in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

2. A governmental entity shall have an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect licensed under chapter 544A prepare plans and specifications, and calculate the estimated total cost of a proposed public improvement. A governmental entity shall ensure that a sufficient number of paper copies and, if available, electronic and digital copies of the project's contract documents, including all drawings, plans, specifications, and estimated total costs of the proposed public improvement are made available for distribution at no charge to prospective bidders, subcontractor bidders, suppliers, and plan room services. If a deposit is required as part of a paper contract documents distribution policy by the public owner, the deposit shall not exceed two hundred fifty dollars per set which shall be refunded upon return of the contract documents within fourteen days after award of the project. If the contract documents are not returned in a timely manner and in a reusable condition, the deposit shall be forfeited. The governmental entity shall reimburse the landscape architect, architect, or professional engineer for the actual costs of preparation and distribution of plans and specifications.

3. Sections 26.4 through 26.12 apply to all competitive bidding pursuant to this section.

2006 Acts, ch 1017, §3, 42, 43; 2007 Acts, ch 144, §3; 2009 Acts, ch 179, §107; 2010 Acts, ch 1184, §90; 2013 Acts, ch 90, §16; 2015 Acts, ch 7, §1; 2016 Acts, ch 1009, §1; 2017 Acts, ch 54, §14; 2017 Acts, ch 131, §7; 2018 Acts, ch 1097, §1

Referred to in §8.46, 8A.311, 26.4, 26.5, 26.12, 26.14, 26.14A, 28J.9, 35A.10, 73A.2, 73A.18, 105.11, 161C.2, 218.58, 260C.38, 273.2, 273.3, 273.14, 278.1, 297.8, 298.3, 314.1, 330A.12, 331.341, 357.14, 364.4, 904.314, 904.315

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26.4 Architectural, landscape architectural, and engineering services — exemptions — prohibitions.

1. Architectural, landscape architectural, or engineering design services procured for a public improvement are not subject to sections 26.3 and 26.14.

2. Fee-based selection of an architect, landscape architect, or engineer for a public improvement shall be prohibited.

2006 Acts, ch 1017, §4, 42, 43; 2007 Acts, ch 144, §4; 2022 Acts, ch 1122, §1
Referred to in §26.3, 314.1

26.5 Prohibited contracts.

If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or as established in section 314.1B, a governmental entity shall not divide the public improvement project into separate parts, regardless of intent, if a resulting part of the public improvement project is not let in accordance with section 26.3.

2006 Acts, ch 1017, §5, 42, 43
Referred to in §26.3, 314.1

26.6 Donated funds.

If private funds are offered to a governmental entity for a building or an improvement to be used by the public and such funds are conditioned upon private construction of the building or improvement, this chapter shall not apply to the project if the governmental entity does not contribute any funds to such construction.

2006 Acts, ch 1017, §6, 42, 43
Referred to in §26.3, 314.1

26.7 Notice to bidders.

1. The notice to bidders shall adequately notify a potential bidder of a proposed bid and shall include the following items:

a. The time, place, and manner for filing sealed proposals.

b. The time and place sealed proposals will be opened and considered on behalf of the governmental entity.

c. The general nature of the public improvement on which bids are requested.

d. In general terms, when the work must be commenced and completed.

e. That each bidder shall accompany the bid with a bid security as defined in section 26.8 and as specified by the governmental entity.

f. Any further information which the governmental entity deems pertinent.

2. The notice to bidders may provide that bids may be received in an electronic format as determined by the governmental entity.

3. The notice to bidders may provide that bids will be received for the furnishing of all labor and materials and furnishing or installing equipment under one contract, or for parts thereof in separate sections.

4. On public improvements to be financed wholly or partially by special assessments against benefited property, the governmental entity, in the notice to bidders, may request aggregate bids for all projects included in any resolution of necessity, notwithstanding variations in the sizes of the improvements and notwithstanding that some parts of the improvements are assessable and some nonassessable, and may award the contract to the lowest responsive, responsible bidder submitting the lowest aggregate bid.

2006 Acts, ch 1017, §7, 42, 43; 2022 Acts, ch 1018, §1, 2
Referred to in §26.3, 26.10, 314.1

26.8 Bid security.

1. Each bidder shall accompany its bid with a bid security as security that the successful bidder will enter into a contract for the work bid upon and will furnish after the award of contract a corporate surety bond, acceptable to the governmental entity, for the faithful performance of the contract, in an amount equal to one hundred percent of the amount of the contract. The bid security shall be in an amount fixed by the governmental entity, and shall be in the form of a cashier's check or certified check drawn on a state-chartered or

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federally chartered bank, or a certified share draft drawn on a state-chartered or federally chartered credit union, or the governmental entity may provide for a bidder's bond with corporate surety satisfactory to the governmental entity. The bidder's bond shall contain no conditions except as provided in this section.

2. The governmental entity shall fix the amount of bid security prior to ordering publication of the notice to bidders and such amount must equal at least five percent, but shall not exceed ten percent, of either the estimated total contract cost of the public improvement or the amount of each bid.

2006 Acts, ch 1017, §8, 42, 43; 2007 Acts, ch 144, §5
Referred to in §26.3, 26.7, 314.1

26.9 Award of contract.

1. The contract for the public improvement must be awarded to the lowest responsive, responsible bidder. However, contracts relating to public utilities or extensions or improvements thereof, as described in sections 384.80 through 384.94, may be awarded by the city as it deems to be in the best interests of the city. This section shall not be construed to prohibit a governmental entity in the award of a contract for a public improvement or a governing body of a city utility from providing, in the award of a contract for a public improvement, an enhancement of payments upon early completion of the public improvement if the availability of the enhancement payments is included in the notice to bidders, the enhancement payments are competitively neutral to potential bidders, the enhancement payments are considered as a separate item in the public hearing on the award of contract, and the total value of the enhancement payments does not exceed ten percent of the value of the contract.

2. A governmental entity shall not require a potential bidder on a public improvement to provide any information which the potential bidder may deem to be confidential or proprietary as a requirement for being deemed a responsive, responsible bidder. This subsection shall not be construed to prohibit a governmental entity from obtaining information from the lowest responsive bidder to determine the bidder's responsibility relating to the bidder's experience, number of employees, and ability to finance the cost of the public improvement. However, a governmental entity shall require nonresident bidders to comply with section 8A.311B, subsection 4.

2006 Acts, ch 1017, §9, 42, 43; 2017 Acts, ch 65, §1, 9, 10
Referred to in §26.3, 26.10, 26.14, 314.1

26.10 Opening and considering bids.

1. The date and time that each bid is received by the governmental entity, together with the name of the person receiving the bid, shall be recorded on the envelope containing the bid. If bids are received in an electronic format as provided in section 26.7, the governmental entity shall electronically record the date and time each bid is received. All bids received after the deadlines for submission of bids as stated in the project specifications shall not be considered and shall be returned to the late bidder unopened. The governmental entity shall open, announce the amount of the bids, and file all proposals received, at the time and place specified in the notice to bidders. The governmental entity may, by resolution, award the contract for the public improvement to the bidder submitting the lowest responsive, responsible bid, determined as provided in section 26.9, or the governmental entity may reject all bids received, fix a new date for receiving bids, and order publication of a new notice to bidders. The governmental entity shall retain the bid security furnished by the successful bidder until the approved contract form has been executed, a bond has been filed by the bidder guaranteeing the performance of the contract, and the contract and bond have been approved by the governmental entity. The provisions of chapter 573, where applicable, apply to contracts awarded under this chapter.

2. The governmental entity shall promptly return the checks or bidder's bonds of unsuccessful bidders to the bidders as soon as the successful bidder is determined or within thirty days, whichever is sooner.

2006 Acts, ch 1017, §10, 42, 43; 2007 Acts, ch 144, §6; 2022 Acts, ch 1018, §3
Referred to in §26.3, 314.1

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26.11 Delegation of authority.

When bids are required for any public improvement, the governmental entity may delegate, by motion, resolution, or policy to the city manager, clerk, engineer, or other public officer, as applicable, the duty of receiving and opening bids and announcing the results. The officer shall report the results of the bidding with the officer's recommendations to the next regular meeting of the governmental entity's governing body or at a special meeting called for that purpose.

2006 Acts, ch 1017, §11, 42, 43; 2007 Acts, ch 144, §7
Referred to in §26.3, 314.1

26.12 When hearing necessary.

If the estimated total cost of a public improvement exceeds the competitive bid threshold in section 26.3, or as adjusted in section 314.1B, the governmental entity shall not enter into a contract for the public improvement until the governmental entity has held a public hearing and has approved the proposed plans, specifications, and form of contract, and estimated total cost of the public improvement. Notice of the hearing must be published as provided in section 362.3 and shall include a description of the public improvement and its location. At the hearing, any interested person may appear and file objections to the proposed plans, specifications, contract, or estimated cost of the public improvement. After hearing objections, the governmental entity shall by resolution enter its decision on the plans, specifications, contract, and estimated cost. This section does not apply to the state.

2006 Acts, ch 1017, §12, 42, 43; 2016 Acts, ch 1009, §2
Referred to in §26.3, 314.1, 314.2, 384.20

26.13 Early release of retained funds. Repealed by 2018 Acts, ch 1097, §6. See §573.28.

26.14 Competitive quotations for public improvement contracts.

1. Competitive quotations shall be required for a public improvement having an estimated total cost that exceeds the applicable threshold amount provided in this section, but is less than the competitive bid threshold established in section 26.3.

2. Unless the threshold amounts are adjusted pursuant to section 314.1B, the following threshold amounts shall apply:

a. Sixty-seven thousand dollars for a county, including a county hospital.

b. Fifty-one thousand dollars for a city having a population of fifty thousand or more.

c. Fifty-one thousand dollars for a school district having a population of fifty thousand or more.

d. Fifty-one thousand dollars for an aviation authority created within a city having a population of fifty thousand or more.

e. Thirty-six thousand dollars for a city having a population of less than fifty thousand, for a school district having a population of less than fifty thousand, and for any other governmental entity.

f. The threshold amount applied to a city applies to a city hospital.

3. *a.* When a competitive quotation is required, the governmental entity shall make a good faith effort to obtain quotations for the work from at least two contractors regularly engaged in such work prior to letting a contract. Good faith effort shall include advising all contractors who have filed with the governmental entity a request for notice of projects. The governmental entity shall provide such notice in a timely manner so that a requesting contractor will have a reasonable opportunity to submit a competitive quotation. Quotations may be obtained from contractors after the governmental entity provides a description of the work to be performed, including the plans and specifications prepared by an architect, landscape architect, or engineer, if required under chapter 542B, 544B, or 544A, and an opportunity to inspect the work site. The contractor shall include in the quotation the price for labor, materials, equipment, and supplies required to perform the work. If the work can be performed by an employee or employees of the governmental entity, the governmental entity may file a quotation for the work to be performed in the same manner as a contractor. If the governmental entity receives no quotations after making a good faith effort to obtain

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quotations from at least two contractors regularly engaged in such work, the governmental entity may negotiate a contract with a contractor regularly engaged in such work.

b. The governmental entity shall designate the time, place, and manner for filing quotations, which may be received by mail, facsimile, or electronic mail. The governmental entity shall award the contract to the contractor submitting the lowest responsive, responsible quotation subject to section 26.9, or the governmental entity may reject all of the quotations. The unconditional acceptance and approval of the lowest responsive, responsible quotation shall constitute the award of a contract. The governmental entity shall record the approved quotation in its meeting minutes. The contractor awarded the contract shall not commence work until the contractor's performance and payment bond has been approved by the governmental entity. A governmental entity may delegate the authority to award a contract, to execute a contract, to authorize work to proceed under a contract, or to approve the contractor's performance and payment bond to an officer or employee of the governmental entity. A quotation approved outside a meeting of the governing body of a governmental entity shall be included in the minutes of the next regular or special meeting of the governing body.

c. If a public improvement may be performed by an employee of the governmental entity, the amount of estimated sales and fuel tax and the premium cost for the performance and payment bond which a contractor identifies in its quotation shall be deducted from the contractor's price for determining the lowest responsive, responsible quotation. If no quotations are received to perform the work, or if the governmental entity's estimated cost to do the work with its employee is less than the lowest responsive, responsible quotation received, the governmental entity may authorize its employee or employees to perform the work.

2006 Acts, ch 1017, §14, 42, 43; 2007 Acts, ch 144, §9; 2009 Acts, ch 133, §10
Referred to in §26.4, 26.14A, 314.1A, 314.1B

26.14A Alternative procedures.

1. When competitive quotations are required under section 26.14 for a public improvement, the governmental entity may proceed, in lieu of competitive quotations, as if the estimated total cost of the public improvement exceeds the competitive bid threshold under section 26.3.

2. If the total estimated cost of the public improvement does not warrant either competitive quotations under section 26.14 or competitive bidding under section 26.3, the governmental entity may nevertheless proceed with competitive quotations or competitive bidding for the public improvement.

2007 Acts, ch 144, §10

26.15 Structure demolition project.

A governmental entity may enter into annual contracts with multiple contractors for structure demolition projects, with each project having a total estimated cost of one hundred thousand dollars or less, or each project having a total estimated cost equal to or less than the competitive bid threshold as established in section 314.1B. The governmental entity shall solicit contractors by publishing a notice as provided in section 362.3. A contractor is eligible to perform structure demolition work for the governmental entity after the contractor executes an annual demolition contract in a form satisfactory to the governmental entity, including a bond and insurance. For the twelve-month period following execution of the contract or contracts, the governmental entity may obtain competitive proposals from each eligible contractor as necessary for the demolition of structures. The contractor submitting the lowest responsible proposal shall enter into a contract addendum to perform the work.

2006 Acts, ch 1017, §15, 42, 43

26.16 Prequalification requirements prohibited.

A governmental entity shall not by ordinance, rule, or any other action relating to contracts for public improvements for which competitive bids are required by this chapter impose any requirement that directly or indirectly restricts potential bidders to any predetermined class

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of bidders defined by experience on similar projects, size of company, union membership, or any other criteria. However, a governmental entity shall require nonresident bidders to comply with section 8A.311B, subsection 4.

2017 Acts, ch 65, §2, 9, 10

CHAPTER 26A

GUARANTEED MAXIMUM PRICE CONTRACTS

Public construction bidding, see chapter 26

26A.1 Definitions.
26A.2 Authorization.
26A.3 Guaranteed maximum price contract — process.
26A.4 Prohibited contracts.

26A.1 Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

1. *"Construction manager-at-risk"* means a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for the construction, rehabilitation, alteration, or repair of a project and provides consultant services to the government entity in the development and design phases, working collaboratively with the design professionals involved.

2. *"General conditions"* means work which will not be incorporated into the completed project. This work includes but is not limited to job site cleaning and temporary structures.

3. *"Governmental entity"* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements, including the state board of regents.

4. *"Guaranteed maximum price contract"* means the agreed to fixed or guaranteed maximum price pursuant to a contract entered into by the construction manager-at-risk and the governmental entity.

5. *"Public improvement"* means as defined in section 26.2.

6. *"Repair or maintenance work"* means as defined in section 26.2.

7. *"Self-perform"* means work that is executed by the construction manager-at-risk without the use of a subcontractor. Electrical, mechanical, fire suppression, and plumbing work may not be self-performed.

2022 Acts, ch 1122, §5

26A.2 Authorization.

Notwithstanding any other law to the contrary, a governmental entity shall be authorized to enter into a guaranteed maximum price contract for the construction of a public improvement pursuant to this chapter.

2022 Acts, ch 1122, §6

26A.3 Guaranteed maximum price contract — process.

1. A governmental entity shall publicly disclose the governmental entity's intent to enter into a guaranteed maximum price contract and the governmental entity's selection criteria at least fourteen days prior to publishing a request for statements of qualifications. Public disclosure shall be in a relevant contractor plan room service with statewide circulation, a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

2. The governmental entity shall select or designate an engineer licensed under chapter 542B, a landscape architect licensed under chapter 544B, or an architect licensed under chapter 544A by utilizing a quality-based selection process. Fee-based selection of the engineer, landscape architect, or architect shall be prohibited. The engineer, landscape

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architect, or architect selected or designated by the government entity under this subsection shall have the responsibility of preparing construction documents for the project and shall review the construction for conformance with design intent.

3. *a.* (1) The governmental entity shall prepare a request for statements of qualifications. The request shall include general information on the project site, project scope, schedule, selection criteria, and the time and place for receipt of statements of qualifications. Selection criteria and general information included in the request for statements of qualifications may be developed in coordination with the engineer, landscape architect, or architect selected or designated by the governmental entity as provided under this section.

(2) Selection criteria may include the contractor's experience undertaking projects of similar size and scope in either the public or private sector, past performance, safety record, proposed personnel, and proposed methodology. Selection criteria shall include experience in both the public and the private sector. Selection criteria shall not include specific delivery methods, including guaranteed maximum price projects. In addition, selection criteria shall not include training, testing, or other certifications that may only be obtained through organized labor affiliations or other limited-membership organizations.

(3) A request for statements of qualifications under this subsection shall be subject to the requirements of section 73A.28. In addition, a governmental entity shall not by ordinance, rule, or any other action relating to the request for qualifications stipulate criteria that would directly or indirectly restrict the selection of a construction manager-at-risk to any predetermined class of providers based on labor organization affiliation or any other criteria other than that allowed pursuant to this paragraph.

b. The request for statements of qualifications shall be posted not less than thirteen and not more than forty-five days before the date for response in a relevant contractor plan room service with statewide circulation, in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. If circumstances beyond the control of the governmental entity require postponement and there are no changes to the project's contract documents, a notice of the revised date shall be posted not less than four and not more than forty-five days before the revised date for answering the request for proposals and statements of qualifications in a relevant contractor plan room service with statewide circulation, in a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a government entity or a statewide association that represents the governmental entity.

c. The governmental entity shall receive, publicly open, and read aloud the names of the contractors submitting statements of qualifications. Within forty-five days after the date of opening the statements of qualifications submissions, the governmental entity shall evaluate each proposal or statement of qualifications submission in relation to the criteria set forth in the request.

4. *a.* After considering the statements of qualifications, the governmental entity shall issue a request for proposals to each contractor who meets the qualifications which shall include selection and evaluation criteria. Each contractor issued a request for proposals shall be permitted to submit a proposal and each proposal submitted shall include the construction manager-at-risk's proposed fees. The request for proposals shall be subject to the requirements of section 73A.28 and the same limitations applied to selection criteria for the request for statements of qualifications in this chapter.

b. The governmental entity shall receive, publicly open, and read aloud the names of the contractors submitting proposals. Within forty-five days after the date of opening the proposals, the governmental entity shall evaluate and rank each proposal in relation to the criteria set forth in the applicable request.

c. The governmental entity or its representative shall select the construction manager-at-risk that submits the proposal that offers the best value for the governmental entity based on the published selection criteria and on its ranking evaluation. The governmental entity shall first attempt to negotiate a contract with the selected construction manager-at-risk. If the governmental entity is unable to negotiate a satisfactory contract with the selected construction manager-at-risk, the governmental entity shall, formally and

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in writing, end negotiations with that construction manager-at-risk and proceed to negotiate with the next construction manager-at-risk in the order of the selection ranking until a contract is reached or negotiations with all ranked construction managers-at-risk end.

d. The governmental entity shall make available to the public the final scoring and ranking evaluation of the request for proposals received.

5. *a.* If the estimated total cost of trade contract work and materials packages is in excess of the adjusted competitive bid threshold established in section 314.1B, the construction manager-at-risk shall advertise for competitive bids, receive bids, prepare bid analyses, and award contracts to qualified firms on trade contract work and materials packages in accordance with all of the following:

(1) The construction manager-at-risk shall prepare a request for statements of qualifications. The request shall include general information on the project site, project scope, schedule, selection criteria, and the time and place for receipt of statements of qualifications. The construction manager-at-risk shall provide public notice of the request for statements of qualifications in a relevant contractor plan room service with statewide circulation, a relevant construction lead generating service with statewide circulation, and on an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity. The request for statements of qualifications shall be posted not less than thirteen and not more than forty-five days before the date for response.

(2) (a) The construction manager-at-risk shall utilize objective prequalification criteria in the request for statements of qualifications. All firms who meet the objective prequalification criteria as a qualified firm shall be allowed to submit a bid for the relevant trade contract work and materials package. Upon determining which firms meet the prequalification criteria, the construction manager-at-risk shall notify all firms who responded to the request for qualifications whether they successfully meet the prequalification criteria. The notification shall include a list of all firms who were deemed to have successfully met the prequalification criteria. Notification shall be given no less than fifteen days prior to the subcontractor bids being due. Subcontractors who failed to meet the prequalification standards shall also be provided with information regarding which prequalification criteria were not met. In addition, a firm that is prequalified with the state department of transportation pursuant to section 314.1 shall be considered to meet the objective prequalification criteria as a qualified firm and shall be allowed to submit a bid for purposes of work related to parking lots, streets, site development, or bridge structure components.

(b) Prequalification criteria shall be limited to a firm's experience as a contractor, capacity of key personnel, technical competence, capability to perform, the past performance of the firm and the firm's employees to include the firm's safety record and compliance with state and federal law, and availability to and familiarity with the location of the project subject to bid. Prequalification criteria shall be reasonably and materially related to the relevant trade contract work and materials package. The prequalification criteria shall not include training, testing, or other certifications that may only be obtained through organized labor affiliated organizations or other limited-membership organizations.

(3) The governmental entity and the construction manager-at-risk shall participate in the bid review and evaluation process. The governmental entity and the construction manager-at-risk shall open, announce the name of the contractor submitting a bid, and file all proposals received, at the time and place specified in the notice to bidders. After the bids have been opened, reviewed, and tabulated, the contracts shall be awarded to the lowest responsive, responsible bidder. All awards and bids shall be made available to the public.

(4) Notwithstanding any other provisions of this paragraph to the contrary, the construction manager-at-risk may self-perform work for a trade package that is below the adjusted competitive bid threshold established in section 314.1B. If a trade package is in excess of the adjusted competitive bid threshold established in section 314.1B, the construction manager-at-risk shall notify the governmental entity in writing of its intent to submit a bid proposal for a trade package. In submission of a bid, the construction manager-at-risk shall comply with the requirements of this paragraph. The governmental entity shall receive the bids, participate in, and provide oversight of all bid analyses pertinent to the award of subcontracts or rejection of bids on any trade package for which

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the construction manager-at-risk submits a bid to self-perform. Where the construction manager-at-risk is not the apparent low bidder, the government shall be responsible for determining whether a recommendation of award to the construction manager-at-risk is in the best interests of the project. A construction manager-at-risk shall not be required to comply with bidding requirements for general conditions as provided in the contract with the governmental entity. If the construction manager-at-risk self-performs the construction work, it shall adhere to any agreement it may have with one or more labor organizations. However, the construction manager-at-risk shall not be obligated to adhere to any terms and conditions of any labor agreement with one or more labor organizations for those trade contracts that are not self-performed by the construction manager-at-risk for the public improvement, and such terms shall be deemed void and unenforceable.

b. If a selected trade contractor materially defaults in the performance of its work or fails to execute a contract, the construction manager-at-risk may, without advertising, fulfill the contract requirements or select a replacement trade contractor to fulfill the contract requirements.

2022 Acts, ch 1122, §7

26A.4 Prohibited contracts.

1. Notwithstanding any other provision of law to the contrary, a governmental entity shall not be authorized to enter into a design-build contract for the construction of a public improvement. For purposes of this subsection, *"design-build contract"* means a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services.

2. A governmental entity shall not be authorized to enter into a guaranteed maximum price contract for public improvements relating to highway, bridge, or culvert construction.

2022 Acts, ch 1122, §8

CHAPTER 27

MONITORING DEVICES IN PUBLIC LOCATIONS

27.1	Definitions.	27.4	Limitation on political subdivisions.
27.2	Monitoring devices prohibited.	27.5	Public hospital exception.
27.3	Removal of monitoring devices.		

27.1 Definitions.

For purposes of this chapter:

1. *"Monitoring device"* means a digital video or audio streaming or recording device that is part of a system of monitoring activity in an area or building using a system in which signals are transmitted from a video camera or microphone to the receivers by cables or wirelessly, forming a closed circuit.

2. *"Public hospital"* means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 263, 347, 347A, or 392.

3. *"Public library"* means a library district as described in chapter 336.

4. *"Public school"* means a school district as described in chapter 274.

5. *"Reasonable expectation of privacy"* means a person's reasonable belief, under the circumstances, that the person can disrobe or partially disrobe in privacy without being concerned that the person is being viewed, photographed, or filmed when doing so.

2017 Acts, ch 135, §1, 6; 2017 Acts, ch 170, §31

27.2 Monitoring devices prohibited.

The state or a political subdivision of the state, including but not limited to a public library, public school, or other government office open to the public, shall not use a monitoring device in a toilet, bath, or shower facility; locker room; common area within such a facility or room,

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including an area where a sink or changing table is located; or other space open to the public where a person has a reasonable expectation of privacy.

2017 Acts, ch 135, §2, 6

27.3 Removal of monitoring devices.

On or before July 1, 2017, the state or a political subdivision of the state, including but not limited to a public library, public school, or other government office open to the public, using a monitoring device in a toilet, bath, or shower facility; locker room; common area within such a facility or room, including an area where a sink or changing table is located; or other space open to the public where a person has a reasonable expectation of privacy shall cease use of and remove the monitoring device.

2017 Acts, ch 135, §3, 6

27.4 Limitation on political subdivisions.

On July 1, 2017, any ordinance, resolution, rule, or other measure adopted or enforced by a political subdivision of the state permitting the use of a monitoring device in a toilet, bath, or shower facility; locker room; common area within such a facility or room, including an area where a sink or changing table is located; or other space open to the public where a person has a reasonable expectation of privacy is void.

2017 Acts, ch 135, §4, 6

27.5 Public hospital exception.

This chapter does not apply to a public hospital where use of a monitoring device is necessary to protect the health or safety of a patient during a patient's course of treatment.

2017 Acts, ch 135, §5, 6

CHAPTER 27A

ENFORCEMENT OF IMMIGRATION LAWS

27A.1 Definitions.
27A.2 Law enforcement agency duties — immigration detainer requests.
27A.3 Completion of sentence in federal custody.
27A.4 Restriction on enforcement of immigration law prohibited.
27A.5 Written policies.
27A.6 Discrimination prohibited.
27A.7 Victim of or witness to a crime — limitation on collection of information.
27A.8 Complaints — notification — civil action.
27A.9 Denial of state funds.
27A.10 Reinstatement of eligibility to receive state funds.
27A.11 Attorney general database.

27A.1 Definitions.

As used in this chapter:

1. *"Immigration detainer request"* means a written federal government request to a local entity to maintain temporary custody of an alien, including a United States department of homeland security form I-247 or a similar or successor form. *"Immigration detainer request"* includes only written federal government requests that are accompanied by any of the following properly completed forms or similar or successor forms, if such forms or similar or successor forms are signed by an authorized United States immigration and customs enforcement officer:

a. United States department of homeland security form I-200.

b. United States department of homeland security form I-205.

2. *"Immigration law"* means a law of this state or a federal law relating to aliens, immigrants, or immigration, including but not limited to the federal Immigration and Nationality Act, 8 U.S.C. §1101 et seq.

3. *"Lawful detention"* means the detention of a person by a local entity for the investigation

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of a public offense. *"Lawful detention"* excludes a detention if the sole reason for the detention is that a person is a victim of or witness to a public offense or is reporting a public offense.

4. *"Local entity"* means the governing body of a city or county. *"Local entity"* includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.

5. *"Policy"* includes a formal, written rule, policy, procedure, regulation, order, ordinance, motion, resolution, or amendment and an informal, unwritten policy.

6. *"Public offense"* excludes a moving traffic violation under chapter 321.

2018 Acts, ch 1089, §1, 12; 2023 Acts, ch 66, §6

27A.2 Law enforcement agency duties — immigration detainer requests.

A law enforcement agency in this state that has custody of a person subject to an immigration detainer request issued by United States immigration and customs enforcement shall fully comply with any instruction made in the detainer request and in any other legal document provided by a federal agency.

2018 Acts, ch 1089, §2, 12

27A.3 Completion of sentence in federal custody.

1. The court, in a criminal proceeding in this state in which the sentence requires a defendant who is the subject of an immigration detainer request to be confined in a correctional facility, shall issue an order at the time of sentencing requiring the correctional facility in which the defendant is to be confined and all appropriate government officers to require the defendant to be transferred to serve in federal custody the final portion of the defendant's sentence, not to exceed a period of seven days, if a facility or officer determines that the change in the place of confinement will facilitate the seamless transfer of the defendant into federal custody. The court in a criminal proceeding in this state shall retain jurisdiction to issue such an order at a later date if the court receives notice from a federal agency that a defendant was the subject of an immigration detainer request at the time of sentencing. The court shall issue such an order as soon as practicable after receiving such notice.

2. In the absence of an order issued under this section, a facility or officer acting under exigent circumstances may perform such a transfer after making a determination that the change in the place of confinement will facilitate the seamless transfer of the defendant into federal custody.

3. A defendant shall be transferred pursuant to this section only if appropriate officers of the federal government consent to the transfer of a defendant into federal custody under the circumstances described in this section.

2018 Acts, ch 1089, §3, 12

27A.4 Restriction on enforcement of immigration law prohibited.

1. A local entity shall not adopt or enforce a policy or take any other action under which the local entity prohibits or discourages the enforcement of immigration laws.

2. A local entity shall not prohibit or discourage a person who is a law enforcement officer, corrections officer, county attorney, city attorney, or other official who is employed by or otherwise under the direction or control of the local entity from doing any of the following:

a. Inquiring about the immigration status of a person under a lawful detention or under arrest.

b. Doing any of the following with respect to information relating to the immigration status, lawful or unlawful, of any person under a lawful detention or under arrest, including information regarding the person's place of birth:

(1) Sending the information to or requesting or receiving the information from United States citizenship and immigration services, United States immigration and customs enforcement, or another relevant federal agency.

(2) Maintaining the information.

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(3) Exchanging the information with another local entity or a federal or state governmental entity.

c. Assisting or cooperating with a federal immigration officer as reasonable or necessary, including providing enforcement assistance.

d. Permitting a federal immigration officer to enter and conduct enforcement activities at a jail or other detention facility to enforce a federal immigration law.

2018 Acts, ch 1089, §4, 12

27A.5 Written policies.

No later than January 1, 2019, each state or local law enforcement agency subject to this chapter shall do all of the following:

1. Formalize in writing any unwritten, informal policies relating to the enforcement of immigration laws.

2. Update the agency's policies to be consistent with this chapter, to require each officer or other employee of the law enforcement agency to fully comply with this chapter, and to prohibit an officer or other employee of the law enforcement agency from preventing law enforcement agency personnel from fully complying with this chapter.

2018 Acts, ch 1089, §5, 12

27A.6 Discrimination prohibited.

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not consider race, skin color, language spoken, or national origin while enforcing immigration laws except to the extent permitted by the Constitution of the United States or the Constitution of the State of Iowa.

2018 Acts, ch 1089, §6, 12

27A.7 Victim of or witness to a crime — limitation on collection of information.

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not ask for or collect any information from a victim of or witness to an alleged public offense or from a person reporting an alleged public offense, including the victim's, witness's, or person's national origin, that is not pertinent to the investigation of the alleged public offense.

2018 Acts, ch 1089, §7, 12

27A.8 Complaints — notification — civil action.

1. Any person, including a federal agency, may file a complaint with the attorney general alleging that a local entity has violated or is violating this chapter if the person offers evidence to support such an allegation. The person shall include with the complaint any evidence the person has in support of the complaint.

2. A local entity for which the attorney general has received a complaint pursuant to this section shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the complaint.

3. A complaint filed pursuant to subsection 1 shall not be valid unless the attorney general determines that a violation of this chapter by a local entity was intentional.

4. If the attorney general determines that a complaint filed pursuant to this section against a local entity is valid, the attorney general, not later than ten days after the date of such a determination, shall provide written notification to the local entity by certified mail, with return receipt requested, stating all of the following:

a. A complaint pursuant to this section has been filed and the grounds for the complaint.

b. The attorney general has determined that the complaint is valid.

c. The attorney general is authorized to file a civil action in district court pursuant to subsection 6 to enjoin a violation of this chapter no later than forty days after the date on which the notification is received if the local entity does not come into compliance with the requirements of this chapter.

d. The local entity and any entity that is under the jurisdiction of the local entity will be

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denied state funds pursuant to section 27A.9 for the state fiscal year following the year in which a final judicial determination in a civil action brought under this section is made.

5. No later than thirty days after the date on which a local entity receives written notification under subsection 4, the local entity shall provide the attorney general with all of the following:

a. Copies of all of the local entity's written policies relating to immigration enforcement actions.

b. A copy of each immigration detainer request received by the local entity from a federal agency.

c. A copy of each response sent by the local entity to an immigration detainer request described by paragraph "*b*".

d. A description of all actions the local entity has taken or will take to correct any violations of this chapter.

e. If applicable, any evidence that would refute the allegations made in the complaint.

6. No later than forty days after the date on which the notification pursuant to subsection 4 is received, the attorney general shall file a civil action in district court to enjoin any ongoing violation of this chapter by a local entity.

2018 Acts, ch 1089, §8, 12
Referred to in §27A.9, 27A.10

27A.9 Denial of state funds.

1. Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity intentionally violates this chapter.

2. State funds shall be denied to a local entity pursuant to subsection 1 by all state agencies for each state fiscal year that begins after the date on which a final judicial determination that the local entity has intentionally violated this chapter is made in a civil action brought pursuant to section 27A.8, subsection 6. State funds shall continue to be denied until eligibility to receive state funds is reinstated under section 27A.10. However, any state funds for the provision of wearable body protective gear used for law enforcement purposes shall not be denied under this section.

3. The department of management shall adopt rules pursuant to chapter 17A to implement this section and section 27A.10 uniformly across state agencies from which state funds are distributed to local entities.

2018 Acts, ch 1089, §9, 12
Referred to in §27A.8, 27A.11

27A.10 Reinstatement of eligibility to receive state funds.

1. Except as provided by subsection 5, no earlier than ninety days after the date of a final judicial determination that a local entity has intentionally violated the provisions of this chapter, the local entity may petition the district court that heard the civil action brought pursuant to section 27A.8, subsection 6, to seek a declaratory judgment that the local entity is in full compliance with this chapter.

2. A local entity that petitions the court as described by subsection 1 shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the action.

3. If the court issues a declaratory judgment declaring that the local entity is in full compliance with this chapter, the local entity's eligibility to receive state funds is reinstated beginning on the first day of the month following the date on which the declaratory judgment is issued.

4. A local entity shall not petition the court as described in subsection 1 more than twice in one twelve-month period.

5. A local entity may petition the court as described in subsection 1 before the date provided in subsection 1 if the person who was the director or other chief officer of the local entity at the time of the violation of this chapter is subsequently removed from or otherwise leaves office.

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6. A party shall not be entitled to recover any attorney fees in a civil action described by subsection 1.

2018 Acts, ch 1089, §10, 12
Referred to in §27A.9

27A.11 Attorney general database.

The attorney general shall develop and maintain a searchable database listing each local entity for which a final judicial determination described in section 27A.9, subsection 2, has been made. The attorney general shall post the database on the attorney general's internet site.

2018 Acts, ch 1089, §11, 12

CHAPTER 27B

ENFORCEMENT OF STATE, LOCAL, AND MUNICIPAL LAWS

27B.1	Definitions.	27B.4	Complaints — notification — civil action.
27B.2	Restriction on enforcement of state, local, and municipal law prohibited.	27B.5	Denial of state funds.
		27B.6	Reinstatement of eligibility to receive state funds.
27B.3	Discrimination prohibited.	27B.7	Attorney general database.

27B.1 Definitions.

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

1. *"Local entity"* means the governing body of a city or county. *"Local entity"* includes an officer or employee of a local entity or a division, department, or other body that is part of a local entity, including but not limited to a sheriff, police department, city attorney, or county attorney.

2. *"Policy"* includes a rule, procedure, regulation, order, ordinance, motion, resolution, or amendment, whether formal and written or informal and unwritten.

2021 Acts, ch 183, §30, 38; 2022 Acts, ch 1021, §17

27B.2 Restriction on enforcement of state, local, and municipal law prohibited.

A local entity or law enforcement department shall not adopt or enforce a policy or take any other action under which the local entity or law enforcement department prohibits or discourages the enforcement of state, local, or municipal laws.

2021 Acts, ch 183, §31, 38

27B.3 Discrimination prohibited.

A local entity or a person employed by or otherwise under the direction or control of a local entity shall not consider race, skin color, language spoken, or national origin while enforcing state, local, and municipal laws except to the extent permitted by the Constitution of the United States or the Constitution of the State of Iowa.

2021 Acts, ch 183, §32, 38

27B.4 Complaints — notification — civil action.

1. Any person may file a complaint with the attorney general alleging that a local entity has violated or is violating this chapter if the person offers evidence to support such an allegation. The person shall include with the complaint any evidence the person has in support of the complaint.

2. A local entity for which the attorney general has received a complaint pursuant to this section shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the complaint.

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3. A complaint filed pursuant to subsection 1 shall not be valid unless the attorney general determines that a violation of this chapter by a local entity was intentional.

4. If the attorney general determines that a complaint filed pursuant to this section against a local entity is valid, the attorney general, not later than ten days after the date of such a determination, shall provide written notification to the local entity by certified mail, with return receipt requested, stating all of the following:

a. A complaint pursuant to this section has been filed and the grounds for the complaint.

b. The attorney general has determined that the complaint is valid.

c. The attorney general is authorized to file a civil action in district court pursuant to subsection 6 to enjoin a violation of this chapter no later than forty days after the date on which the notification is received if the local entity does not come into compliance with the requirements of this chapter.

d. The local entity and any entity that is under the jurisdiction of the local entity will be denied state funds pursuant to section 27B.5 for the state fiscal year following the year in which a final judicial determination in a civil action brought under this section is made.

5. No later than thirty days after the date on which a local entity receives written notification under subsection 4, the local entity shall provide the attorney general with all of the following:

a. Copies of all of the local entity's written policies relating to the complaint.

b. A description of all actions the local entity has taken or will take to correct any violations of this chapter.

c. If applicable, any evidence that would refute the allegations made in the complaint.

6. No later than forty days after the date on which the notification pursuant to subsection 4 is received, the attorney general shall file a civil action in district court to enjoin any ongoing violation of this chapter by a local entity.

2021 Acts, ch 183, §33, 38
Referred to in §27B.5, 27B.6

27B.5 Denial of state funds.

1. Notwithstanding any other provision of law to the contrary, a local entity, including any entity under the jurisdiction of the local entity, shall be ineligible to receive any state funds if the local entity intentionally violates this chapter.

2. State funds shall be denied to a local entity pursuant to subsection 1 by all state agencies for each state fiscal year that begins after the date on which a final judicial determination that the local entity has intentionally violated this chapter is made in a civil action brought pursuant to section 27B.4, subsection 6. State funds shall continue to be denied until eligibility to receive state funds is reinstated under section 27B.6. However, any state funds for the provision of wearable body protective gear used for law enforcement purposes shall not be denied under this section.

3. The department of management shall adopt rules pursuant to chapter 17A to implement this section and section 27B.6 uniformly across state agencies from which state funds are distributed to local entities.

2021 Acts, ch 183, §34, 38
Referred to in §27B.4, 27B.7

27B.6 Reinstatement of eligibility to receive state funds.

1. Except as provided by subsection 5, no earlier than ninety days after the date of a final judicial determination that a local entity has intentionally violated the provisions of this chapter, the local entity may petition the district court that heard the civil action brought pursuant to section 27B.4, subsection 6, to seek a declaratory judgment that the local entity is in full compliance with this chapter.

2. A local entity that petitions the court as described by subsection 1 shall comply with any document requests, including a request for supporting documents, from the attorney general relating to the action.

3. If the court issues a declaratory judgment declaring that the local entity is in full compliance with this chapter, the local entity's eligibility to receive state funds is reinstated

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beginning on the first day of the month following the date on which the declaratory judgment is issued.

4. A local entity shall not petition the court as described in subsection 1 more than twice in one twelve-month period.

5. A local entity may petition the court as described in subsection 1 before the date provided in subsection 1 if the person who was the director or other chief officer of the local entity at the time of the violation of this chapter is subsequently removed from or otherwise leaves office.

6. A party shall not be entitled to recover any attorney fees in a civil action described by subsection 1.

2021 Acts, ch 183, §35, 38
Referred to in §27B.5

27B.7 Attorney general database.

The attorney general shall develop and maintain a searchable database listing each local entity for which a final judicial determination described in section 27B.5, subsection 2, has been made. The attorney general shall post the database on the attorney general's internet site.

2021 Acts, ch 183, §36, 38

CHAPTER 27C

PROOF OF VACCINATION FOR COVID-19

27C.1 Vaccine information on identification cards — prohibited.
27C.2 Proof of vaccination — denial of state grants or contracts.

27C.1 Vaccine information on identification cards — prohibited.

The state or any political subdivision of the state shall not include on an identification card issued by the state or political subdivision information regarding whether the holder of the identification card has received a vaccination for COVID-19, as defined in section 686D.2.

2021 Acts, ch 141, §1, 3

27C.2 Proof of vaccination — denial of state grants or contracts.

1. Notwithstanding any provision of law to the contrary, a business or governmental entity shall not require a customer, patron, client, patient, or other person who is invited onto the premises of the business or governmental entity to furnish proof of having received a vaccination for COVID-19, as defined in section 686D.2, prior to entering onto the premises of the business or governmental entity. This section does not prohibit a business or governmental entity from implementing a COVID-19 screening protocol that does not require proof of vaccination for COVID-19.

2. Notwithstanding any provision of law to the contrary, grants or contracts funded by state revenue shall not be awarded to or renewed with respect to a business or governmental entity that violates subsection 1 on or after May 20, 2021.

3. For the purposes of this section:

a. "Business" means a retailer required to obtain a sales tax permit pursuant to chapter 423, a nonprofit or not-for-profit organization, or an establishment which is open to the public at large or where entrance is limited by a cover charge or membership requirement, but does not include a health care facility as defined in section 686D.2.

b. "Governmental entity" means the state or any political subdivision of the state that owns, leases, or operates buildings under the control of the state or a political subdivision of the state, but does not include a health care facility as defined in section 686D.2.

2021 Acts, ch 141, §2, 3

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SUBTITLE 10

JOINT GOVERNMENTAL ACTIVITY

CHAPTER 28

COMMUNITY EMPOWERMENT ACT

Repealed by 2010 Acts, ch 1031, §308; see chapter 256I

CHAPTER 28A

QUAD CITIES INTERSTATE
METROPOLITAN AUTHORITY COMPACT

Referred to in §28J.15

This chapter not enacted as a part of this
title; transferred from chapter 330B in Code 1993

SUBCHAPTER I

INTERSTATE COMPACT

28A.1 Quad cities interstate metropolitan authority compact.

SUBCHAPTER II

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SUBCHAPTER I

INTERSTATE COMPACT

28A.1 Quad cities interstate metropolitan authority compact.

The quad cities interstate metropolitan authority compact is entered into and enacted into law with the state of Illinois if the state of Illinois joins the compact, in the form substantially as follows:

1. *Article 1 — Short title.* This compact may be cited as the "*Quad Cities Interstate Metropolitan Authority Compact*".

2. *Article 2 — Authorization.* The states of Illinois and Iowa authorize the creation of the quad cities interstate authority to include the territories of Scott county in the state of Iowa and Rock Island county in the state of Illinois.

3. *Article 3 — Purposes.* The purposes of the authority are to provide facilities and to foster cooperative efforts, all for the development and public benefit of its territory. This compact shall be liberally interpreted to carry out these purposes.

4. *Article 4 — Creation.* The authority is created when the secretary of state of Iowa

certifies to the secretary of state of Illinois that a majority of the electors of Scott county voting on the proposition voted to approve creation of the authority and the secretary of state of Illinois certifies to the secretary of state of Iowa that a majority of the electors of Rock Island county voting on the proposition voted to approve creation of the authority. A referendum approving creation of the authority must be held before January 1, 1993.

5. *Article 5 — Board members.* The authority shall be governed by a board of not more than sixteen members, one-half of whom are residents of Rock Island county, Illinois, and one-half of whom are residents of Scott county, Iowa. Iowa members shall be chosen in the manner and for the terms fixed by the law of Iowa. Illinois members shall be chosen in the manner and for the terms fixed by the law of Illinois.

6. *Article 6 — Board officers.* The board shall elect annually from its members a chairperson, a vice chairperson, a secretary, and other officers it determines necessary.

7. *Article 7 — Board operations.* The board shall adopt bylaws governing its meetings, fiscal year, election of officers, and other matters of procedure and operation.

8. *Article 8 — Board expenses and compensation.*

a. Members shall be reimbursed for reasonable expenses incurred while carrying out official duties.

b. Members shall be compensated as authorized by substantially identical laws of the states of Illinois and Iowa.

9. *Article 9 — Employees.*

a. The board shall hire an executive director, a treasurer, and other employees it determines necessary and shall fix their qualifications, duties, compensation, and terms of employment.

b. The executive director, treasurer, and other employees shall have no pension benefits or rights of collective bargaining other than those authorized by substantially identical laws of the states of Iowa and Illinois.

10. *Article 10 — General powers.* The authority has the following general powers:

a. To sue and be sued.

b. To own, operate, manage, or lease facilities within the territory of the authority. "*Facility*" means an airport, port, wharf, dock, harbor, bridge, tunnel, terminal, industrial park, waste disposal system, mass transit system, parking area, road, recreational area, conservation area, or other project beneficial to the territory of the authority as authorized by substantially identical laws of the states of Iowa and Illinois, together with related or incidental fixtures, equipment, improvements, and real or personal property.

c. To fix and collect reasonable fees and charges for the use of its facilities.

d. To own or lease interests in real or personal property.

e. To accept and receive money, services, property, and other things of value.

f. To disburse funds for its lawful activities.

g. To enter into agreements with political subdivisions of the state of Illinois or Iowa or with the United States.

h. To pledge or mortgage its property.

i. To perform other functions necessary or incidental to its purposes and powers.

j. To exercise other powers conferred by substantially identical laws of the states of Iowa and Illinois.

11. *Article 11 — Eminent domain.*

a. The authority has the power to acquire real property by eminent domain.

b. Property in the state of Iowa shall be acquired under the laws of the state of Iowa. Property in the state of Illinois shall be acquired under the laws of the state of Illinois.

12. *Article 12 — Indebtedness.*

a. The authority may incur indebtedness subject to debt limits imposed by substantially identical laws of the states of Illinois and Iowa.

b. Indebtedness of the authority shall not be secured by the full faith and credit or the tax revenues of the state of Iowa or Illinois, or a political subdivision of the state of Iowa or Illinois other than the authority or as otherwise authorized by substantially identical laws of the states of Iowa and Illinois.

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c. Bonds shall be issued only under terms authorized by substantially identical laws of the states of Illinois and Iowa.

13. *Article 13 — Taxes.*

a. The authority shall have no independent power to tax.

b. A political subdivision of the state of Iowa or Illinois shall not impose taxes to fund the authority or any of the authority's projects except as specifically authorized by substantially identical laws of the states of Illinois and Iowa.

14. *Article 14 — Reports.* The authority shall report annually to the governors and legislatures of the states of Iowa and Illinois concerning its facilities, activities, and finances and may make recommendations for state legislation.

15. *Article 15 — Penalties.* The states of Illinois and Iowa may provide by substantially identical laws for the enforcement of the ordinances of the authority and for penalties for the violation of those ordinances.

16. *Article 16 — Substantially identical laws.* Substantially identical laws of the states of Iowa and Illinois which are in effect before the authority is created shall apply unless the laws are contrary to or inconsistent with the provisions of this compact. A question of whether the laws of the states of Iowa and Illinois are substantially identical may be determined and enforced by a federal district court.

17. *Article 17 — Dissolution.* The authority may be dissolved by independent action of a political subdivision of the state of Iowa or the state of Iowa as authorized by law of the state of Iowa or by independent action of a political subdivision of the state of Illinois or the state of Illinois as authorized by law of the state of Illinois.

18. *Article 18 — Subject to laws and constitutions.* This compact, the enabling laws of the states of Iowa and Illinois, and the authority are subject to the laws and Constitution of the United States and the Constitutions of the states of Illinois and Iowa.

19. *Article 19 — Consent of Congress.* The attorneys general of the states of Iowa and Illinois shall jointly seek the consent of the Congress of the United States to enter into or implement this compact if either of them believes the consent of the Congress of the United States is necessary.

20. *Article 20 — Binding effect.* This compact and substantially identical enabling laws are binding on the states of Illinois and Iowa to the full extent allowed without the consent of Congress. If the consent of Congress is necessary, this compact and substantially identical enabling laws are binding on the states of Iowa and Illinois to the full extent when consent is obtained.

21. *Article 21 — Signing.* This compact shall be signed in duplicate by the speakers of the houses of representatives of the states of Illinois and Iowa. One signed copy shall be filed with the secretary of state of Iowa and the other with the secretary of state of Illinois.

89 Acts, ch 213, §1
CS89, §330B.1
C93, §28A.1
2008 Acts, ch 1032, §201
Referred to in §28A.3, 28A.26

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SUBCHAPTER II

QUAD CITIES INTERSTATE METROPOLITAN AUTHORITY

28A.2 Citation.

This subchapter may be cited as the *"Quad Cities Interstate Metropolitan Authority Act"*.

91 Acts, ch 198, §1
CS91, §330B.2
C93, §28A.2
2016 Acts, ch 1011, §121

28A.3 Purposes.

1. This subchapter is enabling legislation for the quad cities interstate metropolitan

authority compact, a compact entered into by the states of Illinois and Iowa as provided in section 28A.1.

2. The authority shall engage in operations and services that can best be conducted on an area basis benefiting the entire greater metropolitan area, and at the same time improving the quality of life for the greater metropolitan area. The authority may include the following areas of operation and service:

a. Intermodal water port operations.

b. Waste disposal systems.

c. Mass transit.

d. Airports.

e. Bridges.

f. Parks and recreation.

g. Related facilities, fixtures, equipment, and property necessary, appurtenant, or incidental to the operations and services specified in paragraphs *"a"* through *"f"*. The authority shall be supportive of, and refrain from unnecessary and unreasonable competition with, private sector operations when possible.

3. The establishment, maintenance, and operation of safe, adequate, and necessary metropolitan facilities, and the creation of the authority having powers necessary or desirable for the establishment, maintenance, and operation of the metropolitan facilities beneficial to the territory of the authority, and the powers and the corporate purposes and functions of the authority are public and governmental in nature and essential to the public interest in the territory of the authority.

91 Acts, ch 198, §2
CS91, §330B.3
C93, §28A.3
2016 Acts, ch 1011, §121

28A.4 Definitions.

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

1. *"Authority"* means the quad cities interstate metropolitan authority created as provided in this subchapter.

2. *"Board"* means the board of commissioners of the authority.

3. *"Cost"* of any project for a metropolitan facility includes construction contract costs and the costs of engineering, architectural, technical, and legal services, preliminary reports, property valuations, estimates, plans, specifications, notices, acquisition of real and personal property, consequential damages or costs, easements, rights-of-way, supervision, inspection, testing, publications, printing and sale of bonds, if any, and provisions for contingencies.

4. *"Greater metropolitan area"* means the combined area of Rock Island county, Illinois, and Scott county, Iowa.

5. *"Metropolitan area"* means Rock Island county, Illinois, as a separate and distinct area, or Scott county, Iowa, as a separate and distinct area, or each as a part of the greater metropolitan area.

6. *"Metropolitan facility"* means a structure, fixture, equipment, or property of any kind or nature related to or connected with an intermodal water port, waste disposal system, mass transit system, airport, park, recreation, or bridge, which the authority may construct, acquire, own, lease, or operate, including all related facilities necessary, appurtenant, or incidental to the facilities.

7. *"Person"* means an individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative of any of the entities.

8. *"Waste disposal system"* means a facility or service for collection, transportation, processing, storage, or disposal of solid waste including a facility or service established pursuant to chapter 28G.

91 Acts, ch 198, §3
CS91, §330B.4

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C93, §28A.4
2016 Acts, ch 1011, §121

28A.5 Petition and public hearing.

1. Upon petition of eligible electors of a metropolitan area equal in number to at least ten percent of the persons who voted in the last general election held in the metropolitan area for the office of president of the United States or governor, the governing body of the county shall adopt a resolution signifying its intention to initiate the question of participating in the creation of an authority and shall publish the resolution at least once in a newspaper of general circulation in the metropolitan area giving notice of a hearing to be held on the question of the metropolitan area's entry into the authority. The resolution shall be published at least fourteen days prior to the date of hearing, and shall contain all of the following information:

a. Intention to join in the creation of the authority pursuant to this subchapter.

b. That the greater metropolitan area will include Rock Island county, Illinois, and Scott county, Iowa, which have expressed their interest in the creation of the authority.

c. Name of the authority.

d. Place, date, and time of hearing.

2. After the hearing, if the governing body of a metropolitan area wishes to proceed in the creation of or to join the authority, the governing body shall direct the proper election authority to submit the proposition to the electorate of the metropolitan area as provided in section 28A.6.

91 Acts, ch 198, §4
CS91, §330B.5
C93, §28A.5
2016 Acts, ch 1011, §121
Referred to in §28A.17, 28A.25

28A.6 Election.

1. Upon receipt of the resolution, the county commissioner of elections shall place the proposition on the ballot of a special election but not at a general election, called by the governing body of the metropolitan area. At the election, the proposition shall be submitted in substantially the following form:

Shall the Quad Cities Interstate Metropolitan Authority be established effective on the ..... day of ..... (month), ... (year)?
YES.....
NO.....

2. Notice of the election shall be given by publication as required in section 49.53 in a newspaper of general circulation in the metropolitan area. At the election, the ballot used for submission of the proposition shall be substantially the form for submitting special questions at general elections.

3. The proposition is approved if the vote in favor of the proposition is a simple majority of the total votes cast on the proposition in the metropolitan area.

4. If the proposition is approved, the governing body of the county shall enact an ordinance authorizing the joining of the authority.

91 Acts, ch 198, §5
CS91, §330B.6
C93, §28A.6
2000 Acts, ch 1058, §56
Referred to in §28A.5, 28A.8, 28A.17, 28A.25

28A.7 Board of commissioners — appointment.

1. The authority established under this subchapter shall be governed by a board of commissioners appointed as provided in subsection 2. The appointment of the

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commissioners shall be made in writing and shall indicate the legal residence of the appointee.

2. The board of commissioners of an authority shall consist of sixteen members, eight members of which shall be residents of the metropolitan area of each state which is a party to the authority. At least four but not more than five members appointed from each metropolitan area shall be elected city or county officers. The mayor of each city having a population of at least eighty thousand within the metropolitan area shall appoint, with the consent of the city council, four members to the board of commissioners. The mayor of each city having a population of at least forty thousand, but less than eighty thousand, within the metropolitan area shall appoint, with the consent of the city council, two members to the board of commissioners. The mayor of each city having a population of at least nineteen thousand, but less than forty thousand, within the metropolitan area shall appoint, with the consent of the city council, one member to the board of commissioners. The remaining members appointed from each state shall be appointed by the chairperson of the governing body of the county within the metropolitan area, with consent of the governing body, from cities having less than nineteen thousand population and areas outside the corporate limits of cities.

3. If a city increases to a population that would enable an additional appointment to be made, a member appointed by the chairperson of the governing body of the county and having the least tenure shall be removed from the board of commissioners. If a city decreases to a population warranting fewer members, the appointee having the least tenure of that city shall be removed from the board of commissioners and the chairperson of the governing body of the county in which that city is located shall make a new appointment as provided in subsection 2. If more members than are required to be removed have the same tenure, the removal shall be determined by lot.

4. The appointing authorities shall provide representation for racial groups residing in the metropolitan area based on the ratio of the racial population to the population as a whole.

91 Acts, ch 198, §6
CS91, §330B.7
92 Acts, ch 1163, §81
C93, §28A.7
2016 Acts, ch 1011, §121; 2024 Acts, ch 1004, §6

28A.8 Commissioners — terms of office.

1. All initial appointments of commissioners shall be made within thirty days after the establishment of the authority. The authority is considered established when the proposition is approved by the voters under section 28A.6. Each appointment shall be in writing and a certificate of appointment signed by the appointing officer shall be filed and made a matter of record in the office of the county recorder. A commissioner shall be appointed for a term of two years and shall qualify within ten days after appointment by acceptance and the taking of an oath or affirmation to faithfully perform the duties of office. Members initially appointed to the board of commissioners shall serve from date of appointment until June 30 of one or two years after the date of appointment and shall draw lots to determine the terms for which each shall be appointed. Lots shall be drawn so that four commissioners from the metropolitan area shall serve in each of two classes. Thereafter, commissioners shall be appointed for two-year terms beginning on July 1 of the year of appointment. However, a commissioner who is also an elected officer shall have a term of office that runs concurrent and consistent with the elective office.

2. Within forty-five days after any vacancy occurs on the board by death, resignation, change of residence to outside of the metropolitan area, or for any other cause, a successor shall be appointed in the same manner as the commissioner's predecessor was appointed for the unexpired term of office. Commissioners and board officers of the board shall serve until a successor is appointed and qualifies. A vacancy exists when a commissioner who is also an elected officer leaves elective office and a former city or county elective officer is ineligible to serve as a commissioner for two years after leaving elective office.

91 Acts, ch 198, §7

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CS91, §330B.8
C93, §28A.8

28A.9 Organization — officers — meetings — compensation.

1. The board of commissioners may exercise all of its legislative and executive powers granted under this subchapter. Within thirty days after the appointment of the initial commissioners, the board shall meet and elect a chairperson from among its members for a term of one year. The chairperson's position shall alternate annually between a commissioner from one state to a commissioner from the other state. The board shall also select a secretary, treasurer, and other officers or employees as necessary for the accomplishment of its corporate objectives, none of whom need be a commissioner. The board, at its first meeting, shall define by ordinance the first and subsequent fiscal years of the authority, and shall adopt a corporate seal and bylaws, which shall determine the times for the annual election of officers and for other regular and special meetings of the board. The bylaws shall contain the rules for the transaction of other business of the authority and for amending the bylaws.

2. Each commissioner of the authority shall devote the amount of time to the duties of office as the faithful discharge of the duties may require. The board shall reimburse a commissioner for actual and necessary expenses incurred in the performance of official duties as approved by the board. A commissioner shall not receive a salary or per diem for the performance of official duties.

3. Each commissioner shall comply with restrictions relating to conflicts of interests or acceptance of gifts as provided in chapter 68B or similar laws of the state of Illinois as determined by the board.

4. The commissioners shall conduct the meetings as public meetings with appropriate notice pursuant to chapter 21 or to similar laws of the state of Illinois as determined by the board.

5. The board shall keep and maintain its records as public records pursuant to chapter 22 or to similar laws of the state of Illinois as determined by the board.

91 Acts, ch 198, §8
CS91, §330B.9
92 Acts, ch 1163, §82
C93, §28A.9
2016 Acts, ch 1011, §121

28A.10 Rights and powers.

1. The authority constitutes a municipal corporation and body politic separate from any other municipality, state, or other public or governmental agency. The authority has the following express powers, subject to any restrictions or limitations contained in this subchapter, and all other powers incidental, necessary, convenient, or desirable to carry out and effectuate the express powers to:

a. Sue and be sued.

b. Locate, acquire, own, establish, operate, and maintain one or more metropolitan facilities upon any land or body of water within its corporate limits, and to construct, develop, expand, extend, and improve any metropolitan facility. A new metropolitan facility, such as a sanitary landfill or infectious waste disposal facility shall not be established without site approval of the city council or board of supervisors which governs the city or county in which the proposed site is to be located.

c. Acquire, within the corporate limits of the authority, and in fee simple, rights in and over land or water, and easements upon, over, or across land or water, and leasehold interests in land or water, and tangible and intangible personal property, used or useful for the location, establishment, maintenance, development, expansion, extension, or improvement of one or more metropolitan facilities. The acquisition may be by dedication, purchase, gift, agreement, lease, or by condemnation if within corporate limits of the authority. The authority may acquire land in fee simple subject to a mortgage and as part of the purchase price may assume the payment of the indebtedness secured by the mortgage. Land may be acquired, possessed,

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and used for its purposes by the authority, under a written contract for a deed conveying merchantable title and providing that the deed shall be placed in escrow and be delivered upon payment of the purchase price and containing other terms as are reasonably incident to the contract. Personal property may be purchased on an installment contract basis or lease-purchase contract.

d. Operate, maintain, manage, lease with or without a lease-purchase option, sublease, and make and enter into contracts for the use, operation, or management of, and enact regulations for the operation, management, or use of, a metropolitan facility.

e. Fix, charge, and collect reasonable rentals, tolls, fees, and charges for the use of a metropolitan facility or any part of a metropolitan facility. Rentals, tolls, fees, or charges fixed and collected for the use of a metropolitan facility shall be used for the construction, reconstruction, repair, maintenance, or operation of that metropolitan facility or the construction, reconstruction, repair, maintenance, or operation of similar metropolitan facilities.

f. Establish and maintain streets and approaches on property of the authority.

g. Remove and relocate hazards or structures on property of the authority.

h. Restrict and reduce the height of objects or buildings on property of the authority.

i. Accept grants, contributions, or loans from, and enter into contracts, leases, or other transactions with, a city, county, state, or federal government.

j. Borrow money and issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of the corporate purposes, which obligations may be payable from other sources as provided in this subchapter, and refund or advance refund any of the evidences of indebtedness with bonds, notes, certificates, or other evidences of indebtedness, which refunding or advanced refunding obligations may be payable from taxes or from any other source, subject to compliance with any condition or limitation set forth in this subchapter.

k. Employ or enter into contracts for the employment of any person for professional services, necessary or desirable for the accomplishment of the corporate objectives of the authority or the proper administration, management, protection, or control of its property.

l. Regulate traffic, speed, movement, and mooring of vessels on property of the authority.

m. Regulate traffic, speed, movement, and parking of motor vehicles upon property of the authority and employ parking meters, signs, and other devices in the regulation of the motor vehicles.

n. Contract for police and fire protection.

o. Establish, by ordinance of the board, all regulations for the execution of the powers specified in this subchapter, for the government of the authority, and for the protection of any metropolitan facility within the jurisdiction of the authority, or deemed necessary or desirable to effect its corporate objectives. An ordinance may provide for the revocation, cancellation, or suspension of an existing privilege or franchise as a penalty for a second or subsequent violation by the holder or franchisee of a regulation pertaining to the enjoyment, use, or exercise of the privilege or franchise. The use of a metropolitan facility of the authority shall be subject to the reasonable regulation and control of the authority and upon the reasonable terms and conditions as established by the board.

p. Establish a general operating fund and other funds as necessary.

q. Do all acts and things necessary or convenient for the promotion of its business and the general welfare of the authority, in order to carry out the powers granted to it by this chapter or any other laws.

2. *a.* The authority has no power to pledge the taxing power of this state or any political subdivision or agency of this state.

b. Bonds and notes issued by the authority are payable solely and only out of the moneys, assets, or revenues of the authority, and as provided in the agreement with bondholders or noteholders pledging any particular moneys, assets, or revenues. Bonds or notes are not an obligation of this state or any political subdivision of this state other than the authority within the meaning of any constitutional or statutory debt limitations, but are special obligations of the authority payable solely and only from the sources provided in this subchapter, and the authority shall not pledge the credit or taxing power of this state or any political subdivision

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of this state other than the authority, or make its debts payable out of any moneys except those of the authority.

91 Acts, ch 198, §9
CS91, §330B.10
C93, §28A.10
2008 Acts, ch 1032, §201; 2016 Acts, ch 1011, §121
Referred to in §28A.11

28A.11 Regulations — ordinances.

Regulations adopted pursuant to section 28A.10 shall be contained in an ordinance which shall be placed on file in the office of the authority in typewritten or printed form for public inspection not less than fifteen days before adoption. The ordinance may impose fines as the board deems appropriate of not more than one hundred dollars upon conviction or guilty plea for each violation, and may provide that, in case of continuing violation, each day during which a violation occurs or continues constitutes a separate offense.

91 Acts, ch 198, §10
CS91, §330B.11
C93, §28A.11

28A.12 Eminent domain procedures.

If land in fee simple, rights in land, air, or water, easements or other interests in land, air, water, property, or property rights are acquired or sought to be acquired by the authority by condemnation, the condemnation procedure shall be in accordance with the eminent domain statutes of the state in which the affected property is located.

91 Acts, ch 198, §11
CS91, §330B.12
C93, §28A.12

28A.13 Authority procedures.

Action of the board of a legislative character, including the adoption of regulations, shall be in the form of an ordinance, and after adoption shall be filed with the secretary and shall be made a matter of public record in the office of the authority. Other action of the board shall be by resolution, motion, or in other appropriate form. Executive or ministerial duties may be delegated to one or more commissioners or to an authorized officer, employee, agent, or other representative of the authority. Ten commissioners, five members from each state within the greater metropolitan area, constitute a quorum to conduct business and an affirmative vote of a majority of the commissioners from each metropolitan area is required to adopt or approve an action of the board. The enacting clause of any ordinance shall be substantially as follows:

Be it ordained by the Board of Commissioners of the Quad Cities
Interstate Metropolitan Authority

91 Acts, ch 198, §12
CS91, §330B.13
C93, §28A.13

28A.14 Official records and officer bonds.

The board shall provide for the safekeeping of its permanent records and for the recording of the corporate action of the authority. The board shall keep a true and accurate account of its receipts and an annual audit shall be made of its books, records, and accounts by state or private auditors. All officers and employees authorized to receive or retain the custody of moneys or to sign vouchers, checks, warrants, or evidences of indebtedness binding upon the authority shall furnish surety bond for the faithful performance of their duties and the faithful accounting for all moneys that may come into their custody in an amount to be fixed and in a form to be approved by the board.

91 Acts, ch 198, §13
CS91, §330B.14
C93, §28A.14

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28A.15 Change of name.

The board may change the name of the authority by ordinance. A certified copy of the ordinance shall be filed with the appropriate state office and the county recorder or equivalent county officer of each county in which the authority or part of the authority is located. The name change shall be effective on the date of the filing.

91 Acts, ch 198, §14
CS91, §330B.15
C93, §28A.15

28A.16 Budget and appropriation.

Annually, the board shall prepare and adopt a budget and provide appropriations as follows:

1. The budget shall show the amount required for each class of proposed expenditures, a comparison of the amounts proposed to be expended with the amounts expended for like purposes for the two preceding years, if available, and the sources of revenue.

2. Not less than twenty days before the date that a budget must be certified as determined by the board and not less than ten days before the date set for the hearing under subsection 3, the board shall file the budget with the treasurer of the authority. The treasurer shall post a copy of the budget in the authority offices for public inspection and comment.

3. The board shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice of the hearing not less than ten nor more than twenty days prior to the hearing in one or more newspapers serving the greater metropolitan area. Proof of publication shall be filed with and preserved by the treasurer.

4. At the hearing, any resident or taxpayer of the greater metropolitan area may present to the board objections to or arguments in favor of any part of the budget.

5. After the hearing, the board shall adopt by resolution a budget and shall direct the treasurer to properly certify and file the budget.

6. The board shall appropriate, by resolution, the amounts deemed necessary for the ensuing fiscal year. All revenue from taxes, fees, tolls, rental, charges, bonds, or any other source shall be appropriated and used for the specific metropolitan facility project for which it was collected or similar metropolitan facility projects. Increases or decreases in these appropriations do not require a budget amendment, but may be provided by resolution at a regular meeting of the board.

91 Acts, ch 198, §15
CS91, §330B.16
C93, §28A.16

28A.17 Local sales and services tax.

1. If an authority is established as provided in section 28A.6 and after approval of a referendum by a simple majority of votes cast in each metropolitan area in favor of the sales and services tax, the governing board of a county in this state within a metropolitan area which is part of the authority shall impose, at the request of the authority, a local sales and services tax at the rate of one-fourth of one percent on the sales price taxed by this state under section 423.2, within the metropolitan area located in this state. The referendum shall be called by resolution of the board and shall be held as provided in section 28A.6 to the extent applicable. The ballot proposition shall contain a statement as to the specific purpose or purposes for which the revenues shall be expended and the date of expiration of the tax. The local sales and services tax shall be imposed on the same basis, with the same exceptions, and following the same administrative procedures as provided for a county under sections 423B.5 and 423B.6. The amount of the sale, for the purposes of determining the amount of the local sales and services tax under this section, does not include the amount of any local sales and services tax imposed under sections 423B.5 and 423B.6.

2. The treasurer of state shall credit the local sales and services tax receipts and interest and penalties to the authority's account. Moneys in this account shall be remitted quarterly to the authority. The proceeds of the tax imposed under this section shall be used only for the construction, reconstruction, or repair of metropolitan facilities as specified in the referendum. The local sales and services tax imposed under this section may be suspended

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for not less than a fiscal quarter or more than one year by action of the board. The suspension may be renewed or continued by the board, but the board shall act on the suspension at least annually. The local sales and services tax may also be repealed by a petition and favorable referendum following the procedures and requirements of sections 28A.5 and 28A.6 as applicable. The board shall give the department of revenue at least forty days' notice of the repeal, suspension, or reinstatement of the tax and the effective dates for imposition, suspension, or repeal of the tax shall be as provided in section 423B.6.

91 Acts, ch 198, §16
CS91, §330B.17
C93, §28A.17
2003 Acts, ch 145, §286; 2003 Acts, 1st Ex, ch 2, §155, 205; 2021 Acts, ch 76, §150

28A.18 Bonds and notes payable from revenue.

1. *a.* The bonds issued by the board pursuant to this subchapter shall be authorized by resolution of the board and shall be either term or serial bonds, shall bear the date, mature at the time, not exceeding forty years from their respective dates, bear interest at the rate, not exceeding the rate permitted under chapter 74A or the rate authorized by another state within the greater metropolitan area, whichever rate is lower, payable monthly or semiannually, be in the denominations, be in the form, either coupon or fully registered, shall carry the registration, exchangeability and interchangeability privileges, be payable in the medium of payment and at the place, within or without the state, be subject to the terms of redemption and be entitled to the priorities on the revenues, rates, fees, rentals, or other charges or receipts of the authority as the resolution may provide. The bonds shall be executed either by manual or facsimile signature by the officers as the authority shall determine, provided that the bonds shall bear at least one signature which is manually executed on the bond, and the coupons attached to the bonds shall bear the facsimile signature of the officer as designated by the authority and the bonds shall have the seal of the authority, affixed, imprinted, reproduced, or lithographed on the bond, all as may be prescribed in a resolution.

b. The bonds shall be sold at public sale or private sale at the price as the authority shall determine to be in the best interests of the authority provided that the bonds shall not be sold at less than ninety-eight percent of the par value of the bond, plus accrued interest and provided that the net interest cost shall not exceed that permitted by applicable state law. Pending the preparation of definitive bonds, interim certificates or temporary bonds may be issued to the purchaser of the bonds, and may contain the terms and conditions as the board may determine.

2. *a.* The board, after the issuance of bonds, may borrow moneys for the purposes for which the bonds are to be issued in anticipation of the receipt of the proceeds of the sale of the bonds and within the authorized maximum amount of the bond issue. Any loan shall be paid within three years after the date of the initial loan. Bond anticipation notes shall be issued for all moneys so borrowed under this section, and the notes may be renewed, but all the renewal notes shall mature within the time above limited for the payment of the initial loan. The notes shall be authorized by resolution of the board and shall be in the denominations, shall bear interest at the rate not exceeding the maximum rate permitted by the resolution authorizing the issuance of the bonds, shall be in the form and shall be executed in the manner, all as the authority prescribes.

b. The notes shall be sold at public or private sale or, if the notes are renewal notes, they may be exchanged for notes outstanding on the terms as the board determines. The board may retire any notes from the revenues derived from its metropolitan facilities or from other moneys of the authority which are lawfully available or from a combination of revenues and other available moneys, in lieu of retiring them by means of bond proceeds. However, before the retirement of the notes by any means other than the issuance of bonds, the board shall amend or repeal the resolution authorizing the issuance of the bonds, in anticipation of the proceeds of the sale of the notes, so as to reduce the authorized amount of the bond issue by the amount of the notes so retired. The amendatory or repealing resolution shall take effect upon its passage.

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3. Any resolution authorizing the issuance of any bonds may contain provisions which shall be part of the contract with the holders of the bonds, as to:

a. The pledging of all or any part of the revenues, rates, fees, rentals, or other charges or receipts of the authority derived by the authority from all or any of its metropolitan facilities.

b. The construction, improvement, operations, extensions, enlargement, maintenance, repair, or lease of metropolitan facilities and the duties of the authority with reference to the facilities.

c. Limitations on the purposes to which the proceeds of the bonds, or of any loan or grant by the federal government or the state government or the county or any city in the county, may be applied.

d. The fixing, charging, establishing, and collecting of rates, fees, rentals, or other charges for use of the services and facilities of the metropolitan facilities of an authority, or any part of the facilities.

e. The setting aside of reserves or sinking funds or repair and replacement funds or other funds and the regulation and disposition of the funds.

f. Limitations on the issuance of additional bonds.

g. The terms and provisions of any deed of trust, mortgage, or indenture securing the bonds or under which the bonds may be issued.

h. Any other or additional agreements with the holders of the bonds as are customary and proper and which in the judgment of the authority will make the bonds more marketable.

4. The board of the authority may enter into any deeds of trust, mortgages, indentures, or other agreements, with any bank or trust company or any other lender within or without the state as security for the bonds, and may assign and pledge all or any of the revenues, rates, fees, rentals, or other charges or receipts of the authority. The deeds of trust, mortgages, indentures, or other agreements may contain the provisions as may be customary in the instruments, or, as the board may authorize, including, but without limitation, provisions as to:

a. The construction, improvement, operation, leasing, maintenance, and repair of the metropolitan facilities and duties of the board with reference to the facilities.

b. The application of funds and the safeguarding and investment of funds on hand or on deposit.

c. The appointment of consulting engineers or architects and approval by the holders of the bonds.

d. The rights and remedies of the trustee and the holders of the bonds.

e. The terms and provisions of the bonds or the resolution authorizing the issuance of the bonds.

5. Any of the bonds issued pursuant to this section are negotiable instruments, and have all the qualities and incidents of negotiable instruments and are exempt from state taxation.

91 Acts, ch 198, §17
CS91, §330B.18
C93, §28A.18
2008 Acts, ch 1032, §139; 2016 Acts, ch 1011, §121

28A.19 Existing jurisdictions.

Existing jurisdictions, including those involving airports, mass transit, river bridges, waste disposal systems, and intermodal water ports within their jurisdictional boundaries, are protected from incorporation by the authority and shall not be incorporated in the authority except by their respective governing bodies. However, an existing jurisdiction may negotiate with the authority to take over its entire powers, incomes, and debts. The authority may assume the powers, income, and debts for any type of facility authorized by this subchapter.

91 Acts, ch 198, §18
CS91, §330B.19
C93, §28A.19
2016 Acts, ch 1011, §121

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28A.20 Cooperation with other governments.

The authority may apply for and receive a grant or loan of moneys or other financial aid from the state or federal government or from any state or federal agency, department, bureau, or board, necessary or useful for the undertaking, performance, or execution of any of its corporate objectives or purposes, and the authority may undertake the acquisition, establishment, construction, development, expansion, extension, or improvement of metropolitan facilities within its corporate limits or within or upon any body of water within the corporate limits aided by, in cooperation with, or as a joint enterprise with the state or federal governments or with the aid of, or in cooperation with, or as a joint project with the state and federal governments. The authority shall assure, in compliance with any state or federal requirements or directives, that the proceeds of a state or federal grant, loan, or other financial assistance for the provision of facilities or services are used for the express purpose of the financial assistance and to the specific benefit of service areas or persons as designated by the local, state, or federal funding provider.

91 Acts, ch 198, §19
CS91, §330B.20
C93, §28A.20

28A.21 Transfer of existing facilities.

1. Any county, city, commission, authority, or person may sell, lease, lend, grant, or convey to the authority, a facility or any part of a facility, or any interest in real or personal property which may be used by an authority in the construction, improvement, maintenance, leasing, or operation of any metropolitan facilities. Any county, city, commission, authority, or person may transfer and assign over to the authority a contract which may have been awarded by the county, city, commission, authority, or person for the construction of facilities not begun or, if begun, not completed.

2. A proposed action of the board, and a proposed agreement to acquire, shall be approved by the governing body of the owner of the facilities. If the governing body of a county, city, commission, or authority desires to sell, lease, lend, grant, or convey to the authority a facility or any part of a facility, the governing body shall adopt a resolution signifying its intention to do so and shall publish the resolution at least one time in a newspaper of general circulation in the county and in a newspaper or newspapers, if necessary, of general circulation in the area served by the county, city, commission, or authority giving notice of a hearing to be held on the question of the sale, lease, loan, grant, or conveyance. The resolution shall be published at least fourteen days prior to the date of hearing. After the hearing and if in the public interest, the county, city, commission, or authority shall enact an ordinance authorizing the sale, lease, loan, grant, or conveyance.

3. An owner transferring an existing facility to the authority under this section shall notify the board of and make provision in the transfer documents for, where necessary, existing rights, liens, securities, and rights of reentry belonging to the state or federal government.

4. This section, without reference to any other law, shall be deemed complete authority for the acquisition by agreement, of a facility as provided in subsection 1, and no proceedings or other action shall be required except as prescribed in this subchapter.

91 Acts, ch 198, §20
CS91, §330B.21
C93, §28A.21
2016 Acts, ch 1011, §121

28A.22 Funds of the authority.

Moneys of an authority shall be paid to the treasurer of the authority who shall not commingle the moneys with any other moneys, but shall deposit them in a separate account or accounts. Moneys in the accounts shall be paid out on check of the treasurer on requisition of the chairperson of the authority, or of another person as the authority may authorize to make the requisition. An authority may deposit any of its rates, fees, rentals, or other charges, receipts, or income with any bank or trust company that is federally insured and may deposit the proceeds of any bonds issued with any bank or trust company that is

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federally insured, all as may be provided in any agreement with the holders of bonds issued under this subchapter.

91 Acts, ch 198, §21
CS91, §330B.22
C93, §28A.22
2016 Acts, ch 1011, §121

28A.23 Award of contracts.

All contracts entered into by an authority for the construction, reconstruction, and improvement of metropolitan facilities shall be entered into pursuant to and shall comply with applicable state laws. However, if an authority determines an emergency exists, it may enter into contracts obligating the authority for not in excess of one hundred thousand dollars per emergency without regard to the requirements of applicable state laws and the authority may proceed with the necessary action as expeditiously as possible to the extent necessary to resolve the emergency.

91 Acts, ch 198, §22
CS91, §330B.23
C93, §28A.23

28A.24 Exemption from taxation.

Since an authority is performing essential governmental functions, an authority is not required to pay any taxes or assessments of any kind or nature upon any property required or used by it for its purposes, or any rates, fees, rentals, receipts, or incomes at any time received by it, and the bonds issued by an authority, their transfer, and the income, including any profits made on the sale of the bonds, is deductible in determining net income for the purposes of the state individual and corporate income tax under chapter 422, subchapters II and III, and shall not be taxed by any political subdivision of this state.

91 Acts, ch 198, §23
CS91, §330B.24
C93, §28A.24
2013 Acts, ch 30, §8; 2020 Acts, ch 1062, §94
Referred to in §422.7(2)(h)

28A.25 Dissolution — referendum.

1. The authority shall be dissolved only by a majority vote in a referendum undertaken in a manner similar to the referendum provided for in section 28A.6. The board shall call, upon its own motion, by petition of the eligible electors as provided in section 28A.5, or by action of the governing body of either metropolitan area, for an election to approve or disapprove the dissolution of the authority.

2. The proposition is approved if the vote in favor of the proposition is a simple majority of the total votes cast on the proposition in either one of the metropolitan areas.

3. The authority shall provide by ordinance for the disposal of any remaining property, the proceeds of which shall first be applied against any outstanding obligation of the authority. The remaining balance shall be divided between the counties included in the authority and credited to the general fund of the respective counties.

91 Acts, ch 198, §24
CS91, §330B.25
C93, §28A.25

28A.26 Supremacy of compact.

The provisions of this subchapter II are subject to all of the provisions of the quad cities interstate metropolitan authority compact provided for in section 28A.1.

91 Acts, ch 198, §25
CS91, §330B.26
C93, §28A.26
2016 Acts, ch 1011, §121

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CHAPTER 28B

INTERSTATE COOPERATION COMMISSION

Repealed by 2024 Acts, ch 1170, §367

CHAPTER 28C

RESERVED

CHAPTER 28D

INTERCHANGE OF FEDERAL, STATE, AND LOCAL GOVERNMENT EMPLOYEES

Referred to in §331.324, 476A.13, 904.706

28D.1 Declaration of policy.
28D.2 Definitions.
28D.3 Authority to interchange employees.
28D.4 Status of employees.
28D.5 Travel expenses paid by sending agency.
28D.6 Status of certain employees.
28D.7 Travel expenses paid by receiving agency.
28D.8 Administration.

28D.1 Declaration of policy.

The state of Iowa recognizes that intergovernmental cooperation is an essential factor in resolving problems affecting this state and that the interchange of personnel between and among governmental agencies at the same or different levels of government is a significant factor in achieving such cooperation.

[C66, 71, 73, 75, 77, 79, 81, §28D.1]
2012 Acts, ch 1023, §157

28D.2 Definitions.

For the purposes of this chapter:

1. *"Receiving agency"* means any department or agency of the federal government or a state or local government which receives an employee of another government under this chapter.

2. *"Sending agency"* means any department or agency of the federal government or a state or local government which sends any employee thereof to another government agency under this chapter.

[C66, 71, 73, 75, 77, 79, 81, §28D.2]

28D.3 Authority to interchange employees.

1. Any department, agency, or instrumentality of the state, county, city, municipality, land-grant college, or college or university operated by the state or any local government is authorized to participate in a program of interchange of employees with departments, agencies, or instrumentalities of the federal government, another state or locality, or other agencies, municipalities, or instrumentalities of this state as a sending or receiving agency.

2. The period of individual assignment or detail under an interchange program shall not exceed twenty-four months, except that an employee may be assigned for an additional twenty-four-month period upon the agreement of the employee and both the sending and receiving agencies. No employee shall be assigned or detailed without the employee's expressed consent or by using undue coercion to obtain said consent. Details relating to any matter covered in this chapter may be the subject of an agreement between the sending and receiving agencies. Elected officials shall not be assigned from a sending agency nor detailed to a receiving agency.

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3. The period of individual assignment or detail may be terminated if the receiving agency offers a permanent appointment to the employee and both the sending and receiving agencies agree.

4. Persons employed by the department of management, department of natural resources, department of administrative services, or Iowa communications network under this chapter are not subject to the twenty-four-month time limitation specified in subsection 2.

[C66, 71, 73, 75, 77, 79, 81, §28D.3]

88 Acts, ch 1134, §16; 92 Acts, ch 1096, §1; 2002 Acts, ch 1162, §30; 2007 Acts, ch 215, §83, 129; 2024 Acts, ch 1185, §78

Referred to in §28D.4, 28D.6

28D.4 Status of employees.

1. Employees of a sending agency participating in an exchange of personnel as authorized in section 28D.3 may be considered during such participation to be:

a. On detail to regular work assignments of the sending agency, or

b. In a status of leave of absence from their positions in the sending agency.

2. Employees who are on detail shall be entitled to the same salary and benefits to which they would otherwise be entitled and shall remain employees of the sending agency for all other purposes except that the supervision of their duties during the period of detail may be governed by agreement between the sending agency and the receiving agency.

3. Employees who are in a leave of absence status as provided herein shall be carried on leave without pay; except they may be granted annual leave or other time off with pay to the extent authorized by law and may be granted authorized sick leave in circumstances considered by the sending agency to justify such leave. Except as otherwise provided in this chapter, employees who are in a leave of absence status shall have the same rights, benefits, and obligations as employees generally who are in such leave status but notwithstanding any other provision of law such employees may be entitled to credit the period of such assignment toward benefits as employees of the sending agency.

4. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that compensation program for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

[C66, 71, 73, 75, 77, 79, 81, §28D.4]

2013 Acts, ch 90, §17

28D.5 Travel expenses paid by sending agency.

A sending agency in this state may, in accordance with the travel regulations of such agency, pay the travel expenses of employees assigned to a receiving agency on either a detail or leave basis, but shall not pay the travel expenses of such employees incurred in connection with their work assignments at the receiving agency. If the assignment or detail will be for a period of time exceeding eight months, travel expenses may include expenses of transportation of immediate family, household goods, and personal effects to and from the location of the receiving agency. If the period of assignment is less than eight months, the sending agency may pay a per diem allowance to the employee on assignment or detail.

[C66, 71, 73, 75, 77, 79, 81, §28D.5]

28D.6 Status of certain employees.

1. When any unit of government of this state acts as a receiving agency, employees of the sending agency who are assigned under authority of this chapter may be given appointments in the receiving agency covering the periods of such assignments, with compensation to be paid from receiving agency funds or without compensation, or be considered to be on detail to the receiving agency.

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2. Appointments of persons so assigned may be made without regard to the laws or regulations governing the selection of employees of the receiving agency. However, if a permanent appointment made by a receiving agency pursuant to section 28D.3, subsection 3, is subject to chapter 400, section 400.7 shall govern the appointment.

3. Employees who are detailed to the receiving agency shall not by virtue of such detail be considered to be employees thereof, except as provided in subsection 4. The supervision of the duties of such employees, as well as the contribution of each agency to the salary or wage of such employees during the period of detail, may be governed by agreement between the sending agency and the receiving agency. The agreement shall be subject to the approval of the executive council for state participation and the local governing body in the case of an agreement involving a political subdivision of the state.

4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of the receiving agency's employee compensation program, as an employee, as defined in such compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that compensation program for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

[C66, 71, 73, 75, 77, 79, 81, §28D.6]

92 Acts, ch 1096, §2; 2013 Acts, ch 90, §18; 2014 Acts, ch 1092, §19

28D.7 Travel expenses paid by receiving agency.

A receiving agency in this state may, in accordance with the travel regulations of such agency, pay travel expenses of persons assigned thereto under this chapter during the period of such assignments on the same basis as if they were regular employees of the receiving agency.

[C66, 71, 73, 75, 77, 79, 81, §28D.7]

28D.8 Administration.

The department of administrative services is hereby directed to explore means of implementing this chapter and to assist departments, agencies, and instrumentalities of the state and its political subdivisions in participating in employee interchange programs.

[C66, 71, 73, 75, 77, 79, 81, §28D.8]

2003 Acts, ch 145, §286

CHAPTER 28E

JOINT EXERCISE OF GOVERNMENTAL POWERS

Referred to in §8.80, 8D.3, 8F.2, 8F.3, 9E.3, 11.1, 11.6, 12B.10, 12B.10A, 12C.1, 15.109, 15.491, 15.503, 15J.2, 15J.7, 16.134, 16.151, 16.161, 16.162, 21.2, 22.12, 28F.1, 28F.2, 28G.3, 28G.4, 28G.6, 28H.1, 28H.5, 28K.4, 28M.1, 28M.2, 28M.4, 28M.5, 28M.6, 29C.9, 29C.17, 30.2, 34.2, 34A.3, 34A.7, 34A.11, 35A.16, 35B.6, 76.16A, 80D.1, 85.59, 87.4, 97B.1A, 100B.25, 124E.19, 136C.2, 137F.3A, 161A.64, 174.1, 207.20, 207.21, 217.42, 229A.7, 232.141, 252B.27, 252G.2, 256.102, 256.182, 256C.3, 261E.9, 279.12, 279.64, 298.3, 298A.6, 300.1, 309.19, 321.236, 321M.5, 331.304, 331.385, 331.441, 331.485, 331.488, 331.553, 331.557A, 331.604, 331.753, 347.31, 354.9, 356.7, 357A.11, 357B.3, 357F.10, 357G.10, 357J.12, 358.20, 359.42, 359.49, 364.2, 364.5, 368.1, 368.7A, 373.11, 384.76, 384.84, 384.84A, 388.2A, 390.9, 392.4, 403.21, 418.1, 418.4, 418.14, 418.15, 418A.5, 421.17, 422.12, 422D.6, 423A.7, 423B.9, 441.1, 455B.144, 455B.172, 455B.173, 455B.199, 455B.306, 455B.381, 455B.384, 455B.385, 461.36, 466B.21, 466B.22, 466B.24, 468.585, 468.588, 468.589, 468.590, 476A.13, 502.701, 515A.15, 554E.1, 554G.1, 602.8107, 669.2, 670.1, 670.4, 691.6A, 717F.2, 804.7B, 904.108, 904.111, 904.301B, 904.308, 904.703

SUBCHAPTER I

GENERAL PROVISIONS

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SUBCHAPTER I

GENERAL PROVISIONS

28E.1 Purpose.

The purpose of this chapter is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to cooperate in other ways of mutual advantage. This chapter shall be liberally construed to that end.

[C66, 71, 73, 75, 77, 79, 81, §28E.1]

28E.2 Definitions.

For the purposes of this chapter:

1. *"Private agency"* shall mean an individual and any form of business organization authorized under the laws of this or any other state.

2. *"Public agency"* shall mean any political subdivision of this state; any agency of the state government or of the United States; and any political subdivision of another state. For purposes of this chapter only, *"public agency"* also includes any federally recognized Indian tribe.

3. *"State"* shall mean a state of the United States and the District of Columbia.

[C66, 71, 73, 75, 77, 79, 81, §28E.2]

2013 Acts, ch 30, §9; 2018 Acts, ch 1053, §1

Referred to in §28F.2, 28G.2, 256B.6, 256I.8, 455B.301, 717F.1, 904.308

28E.3 Joint exercise of powers.

Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of

this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency.

[C66, 71, 73, 75, 77, 79, 81, §28E.3]

28E.4 Agreement with other agencies.

Any public agency of this state may enter into an agreement with one or more public or private agencies for joint or cooperative action pursuant to the provisions of this chapter, including the creation of a separate entity to carry out the purpose of the agreement. Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies involved shall be necessary before any such agreement may enter into force.

[C66, 71, 73, 75, 77, 79, 81, §28E.4]

28E.5 Specifications.

Any such agreement shall specify the following:

1. Its duration.
2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created. However, if the agreement establishes a separate legal or administrative entity, the entity shall, when investing funds, comply with the provisions of sections 12B.10 and 12B.10A through 12B.10C and other applicable law.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters.

[C66, 71, 73, 75, 77, 79, 81, §28E.5]
92 Acts, ch 1156, §9
Referred to in §28E.8, 28E.41

28E.6 Additional provisions.

1. If the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall also include:

a. Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.

b. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

2. The joint board specified in the agreement shall be a governmental body for purposes of chapter 21 and the entity created shall be a government body for purposes of chapter 22 unless the entity created or agreement includes public agencies from more than one state.

3. *a.* A summary of the proceedings of each regular, adjourned, or special meeting of the joint board of the entity created in the agreement, including the schedule of bills allowed, shall be published after adjournment of the meeting in one newspaper of general circulation within the geographic area served by the joint board of the entity created in the agreement. The summary of the proceedings shall include the date, time, and place the meeting was held, the members present, and the actions taken at the meeting. The joint board of the entity created in the agreement shall furnish the summary of the proceedings to be submitted for publication to the newspaper within twenty days following adjournment of the meeting. The publication of the schedule of bills allowed shall include a list of all salaries paid for services performed, showing the name of the person or firm performing the service and the amount paid. The publication of the schedule of bills allowed may consolidate amounts paid to the

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same claimant if the purpose of the individual bills is the same. However, the names and gross salaries of persons regularly employed by the entity created in the agreement shall only be published annually.

b. An entity created which had a cash balance, including investments, of less than one hundred thousand dollars at the end of the previous fiscal year and which had total expenditures of less than one hundred thousand dollars during the prior fiscal year is not required to publish as required in paragraph "*a*". However, such an entity shall file without charge, in an electronic format, the information described in paragraph "*a*" with the office of the county recorder in the most populous county served by the entity. The county recorder shall make the information submitted available to the public, which information shall also include access to a copy of the agreement creating the entity.

c. This subsection shall not apply to an entity created in an agreement that includes public agencies from more than one state or to a contract entered into pursuant to section 28E.12.

4. A joint board of an entity created in an agreement that is responsible for the operation of a public facility or a public improvement may undertake the emergency repair of the facility or improvement in the manner provided in section 384.103, subsection 2. If an emergency repair is undertaken by the joint board, the chairperson, chief officer, or chief official of the joint board shall perform the duties assigned to the chief officer or official of the governing body of the city under section 384.103, subsection 2.

[C66, 71, 73, 75, 77, 79, 81, §28E.6]

2006 Acts, ch 1153, §7, 9; 2007 Acts, ch 158, §1, 4; 2009 Acts, ch 100, §4, 21

Referred to in §28E.8, 28E.28, 28E.41

28E.7 Obligations not excused.

An agreement made pursuant to this chapter shall not relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance of the obligation or responsibility by a joint board or other legal or administrative entity created by an agreement made under this chapter, the performance may be offered in satisfaction of the public agency's obligation or responsibility.

[C66, 71, 73, 75, 77, 79, 81, §28E.7]

2025 Acts, ch 30, §9

28E.8 Filing with secretary of state.

1. *a.* Before entry into force, an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state in a manner specified by the secretary of state.

b. Any amendment, modification, or notice of termination of an agreement made pursuant to this chapter shall be filed, in an electronic format, with the secretary of state within thirty days of the effective date of the amendment, modification, or termination, in a manner specified by the secretary of state.

2. *a.* In addition to subsection 1, each entity subject to section 28E.5 shall submit, in an electronic format, an initial report to the secretary of state as prescribed by the secretary of state. The report shall include, as applicable, the name of the entity created, the board members of the joint board created, whether the entity is exempt from the publication requirements of section 28E.6, subsection 3, a valid electronic mail address, and any additional information the secretary of state deems appropriate.

b. Following submission of an initial report pursuant to paragraph "*a*", each entity subject to section 28E.5 shall submit, in an electronic format, a biennial report to the secretary of state in a manner prescribed by the secretary of state by April 1 of every odd-numbered year beginning in calendar year 2009.

[C66, 71, 73, 75, 77, 79, 81, §28E.8]

95 Acts, ch 110, §1; 2007 Acts, ch 158, §2, 4

28E.9 Status of interstate agreement.

1. If an agreement entered into pursuant to this chapter is between or among one or more public agencies of this state and one or more public agencies of another state or of the United

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States, the agreement shall have the status of an interstate compact. Such agreements shall, before entry into force, be approved by the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this state.

2. In any case or controversy involving performance or interpretation of, or liability under, the agreement, the public agencies that are party to the agreement shall be real parties in interest, and the state may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

[C66, 71, 73, 75, 77, 79, 81, §28E.9]
2025 Acts, ch 30, §10; 2026 Acts, ch 1040, §12
Referred to in §275.1, 275.2, 282.7, 456A.24
Subsection 2 amended

28E.10 Approval of statutory officer.

If an agreement made pursuant to this chapter shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved as to all matters within the state officer's or agency's jurisdiction.

[C66, 71, 73, 75, 77, 79, 81, §28E.10]
Referred to in §321.40, 331.553

28E.11 Agency to furnish aid.

Any public agency entering into an agreement pursuant to this chapter may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

[C66, 71, 73, 75, 77, 79, 81, §28E.11]

28E.12 Contract with other agencies.

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity, or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties.

[C66, 71, 73, 75, 77, 79, 81, §28E.12]
Referred to in §28E.6

28E.13 Powers are additional to others.

The powers granted by this chapter shall be in addition to any specific grant for intergovernmental agreements and contracts.

[C66, 71, 73, 75, 77, 79, 81, §28E.13]

28E.14 No limitation on contract.

Any contract or agreement authorized by this chapter shall not be limited as to period of existence, except as may be limited by the agreement or contract itself.

[C66, 71, 73, 75, 77, 79, 81, §28E.14]

28E.15 District agency.

A planning commission, council of governments or similar organization formed under the provisions of this chapter shall, upon designation as such by the governor, serve as a district, regional or metropolitan agency for comprehensive planning for its area for the purpose of

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carrying out the functions as defined for such agency by federal, state and local laws and regulations.

[C73, 75, 77, 79, 81, §28E.15]

28E.16 Election for bonds.

When bonds which require a vote of the people are to be issued for financing joint facilities of a county and one or more cities within the county, pursuant to an agreement made under the authority of this chapter, or pursuant to other provisions of law, the board of supervisors and the council of each city shall arrange for a single election on the question of issuing the bonds, but if the county and the cities are proposing to make separate bond issues, the ballot shall contain separate questions, one to be voted upon by all voters of the county, and one or more to be voted upon only by the voters of the city which is to make a separate bond issue. All elections on the question of issuing the bonds shall be held on the date specified in section 39.2, subsection 4, paragraph *"d"*.

[C75, 77, 79, 81, §28E.16]

2023 Acts, ch 71, §115, 136

Referred to in §28E.41

2023 amendment applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

28E.17 Transit policy — joint agreement — city debt.

1. It is the public policy of this state to encourage the establishment or acquisition of urban mass transit systems and the equipment, maintenance, and operation thereof by public agencies in cooperation with, and with the assistance of the urban mass transportation administration of the United States department of transportation, pursuant to the provisions of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. §5301 et seq., which requires unification or official coordination of local mass transportation services on an area-wide basis as a condition of such assistance.

2. An agreement between one or more cities and other public agencies for this purpose may be made and carried out without an election and the agency created thereby may jointly exercise through a board of trustees as provided by the agreement all the rights, powers, privileges and immunities of cities related to the provision of mass transportation services, except the authority to incur bonded indebtedness.

3. *a.* A city which is a party to a joint transit agency may issue general corporate purpose bonds for the support of a capital program for the joint agency in the following manner:

(1) The council shall give notice and conduct a hearing on the proposal in the manner set forth in section 384.25. If a petition valid under section 362.4 is filed with the clerk of the city prior to the hearing, asking that the question of issuing the bonds be submitted to the registered voters of the city, the council shall either by resolution declare the proposal abandoned or shall direct the county commissioner of elections to call a special election to vote upon the question of issuing the bonds. Notice of the election and its conduct shall be in the manner provided in section 384.26.

(2) If no petition is filed, or if a petition is filed and the proposition of issuing bonds is approved at the election, the council may proceed with the authorization and issuance of the bonds.

b. An agreement may provide for full or partial payment from transit revenues to the cities for meeting debt service on such bonds.

c. This subsection shall be construed as granting additional power without limiting the power already existing in cities, and as providing an alternative independent method for the carrying out of any project for the issuance and sale of bonds for the financing of a city's share of a capital expenditures project of a joint transit agency, and no further proceedings with respect to the authorization of the bonds shall be required.

[C75, §28G.1 – 28G.4; C77, 79, 81, §28E.17]

95 Acts, ch 67, §53; 2008 Acts, ch 1032, §140; 2010 Acts, ch 1061, §6; 2025 Acts, ch 130, §2

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28E.18 Shared use of facilities.

Before proceeding to construct or purchase a facility as otherwise provided by law, a public agency shall inquire of other public agencies having facilities within the same general geographic area concerning the availability of all or part of those facilities for rent or sharing by agreement with the inquiring public agency. If there are no suitable facilities available for rent or sharing, the governing body of the public agency shall record its findings in its meeting minutes.

83 Acts, ch 26, §1

28E.19 Joint county indigent defense fund.

Two or more counties may execute an agreement under this chapter to create a joint county indigent defense fund to be used to compensate attorneys appointed to represent indigents. In addition to other requirements of an agreement under this chapter, the agreement shall provide for the amount to be paid by each county based on its population to establish and maintain an appropriate balance in the joint fund, and for a method of repayment if a county withdraws more funds than it has contributed.

83 Acts, ch 123, §36, 209; 84 Acts, ch 1067, §10; 99 Acts, ch 135, §12

Referred to in §331.424

28E.20 Reserved.

SUBCHAPTER II

UNIFIED LAW ENFORCEMENT

28E.21 Definition.

For the purpose of this subchapter, the term *"district"* means a unified law enforcement district established by an agreement under the provisions of this chapter by a county, or portions thereof, or cities to provide law enforcement within the boundaries of the member political subdivisions.

[C77, 79, 81, §28E.21]

2016 Acts, ch 1011, §121

Referred to in §331.381

28E.22 Referendum for tax.

1. The board of supervisors, or the city councils of a district composed only of cities, may, and upon receipt of a petition signed by eligible electors residing in the district equal in number to at least five percent of the registered voters in the district shall, submit a proposition to the electorate residing in the district at any general election or at a special election held throughout the district. The proposition shall provide for the establishment of a public safety fund and the levy of a tax on taxable property located in the district at rates not exceeding the rates specified in this section for the purpose of providing additional moneys for the operation of the district.

2. The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections and the form of the proposition shall be substantially as follows:

> Shall an annual levy, the amount of which will not exceed a rate of one dollar and fifty cents per thousand dollars of assessed value of the taxable property in the unified law enforcement district be authorized for providing additional moneys needed for unified law enforcement services in the district?
>
> Yes .....
>
> No .....

3. If a majority of the registered voters in each city and the unincorporated area of the county voting on the proposition approve the proposition, the county board of supervisors

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for unincorporated area and city councils for cities are authorized to levy the tax as provided in section 28E.23.

4. Such moneys collected pursuant to the tax levy shall be expended only for providing additional moneys needed for unified law enforcement services in the district and shall be in addition to the revenues raised in the county and cities in the district from their general funds which are based upon an average of revenues raised for law enforcement purposes by the county or city for the three previous years. The amount of revenues raised for law enforcement purposes by the county for the three previous years shall be computed separately for the unincorporated portion of the district and for each city in the district.

[C77, 79, 81, §28E.22]

83 Acts, ch 79, §1; 95 Acts, ch 67, §53; 2001 Acts, ch 56, §1; 2008 Acts, ch 1032, §141
Referred to in §28E.23, 28E.24, 28E.28, 28E.28B, 331.381

28E.23 Budget.

1. The public safety commission, on or before January 10 of each year, shall make an estimate of the total amount of revenue deemed necessary for operation of the district and, in conjunction with the county board of supervisors and city councils in the district, determine the amounts which will be contributed by the county and by each city in the district from its general fund which are based upon an average of revenues raised for law enforcement purposes in the county or city for the three previous years. As an alternative to computing average revenues raised for law enforcement purposes for the three previous years, a public safety commission, in conjunction with the county board of supervisors and city councils in the district, may calculate the average by using the amounts budgeted for the three previous fiscal years. The average of the amounts budgeted for the three previous fiscal years may be adjusted by a percentage not to exceed the percentage increase in the consumer price index for all urban consumers for the last available twelve-month period published in the federal register by the federal department of labor, bureau of labor statistics.

2. One of the following methods shall be used by the public safety commission for computing the amount of revenue deemed necessary for the operation of the district:

a. The per capita cost shall be computed by dividing the amount of revenue deemed necessary for the operation of the district by the total population of the district and by computing separate amounts for the public safety fund as follows:

(1) The funds to be contributed by each city in the district shall be computed by multiplying the per capita cost by the population residing in each city of the district.

(2) The funds to be contributed by the unincorporated area of the district shall be computed by multiplying the per capita cost by the population residing in the unincorporated area of the district.

b. The percent of service received by the unincorporated area and by each city in the district shall be computed and the percent of service received by each shall be multiplied by the amount of revenue deemed necessary for the operation of the district.

c. Any other method agreed to by each city and county member of the district. The public safety commission shall compute the amount of revenue deemed necessary for the operation of the district and the amounts to be contributed by the county and by each city in the district based upon such agreement. The computation of revenue under this paragraph shall be certified, deposited, and otherwise treated the same as an average of revenues under section 28E.24 for all purposes, including determining the source of additional revenues needed for unified law enforcement services. If the method of funding allowed in this paragraph is used, any requirement relating to average revenues raised for law enforcement purposes for the three previous years in this section, section 28E.22, subsection 4, or section 28E.24, shall not apply.

[C77, 79, 81, §28E.23]

83 Acts, ch 123, §37, 209; 2008 Acts, ch 1032, §201; 2014 Acts, ch 1115, §1 – 4
Referred to in §28E.22, 331.381

28E.24 Revenue and tax levies.

1. *a.* The county board of supervisors shall certify to the public safety commission the

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amount of revenue from the county general fund credited to the unincorporated area in the district based upon an average of revenues raised for law enforcement purposes in the unincorporated area for the three previous years. The public safety commission shall subtract this amount from the amount of revenue to be contributed by the unincorporated area. The difference is the amount of additional revenue needed for unified law enforcement purposes.

b. In addition, the county board of supervisors and the city council of each city in the district shall certify to the public safety commission the amounts of revenue from the county and from the city general fund credited to each city in the district based upon an average of revenues raised for law enforcement purposes in each city for the three previous years. The public safety commission shall subtract the total of these amounts from the amount of revenue to be contributed by each city respectively. The difference for each city is the amount of additional revenue needed for unified law enforcement purposes.

2. The county board of supervisors and the council of each city located within the district shall review the proposed budget and upon the approval of the budget by the board of supervisors and all city councils in the district, each governing body shall determine the source of the additional revenue needed for unified law enforcement purposes. If the tax levy is approved as the source of revenue, the governing body shall certify to the county auditor the amount of revenue to be raised from the tax levy in either the unincorporated area of the district or a city in the district.

3. If the tax rate in any of the cities or the unincorporated area exceeds the limitations prescribed in section 28E.22, the public safety commission shall revise the budget to conform with the tax limitations.

4. The county board of supervisors and the city council of each city in the district shall deposit in the public safety fund the amounts of revenue certified to the public safety commission in this section based upon an average of revenues raised for law enforcement purposes for the three previous years.

5. If the average of revenues raised for law enforcement purposes in the unincorporated area or a city for the previous three years exceeds the amount of revenue needed for unified law enforcement purposes, the unincorporated area or city is only required to contribute the amount of revenue needed.

6. Taxes collected pursuant to the tax levies and other moneys received from the county and cities in the district shall be placed in a public safety fund and used only for the operation of the district. Any unencumbered funds remaining in the fund at the end of a fiscal year shall carry over to the next fiscal year and may be used for the operation of the district.

[C77, §28E.23; C79, 81, §28E.24]
83 Acts, ch 123, §38, 39, 209; 2014 Acts, ch 1026, §11
Referred to in §28E.23, 28E.28A, 331.381

28E.25 Expansion of district.

Cities and unincorporated areas may join an established district upon the affirmative vote of the city council or county board of supervisors, whichever is applicable, and a tax may be levied for providing additional moneys for unified law enforcement services only upon the affirmative vote of registered voters of the city or unincorporated area voting in the manner provided in this subchapter. A city or unincorporated area joining a district shall contract with the district for services until the beginning of a fiscal year when the city or unincorporated area may become a member.

[C77, §28E.24; C79, 81, §28E.25]
95 Acts, ch 67, §53; 2016 Acts, ch 1011, §121
Referred to in §331.381

28E.26 City civil service and retirement.

The inclusion of a city in a unified law enforcement district shall not affect the prior establishment of a civil service system under chapter 400 or a pension or retirement system under either chapter 410 or 411.

[C77, §28E.25; C79, 81, §28E.26]
Referred to in §331.381

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28E.27 Duration of agreements for law enforcement purposes.

An agreement under this chapter to provide joint or cooperative services or facilities for unified law enforcement purposes shall not be executed for less than a five-year period.

[C77, §28E.26; C79, 81, §28E.27]

Referred to in §331.381

28E.28 Public safety commission.

If the levy of a tax has been approved under section 28E.22, a public safety commission shall be established under section 28E.6. The public safety commission shall be responsible for administering the unified law enforcement agreement. The public safety commission shall be composed of elected officials from public agencies party to the agreement. The composition of the commission shall be determined by the terms of the agreement. A vacancy shall exist when a member of the commission ceases to hold the elected office which qualifies the member for commission membership.

[C79, 81, §28E.28]

Referred to in §331.381

28E.28A Referendum on tax levy — dissolution of district.

1. After five years from the date that a district is established, the public safety commission, upon receipt of a petition signed by eligible electors residing within the district equal in number to at least fifteen percent of the registered voters in the district, shall submit a proposition to the electorate of the district at the next general election to discontinue the annual levy for unified law enforcement services in the district. If a majority of the registered voters in each city and the unincorporated area of the county, as applicable, approve the proposition, the tax levy shall be discontinued.

2. If the discontinuation of the tax levy necessitates the dissolution of the district, the public safety commission shall dispose of any remaining property, the proceeds of which shall be applied first against any outstanding obligations of the district and any balance shall be remitted to the county and each city in the district in the same proportion that each jurisdiction contributed to the district's budget in its final fiscal year. The board of supervisors, on behalf of the unincorporated area of the county and the city councils of the cities included in the dissolved district shall continue to levy taxes and appropriate funds to the public safety fund as provided in section 28E.24 until all outstanding obligations of the dissolved district are paid.

83 Acts, ch 79, §2; 95 Acts, ch 67, §53; 2001 Acts, ch 56, §2

Referred to in §331.381

28E.28B Legalization of tax levies.

Each unified law enforcement district tax levy authorized pursuant to section 28E.22 prior to July 1, 1983, which continued to be collected for a period subsequent to July 1, 1983, or continues to be collected notwithstanding the expiration of the five-year period specified by the referendum which authorized the levy, is hereby legalized and deemed valid as if the levy had been authorized subsequent to July 1, 1983.

97 Acts, ch 7, §1

28E.29 Amana — additional law enforcement.

If a tract of land is owned by a corporation organized under chapter 491 with assets of the value of one million dollars or more which has one or more platted villages located within the territorial limits of the tract of land, all of the territory within the plats of the villages with their additions or subdivisions, for the purposes of this section, is deemed to be one incorporated city. The corporation may assess and collect funds from its property owners for the purpose of obtaining additional law enforcement services from the county sheriff. The corporation may contract under this chapter with the county sheriff for additional law enforcement services.

[C81, §337.22; S81, §28E.29; 81 Acts, ch 117, §1201]

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28E.30 Agreement for law enforcement administrative services.

A county and a city within the county may enter into an agreement to provide administrative services through the county sheriff to the city for its police department. In addition to other provisions required by this chapter, the agreement shall specify the administrative services to be provided by the sheriff and the administrative or supervisory relationship between the sheriff and the mayor and city council. The agreement is subject to the approval of the county sheriff. The sheriff may accept compensation for the administrative services provided to the city, which compensation is in addition to the sheriff's compensation authorized under section 331.907. The additional compensation shall not be included in computing the total annual compensation of the sheriff pursuant to section 331.904, subsection 2.

88 Acts, ch 1057, §1

SUBCHAPTER III

EMERGENCY SERVICES

28E.31 Emergency services — contracts for mutual aid.

1. A municipality's fire department that agrees to provide for mutual aid regarding emergency services shall do so in writing. The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty-day cancellation notice by any party. The contracts agreed upon shall not be entered into for the purpose of reducing the number of employees of any party.

2. A municipal fire department may provide assistance to any other such department or district in the state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident, or other such disaster. The chief or highest ranking fire officer of an assisting department or district may render aid to a requesting department or district as long as the chief or officer is acting in accordance with the policies and procedures set forth by the governing board of the assisting department or district.

3. The chief or highest ranking officer of the municipal fire department of the district within which the incident occurs shall maintain control of the incident in accordance with the provisions of chapter 102. The chief or highest ranking officer of the department or district giving mutual aid shall be in charge of the assisting departmental or district personnel.

4. For purposes of this section, "*municipality*" means a city, county, township, benefited fire district, or agency formed under this chapter and authorized by law to provide emergency services.

96 Acts, ch 1219, §62; 2000 Acts, ch 1117, §1

28E.32 Emergency services agreements.

1. A municipality that agrees to provide fire protection service or emergency medical service for another municipality shall do so in writing.

2. The written agreement shall state the purposes of the agreement and the services to be provided. The agreement shall state the duration of the agreement and provide for renewal or cancellation of the agreement.

3. An advisory board created by agreement may prepare a proposed annual budget for services provided pursuant to the agreement until the agreement is canceled or expires. For the proposed budget, the board may allocate among the parties to the agreement responsibility to provide revenue for the amount of the budget. The proposed budget shall be submitted to the municipality providing the services. However, the municipality providing the services shall have full and final authority over the proposed budget and may alter the proposed budget without approval of the board before it is included in the budget of such municipality.

4. For purposes of this section, "*municipality*" means a city, county, township, benefited

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fire district, or agency formed under this chapter and authorized by law to provide emergency services.

2000 Acts, ch 1117, §2; 2007 Acts, ch 96, §1, 2

28E.33 and 28E.34 Reserved.

SUBCHAPTER IV

COMMUNITY CLUSTERS — REVENUE SHARING

28E.35 Definitions.

As used in this subchapter unless the context otherwise requires:

1. *"Community cluster"* means a cooperative community unit established pursuant to this chapter for the joint exercise of powers by two or more governmental units.

2. *"Governmental unit"* means a city, county, or special taxing district.

90 Acts, ch 1200, §1; 2016 Acts, ch 1011, §121

28E.36 Establishment of community cluster.

Two or more governmental units located in the state may establish a community cluster by entering into an agreement for the joint exercise of powers pursuant to this chapter to make more efficient use of their resources by providing for joint functions, services, facilities, development of infrastructure and for revenue sharing, and to foster economic development.

90 Acts, ch 1200, §2

28E.37 Designation of townships.

A county entering into an agreement to establish a community cluster may limit the area of the county included in the community cluster to designated townships.

90 Acts, ch 1200, §3

28E.38 Revenue sharing.

The agreement establishing a community cluster may provide for the sharing of revenues by the governmental units forming the community cluster.

90 Acts, ch 1200, §4

28E.39 Referendum for ad valorem tax sharing.

1. An agreement establishing a community cluster shall require the approval of the registered voters residing within the area of the cluster if the agreement provides for the sharing of revenues from ad valorem property taxes. The proposition shall be submitted to the electorate by each governmental unit forming the community cluster to the electors residing within the area of the governmental unit at a general election or at a special election. However, if a county has designated only certain townships as being included within the community cluster, the proposition shall be submitted to the electorate of the county residing only in the townships included in the community cluster.

2. The ballot for the election shall be prepared in substantially the form for submitting special questions at general elections.

3. If a majority of the registered voters in the area of each governmental unit within the proposed community cluster voting on the proposition vote in favor of the proposition, then the agreement establishing the community cluster shall take effect and the sharing of revenues from ad valorem property taxes is authorized. If the proposition fails in the area of one or more governmental units within the proposed community cluster voting on the proposition, then the governmental units in which the proposition passed may establish the community cluster in those areas in which the proposition passed and the sharing of revenues from ad valorem property taxes is authorized.

90 Acts, ch 1200, §5; 95 Acts, ch 67, §53; 2017 Acts, ch 54, §76

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SUBCHAPTER V

REGIONAL METROPOLITAN SERVICE AREA

28E.40 Regional metropolitan service area.

Two or more contiguous counties, cities, or cities and counties may establish a regional metropolitan service area to provide for the joint delivery of services by an agreement under this chapter, subject to the limitations and requirements of sections 331.232, 331.260, 331.261, and 331.262, subsection 9.

91 Acts, ch 256, §1

SUBCHAPTER VI

LOCAL GOVERNMENT BOND FINANCING

28E.41 Joint county, city, fire district, and school district buildings.

1. A county, city, fire district, or school district, which has areas within its boundaries which overlap areas within the boundaries of another county, city, fire district, or school district, or whose boundaries are contiguous with another county, city, fire district, or school district, may execute an agreement pursuant to this section for the joint construction or acquisition, furnishing, operation, and maintenance of a public building or buildings for their common use. Noncontiguous cities located within the same county, or cities located in contiguous counties, may also execute an agreement for the joint construction or acquisition, furnishing, operation, and maintenance of a joint public building or buildings for their common use. Such an agreement regarding a joint public building may allow for, but is not limited to, any of the following:

a. Acquisition of a construction site and construction of a public building for common use.

b. Purchase of an existing building for joint public use, or conversion of a building previously owned and maintained by a county, city, fire district, or school district for joint public use.

c. Equipping or furnishing a new or existing building for joint public use.

d. Operation, maintenance, or improvement of a joint public building.

e. Any other aspect of joint public building construction, acquisition, furnishing, operation, or maintenance mutually agreed upon by the county, city, fire district, or school district and not otherwise prohibited by law.

2. An agreement pursuant to subsection 1 shall be approved by resolution of the governing bodies of each of the participating counties, cities, fire districts, or school districts and shall specify the purposes for which the joint public building shall be used, the estimated cost thereof, the estimated amount of the cost to be allocated to each of the participating counties, cities, fire districts, or school districts, the proportion and method of allocating the expenses of the operation and maintenance of the building or improvement, and the disposition to be made of any revenues to be derived therefrom, in addition to the provisions of sections 28E.5 and 28E.6, and any other applicable provision of this chapter.

3. *a.* A county, city, fire district, or school district may expend funds or issue general obligation bonds for the payment of its share of the cost of constructing, acquiring, furnishing, operating, or maintaining a joint public building pursuant to subsection 1. Section 28E.16 shall apply regarding a single election to be authorized by the board of supervisors, city council, governing body of a fire district, and board of directors of a school district, in the event that a single bond issue throughout the overlapping or contiguous areas, or noncontiguous cities located in the same county or cities located in contiguous counties, is contemplated. If separate bond issues are authorized by the governing body of a county, city, fire district, or school district for its respective share of the cost of the joint public building, the applicable bonding provisions of chapters 74, 75, 296, 298, 331, 357B, 359, and 384 shall apply. With regard to any issuance of bonds pursuant to this section, a proposition to authorize an issuance of bonds by a county, city, fire district, or school district

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shall be deemed carried or adopted if the vote in favor of the proposition is equal to at least sixty percent of the vote cast for and against the proposition in each participating county, city, fire district, or school district.

b. Bonds shall not be issued by a county, city, fire district, or school district until provision has been made by each of the other participating counties, cities, fire districts, or school districts to the agreement for the payment of their shares of the cost of the joint public building. In the event that the cost of the construction or acquisition, furnishing, operation, and maintenance of the joint public building exceeds that which was originally estimated and agreed to, the governing body of a county, city, fire district, or school district shall have the authority, jointly or individually, as appropriate, to expend additional moneys or issue additional bonds to pay their respective portions of the increased costs.

c. The governing body of a county, city, fire district, or school district is authorized to enter into an agreement under this section to construct, acquire, furnish, operate, or maintain the public building which is the subject of the agreement for its own purposes to the same extent and in the same manner as if the public building were wholly owned by and devoted to the uses of the county, city, fire district, or school district.

d. The authority granted to a county, city, fire district, or school district pursuant to this section shall be in addition to, and not in derogation of, any other powers conferred by law upon a county, city, fire district, or school district to make agreements, appropriate and expend moneys, and to issue bonds for the same or similar purposes.

4. For purposes of this section, *"fire district"* means any governmental entity which provides fire protection services.

99 Acts, ch 145, §1

28E.42 Joint issuance of school district or fire district bonds.

It is the intent of the general assembly to encourage school districts or fire districts to jointly issue general obligation bonds to fund separate projects proposed in each district and, by pooling their debt obligations, to realize a savings for taxpayers in each of the participating districts.

1. Two or more school districts may enter an agreement pursuant to this chapter for the purpose of financing projects for which debt obligations may be or have been incurred pursuant to chapter 296 or 298. For purposes of this section, *"school district"* means a public school district described in chapter 274.

2. Two or more fire districts may enter an agreement pursuant to this chapter for the purpose of financing projects for which debt obligations may be or have been incurred pursuant to chapter 74, 75, 331, 357B, 359, or 384. For purposes of this section, *"fire district"* means any governmental entity which provides fire protection services.

99 Acts, ch 145, §2

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CHAPTER 28F

JOINT FINANCING OF PUBLIC WORKS AND FACILITIES

Referred to in §16.151, 28G.5, 389.4, 390.9, 390.10, 390.11, 390.12, 418.1, 418.4, 418.14, 418.15, 427.1(2), 437A.3, 437A.6, 437A.7, 437A.15, 476.1B

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28F.1 Scope of chapter — limitations.

1. This chapter provides a means for the joint financing by public agencies of works or facilities useful and necessary for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, and industrial waste, facilities used for the conversion of solid waste to energy, gasworks and facilities useful for the delivery of natural gas service, and also electric power facilities constructed within the state of Iowa, except that hydroelectric power facilities may also be located in the waters and on the dams of or on land adjacent to either side of the Mississippi or Missouri river bordering the state of Iowa, water supply systems, swimming pools or golf courses. This chapter applies to the acquisition, construction, reconstruction, ownership, operation, repair, extension, or improvement of such works or facilities, by a separate administrative or legal entity created pursuant to chapter 28E or chapter 389. When the legal entity created under this chapter is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof or any combination of the foregoing with other public agencies, the entity shall be both a corporation and a political subdivision with the name under which it was organized. The legal entity may sue and be sued, contract, acquire and hold real and personal property necessary for corporate purposes, adopt a corporate seal and alter the seal at pleasure, and execute all the powers conferred in this chapter.

2. A city shall not join an entity created under this chapter for the purpose of financing electric power facilities unless that city had established a municipal electric utility as of July 1, 1984. Power supplied by a municipal power agency shall not be furnished to a municipal utility not existing as of July 1, 1984.

[C71, 73, 75, 77, 79, 81, S81, §28F.1; 81 Acts, ch 31, §1]

83 Acts, ch 127, §4; 85 Acts, ch 78, §2; 87 Acts, ch 225, §402; 91 Acts, ch 168, §1; 2010 Acts, ch 1018, §3; 2018 Acts, ch 1135, §1

Referred to in §28F.2, 28F.3, 28F.13, 28F.14, 389.3, 390.11

28F.2 Definitions.

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

1. *"Electric power agency"* means an entity financing or acquiring electric power facilities pursuant to this chapter or chapter 28E.

2. *"Project"* or *"projects"* means any works or facilities referred to in section 28F.1 and shall include all property real and personal, pertinent thereto or connected with such project or projects, and the existing works or facilities, if any, to which such project or projects are an extension, addition, betterment, or improvement.

3. *"Public agency"*, *"state"*, and *"private agency"* shall have the meanings prescribed by section 28E.2.

[C71, 73, 75, 77, 79, 81, S81, §28F.2; 81 Acts, ch 31, §7]

2001 Acts, 1st Ex, ch 4, §3, 36; 2010 Acts, ch 1018, §4

Referred to in §12C.1

Electric power agencies, see also chapter 390

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28F.3 Revenue bonds.

An entity created to carry out an agreement authorizing the joint exercise of those governmental powers enumerated in section 28F.1 shall have power to construct, acquire, own, repair, improve, expand, operate and maintain a project or projects necessary to carry out the purposes of such agreement, and to issue from time to time revenue bonds payable from the revenues derived from such project or projects, or any combination of such projects, to finance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such project or projects, including the acquisition for the purposes of such agreement, of any property, real or personal or mixed therefor. The power of the entity to issue revenue bonds shall not be exercised until authorized by resolution duly adopted by each of the public agencies participating in such agreement. Public agencies participating in such an agreement may not withdraw or in any way terminate, amend, or modify in any manner to the detriment of the bondholders said agreement if revenue bonds or obligations issued in anticipation of the issuance of said revenue bonds have been issued and are then outstanding and unpaid as provided for herein. Any revenue bonds for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to this chapter to insure the payment thereof, of moneys sufficient for that purpose or through the irrevocable segregation for that purpose in a sinking fund or other fund or trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding and unpaid within the meaning of any provision of this chapter.

[C71, 73, 75, 77, 79, 81, §28F.3]

Referred to in §28F.4

28F.4 Use of proceeds — negotiability.

Revenue bonds may be issued, as provided in section 28F.3, to provide all or any part of the funds required to finance the cost of the acquisition, construction, reconstruction, repair, extension or improvement of any project or projects or other purposes authorized under this chapter and such cost shall include, but shall not be limited to, administrative expenses, acquisition and construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during such construction, reconstruction, repair, extension or improvement or acquisition and for one year after completion of such construction, reconstruction, repair, extension or improvement or after acquisition of the project or projects, initial reserve funds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction, reconstruction, repair, extension or improvement, or acquisition of such project or projects and the financing thereof. Such an entity shall have the power to retain and enter into agreements with engineers, fiscal agents, financial advisers, attorneys, architects or other consultants or advisers for planning, supervision and financing of such project or projects upon such terms and conditions as shall be deemed advisable and in the best interest of the entity. Bonds issued under the provisions of this chapter are declared to be investment securities under the laws of the state of Iowa.

[C71, 73, 75, 77, 79, 81, §28F.4]

28F.5 Source of payment — rates and charges, pledge of revenues.

1. An entity shall have the power to pledge all or part of the net revenues of a project or projects to the payment of the principal of and interest on the bonds issued pursuant to this chapter and shall provide by resolution authorizing the issuance of said bonds that such net revenues of the project or projects shall be set apart in a sinking fund for that purpose and kept separate and distinct from all other revenues of the entity. The principal of and interest on the bonds so issued shall be secured by a pledge of such net revenues of the project or projects in the manner and to the extent provided in the resolution authorizing the issuance of said bonds.

2. An entity shall have the power to fix, establish and maintain such rates, tolls, fees, rentals or other charges and collect the same from the public agencies participating in the agreement or from private agencies or persons for the payment of the services and facilities

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provided by said project or projects. Such rates, tolls, fees, rentals or other charges shall be so fixed, established and maintained and revised from time to time whenever necessary as will always provide revenues sufficient to pay the cost of maintaining, repairing and operating the project or projects, to pay the principal of and interest on the bonds then outstanding which are payable therefrom as the same become due and payable, to provide adequate and sufficient reserves therefor, to provide for replacements, depreciations and necessary extensions and enlargements and to provide a margin of safety for the making of such payments and providing such reserves. Notwithstanding the foregoing such an entity shall have the further right to pledge to the payment of the bonds issued pursuant to this chapter, in addition to the net revenues of the project or projects pledged therefor, such other moneys that it may have and which are lawfully available therefor.

3. In order to pay the rates, tolls, fees, rentals or other charges levied against a public agency by an entity for the payment of the services and facilities provided by a project or projects authorized by this chapter, public agencies participating in such an agreement shall have the power by ordinance to fix, establish and maintain, rates or other charges for the use of and the services and facilities rendered by said project or projects. Such rates or charges may be so fixed, established and maintained and revised from time to time whenever necessary as will always provide such public agencies with sufficient revenue to pay the rates, tolls, fees, rentals or other charges levied against it by the entity for the payments of the services and facilities provided by said project or projects. All such rates or charges to be paid by the owners of real property, if not paid as by the ordinance provided, when due, shall constitute a lien upon such real property served by such project or projects, and shall be collected in the same manner as general taxes.

[C71, 73, 75, 77, 79, 81, §28F.5]
2017 Acts, ch 29, §21
Referred to in §28F.6, 390.16
Collection of taxes, see chapter 445

28F.6 Bonds not debts of the public agencies.

The principal of and interest on the bonds issued by an entity under the provisions of this chapter shall be payable solely from and secured by the net revenues of the project or projects and from other funds of the entity lawfully available therefor as provided in section 28F.5 and said bonds shall not in any respect be a general obligation of any public agency participating in said entity nor shall the entity or any public agency participating in said entity be in any manner liable by reason of such net revenues or other funds being insufficient to pay said bonds. All bonds issued by the entity shall contain a recital on their face that neither the payment of the principal nor any part thereof nor any interest thereon constitutes a debt, liability or obligation of any of the public agencies participating in the agreement creating such entity or of the entity itself, except that the entity shall be liable for the payment of such bonds from the net revenues derived from the project or projects and from the other moneys lawfully available therefor and pledged thereto pursuant to the provisions of the resolution which authorized their issuance. Said bonds issued by the entity shall be authorized by resolution which may be adopted at the same meeting at which it was introduced by a majority of the members of the governing body of the entity. The terms, conditions and provisions for the authorization, issuance, sale, and security of said bonds and of the holders thereof shall be set forth in said resolution.

[C71, 73, 75, 77, 79, 81, §28F.6]

28F.7 Construction and operation of project.

1. An entity shall operate, maintain and preserve a project in good repair and working order, and shall construct and operate the project in an efficient and economical manner, provided that the entity may lease or rent a project or any part of a project, or otherwise provide for the construction and operation of a project or any part of a project in the manner and upon the terms as the governing body of the entity directs.

2. The electric light and power plant and system of any public agency participating in and receiving wholesale power from electric power facilities owned, operated, or financed

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pursuant to this chapter shall meet the standards of the national electric safety code of 1968, as amended to and including January 1, 1981, of the national fire protection association.

[C71, 73, 75, 77, 79, 81, S81, §28F.7; 81 Acts, ch 31, §2]

28F.8 Details of revenue bonds.

Revenue bonds issued pursuant to this chapter shall bear interest at rates not exceeding those permitted by chapter 74A for revenue bonds issued by a city, may be in one or more series, may bear dates, may mature at times not exceeding forty years from their respective dates, may be payable in a medium of payment, at places within the state, may carry registration privileges, may be subject to terms of prior redemption, with or without premium, may be executed in the manner, may contain terms, covenants and conditions, may be sold at public or private sale in the manner and on terms provided by the entity or may be exchanged for outstanding interim notes, and may be in a form otherwise, as the resolution or subsequent resolutions provide.

[C71, 73, 75, 77, 79, 81, S81, §28F.8; 81 Acts, ch 31, §3]

28F.9 Issuance of interim notes.

The entity may borrow money for the purposes for which bonds may be issued, in anticipation of the receipt of the proceeds of the sale of bonds. Notes shall be issued for moneys borrowed under this section, and the notes may be renewed. The notes shall be authorized by resolution of the governing body of the entity and may be issued in denominations, bear interest at rates not exceeding the maximum rate of interest permitted by chapter 74A for pledge orders issued by a city, shall be in a form and shall be executed in a manner, all as the entity prescribes. If the notes are renewal notes, they may be exchanged for notes then outstanding on terms the governing body of the entity determines. Notes may be sold at public or private sale or may be issued to persons furnishing materials and services constituting a part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of a project. The governing body of the entity may retire any notes from the revenues derived from the project or from other moneys of the entity which are lawfully available for that purpose or from a combination of each, in lieu of retiring them by means of bond proceeds.

[C71, 73, 75, 77, 79, 81, S81, §28F.9; 81 Acts, ch 31, §4]

28F.10 Refunding bonds.

Refunding bonds may be issued by an entity in a principal amount sufficient to provide funds for the payment, including premium, if any, of bonds issued by the entity pursuant to the provisions of this chapter to be refunded thereby and the interest thereon and in addition for the payment of all expenses incident to the calling, retiring, or paying of such outstanding bonds to be refunded. Refunding bonds may also finance the construction of a project or projects authorized by this chapter or the improvement, addition, betterment or extension of an existing project or projects so authorized. Refunding bonds shall not be issued to refund the principal of and interest on any bonds to be refunded unless such bonds mature or are redeemable under their terms within ten years from the date of delivery of the refunding bonds. The proceeds of the refunding bonds to be used for the payment of the principal of, interest on and redemption premiums, if any, on the bonds to be refunded which will not be due and payable immediately shall be deposited in trust for the sole purpose of making such payments in a bank or trust company within the state. Any moneys in such trust fund, prior to the date such funds will be needed for the payment of such principal of, interest on and redemption premiums, if any, of such outstanding bonds to be refunded, may be invested or reinvested as provided in the resolution authorizing the refunding bonds. Refunding bonds shall be issued in the same manner and detail as revenue bonds herein authorized.

[C71, 73, 75, 77, 79, 81, §28F.10]

2016 Acts, ch 1011, §6; 2017 Acts, ch 29, §22

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28F.11 Eminent domain.

Any public agency participating in an agreement authorizing the joint exercise of governmental powers pursuant to this chapter may exercise its power of eminent domain to acquire interests in property, under provisions of law then in effect and applicable to the public agency, for the use of the entity created to carry out the agreement, provided that the power of eminent domain is not used to acquire interests in property which is part of a system of facilities in existence, under construction, or planned, for the generation, transmission or sale of electric power, or for the transmission, transportation, or sale of natural gas. In the exercise of the power of eminent domain, the public agency shall proceed in the manner provided by chapter 6B. Any interests in property acquired are acquired for a public purpose, as defined in chapter 6A, of the condemning public agency, and the payment of the costs of the acquisition may be made pursuant to the agreement or to any separate agreement between the public agency and the entity or the other public agencies participating in the entity or any of them. Upon payment of costs, any property acquired is the property of the entity.

[C71, 73, 75, 77, 79, 81, S81, §28F.11; 81 Acts, ch 31, §5]

2006 Acts, 1st Ex, ch 1001, §28, 49; 2018 Acts, ch 1135, §2

Referred to in §28F.14

28F.12 Additional powers of the entity.

1. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof, the entity shall have in addition to all the powers enumerated in this chapter, the powers that a county has with respect to solid waste disposal projects.

2. If the entity is comprised solely of cities, counties, and sanitary districts established under chapter 358, or any combination thereof, it is a governmental entity with respect to projects undertaken pursuant to chapter 418 and may exercise all of the powers of a governmental entity under that chapter in connection with a flood mitigation project. Unless otherwise provided in chapter 418, if the entity is undertaking a flood mitigation project as a governmental entity under chapter 418, the provisions of chapter 418 shall prevail over any conflicting provision in this chapter.

[C77, 79, 81, S81, §28F.12; 81 Acts, ch 117, §1003]

2015 Acts, ch 120, §12, 24, 25; 2016 Acts, ch 1073, §15

28F.13 Laws applicable.

An entity created to carry out an agreement authorizing the joint exercise of the powers enumerated in section 28F.1 with regard to electric power facilities shall be subject to the provisions of chapter 21, relating to open meetings, chapter 22, relating to the examination of public records, chapter 97B, relating to the Iowa public employees' retirement system and chapter 476A, relating to electric power generators.

[S81, §28F.13; 81 Acts, ch 31, §6]

28F.14 Hydroelectric utilities — eminent domain — contracts.

1. As used in this section, *"hydroelectric utility"* means an entity comprised of any number of public agencies or entities created to carry out an agreement authorizing the joint exercise of any of the governmental powers enumerated in section 28F.1, which owns or operates or proposes to own or operate all or part of a hydroelectric power facility or the capacity or use of a hydroelectric power facility.

2. In addition to other powers, a hydroelectric utility having complied with chapter 469A shall have the power of eminent domain for the purposes of constructing a hydroelectric utility but before exercising the power it shall first exhaust all efforts to secure the necessary voluntary easements. The hydroelectric utility shall comply with provisions of law then in effect, including section 28F.11, and applicable to those public agencies comprising the hydroelectric utility in connection with the construction of hydroelectric power facilities.

3. In addition to other powers, the governing body of a hydroelectric utility may purchase all or part of any power plant and may purchase all or part of the capacity, power or

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energy associated with any power plant owned by, or contract to sell all or part of the hydroelectric utility's power and energy including any surplus to, a public agency or private agency or an entity created to carry out an agreement authorizing the joint exercise of any of the governmental powers enumerated in section 28F.1. Any such entity, public agency, or hydroelectric utility may enter into contracts for the purchase or supply, from any source, of all or a portion of the capacity, power and energy requirements of the entity, public agency or hydroelectric utility on terms and conditions as the governing body of the entity, public agency or hydroelectric utility deems fit, subject to section 476.43. The terms may include provisions for the payment for capacity or output of a facility whether the facility is completed or operating, and for establishing the rights and obligations of all parties to the contract in the event of default. Payments made by an entity, public agency or hydroelectric utility under contracts constitute operating expenses of the entity, public agency or hydroelectric utility payable from the revenues derived from the electric power plant and systems of the entity, public agency or hydroelectric utility.

85 Acts, ch 78, §1; 2016 Acts, ch 1011, §121

CHAPTER 28G

INTERGOVERNMENTAL SOLID WASTE SERVICES

Referred to in §28A.4

28G.1 Purpose.
28G.2 Definitions.
28G.3 Creation of public service monopoly.
28G.4 Powers of entity.
28G.5 Revenue bonds.
28G.6 Annual report.
28G.7 Obligations not excused.
28G.8 Limitation on powers.
28G.9 Nonapplicability.

28G.1 Purpose.

The purpose of this chapter is to allow two or more local governments to form a public service monopoly when they find that a public service monopoly is an effective means to protect the public health and welfare, and the environment through any of the following:

1. Adequate solid waste collection, transportation, storage and disposal practices which are the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source.

2. The implementation of other solid waste management projects, such as source reduction and recycling, which are part of an approved comprehensive plan required under section 455B.306, and if the formation of a public service monopoly is the only effective means of accomplishing solid waste reduction and recycling. The public service monopoly shall utilize private recycling industries in the service area when possible.

84 Acts, ch 1039, §1; 92 Acts, ch 1215, §1

28G.2 Definitions.

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

1. *"Private agency"* means a private agency as defined in section 28E.2.

2. *"Recyclable materials"* means those materials separated by a person from solid waste incidental to the collection of the solid waste for utilization as raw materials to be manufactured into a new product.

3. *"Solid waste management project"* means a project which is part of the comprehensive plan, approved by the director of the department of natural resources pursuant to section 455B.306, to establish and implement the comprehensive solid waste reduction program of a city or county.

84 Acts, ch 1039, §2; 92 Acts, ch 1215, §2

Referred to in §28G.3, 28G.4

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28G.3 Creation of public service monopoly.

If two or more local governments find that the only effective means of allowing the construction and utilization of a resource recovery facility for the recycling of solid waste for use as an energy source or to implement solid waste management projects as defined in section 28G.2 is to create a public service monopoly, a legal entity shall be created pursuant to chapter 28E by agreement of two or more local governments to displace competition with regulation and monopoly of a public service for the collection, transportation, storage, and disposal, or diversion of solid waste to the extent reasonably necessary to carry out these functions. The agreement is subject to approval of the environmental protection commission before it becomes effective.

84 Acts, ch 1039, §3; 89 Acts, ch 83, §14; 92 Acts, ch 1215, §3

28G.4 Powers of entity.

A legal entity created pursuant to chapter 28E and operating under this chapter has all the rights, powers, privileges, and immunities of local governments relating to the purpose for which it is created. A legal entity operating under this chapter may:

1. Engage in, manage, own, operate, and regulate the collection, transportation, storage, and disposal or diversion of solid waste including, but not limited to, the designation of a specific facility which must be used for the collection, transportation, storage, and disposal or diversion of solid waste within its jurisdiction or geographic area.

2. Grant permits, licenses, or franchises, exclusive or nonexclusive, or a combination of exclusive or nonexclusive franchises, to solid waste management services.

3. Enter into contracts for construction and may contract, license, or permit the construction of resource recovery facilities for recycling of solid waste for an energy source or of facilities necessary to implement solid waste management projects as defined in section 28G.2.

4. Require the use of the resource recovery facilities or of facilities necessary to implement solid waste management projects as defined in section 28G.2, by any person who can be effectively served by the facilities. However, this subsection does not prohibit a private agency from dumping or depositing solid waste resulting from its own residential, farming, manufacturing, mining, or commercial activities on land owned or leased by it if the action does not violate any statute of this state or rules adopted by the environmental protection commission or local boards of health or local ordinances.

84 Acts, ch 1039, §4; 92 Acts, ch 1215, §4

28G.5 Revenue bonds.

A legal entity operating under this chapter may issue bonds as provided under chapter 28F for the planning, design, acquisition, construction, reconstruction, improvement, equipping, and furnishing of a solid waste management project as authorized under this chapter.

84 Acts, ch 1039, §5

28G.6 Annual report.

A legal entity created pursuant to chapter 28E and operating under this chapter shall report annually to the department of natural resources. The report shall include information on permits, licenses or franchises granted by the legal entity, contracts entered into, and other information requested by the environmental protection commission.

84 Acts, ch 1039, §6; 88 Acts, ch 1134, §17

28G.7 Obligations not excused.

This chapter does not exempt a legal entity from obtaining any approval, permit or license otherwise required by ordinance or state law.

84 Acts, ch 1039, §7

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28G.8 Limitation on powers.

A legal entity operating under this chapter shall not require the incineration of recyclable materials.

84 Acts, ch 1039, §8

28G.9 Nonapplicability.

Chapter 553 does not apply to a legal entity operating under this chapter.

84 Acts, ch 1039, §9

CHAPTER 28H

COUNCILS OF GOVERNMENTS

28H.1	Councils of governments established.	28H.4	Membership — liability of members.
28H.2	Work program — coordination.	28H.5	Agreements with other agencies.
28H.3	Duties.		

28H.1 Councils of governments established.

For purposes of this chapter, a council of governments includes the following areas established by executive order number 11, 1968 or a chapter 28E agreement:

1. Upper explorerland regional planning commission serving Allamakee, Clayton, Fayette, Howard, and Winneshiek counties.
2. North Iowa area council of governments serving Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago, and Worth counties.
3. Northwest Iowa planning and development commission serving Buena Vista, Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto, and Sioux counties.
4. Siouxland interstate metropolitan planning council serving Ida, Monona, Plymouth, Woodbury, and Cherokee counties.
5. MIDAS council of governments serving Calhoun, Hamilton, Humboldt, Pocahontas, Webster, and Wright counties.
6. Region six planning commission serving Hardin, Poweshiek, Tama, and Marshall counties.
7. Iowa northland regional council of governments serving Black Hawk, Bremer, Buchanan, Butler, Chickasaw, and Grundy counties.
8. East central intergovernmental association serving Cedar, Clinton, Delaware, Dubuque, and Jackson counties.
9. Bi-state metropolitan planning commission serving Scott and Muscatine counties.
10. East central Iowa council of governments serving Benton, Iowa, Johnson, Jones, Linn, and Washington counties.
11. Region twelve council of governments serving Audubon, Carroll, Crawford, Greene, Guthrie, and Sac counties.
12. Southwest Iowa planning council serving Cass, Fremont, Harrison, Montgomery, Page, and Shelby counties.
13. Southern Iowa council of governments serving Adair, Adams, Clarke, Decatur, Madison, Ringgold, Taylor, and Union counties.
14. Area fifteen regional planning commission serving Davis, Jefferson, Keokuk, Mahaska, Van Buren, and Wapello counties.
15. Southeast Iowa regional planning commission serving Des Moines, Henry, Lee, and Louisa counties.
16. Metropolitan area planning agency serving Mills and Pottawattamie counties.

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17. Chariton valley council of governments serving Appanoose, Lucas, Monroe, and Wayne counties.

90 Acts, ch 1157, §1; 90 Acts, ch 1262, §40; 2007 Acts, ch 76, §1, 2; 2011 Acts, ch 34, §13

Referred to in §28H.3

Boone, Dallas, Jasper, Marion, Polk, Story, and Warren counties, or combinations of these, may form councils of governments or associate with any existing councils of governments; 90 Acts, ch 1157, §6; 90 Acts, ch 1262, §41

28H.2 Work program — coordination.

1. Each council of governments shall adopt each year a work program to establish guidelines for delivery of services and activities to communities in the area. The work program shall include but is not limited to the following:

a. Cooperation in delivery of community development programs and services to units of local government.

b. Cooperation with the regional coordinating council in the development of plans and programs for community development.

2. The councils of governments shall receive information and recommendations on issues of regional economic importance from the regional coordinating council for possible use in the regional community development plan.

90 Acts, ch 1157, §2; 2009 Acts, ch 82, §15

28H.3 Duties.

A council of governments shall perform, but is not limited to, the following duties:

1. Provide planning services or technical assistance to the region defined in section 28H.1.

2. Coordinate regional community development planning to assist community development and planning.

3. Coordinate delivery of community development programs and services with local, state, and federal programs and activities.

4. Prepare a regional community development plan which shall be updated annually. The plan shall include but is not limited to the following:

a. Inventory and needs assessment of regional infrastructure.

b. Labor supply.

c. Cultural and fine arts resources.

d. Housing.

e. Primary health care services.

f. Natural resources, conservation, and recreational facilities.

g. Region-wide development opportunities.

90 Acts, ch 1157, §3

28H.4 Membership — liability of members.

1. Membership, appointments, and terms of office shall be governed by bylaws adopted by each council of governments.

2. A director, officer, employee, member, trustee, or volunteer of a council of governments is not liable for the debts or obligations of the council of governments. A director, officer, employee, member, trustee, or volunteer is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the person's duties, except for acts or omissions which involve intentional misconduct or knowing violation of the law, or for a transaction for which the person derives an improper personal benefit.

90 Acts, ch 1157, §4

28H.5 Agreements with other agencies.

A council of governments shall be considered a public agency for the purpose of chapter 28E. A council of governments may enter into an agreement under chapter 28E with another council of governments, community college, or other public agency for the purpose of community development and planning.

90 Acts, ch 1157, §5

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CHAPTER 28I

METROPOLITAN OR REGIONAL PLANNING COMMISSIONS

Referred to in §97B.1A, 331.304

28I.1 Authority of governing bodies — joint commission.
28I.2 Membership.
28I.3 Organization.
28I.4 Powers and duties.
28I.5 Plans distributed.
28I.6 Filing documents with commission.
28I.7 Construction of provisions.
28I.8 Contracts for planning.

28I.1 Authority of governing bodies — joint commission.

1. The governing bodies of two or more adjoining cities, independently or together with the governing body or bodies of the county or counties within which such cities are located, or the governing bodies of two or more adjoining counties, or a county and its major city or cities, or the governing bodies of one or more counties together with the governing bodies of one or more cities adjoining such county or counties, or any of the above together with a school district, benefited water district, benefited fire district, sanitary district or any other similar district which may be formed under an Act of the legislature may cooperate in the creation of a joint planning commission which may be designated to be a regional or metropolitan planning commission, as agreed among the governing bodies. The governing bodies of cities, counties, school districts or other governmental units may cooperate with the governing bodies of the cities and counties or other authorized governing bodies of any adjoining state or states in the creation of such a joint planning commission where such cooperation has been authorized by law by the adjoining state or states.

2. The joint planning commission shall be separate and apart from the governmental units creating it, may sue and be sued, contract for the purchase and sale of real and personal property necessary for its purposes, and shall be a juristic entity as the term is used in section 97C.2, subsection 6.

[C66, 71, 73, 75, 77, 79, 81, §473A.1]
C91, §28I.1
2021 Acts, ch 76, §150

28I.2 Membership.

The commission shall have not less than five members, appointed by the governing bodies of the area served by the commission. A majority of the members of the commission may be citizens who hold no other public office or position except appointive membership on a city plan commission or other planning commission, board or agency. Citizen members shall be appointed for overlapping terms of not less than three nor more than five years or thereafter until their successors are appointed. The appointing governing bodies shall determine the amount of compensation, if any, to be paid to the members of a commission. Any vacancy in the membership of a commission shall be filled for the unexpired term in the same manner as the initial appointment. The governing bodies shall have authority to remove any member for cause stated in writing and after a public hearing.

[C66, 71, 73, 75, 77, 79, 81, §473A.2]
C91, §28I.2

28I.3 Organization.

The joint planning commission shall elect one of its members as chairperson who shall serve for one year or until the chairperson is reelected or the chairperson's successor is elected. The commission shall appoint a secretary who may be an officer or an employee of a governing body or of the commission. The members of the commission shall meet not less than four times a year at the call of the chairperson and at such other times as the chairperson or the members of the commission shall determine, shall adopt rules for the transaction of business, and shall keep a record of their resolutions, transactions, findings and determinations, which record shall be a public record. The commission may employ such employees and staff as it may deem necessary for its work, including a director of

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planning and consultants. In the performance of its duties, the commission may cooperate with, contract with, and accept and expend funds from federal, state, or local agencies, public or semipublic agencies, or private individuals or corporations, and may carry out such cooperative undertakings and contract. It may enter into other contracts and make expenditures for the purchase of required equipment and supplies, and exercise all other powers necessary to carry out the purposes of this chapter. The expenditures of the commission, exclusive of gifts or grants to the commission or its contract receipts, shall be within the amounts appropriated or provided to the commission by the governing bodies of the area served by the commission, who are empowered to determine, agree upon, and appropriate funds for the payment of the expenses of the commission of their respective shares thereof. The governing bodies of the area served by the commission shall cooperate with the commission and may aid the commission by furnishing staff, services and property.

[C66, 71, 73, 75, 77, 79, 81, §473A.3]

C91, §28I.3

28I.4 Powers and duties.

1. The commission shall have the power and duty to make comprehensive studies and plans for the development of the area it serves which will guide the unified development of the area and which will eliminate planning duplication and promote economy and efficiency in the coordinated development of the area and the general welfare, convenience, safety, and prosperity of its people. The plan or plans collectively shall be known as the regional or metropolitan development plan. The plans for the development of the area may include but shall not be limited to recommendations with respect to existing and proposed highways, bridges, airports, streets, parks and recreational areas, schools and public institutions and public utilities, public open spaces, and sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture, and forestry; water supply, sanitation, drainage, protection against floods and other disasters; areas for housing developments, slum clearance and urban renewal and redevelopment; location of private and public utilities, including but not limited to sewerage and water supply systems; and such other recommendations concerning current and impending problems as may affect the area served by the commission. Time and priority schedules and cost estimates for the accomplishment of the recommendations may also be included in the plans. The plans shall be made with consideration of the smart planning principles under section 18B.1. The plans shall be based upon and include appropriate studies of the location and extent of present and anticipated populations; social, physical, and economic resources, problems and trends; and governmental conditions and trends. The commission is also authorized to make surveys, land-use studies, and urban renewal plans, provide technical services and other planning work for the area it serves and for cities, counties, and other political subdivisions in the area. A plan or plans of the commission may be adopted, added to, and changed from time to time by a majority vote of the planning commission. The plan or plans may in whole or in part be adopted by the governing bodies of the cooperating cities and counties as the general plans of such cities and counties. The commission may also assist the governing bodies and other public authorities or agencies within the area it serves in carrying out any regional plan or plans, and assist any planning commission, board or agency of the cities and counties and political subdivisions in the preparation or effectuation of local plans and planning consistent with the program of the commission. The commission may cooperate and confer, as far as possible, with planning agencies of other states or of regional groups of states adjoining its area.

2. A planning commission formed under the provisions of this chapter shall, upon designation as such by the governor, serve as a district, regional, or metropolitan agency for comprehensive planning for its area for the purpose of carrying out the functions as defined for such an agency by federal, state, and local laws and regulations.

[C66, 71, 73, 75, 77, 79, 81, §473A.4]

C91, §28I.4

2010 Acts, ch 1184, §19

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28I.5 Plans distributed.

Copies of the plan or plans and amendments or revisions of a plan or plans prepared by a commission may be transmitted by the commission to the chief administrative officers, the legislative bodies, the planning commissions, boards or agencies of the counties and cities, within its area, and to regional or metropolitan planning commissions established for adjoining areas. A commission may make copies of its plan or plans or parts of plans available for general distribution or sale, and may advise and supply information, as far as available, to persons and organizations who may request such advice and information and who are concerned with the area's development problems. It may also provide information to state and local agencies and to the public at large, in order to foster public awareness and understanding of the objectives of regional or metropolitan planning, and in order to stimulate public interest and participation in the orderly, integrated development of the area served by the commission.

[C66, 71, 73, 75, 77, 79, 81, §473A.5]

C91, §28I.5

28I.6 Filing documents with commission.

To facilitate effective and harmonious planning of the region or metropolitan area, all governing bodies in the area served by a commission, and all county and city planning commissions, boards or agencies in the area may file with the commission, for its information, all county or city plans, zoning ordinances, official maps, building codes, subdivision regulations, or amendments or revisions of them, as well as copies of their regular and special reports dealing in whole or in part with planning matters. County or city governing bodies, or county or city local planning commissions, boards or agencies may also submit proposals to a commission for such plans, ordinances, maps, codes, regulations, amendments or revisions prior to their adoption, in order to afford an opportunity to the commission to study such proposals and to render advice thereon.

[C66, 71, 73, 75, 77, 79, 81, §473A.6]

C91, §28I.6

28I.7 Construction of provisions.

Nothing in this chapter shall be construed to remove or limit the powers of the cooperating cities, counties, school districts, benefited water districts, benefited fire districts, sanitary districts, or similar districts as provided by state law. All legislative power with respect to zoning and other planning legislation shall remain with the governing body of the cooperative cities and counties. Each participating city or county may continue to have its own planning commission or board but may, under the joint agreement and in the interest of economy and efficiency and in the interest of uniform standards and procedures, request the metropolitan or regional planning commission to assume duties and functions of local planning agencies in whole or in part. The metropolitan or regional planning commission shall have the duty and function of promoting public interest and understanding of the economic and social necessity for long-term coordinated planning for the metropolitan or regional area, but its official recommendations shall be made to the governing bodies of the cooperating cities, counties, school districts, benefited water districts, benefited fire districts, sanitary districts, or similar districts.

[C66, 71, 73, 75, 77, 79, 81, §473A.7]

C91, §28I.7

28I.8 Contracts for planning.

A metropolitan planning commission may contract with professional consultants, the economic development authority or the federal government, for local planning assistance.

[C62, 66, 71, 73, §373.21; C75, 77, 79, 81, §473A.8]

C91, §28I.8

2011 Acts, ch 118, §85, 89

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CHAPTER 28J

PORT AUTHORITIES

Referred to in §12.30

28J.1 Definitions.
28J.2 Creation and powers of port authority.
28J.3 Appropriation and expenditure of public funds — dissolution.
28J.4 Joining an existing port authority.
28J.5 Membership of board of directors.
28J.6 Civil immunity of directors.
28J.7 Employees, advisory board, peace officers.
28J.8 Area of jurisdiction.
28J.9 Powers of port authority.
28J.10 Participation of private enterprise.
28J.11 Provisions do not affect other laws or powers.
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28J.14 Secretary to furnish bond — deposit and disbursement of funds.
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28J.17 Contracts, arrangements, and agreements.
28J.18 Revenue bonds are lawful investments.
28J.19 Property tax exemption.
28J.20 Loans for acquisition or construction of facility — sale of facility — power to encumber property.
28J.21 Issuance of revenue and refunding bonds and pledge orders.
28J.22 Bonds may be secured by trust agreement.
28J.23 Remedy of holder of bond or coupon — statute of limitations.
28J.24 Bonds are payable solely from revenues and funds pledged for payment.
28J.25 Funds and property held in trust — use and deposit of funds.
28J.26 Investment of excess funds.
28J.27 Change in location of public way, railroad, or utility facility — vacation of highway.
28J.28 Final actions to be recorded — annual report — confidentiality of information.
28J.29 Provisions to be liberally construed.

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28J.1 Definitions.

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

1. *"Authorized purposes"* means an activity that enhances, fosters, aids, provides, or promotes transportation, economic development, housing, recreation, education, governmental operations, culture, or research within the jurisdiction of a port authority.

2. *"Board"* means the board of directors of a port authority established pursuant to section 28J.2.

3. *"City"* means the same as defined in section 362.2.

4. *"Construction"* means alteration, creation, development, enlargement, erection, improvement, installation, reconstruction, remodeling, and renovation.

5. *"Contracting governmental agency"* means any governmental agency or taxing district of the state that, by action of its legislative authority, enters into an agreement with a port authority pursuant to section 28J.17.

6. *"Cost"* as applied to a port authority facility means any of the following:

a. The cost of construction contracts, land, rights-of-way, property rights, easements, franchise rights, and interests required for acquisition or construction.

b. The cost of demolishing or removing any buildings or structures on land, including the cost of acquiring any lands to which those buildings or structures may be moved.

c. The cost of diverting a highway, interchange of a highway, and access roads to private property, including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

d. The cost of machinery, furnishings, equipment, financing charges, interest prior to and during construction and for no more than twelve months after completion of construction, engineering, and expenses of research and development with respect to a facility.

e. Legal and administrative expenses, plans, specifications, surveys, studies, estimates of cost and revenues, engineering services, and other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing a facility.

f. The interest upon the revenue bonds and pledge orders during the period or estimated period of construction and for twelve months thereafter, or for twelve months after the acquisition date, reserve funds as the port authority deems advisable in connection with a facility and the issuance of port authority revenue bonds and pledge orders.

g. The costs of issuance of port authority revenue bonds and pledge orders.

h. The cost of diverting a rail line, rail spur track, or rail spur track switch, including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

i. The cost of relocating an airport's runways, terminals, and related facilities including the cost of land or easements, and relocation of a facility of a utility company or common carrier.

7. *"Facility"* or *"port authority facility"* means real or personal property owned, leased, or otherwise controlled or financed by a port authority and related to or in furtherance of one or more authorized purposes.

8. *"Governmental agency"* means a department, division, or other unit of state government of this state or any other state, city, county, township, or other governmental subdivision, or any other public corporation or agency created under the laws of this state, any other state, the United States, or any department or agency thereof, or any agency, commission, or authority established pursuant to an interstate compact or agreement or combination thereof.

9. *"Person"* means the same as defined in section 4.1.

10. *"Pledge order"* means a promise to pay out of the net revenues of a port authority, which is delivered to a contractor or other person in payment of all or part of the cost of a facility.

11. *"Political subdivision"* means a city, county, city-county consolidation, or multicounty consolidation, or combination thereof.

12. *"Political subdivisions comprising the port authority"* means the political subdivisions which created or participated in the creation of the port authority under section 28J.2, or which joined an existing port authority under section 28J.4.

13. *"Port authority"* means an entity created pursuant to section 28J.2.

14. *"Port authority revenue bonds"* means revenue bonds and revenue refunding bonds issued pursuant to section 28J.21.

15. *"Public roads"* means all public highways, roads, and streets in this state, whether maintained by the state or by a county or city.

16. *"Revenues"* means rental fees and other charges received by a port authority for the use or services of a facility, a gift or grant received with respect to a facility, moneys received with respect to the lease, sublease, sale, including installment sale or conditional sale, or other disposition of a facility, moneys received in repayment of and for interest on any loans made by the port authority to a person or governmental agency, proceeds of port authority revenue bonds for payment of principal, premium, or interest on the bonds authorized by the port authority, proceeds from any insurance, condemnation, or guarantee pertaining to the financing of the facility, and income and profit from the investment of the proceeds of port authority revenue bonds or of any revenues.

2005 Acts, ch 150, §89

28J.2 Creation and powers of port authority.

1. Two or more political subdivisions may create a port authority under this chapter by resolution. If a proposal to create a port authority receives a favorable majority of the members of the elected legislative body of each of the political subdivisions, the port authority is created at the time provided in the resolution. The jurisdiction of a port authority includes the territory described in section 28J.8.

2. A port authority created pursuant to this section may sue and be sued, complain, and defend in its name and has the powers and jurisdiction enumerated in this chapter.

3. At the time a port authority is created pursuant to this section, the political subdivisions comprising the port authority may restrict the powers granted the port authority pursuant

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to this chapter by specifically adopting such restrictions in the resolution creating the port authority.

4. The political subdivisions comprising the port authority whose powers have been restricted pursuant to subsection 3 may at any time adopt a resolution to grant additional powers to the port authority, so long as the additional powers do not exceed the powers permitted under this chapter.

2005 Acts, ch 150, §90; 2006 Acts, ch 1010, §16
Referred to in §28J.1, 28J.5, 28J.11, 28J.15, 427.1(34)

28J.3 Appropriation and expenditure of public funds — dissolution.

1. The political subdivisions comprising a port authority may appropriate and expend public funds to finance or subsidize the operation and authorized purposes of the port authority. A port authority shall control tax revenues allocated to the facilities the port authority administers and all revenues derived from the operation of the port authority, the sale of its property, interest on investments, or from any other source related to the port authority.

2. All revenues received by the port authority shall be held in a separate fund in a manner agreed to by the political subdivisions comprising the port authority. Revenues may be paid out only at the direction of the board of directors of the port authority.

3. A port authority shall comply with section 331.341, subsections 1, 2, 4, and 5, and section 331.342, when contracting for public improvements.

4. Subject to making due provisions for payment and performance of any outstanding obligations, the political subdivisions comprising the port authority may dissolve the port authority, and transfer the property of the port authority to the political subdivisions comprising the port authority in a manner agreed upon between the political subdivisions comprising the port authority prior to the dissolution of the port authority.

2005 Acts, ch 150, §91

28J.4 Joining an existing port authority.

1. A political subdivision which is contiguous to either a political subdivision which participated in the creation of the port authority or a political subdivision which proposes to join the port authority at the same time which is contiguous to a political subdivision which participated in the creation of the port authority may join the port authority by resolution.

2. If more than one such political subdivision proposes to join the port authority at the same time, the resolution of each such political subdivision shall designate the political subdivisions which are to be so joined.

3. Any territory or city not included in a port authority which is annexed to a city included within the jurisdiction of a port authority shall, on such annexation and without further proceedings, be annexed to and be included in the jurisdiction of the port authority.

4. Before a political subdivision is joined to a port authority, other than by annexation to a city, the political subdivisions comprising the port authority shall agree upon the terms and conditions pursuant to which such political subdivision is to be joined.

5. For the purpose of this chapter, such political subdivision shall be considered to have participated in the creation of the port authority, except that the initial term of any director of the port authority appointed by a joining political subdivision shall be four years.

6. After each resolution proposing a political subdivision to join a port authority has become effective and the terms and conditions of joining the port authority have been agreed to, the board of directors of the port authority shall by resolution either accept or reject the proposal. Such proposal to join a port authority shall be effective upon adoption of the resolution by the board of directors of the port authority and thereupon the jurisdiction of the port authority includes the joining political subdivision.

2005 Acts, ch 150, §92
Referred to in §28J.1

28J.5 Membership of board of directors.

1. A port authority created pursuant to section 28J.2 shall be governed by a board of directors. Members of a board of directors of a port authority shall be divided among the

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political subdivisions comprising the port authority in such proportions as the political subdivisions may agree and shall be appointed by the respective political subdivision's elected legislative body.

2. The number of directors comprising the board shall be determined by agreement between the political subdivisions comprising the port authority, and which number may be changed by resolution of the political subdivisions comprising the port authority.

3. A majority of the directors shall have been qualified electors of, or owned a business or been employed in, one or more political subdivisions within the area of the jurisdiction of the port authority for a period of at least three years preceding appointment.

4. The directors of a port authority first appointed shall serve staggered terms. Thereafter each successor director shall serve for a term of four years, except that any person appointed to fill a vacancy shall be appointed to only the unexpired term. A director is eligible for reappointment.

5. The board may provide procedures for the removal of a director who fails to attend three consecutive regular meetings of the board. If a director is so removed, a successor shall be appointed for the remaining term of the removed director in the same manner provided for the original appointment. The appointing body may at any time remove a director appointed by it for misfeasance, nonfeasance, or malfeasance in office.

6. The board may adopt bylaws and shall elect one director as chairperson and one director as vice chairperson, designate terms of office, and appoint a secretary who need not be a director.

7. A majority of the board of directors shall constitute a quorum for the purpose of holding a meeting of the board. The affirmative vote of a majority of a quorum shall be necessary for any action taken by the port authority unless the board determines that a greater number of affirmative votes is necessary for particular actions to be taken by the port authority. A vacancy in the membership of the board shall not impair the rights of a quorum to exercise all the rights and perform all the duties of the port authority.

8. Each director shall be entitled to receive from the port authority such sum of money as the board may determine as compensation for services as a director and reimbursement for reasonable expenses in the performance of official duties.

2005 Acts, ch 150, §93

28J.6 Civil immunity of directors.

A director of a port authority shall not be personally liable for any monetary damages that arise from actions taken in the performance of the director's official duties, except for acts or omissions that are not in good faith or that involve intentional misconduct, a knowing violation of law, or any transaction from which the director derived an improper personal benefit.

2005 Acts, ch 150, §94

28J.7 Employees, advisory board, peace officers.

1. A port authority shall employ and fix the qualifications, duties, and compensation of any employees and enter into contracts for any services that may be required to conduct the business of the port authority, and may appoint an advisory board, which shall serve without compensation.

2. An employee of a port authority is a public employee for the purposes of collective bargaining under chapter 20.

3. *a.* A port authority may provide for the administration and enforcement of the laws of the state by employing peace officers who shall have all the powers conferred by law on peace officers of this state with regard to the apprehension of violators upon all property under its control within and without the port authority. The peace officers may seek the assistance of other appropriate law enforcement officers to enforce port authority rules and maintain order.

b. Peace officers employed by a port authority shall meet all requirements established for police officers under chapter 400 and shall be considered police officers for the purposes of chapter 411.

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c. Peace officers employed by a port authority shall serve as a peace officer force with respect to the property, grounds, buildings, equipment, and facilities under the control of the port authority, to prevent hijacking of aircraft or watercraft, protect the property of the authority and the property of others located thereon, suppress nuisances and disturbances and breaches of the peace, and enforce laws and the rules of the port authority for the preservation of good order. Peace officers are vested with the same powers of arrest as peace officers under section 804.7.

4. If an employee of a political subdivision comprising the port authority is transferred to a comparable position with the port authority, the employee is entitled to suffer no loss in pay, pension, fringe benefits, or other benefits and shall be entitled to a comparable rank and grade as the employee's prior position. Sick leave, longevity, and vacation time accrued to such employees shall be credited to them as employees of the port authority. All rights and accruals of such employees as members of the Iowa public employees' retirement system pursuant to chapter 97B and the retirement system for police officers pursuant to chapter 411 shall remain in force and shall be automatically transferred to the port authority.

2005 Acts, ch 150, §95; 2006 Acts, ch 1030, §8

28J.8 Area of jurisdiction.

1. The area of jurisdiction of a port authority shall include all of the territory of the political subdivisions comprising the port authority and, if the port authority owns or leases a railroad line or airport, the territory on which the railroad's line, terminals, and related facilities or the airport's runways, terminals, and related facilities are located, regardless of whether the territory is located in the political subdivisions comprising the port authority.

2. A political subdivision that has created a port authority or joined an existing port authority shall not be included in any other port authority.

2005 Acts, ch 150, §96
Referred to in §28J.2

28J.9 Powers of port authority.

A port authority may exercise all of the following powers:

1. Adopt bylaws for the regulation of the port authority's affairs and the conduct of the port authority's business.

2. Adopt an official seal.

3. Maintain a principal office and branch offices within the port authority's jurisdiction.

4. Acquire, construct, furnish, equip, maintain, repair, sell, exchange, lease, lease with an option to purchase, convey interests in real or personal property, and operate any property of the port authority in connection with transportation, recreational, governmental operations, or cultural activities in furtherance of an authorized purpose.

5. Straighten, deepen, and improve any channel, river, stream, or other watercourse or way which may be necessary or proper in the development of the facilities of the port authority.

6. Make available the use or services of any facility of the port authority to any person or governmental agency.

7. Issue bonds or pledge orders pursuant to the requirements and limitations in section 28J.21.

8. Issue port authority revenue bonds beyond the limit of bonded indebtedness provided by law, payable solely from revenues as provided in section 28J.21, for the purpose of providing funds to pay the costs of any facility or facilities of the port authority or parts thereof.

9. Apply to the proper authorities of the United States for the right to establish, operate, and maintain foreign trade zones and establish, operate, and maintain foreign trade zones and to acquire, exchange, sell, lease to or from, lease with an option to purchase, or operate facilities, land, or property in accordance with the federal Foreign Trade Zones Act, 19 U.S.C. §81a – 81u.

10. Enjoy and possess the same legislative and executive rights, privileges, and powers

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granted cities under chapter 364 and counties under chapter 331, including the exercise of police power but excluding the power to levy taxes.

11. Maintain such funds as it considers necessary and adhere to the public funds investment standards of chapter 12B, as applicable.

12. Direct port authority agents or employees, after at least five days' written notice, to enter upon lands within the port authority's jurisdiction to make surveys and examinations preliminary to location and construction of works for the port authority, without liability of the port authority or its agents or employees except for actual damages.

13. Promote, advertise, and publicize the port authority and its facilities, and provide information to shippers and other commercial interests.

14. Adopt bylaws, not in conflict with state or federal law, necessary or incidental to the performance of the duties of and the execution of the powers of the port authority under this chapter.

15. Do any of the following in regard to interests in real or personal property, including machinery, equipment, plants, factories, offices, and other structures and facilities related to or in furtherance of any authorized purpose as the board in its sole discretion may determine:

a. Loan money to any person or governmental agency for the acquisition, construction, furnishing, or equipping of the property.

b. Acquire, construct, maintain, repair, furnish, or equip the property.

c. Sell to, exchange with, lease, convey other interests in, or lease with an option to purchase the same or any lesser interest in the property to the same or any other person or governmental agency.

d. Guarantee the obligations of any person or governmental agency.

e. Accept and hold as consideration for the conveyance of property or any interest therein such property or interests therein as the board may determine, notwithstanding any restrictions that apply to the investment of funds by a port authority.

16. Sell, lease, or convey other interests in real and personal property, and grant easements or rights-of-way over property of the port authority. The board shall specify the consideration and terms for the sale, lease, or conveyance of other interests in real and personal property. A determination made by the board under this subsection shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

17. Enter into an agreement with a political subdivision comprising the port authority for the political subdivision to exercise its right of eminent domain pursuant to chapters 6A and 6B on behalf of the port authority. However, a condemnation exercised on behalf of a port authority pursuant to this subsection shall not take or disturb property or a facility belonging to a governmental agency, utility company, or common carrier, which property or facility is necessary and convenient in the operation of the governmental agency, utility company, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of the governmental agency, utility company, or common carrier, for the payment of compensation, if any, at the sole cost of the port authority, provided that both of the following apply:

a. If a restoration or duplication proposed to be made under this subsection involves a relocation of the property or facility, the new facility and location shall be of at least comparable utilitarian value and effectiveness and shall not impair the ability of the utility company or common carrier to compete in its original area of operation.

b. If a restoration or duplication made under this subsection involves a relocation of the property or facility, the port authority shall acquire no interest or right in or to the appropriated property or facility, until the relocated property or facility is available for use and until marketable title thereto has been transferred to the utility company or common carrier.

18. *a.* Make and enter into all contracts and agreements and execute all instruments necessary or incidental to the performance of the duties of and the execution of powers of the port authority under this chapter.

b. Except as provided in paragraph "*c*", when the cost of a contract for the construction of a building, structure, or other improvement undertaken by a port authority involves an

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expenditure exceeding the competitive bid threshold in section 26.3, or as established in section 314.1B, and the port authority is the contracting entity, the port authority shall make a written contract after notice calling for bids for the award of the contract has been given by publication twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. Each such contract shall be let to the lowest responsive and responsible bidder. Every contract shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared for and approved by the port authority, and signed by an authorized officer of the port authority and by the contractor.

c. The board of directors may provide criteria for the negotiation and award without competitive bidding of any contract as to which the port authority is the contracting entity for the construction of any building or structure or other improvement under any of the following circumstances:

(1) A real and present emergency exists that threatens damage or injury to persons or property of the port authority or other persons, provided that a statement specifying the nature of the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(2) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(3) The contract is for any energy conservation measure as defined in section 7D.34.

(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(5) A single bid is received by the port authority after complying with the provisions of paragraph "*b*".

d. (1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in paragraph "*c*", subparagraph (2), the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the person making the proposal considered to be the most advantageous to the port authority.

(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in paragraph "*c*", subparagraph (4), construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material.

e. A purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental agency that pertains to the acquisition, construction, maintenance, repair, furnishing, equipping, or operation of any real or personal property, related to or in furtherance of economic development and the provision of adequate housing, shall be made in such manner and subject to such terms and conditions as may be determined in the board's discretion. This paragraph applies to all contracts that are subject to this section, notwithstanding any other provision of law that might otherwise apply, including a requirement of notice, competitive bidding or selection, or for the provision of security. However, this paragraph shall not apply to a contract secured exclusively by or to be paid exclusively from the general revenues of the port authority. For the purposes of this paragraph, any revenues derived by the port authority under a lease or other agreement that, by its terms, contemplates the use of amounts payable under the agreement either to pay the costs of the improvement that is the subject of the contract or to secure obligations of the port authority issued to finance costs of such improvement, are excluded from general revenues.

19. Employ managers, superintendents, and other employees and retain or contract with consulting engineers, financial consultants, accounting experts, architects, attorneys, and any other consultants and independent contractors as are necessary in the port authority's judgment to carry out this chapter, and fix the compensation thereof. All expenses thereof shall be payable from any available funds of the port authority or from funds appropriated for that purpose by the political subdivisions comprising the port authority.

20. Receive and accept from a governmental agency grants and loans for the construction

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of a port authority facility, for research and development with respect to a port authority facility, or any other authorized purpose, and receive and accept aid or contributions from any source of moneys, property, labor, or other things of value, to be held, used, and applied only for the purposes for which the grants, loans, aid, or contributions are made.

21. Engage in research and development with respect to a port authority facility.

22. Purchase fire and extended coverage and liability insurance for a port authority facility and for the principal office and branch offices of the port authority, insurance protecting the port authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the port authority may agree to provide under a resolution authorizing port authority revenue bonds, pledge orders, or in any trust agreement securing the same.

23. Charge, alter, and collect rental fees and other charges for the use or services of a port authority facility as provided in section 28J.16.

24. Perform all acts necessary or proper to carry out the powers expressly granted in this chapter.

2005 Acts, ch 150, §97; 2006 Acts, ch 1017, §17, 42, 43

28J.10 Participation of private enterprise.

The port authority shall foster and encourage the participation of private enterprise in the development of the port authority facilities to the fullest extent practicable in the interest of limiting the necessity of construction and operation of the facilities by the port authority.

2005 Acts, ch 150, §98

28J.11 Provisions do not affect other laws or powers.

This chapter shall not do any of the following:

1. Impair a provision of law directing the payment of revenues derived from public property into sinking funds or dedicating those revenues to specific purposes.

2. Impair the powers of a political subdivision to develop or improve a port and terminal facility except as restricted by section 28J.15.

3. Enlarge, alter, diminish, or affect in any way, a lease or conveyance made, or action taken prior to the creation of a port authority under section 28J.2 by a city or a county.

4. Impair or interfere with the exercise of a permit for the removal of sand or gravel, or other similar permits issued by a governmental agency.

5. Impair or contravene applicable federal regulations.

2005 Acts, ch 150, §99

28J.12 Conveyance, lease, or exchange of public property.

A port authority may convey or lease, lease with an option to purchase, or exchange with any governmental agency or other port authority without competitive bidding and on mutually agreeable terms, any personal or real property, or any interest therein.

2005 Acts, ch 150, §100

28J.13 Annual budget — use of rents and charges.

The board shall annually prepare a budget for the port authority. Revenues received by the port authority shall be used for the general expenses of the port authority and to pay interest, amortization, and retirement charges on money borrowed. Except as provided in section 28J.26, if there remains, at the end of any fiscal year, a surplus of such funds after providing for the above uses, the board shall pay such surplus into the general funds of the political subdivisions comprising the port authority as agreed to by the subdivisions.

2005 Acts, ch 150, §101

28J.14 Secretary to furnish bond — deposit and disbursement of funds.

Before receiving any revenues, the secretary of a port authority shall furnish a bond in such amount as shall be determined by the port authority with sureties satisfactory to the port authority, and all funds coming into the hands of the secretary shall be deposited by the secretary to the account of the port authority in one or more such depositories as shall be

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qualified to receive deposits of county funds, which deposits shall be secured in the same manner as county funds are required to be secured. A disbursement shall not be made from such funds except in accordance with policies and procedures adopted by the port authority.

2005 Acts, ch 150, §102

28J.15 Limitation on certain powers of political subdivisions.

A political subdivision creating or participating in the creation of a port authority in accordance with section 28J.2 shall not, during the time the port authority is in existence, exercise the rights and powers provided in chapters 28A, 28K, and 384 relating to the political subdivision's authority over a port, wharf, dock, harbor or other facility substantially similar to that political subdivision's authority under a port authority granted under this chapter.

2005 Acts, ch 150, §103

Referred to in §28J.11

28J.16 Rentals or charges for use or services of facilities — agreements with governmental agencies.

1. *a.* A port authority may charge, alter, and collect rental fees or other charges for the use or services of any port authority facility and contract for the use or services of a facility, and fix the terms, conditions, rental fees, or other charges for the use or services.

b. If the services are furnished in the jurisdiction of the port authority by a utility company or a common carrier, the port authority's charges for the services shall not be less than the charges established for the same services furnished by a utility company or common carrier in the port authority jurisdiction.

c. The rental fees or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or governmental agency of the state and the contract may provide for acquisition of all or any part of the port authority facility for such consideration payable over the period of the contract or otherwise as the port authority determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of port authority revenue bonds or any trust agreement securing the bonds.

d. A governmental agency that has power to construct, operate, and maintain a port authority facility may enter into a contract or lease with a port authority for the use or services of a port authority facility as may be agreed to by the port authority and the governmental agency.

2. *a.* A governmental agency may cooperate with the port authority in the acquisition or construction of a port authority facility and shall enter into such agreements with the port authority as may be appropriate, which shall provide for contributions by the parties in a proportion as may be agreed upon and other terms as may be mutually satisfactory to the parties including the authorization of the construction of the facility by one of the parties acting as agent for all of the parties and the ownership and control of the facility by the port authority to the extent necessary or appropriate.

b. A governmental agency may provide funds for the payment of any contribution required under such agreements by the levy of taxes or assessments if otherwise authorized by the laws governing the governmental agency in the construction of the type of port authority facility provided for in the agreements, and may pay the proceeds from the collection of the taxes or assessments; or the governmental agency may issue bonds or notes, if authorized by law, in anticipation of the collection of the taxes or assessments, and may pay the proceeds of the bonds or notes to the port authority pursuant to such agreements.

c. A governmental agency may provide the funds for the payment of a contribution by the appropriation of moneys or, if otherwise authorized by law, by the issuance of bonds or notes and may pay the appropriated moneys or the proceeds of the bonds or notes to the port authority pursuant to such agreements.

3. When the contribution of any governmental agency is to be made over a period of time from the proceeds of the collection of special assessments, the interest accrued and to accrue before the first installment of the assessments is collected, which is payable by the governmental agency on the contribution under the terms and provisions of the agreements, shall be treated as part of the cost of the improvement for which the assessments are levied,

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and that portion of the assessments that is collected in installments shall bear interest at the same rate as the governmental agency is obligated to pay on the contribution under the terms and provisions of the agreements and for the same period of time as the contribution is to be made under the agreements. If the assessment or any installment thereof is not paid when due, it shall bear interest until the payment thereof at the same rate as the contribution and the county auditor shall annually place on the tax list and duplicate the interest applicable to the assessment and the penalty thereon as otherwise authorized by law.

4. A governmental agency, pursuant to a favorable vote in an election regarding issuing bonds to provide funds to acquire, construct, or equip, or provide real estate and interests in real estate for a port authority facility, whether or not the governmental agency at the time of the election had the authority to pay the proceeds from the bonds or notes issued in anticipation of the bonds to the port authority as provided in this section, may issue such bonds or notes in anticipation of the issuance of the bonds and pay the proceeds of the bonds or notes to the port authority in accordance with an agreement with the port authority; provided, that the legislative authority of the governmental agency finds and determines that the port authority facility to be acquired or constructed in cooperation with the governmental agency will serve the same public purpose and meet substantially the same public need as the facility otherwise proposed to be acquired or constructed by the governmental agency with the proceeds of the bonds and notes.

2005 Acts, ch 150, §104
Referred to in §28J.9

28J.17 Contracts, arrangements, and agreements.

1. *a.* A port authority may enter into a contract or other arrangement with a person, railroad, utility company, corporation, governmental agency including sewerage, drainage, conservation, conservancy, or other improvement districts in this or other states, or the governments or agencies of foreign countries as may be necessary or convenient for the exercise of the powers granted by this chapter. The port authority may purchase, lease, or acquire land or other property in any county of this state and in adjoining states for the accomplishment of authorized purposes of the port authority, or for the improvement of the harbor and port facilities over which the port authority may have jurisdiction including development of port facilities in adjoining states. The authority granted in this section to enter into contracts or other arrangements with the federal government includes the power to enter into any contracts, arrangements, or agreements that may be necessary to hold and save harmless the United States from damages due to the construction and maintenance by the United States of work the United States undertakes.

b. A political subdivision that has participated in the creation of a port authority, or is within, or adjacent to a political subdivision that is within the jurisdiction of a port authority, may enter into an agreement with the port authority to accomplish any of the authorized purposes of the port authority. The agreement may set forth the extent to which the port authority shall act as the agent of the political subdivision.

2. A port authority may enter into an agreement with a contracting governmental agency, whereby the port authority or the contracting governmental agency undertakes, and is authorized by the port authority or a contracting governmental agency, to exercise any power, perform any function, or render any service, on behalf of the port authority or a contracting governmental agency, which the port authority or the contracting governmental agency is authorized to exercise, perform, or render.

2005 Acts, ch 150, §105
Referred to in §28J.1

28J.18 Revenue bonds are lawful investments.

Port authority revenue bonds issued pursuant to this chapter are lawful investments of banks, credit unions, trust companies, savings associations, deposit guaranty associations, insurance companies, trustees, fiduciaries, trustees or other officers having charge of the bond retirement funds or sinking funds of port authorities and governmental agencies, taxing districts of this state, the pension and annuity retirement system, the Iowa public employees'

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retirement system, the police and fire retirement systems under chapters 410 and 411, or a revolving fund of a governmental agency of this state, and are acceptable as security for the deposit of public funds under chapter 12C.

2005 Acts, ch 150, §106; 2012 Acts, ch 1017, §43; 2013 Acts, ch 90, §19

28J.19 Property tax exemption.

A port authority shall be exempt from and shall not be required to pay taxes on real property belonging to a port authority that is used exclusively for an authorized purpose as provided in section 427.1, subsection 34.

2005 Acts, ch 150, §107

28J.20 Loans for acquisition or construction of facility — sale of facility — power to encumber property.

1. With respect to the financing of a facility for an authorized purpose, under an agreement whereby the person to whom the facility is to be leased, subleased, or sold, or to whom a loan is to be made for the facility, is to make payments sufficient to pay all of the principal of, premium, and interest on the port authority revenue bonds issued for the facility, the port authority, in addition to other powers under this chapter, may do any of the following:

a. Make loans for the acquisition or construction of the facility to such person upon such terms as the port authority may determine or authorize including secured or unsecured loans; and enter into loan agreements and other agreements, accept notes and other forms of obligation to evidence such indebtedness and mortgages, liens, pledges, assignments, or other security interests to secure such indebtedness, which may be prior or subordinate to or on a parity with other indebtedness, obligations, mortgages, pledges, assignments, other security interests, or liens or encumbrances, and take actions considered appropriate to protect such security and safeguard against losses, including, without limitation, foreclosure and the bidding upon and purchase of property upon foreclosure or other sale.

b. Sell the facility under terms as the port authority may determine, including sale by conditional sale or installment sale, under which title may pass prior to or after completion of the facility or payment or provisions for payment of all principal of, premium, and interest on the revenue bonds, or at any other time provided in the agreement pertaining to the sale, and including sale under an option to purchase at a price which may be a nominal amount or less than true value at the time of purchase.

c. Grant a mortgage, lien, or other encumbrance on, or pledge or assignment of, or other security interest with respect to, all or any part of the facility, revenues, reserve funds, or other funds established in connection with the bonds or with respect to a lease, sublease, sale, conditional sale or installment sale agreement, loan agreement, or other agreement pertaining to the lease, sublease, sale, or other disposition of a facility or pertaining to a loan made for a facility, or a guaranty or insurance agreement made with respect thereto, or an interest of the port authority therein, or any other interest granted, assigned, or released to secure payments of the principal of, premium, or interest on the bonds or to secure any other payments to be made by the port authority, which mortgage, lien, encumbrance, pledge, assignment, or other security interest may be prior or subordinate to or on a parity with any other mortgage, assignment, or other security interest, or lien or encumbrance.

d. Contract for the acquisition or construction of the facility or any part thereof and for the leasing, subleasing, sale, or other disposition of the facility in a manner determined by the port authority in its sole discretion, without necessity for competitive bidding or performance bonds.

e. Make appropriate provision for adequate maintenance of the facility.

2. With respect to a facility referred to in this section, the authority granted by this section is cumulative and supplementary to all other authority granted in this chapter. The authority granted by this section does not alter or impair a similar authority granted elsewhere in this chapter for or with respect to other facilities.

2005 Acts, ch 150, §108; 2006 Acts, ch 1010, §17

Referred to in §28J.21

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28J.21 Issuance of revenue and refunding bonds and pledge orders.

1. A port authority may issue revenue bonds and pledge orders payable solely from the net revenues of the port authority including the revenues generated from a facility pursuant to section 28J.20. The revenue bonds may be issued in such principal amounts as, in the opinion of the port authority, are necessary for the purpose of paying the cost of one or more port authority facilities or parts thereof.

2. *a.* The resolution to issue the bonds must be adopted at a regular or special meeting of the board called for that purpose by a majority of the total number of members of the board. The board shall fix a date, time, and place of meeting at which it proposes to take action, and give notice by publication in the manner directed in section 331.305. The notice must include a statement of the date, time, and place of the meeting, the maximum amount of the proposed revenue bonds, the purpose for which the revenue bonds will be issued, and the net revenues to be used to pay the principal and interest on the revenue bonds.

b. At the meeting, the board shall receive oral or written objections from any resident or property owner within the jurisdiction of the port authority. After all objections have been received and considered, the board, at the meeting or a date to which it is adjourned, may take additional action for the issuance of the bonds or abandon the proposal to issue bonds. Any resident or property owner within the jurisdiction of the port authority may appeal a decision of the board to take additional action in district court within fifteen days after the additional action is taken, but the additional action of the board is final and conclusive unless the court finds that the board exceeded its authority.

3. The board may sell revenue bonds or pledge orders at public or private sale and may deliver revenue bonds and pledge orders to the contractors, sellers, and other persons furnishing materials and services constituting a part of the cost of the port authority facility in payment therefor. The pledge of any net revenues of a port authority is valid and effective as to all persons including but not limited to other governmental bodies when it becomes valid and effective between the port authority and the holders of the revenue bonds or pledge orders.

4. A revenue bond is valid and binding for all purposes if it bears the signatures or a facsimile of the signature of the officer designated by the port authority. Port authority revenue bonds may bear dates, bear interest at rates not exceeding those permitted by chapter 74A, bear interest at a variable rate or rates changing from time to time in accordance with a base or formula, mature in one or more installments, be in registered form, carry registration and conversion privileges, be payable as to principal and interest at times and places, be subject to terms of redemption prior to maturity with or without premium, and be in one or more denominations, all as provided by the resolution of the board authorizing their issuance. The resolution may also prescribe additional provisions, terms, conditions, and covenants which the port authority deems advisable, consistent with this chapter, including provisions for creating and maintaining reserve funds, the issuance of additional revenue bonds ranking on a parity with such revenue bonds and additional revenue bonds junior and subordinate to such revenue bonds, and that such revenue bonds shall rank on a parity with or be junior and subordinate to any revenue bonds which may be then outstanding. Port authority revenue bonds are a contract between the port authority and holders and the resolution is a part of the contract.

5. The port authority may issue revenue bonds to refund revenue bonds, pledge orders, and other obligations which are by their terms payable from the net revenues of the same port authority, at lower, the same, or higher rates of interest. A port authority may sell refunding revenue bonds at public or private sale and apply the proceeds to the payment of the obligations being refunded, and may exchange refunding revenue bonds in payment and discharge of the obligations being refunded. The principal amount of refunding revenue bonds may exceed the principal amount of the obligations being refunded to the extent necessary to pay any premium due on the call of the obligations being refunded and to fund interest accrued and to accrue on the obligations being refunded.

6. The final maturity of any original issue of port authority revenue bonds shall not exceed forty years from the date of issue, and the final maturity of port authority revenue bonds that refund outstanding port authority revenue bonds shall not be later than the later of forty years

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from the date of issue of the original issue of bonds or the date by which it is expected, at the time of issuance of the refunding bonds, that the useful life of all of the property refinanced with the proceeds of the bonds, other than interests in land, will have expired. Such bonds or notes shall be executed in a manner as the resolution may provide.

7. The port authority may contract to pay an amount not to exceed ninety-five percent of the engineer's estimated value of the acceptable work completed during the month to the contractor at the end of each month for work, material, or services. Payment may be made in warrants drawn on any fund from which payment for the work may be made. If such funds are depleted, anticipatory warrants may be issued bearing a rate of interest not exceeding that permitted by chapter 74A even if income from the sale of bonds which have been authorized and are applicable to the public improvement takes place after the fiscal year in which the warrants are issued. If the port authority arranges for the private sale of anticipatory warrants, the warrants may be sold and the proceeds used to pay the contractor. The warrants may also be used to pay other persons furnishing services constituting a part of the cost of the public improvement.

8. Port authority revenue bonds, pledge orders, and warrants issued under this section are negotiable instruments.

9. The board may issue pledge orders pursuant to a resolution adopted by a majority of the total number of supervisors, at a regular or special meeting, ordering their issuance and delivery in payment for all or part of the cost of a project. Pledge orders may bear interest at rates not exceeding those permitted by chapter 74A.

10. Except as provided in section 28J.20, the physical properties of the port authority shall not be pledged or mortgaged to secure the payment of revenue bonds, pledge orders, or refunding bonds, or the interest thereon.

11. The members of the board of the port authority and any person executing the bonds or pledge orders shall not be personally liable on the bonds or pledge orders or be subject to any personal liability or accountability by reason of the issuance thereof.

2005 Acts, ch 150, §109
Referred to in §28J.1, 28J.9

28J.22 Bonds may be secured by trust agreement.

1. In the discretion of the port authority, a port authority revenue bond issued under this chapter may be secured by a trust agreement between the port authority and a corporate trustee that may be any trust company or bank having the powers of a trust company within this or any other state.

2. The trust agreement may pledge or assign revenues of the port authority to be received for payment of the revenue bonds. The trust agreement or any resolution providing for the issuance of revenue bonds may contain provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the port authority in relation to the acquisition of property, the construction, improvement, maintenance, repair, operation, and insurance of the port authority facility in connection with which the bonds are authorized, the rentals or other charges to be imposed for the use or services of any port authority facility, the custody, safeguarding, and application of all moneys, and provisions for the employment of consulting engineers in connection with the construction or operation of any port authority facility.

3. A bank or trust company incorporated under the laws of this state, that may act as the depository of the proceeds of bonds or of revenues, shall furnish any indemnifying bonds or may pledge any securities that are required by the port authority. The trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing similar bonds. The trust agreement may contain any other provisions that the port authority determines reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement may be treated as a part of the cost of the operation of the port authority facility.

2005 Acts, ch 150, §110

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28J.23 Remedy of holder of bond or coupon — statute of limitations.

1. The sole remedy for a breach or default of a term of a port authority revenue bond or pledge order is a proceeding in law or in equity by suit, action, or mandamus to enforce and compel performance of the duties required by this chapter and of the terms of the resolution authorizing the issuance of the revenue bonds or pledge orders, or to obtain the appointment of a receiver to take possession of and operate the port authority, and to perform the duties required by this chapter and the terms of the resolution authorizing the issuance of the port authority revenue bonds or pledge orders.

2. An action shall not be brought which questions the legality of port authority revenue bonds or pledge orders, the power of a port authority to issue revenue bonds or pledge orders, or the effectiveness of any proceedings relating to the authorization and issuance of revenue bonds or pledge orders, from and after fifteen days from the time the bonds or pledge orders are ordered issued by the port authority.

2005 Acts, ch 150, §111

28J.24 Bonds are payable solely from revenues and funds pledged for payment.

Port authority revenue bonds and pledge orders issued under this chapter do not constitute a debt, or a pledge of the faith and credit, of the state or a political subdivision of the state, and the holders or owners of the bonds or pledge orders shall not have taxes levied by the state or by a taxing authority of a governmental agency of the state for the payment of the principal of or interest on the bonds or pledge orders, but the bonds and pledge orders are payable solely from the revenues and funds pledged for their payment as authorized by this chapter, unless the notes are issued in anticipation of the issuance of bonds or pledge orders or the bonds and pledge orders are refunded by refunding bonds issued under this chapter, which bonds, pledge orders, or refunding bonds shall be payable solely from revenues and funds pledged for their payment as authorized by those sections. All of the bonds or pledge orders shall contain a statement to the effect that the bonds or pledge orders, as to both principal and interest, are not debts of the state or a political subdivision of the state, but are payable solely from revenues and funds pledged for their payment.

2005 Acts, ch 150, §112

28J.25 Funds and property held in trust — use and deposit of funds.

All revenues, funds, properties, and assets acquired by the port authority under this chapter, whether as proceeds from the sale of port authority revenue bonds, pledge orders, or as revenues, shall be held in trust for the purposes of carrying out the port authority's powers and duties, shall be used and reused as provided in this chapter, and shall at no time be part of other public funds. Such funds, except as otherwise provided in a resolution authorizing port authority revenue bonds or in a trust agreement securing the same, or except when invested pursuant to section 28J.26, shall be kept in depositories selected by the port authority in the manner provided in chapter 12C, and the deposits shall be secured as provided in that chapter. The resolution authorizing the issuance of revenue bonds or pledge orders, or the trust agreement securing such bonds or pledge orders, shall provide that any officer to whom, or any bank or trust company to which, such moneys are paid shall act as trustee of such moneys and hold and apply them for the purposes hereof, subject to such conditions as this chapter and such resolution or trust agreement provide.

2005 Acts, ch 150, §113

28J.26 Investment of excess funds.

1. If a port authority has surplus funds after making all deposits into all funds required by the terms, covenants, conditions, and provisions of outstanding revenue bonds, pledge orders, and refunding bonds which are payable from the revenues of the port authority and after complying with all of the requirements, terms, covenants, conditions, and provisions of the proceedings and resolutions pursuant to which revenue bonds, pledge orders, and refunding bonds are issued, the board may transfer the surplus funds to any other fund of the port authority in accordance with this chapter and chapter 12C, provided that a transfer shall not be made if it conflicts with any of the requirements, terms, covenants, conditions,

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or provisions of a resolution authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the port authority which are then outstanding.

2. This section does not prohibit or prevent the board from using funds derived from any other source which may be properly used for such purpose, to pay a part of the cost of a facility.

2005 Acts, ch 150, §114
Referred to in §28J.13, 28J.25

28J.27 Change in location of public way, railroad, or utility facility — vacation of highway.

1. When a port authority changes the location of any portion of any public road, railroad, or utility facility in connection with the construction of a port authority facility, the port authority shall reconstruct at such location as the governmental agency having jurisdiction over such road, railroad, or utility facility finds most favorable. The construction of such road, railroad, or utility facility shall be of substantially the same type and in as good condition as the original road, railroad, or utility facility. The cost of such reconstruction, relocation, or removal and any damage incurred in changing the location of any such road, railroad, or utility facility shall be paid by the port authority as a part of the cost of the port authority facility.

2. When the port authority finds it necessary that a public highway or portion of a public highway be vacated by reason of the acquisition or construction of a port authority facility, the port authority may request the director of transportation to vacate such highway or portion in accordance with chapter 306 if the highway or portion to be vacated is on the state highway system, or if the highway or portion to be vacated is under the jurisdiction of a county, the port authority shall petition the board of supervisors of that county, in the manner provided in chapter 306, to vacate such highway or portion. The port authority shall pay to the county, as a part of the cost of such port authority facility, any amounts required to be deposited with a court in connection with proceedings for the determination of compensation and damages and all amounts of compensation and damages finally determined to be payable as a result of such vacation.

3. The port authority may adopt bylaws for the installation, construction, maintenance, repair, renewal, relocation, and removal of railroad or utility facilities in, on, over, or under any port authority facility. Whenever the port authority determines that it is necessary that any such facility installed or constructed in, on, over, or under property of the port authority pursuant to such bylaws be relocated, the utility company owning or operating such facility shall relocate or remove them in accordance with the order of the port authority. The cost and expenses of such relocation or removal, including the cost of installing such facility in a new location, the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be paid by the port authority as a part of the cost of the port authority facility. In case of any such relocation or removal of such facilities, the railroad or utility company owning or operating them, its successors, or assigns may maintain and operate such facilities, with the necessary appurtenances, in the new location in, on, over, or under the property of the port authority for as long a period and upon the same terms as the railroad or utility company had the right to maintain and operate such facilities in their former location.

2005 Acts, ch 150, §115; 2015 Acts, ch 29, §114

28J.28 Final actions to be recorded — annual report — confidentiality of information.

1. All final actions of the port authority shall be recorded and the records of the port authority shall be open to public examination and copying pursuant to chapter 22. Not later than the first day of April every year, a port authority shall submit a report to the director of the economic development authority detailing the projects and activities of the port authority during the previous calendar year. The report shall include, but not be limited to, all aspects of those projects and activities, including the progress and status of the projects and their costs, and any other information the director determines should be included in the report.

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2. Financial and proprietary information, including trade secrets, submitted to a port authority or the agents of a port authority in connection with the relocation, location, expansion, improvement, or preservation of a business or nonprofit corporation is not a public record subject to chapter 22. Any other information submitted under those circumstances is not a public record subject to chapter 22 until there is a commitment in writing to proceed with the relocation, location, expansion, improvement, or preservation.

3. Notwithstanding chapter 21, the board of directors of a port authority, when considering information that is not a public record under this section, may close a meeting during the consideration of that information pursuant to a vote of the majority of the directors present on a motion stating that such information is to be considered. Other matters shall not be considered during the closed session.

2005 Acts, ch 150, §116; 2011 Acts, ch 118, §85, 89

28J.29 Provisions to be liberally construed.

This chapter shall be liberally construed to effect the chapter's purposes.

2005 Acts, ch 150, §117

CHAPTER 28K

MID-AMERICA PORT COMMISSION

Referred to in §28J.15

SUBCHAPTER I

MID-AMERICA PORT COMMISSION AGREEMENT

28K.1 Mid-America port commission agreement.

SUBCHAPTER II

MID-AMERICA PORT COMMISSION ACT

28K.2 Citation.
28K.3 Jurisdiction.
28K.4 Authority.
28K.5 County election of port commission members.

SUBCHAPTER I

MID-AMERICA PORT COMMISSION AGREEMENT

28K.1 Mid-America port commission agreement.

The mid-America port commission agreement is entered into and enacted into law with the state of Illinois and the state of Missouri if those states legally join the agreement, in the form substantially as follows:

1. *Agreement.* This agreement shall be known as and may be cited as the "*Mid-America Port Commission Agreement*". This agreement allows for the states of Missouri and Illinois to join the effort of the state of Iowa for developing the mid-America port commission.

2. *Port commission.* There is created a mid-America port commission to be governed by a nine-member port commission. The governors of Iowa, Illinois, and Missouri shall appoint one member to the port commission in accordance with the laws of the respective state. Each state shall also be represented by two members elected through the county governance in the geographical jurisdiction of the port commission. The port commission members shall hold office for a period of six years. The port commission members shall elect a chairperson of the port commission after all the members are selected. The position of chairperson shall rotate among the Iowa, Illinois, and Missouri members for two-year periods. A member of the port commission shall not serve more than two terms.

3. *Powers of commission.* The port commission shall have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control, or operate ports, harbors, waterways, channels, wharves, piers, docks, quays, elevators, tipples, compresses, bulk loading and unloading facilities, warehouses, dry docks, marine support railways,

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tugboats, ships, vessels, shipyards, shipbuilding facilities, machinery and equipment, dredges, or any other facilities required or incidental to the construction, outfitting, dry docking, or repair of ships or vessels, or water, air, or rail terminals, or roadways or approaches thereto, or other structures or facilities necessary for the convenient use of the same in the aid of commerce, including the dredging, deepening, extending, widening, or enlarging of any ports, harbors, rivers, channels, or waterways, the damming of inland waterways, the establishment of a water basin, the acquisition and development of industrial sites, or the reclaiming of submerged lands.

98 Acts, ch 1092, §1; 2008 Acts, ch 1032, §201

SUBCHAPTER II

MID-AMERICA PORT COMMISSION ACT

28K.2 Citation.

This subchapter shall be known and may be cited as the *"Mid-America Port Commission Act"*.

98 Acts, ch 1092, §2

28K.3 Jurisdiction.

The Iowa counties which shall be included in the jurisdiction of the mid-America port commission agreement are Jefferson, Van Buren, Wapello, Lee, Henry, and Des Moines counties.

98 Acts, ch 1092, §3; 99 Acts, ch 27, §1

28K.4 Authority.

1. Any power or powers, privileges, or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with the mid-America port commission according to the powers delegated to the commission under this chapter.

2. A public agency of this state may enter into a chapter 28E agreement with the commission to advance the purposes of the commission.

98 Acts, ch 1092, §4; 2021 Acts, ch 76, §150

28K.5 County election of port commission members.

The chairpersons of the Jefferson, Van Buren, Wapello, Lee, Henry, and Des Moines county boards of supervisors shall jointly elect two members to serve on the port commission.

98 Acts, ch 1092, §5; 99 Acts, ch 27, §2

CHAPTER 28L

STATE INTERAGENCY MISSOURI RIVER AUTHORITY

Repealed by 2022 Acts, ch 1013, §13

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CHAPTER 28M

REGIONAL TRANSIT DISTRICTS

Referred to in §384.12, 444.25

28M.1 Definitions.
28M.2 Regional transit district created.
28M.3 Regional transit district authority — county enterprise — bonding authority.
28M.4 Regional transit district commission — membership — powers.
28M.5 Regional transit district levy.
28M.6 Effect of agreement on county duty to provide transit services.
28M.7 Regional transit district customer data — disclosure restrictions — penalty.

28M.1 Definitions.

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

1. *"Aggregate data on user and customer transaction history and fare card use"* means data relating to the dates fare cards were used, the times fare cards were used, the types of transit services used, the types of fare products used, and information about the dates, times, and types of fare products purchased.

2. *"Commission"* means a regional transit district commission appointed pursuant to section 28M.4.

3. *"Fare collection system"* means a system created and administered by a regional transit district that is used for collecting fares or providing fare cards or passes for public transit services including fixed-route bus service, paratransit bus service, rideshare programs, transportation services provided pursuant to section 249A.12, and light rail or commuter rail service.

4. *"Governmental entity"* means the same as defined in section 8A.101.

5. *"Personalized internet services"* means services for which regional transit district applicants, users, and customers must establish an internet user account.

6. *"Regional transit district"* means a public transit district created by agreement pursuant to chapter 28E by one or more counties and participating cities to provide support for transportation of passengers by one or more public transit systems which may be designated as a public transit system under chapter 324A.

7. *"Transportation"* means the movement of individuals in a four or more wheeled motorized vehicle designed to carry passengers, including a car, van, or bus, or the carrying of individuals upon cars operated upon stationary rails, between one geographic point and another geographic point. *"Transportation"* does not include emergency or incidental transportation or transportation conducted by the department of health and human services at its institutions.

2004 Acts, ch 1072, §1; 2004 Acts, ch 1175, §325; 2014 Acts, ch 1073, §1; 2023 Acts, ch 19, §35

28M.2 Regional transit district created.

1. A county with a population in excess of one hundred seventy-five thousand and participating cities may create, by chapter 28E agreement, a regional transit district in the county pursuant to this chapter. Two or more contiguous counties and participating cities may create, by chapter 28E agreement, a regional transit district pursuant to this chapter if one of the counties has a population in excess of one hundred seventy-five thousand. A district shall consist of the unincorporated area of any participating county and the incorporated area of any city in the county that does not have an urban transit system. However, a city without an urban transit system may decline, by resolution forwarded to the board of supervisors, to participate in a regional transit district.

2. A city with an urban transit system may participate in a regional transit district if the city council, by resolution forwarded to the board of supervisors, notifies the county that the city wishes to participate.

3. A city that is located in a nonparticipating county that is contiguous to a county with a

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population in excess of one hundred seventy-five thousand that is creating a regional transit district may notify that county, by resolution forwarded to the board of supervisors of that county, that the city wishes to participate.

4. The chapter 28E agreement shall include a map showing the area and boundaries of the regional transit district.

2004 Acts, ch 1072, §2; 2004 Acts, ch 1175, §326

28M.3 Regional transit district authority — county enterprise — bonding authority.

1. A regional transit district shall have all the rights, powers, and duties of a county enterprise pursuant to sections 331.462 through 331.469 as they relate to the purpose for which the regional transit district is created, including the authority to issue revenue bonds for the establishment, construction, reconstruction, repair, equipping, remodeling, extension, maintenance, and operation of works, vehicles, and facilities of a regional transit district. In addition, a regional transit district, with the approval of the board of supervisors, may issue general obligation bonds as an essential county purpose pursuant to chapter 331, subchapter IV, part 3, for the establishment, construction, reconstruction, repair, equipping, remodeling, extension, maintenance, and operation of works, vehicles, and facilities of a regional transit district. Such general obligation bonds are payable from the property tax levy authorized in section 28M.5.

2. The commission appointed pursuant to section 28M.4 shall have and may exercise all powers of the board of supervisors in management and administration of the regional transit district as if it were a board of supervisors and as if the regional transit district were a county enterprise under sections 331.462 through 331.469.

2004 Acts, ch 1072, §3; 2005 Acts, ch 19, §17; 2005 Acts, ch 37, §1; 2018 Acts, ch 1041, §127

28M.4 Regional transit district commission — membership — powers.

1. The governing bodies of counties and cities participating in a regional transit district shall appoint a commission to manage and administer the regional transit district. Unless otherwise provided in the chapter 28E agreement, commission members shall serve for staggered six-year terms. The agreement creating the regional transit district shall set the compensation of commission members.

2. The title to all property of a regional transit district shall be held in the name of the district, and the commission has all the powers and authorities of a board of supervisors with respect to the acquisition by purchase, condemnation or otherwise, lease, sale, or other disposition of the property, and the management, control, and operation of the property, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the regional transit district, and which are then outstanding.

3. A commission shall adopt and certify an annual budget for the regional transit district. A commission in its budget shall allocate the revenue responsibilities of each county and city participating in the regional transit district. A commission shall be considered a municipality for purposes of adopting and certifying a budget pursuant to chapter 24.

4. A commission may establish a schedule of fares and collect fares for the transportation of passengers.

5. A commission shall levy for and control any tax revenues paid to the regional transit district the commission administers and all moneys derived from the operation of the regional transit district, the sale of its property, interest on investments, or from any other source related to the regional transit district.

6. Tax revenues collected from a regional transit district levy shall be held by the county treasurer. Before the fifteenth day of each month, the county treasurer shall send the amount collected for each fund through the last day of the preceding month for direct deposit into the depository and account designated by the commission. The county treasurer shall send a notice to the secretary of the commission or the secretary's designee stating the amount deposited, the date, the amount to be credited to each fund according to the budget, and the source of the revenue.

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7. A commission is subject to section 331.341, subsections 1, 2, 4, and 5, and section 331.342, in contracting for public improvements.

8. Immediately following a regular or special meeting of a commission, the secretary of the commission shall prepare a condensed statement of the proceedings of the commission and cause the statement to be published not more than twenty days following the meeting in one or more newspapers which meet the requirements of section 618.14. The statement shall include a list of all claims allowed, showing the name of the person or firm making the claim, the reason for the claim, and the amount of the claim. If the reason for the claims is the same, two or more claims made by the same vendor, supplier, or claimant may be consolidated if the number of claims consolidated and the total consolidated claim amount are listed in the statement. However, the commission shall provide at its office upon request an unconsolidated list of all claims allowed. Salary claims must show the gross amount of the claim except that salaries paid to persons regularly employed by the commission, for services regularly performed by the persons, shall be published once annually showing the gross amount of the salary.

9. A commission shall submit to the governing body of each participating county and city a detailed annual report, including a complete financial statement.

2004 Acts, ch 1072, §4; 2005 Acts, ch 37, §2; 2006 Acts, ch 1018, §1; 2007 Acts, ch 143, §36
Referred to in §28M.1, 28M.3

28M.5 Regional transit district levy.

1. *a.* The commission, with the approval of the board of supervisors of participating counties and the city council of participating cities in the chapter 28E agreement, may, subject to paragraph *"b"*, levy annually a tax not to exceed ninety-five cents per thousand dollars of the assessed value of all taxable property in a regional transit district to the extent provided in this section. The chapter 28E agreement may authorize the commission to levy the tax at different rates within the participating cities and counties in amounts sufficient to meet the revenue responsibilities of such cities and counties as allocated in the budget adopted by the commission. However, for a city participating in a regional transit district, the total of all the tax levies imposed in the city pursuant to section 384.12, subsection 1, paragraph *"b"*, and this section shall not exceed the aggregate of ninety-five cents per thousand dollars of the assessed value of all taxable property in the participating city.

b. (1) For each fiscal year beginning on or after July 1, 2027, the sum of property tax dollars levied for the regional transit district under this subsection and property tax dollars received by the regional transit district from participating cities and counties shall not exceed an amount equal to one hundred three percent of the sum of property tax dollars levied for the regional transit district under this subsection for the immediately preceding fiscal year and property tax dollars received by the regional transit district from participating cities and counties for the immediately preceding fiscal year.

(2) The amount of property tax dollars calculated under this paragraph includes those amounts budgeted by the district as replacement taxes under chapter 437A or 437B, if applicable.

2. If a regional transit district budget allocates revenue responsibilities to the board of supervisors of a participating county, the amount of the regional transit district levy that is the responsibility of the participating county shall be deducted from the maximum rates of taxes authorized to be levied by the county pursuant to section 331.423, subsections 1 and 2, as applicable, unless the county meets its revenue responsibilities as allocated in the budget from other available revenue sources. However, for a regional transit district that includes a county with a population of less than three hundred thousand, the amount of the regional transit district levy that is the responsibility of such participating county shall be deducted from the maximum rate of taxes authorized to be levied by the county pursuant to section 331.423, subsection 1.

3. The regional transit district tax levy imposed in a participating city located in a nonparticipating contiguous county shall, when collected, be paid to the county treasurer of the participating county.

4. The proceeds of the tax levy shall be used for the operation and maintenance of a

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regional transit district, for payment of debt obligations of the district, and for the creation of a reserve fund. The commission may divide the territory of a regional transit district outside the boundaries of a city into separate service areas and impose a regional transit district levy not to exceed the maximum rate authorized by this section in each service area.

2004 Acts, ch 1072, §5; 2004 Acts, ch 1175, §327; 2005 Acts, ch 37, §3; 2023 Acts, ch 71, §12, 19; 2026 Acts, ch 1115, §164

Referred to in §28M.3

2023 amendment to subsection 1 applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19

Subsection 1 amended

28M.6 Effect of agreement on county duty to provide transit services.

Notwithstanding any provision of this chapter to the contrary, a county that enters into a chapter 28E agreement to create a regional transit district under this chapter does not, by virtue of such agreement, create a duty on the part of the county to provide transit services to any area of the county.

2005 Acts, ch 37, §4

28M.7 Regional transit district customer data — disclosure restrictions — penalty.

1. Data concerning applicants, users, and customers of a regional transit district collected by or through personalized internet services or a fare collection system shall be considered private and not subject to disclosure except as provided in this section.

2. A regional transit district may disclose aggregate data on user and customer transaction history and fare card use to governmental entities, organizations, school districts, educational institutions, and employers that subsidize or provide fare cards to their clients, students, or employees. Governmental entities, organizations, school districts, educational institutions, and employers may use the aggregate data only for purposes of measuring and promoting fare card use and evaluating the cost-effectiveness of their fare card programs. The disclosure of nonaggregate or personalized data on user and customer transaction history and fare card use to governmental entities, organizations, school districts, educational institutions, and employers shall be strictly prohibited.

3. A regional transit district may disclose data concerning applicants, users, and customers collected by or through personalized internet services or a fare collection system to another governmental entity to prevent a breach of security regarding electronic systems maintained by the regional transit district or the governmental entity, or pursuant to a subpoena issued in connection with a civil or criminal investigation.

4. A violation of this section is punishable by a civil penalty in an amount not to exceed five thousand dollars for each violation.

2014 Acts, ch 1073, §2; 2015 Acts, ch 30, §28

CHAPTER 28N

MISSISSIPPI RIVER PARTNERSHIP COUNCIL

Repealed by 2018 Acts, ch 1044, §2

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SUBTITLE 11

DEFENSE

CHAPTER 29

DEPARTMENT OF PUBLIC DEFENSE

29.1 Department of public defense.
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29.2A Airport fire fighters — maximum age.
29.3 Homeland security and emergency management division. Repealed by 2013 Acts, ch 29, §59.
29.4 Iowa gold star military museum.

29.1 Department of public defense.

The department of public defense is composed of the office of the adjutant general, the military forces of the state of Iowa, and the Iowa gold star military museum as established in section 29.4. The adjutant general is the director of the department of public defense and shall perform all functions, responsibilities, powers, and duties concerning the military forces of the state of Iowa and the Iowa gold star military museum as provided in the laws of the state.

[C66, 71, 73, 75, 77, 79, 81, §29.1]

86 Acts, ch 1245, §1701; 89 Acts, ch 204, §1; 92 Acts, ch 1139, §20; 92 Acts, ch 1140, §3; 2003 Acts, ch 179, §157; 2013 Acts, ch 29, §9; 2013 Acts, ch 140, §53; 2016 Acts, ch 1116, §1

Referred to in §7E.5, 35A.13
Appointment, §29A.11

29.2 Military division. Repealed by 2013 Acts, ch 29, §59.

29.2A Airport fire fighters — maximum age.

The maximum age for a person to be employed as an airport fire fighter by the department of public defense is sixty-five years of age.

98 Acts, ch 1183, §106; 2013 Acts, ch 29, §10

29.3 Homeland security and emergency management division. Repealed by 2013 Acts, ch 29, §59. See chapter 29C.

29.4 Iowa gold star military museum.

1. The department of public defense shall establish a military historical museum located at Camp Dodge which shall be known as the "Iowa gold star military museum". The museum shall be administered by the adjutant general.

2. The adjutant general may appoint a museum director and such other personnel from the full-time equivalent positions authorized the department for the purposes of maintaining and operating the Iowa gold star military museum. The museum director shall have such responsibilities as may be assigned by the adjutant general.

2016 Acts, ch 1116, §2

Referred to in §29.1

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CHAPTER 29A

MILITARY CODE

Referred to in §321.34, 654.17C

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SUBCHAPTER I

GENERAL PROVISIONS

29A.1 Definitions.

The following words, terms, and phrases when used in this chapter shall have the respective meanings set forth in this section:

1. *"Civil air patrol"* means the civilian auxiliary of the United States air force established by the United States Congress in 36 U.S.C. §40301 et seq., and 10 U.S.C. §9441 et seq.

2. *"Facility"* means the land, and the buildings and other improvements on the land which are the responsibility and property of the Iowa national guard.

3. *"Federal active duty"* means full-time duty in the active military service of the United States authorized and performed under the provisions of Tit. 10 of the United States Code or full-time duty performed in the United States coast guard under the provisions of Tit. 14 of the United States Code.

4. *"Homeland defense"* means the protection of state territory, population, and critical infrastructure and assets against attacks from within or without the state.

5. *"Law and regulations"* means and includes state and federal law and regulations.

6. *"Militia"* shall mean the forces provided for in the Constitution of the State of Iowa.

7. *"National guard"* means the Iowa units, detachments and organizations of the army national guard of the United States, the air national guard of the United States, the army national guard, and the air national guard as those forces are defined in 10 U.S.C. §101.

8. *"National guard duty"* means training or other duty authorized and performed under the provisions of 32 U.S.C. including but not limited to 32 U.S.C. §316, 32 U.S.C. §502 – 505, and 32 U.S.C. §709 as part of the national guard and paid for with federal funds. *"National guard duty"* includes but is not limited to full-time national guard duty and inactive duty training and annual training.

9. *"Officer"* shall mean and include commissioned officers and warrant officers.

10. *"On duty"* means training, including unit training assemblies, and other training, operational duty, and other service which may be required under state or federal law, regulations, or orders, and the necessary travel of an officer or enlisted person to the place of performance and return home after performance of that duty, but does not include federal active duty. A member of the national guard shall be considered to be on duty when called to testify about an incident which the member observed or was involved in while that member was on duty.

11. *"Organization"* means a command composed of two or more subordinate units and includes the state headquarters for both the army and the air national guard, one or more divisions, wings, brigades, groups, battalions, squadrons or flights as defined by an appropriate table of organization, a table of distribution or unit personnel document.

12. *"State active duty"* means duty authorized and performed under section 29A.8 and

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paid for with state funds. *"State active duty"* also includes serving as the adjutant general, a deputy adjutant general, or the state quartermaster.

13. *"Unit"* means a military element of an organization whose structure is prescribed by competent authority such as a table of organization, table of distribution, or unit personnel document. For the purposes of this chapter, a unit shall include one or more companies, flights, troops, batteries or detachments and the state officer candidate school.

14. Except when otherwise expressly defined in this section, military words, terms, and phrases shall have the meaning commonly ascribed to them in the military profession.

[C97, §2168; S13, §2215-f2; C24, 27, 31, §433; C35, §467-f2; C39, §**467.02;** C46, 50, §29.2; C54, 58, 62, §29.1; C66, 71, 73, 75, 77, 79, 81, §29A.1; 81 Acts, ch 14, §18]

2000 Acts, ch 1020, §1, 6; 2001 Acts, 2nd Ex, ch 1, §1 – 6, 28; 2002 Acts, ch 1117, §2, 3, 23; 2004 Acts, ch 1086, §12; 2005 Acts, ch 119, §1; 2012 Acts, ch 1072, §6 – 9; 2017 Acts, ch 54, §15; 2020 Acts, ch 1063, §14, 15; 2021 Acts, ch 13, §1

Referred to in §29A.43, 29A.90, 35A.13, 69.20, 96.7(2)(a), 97B.52A, 142D.3, 144.13B, 144C.6, 256.152, 256.183, 256.229, 260C.14, 262.9, 272C.12A, 272C.14, 321.191, 476.20, 483A.24A, 654.1A, 669.14, 708.3A, 724.7

29A.2 Army national guard and air national guard created.

There is hereby created the Iowa national guard to consist of the Iowa army national guard and the Iowa air national guard. The Iowa army national guard shall be composed of such organized land forces, individual officers, state headquarters, and detachments, as may be prescribed from time to time by proper authority. The Iowa air national guard shall be composed of such organized air forces, individual officers, state headquarters, and detachments, as may be prescribed from time to time by proper authority.

[C51, §621; R60, §1002; C73, §1039; C97, §2167; S13, §2215-f1; C24, 27, 31, §432; C35, §467-f1; C39, §**467.01;** C46, 50, §29.1; C54, 58, 62, §29.2; C66, 71, 73, 75, 77, 79, 81, §29A.2]

29A.3 Units of guard.

The Iowa units, detachments, and organizations of the army national guard of the United States and the air national guard of the United States shall consist of such units, detachments, and organizations, as may be specified by the secretary of defense with the approval of the governor, in accordance with law and regulations.

[C73, §1045; C97, §2168; SS15, §2215-f4; C24, 27, 31, §435; C35, §467-f7; C39, §**467.07;** C46, 50, §29.7; C54, 58, 62, §29.3; C66, 71, 73, 75, 77, 79, 81, §29A.3]

2006 Acts, ch 1010, §18

29A.3A Civil air patrol.

1. The civil air patrol may be used to support national guard missions in support of civil authorities as described in section 29C.5 or in support of noncombat national guard missions under section 29A.8 or 29A.8A.

2. Requests for activation of the civil air patrol shall be made to the commander of the Iowa wing of the civil air patrol. Missions shall be in accordance with laws and regulations applicable to the United States air force and the civil air patrol. Prior to activation of the civil air patrol, the adjutant general or the Iowa civil air patrol wing commander shall apply to the air force rescue coordination center, the air force national security emergency preparedness agency, or the civil air patrol national operations center for federal mission status and funding.

3. If an operation or mission of the civil air patrol is granted federal mission status and assigned an accompanying federal mission number, the following shall apply:

a. The operation or mission shall be funded by the federal government.

b. When training or operating pursuant to a federal mission number, members of the civil air patrol shall be considered federal employees for the purposes of tort claims arising from the performance of the mission or any actions incident to the performance of the mission.

4. If an operation or mission of the civil air patrol is not granted federal mission status and is not assigned an accompanying federal mission number, the following shall apply:

a. Operations and administration of the civil air patrol relating to missions not qualifying for federal mission status shall be funded by the state from moneys appropriated to the department of homeland security and emergency management for that purpose.

b. When performing a mission that does not qualify for federal mission status, members

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of the civil air patrol shall be considered state employees for purposes of the Iowa tort claims Act, as provided in chapter 669, and for purposes of workers' compensation, as provided in chapter 85.

2005 Acts, ch 119, §2; 2013 Acts, ch 29, §11
Referred to in §29A.12, 29A.28, 29A.43, 29C.5, 96.7(2)(a)

29A.4 Organization — armament — equipment and discipline.

The organization, armament, equipment, and discipline of the national guard, and the militia when called into state active duty, except as specifically provided in this chapter, shall be the same as that which is now or may be hereafter prescribed under the provisions of federal law and regulations as to those requirements which are mandatory under federal law and regulation, but as to those things which are optional under federal law and regulation they shall become effective when an order or regulation to that effect is promulgated by the governor.

[C51, §623 – 631; R60, §1004 – 1015; C73, §1038 – 1057; C97, §2182, 2186; S13, §2215-f3, -f8, -f9; C24, 27, 31, §434, 439, 440; C35, §467-f6, -f9, -f10; C39, §**467.06, 467.09, 467.10;** C46, 50, §29.6, 29.9, 29.10; C54, 58, 62, §29.4; C66, 71, 73, 75, 77, 79, 81, §29A.4]

2001 Acts, 2nd Ex, ch 1, §7, 28; 2020 Acts, ch 1063, §16

29A.5 Government, discipline and uniforming.

The national guard shall be subject to the provisions of federal law and regulations relating to the government, discipline and uniforming thereof; and to the provisions of this chapter and to regulations published pursuant hereto.

[C51, §631; R60, §1012; C73, §1044; C97, §2205; S13, §2215-f6, -f7; C24, 27, 31, §437, 438; C35, §467-f8; C39, §**467.08;** C46, 50, §29.8; C54, 58, 62, §29.5; C66, 71, 73, 75, 77, 79, 81, §29A.5]

29A.6 Military forces of state.

The military forces of the state of Iowa shall consist of the army national guard, the air national guard, and the militia.

[C51, §621; R60, §1002; C73, §1039; C97, §2167; S13, §2215-f1; C24, 27, 31, §432; C35, §467-f1; C39, §**467.01;** C46, 50, §29.1; C54, 58, 62, §29.6; C66, 71, 73, 75, 77, 79, 81, §29A.6]

2001 Acts, 2nd Ex, ch 1, §8, 28
Referred to in §29B.1

29A.7 Commander in chief.

1. The governor is the commander in chief of the military forces, except when they are on federal active duty. The governor may employ the military forces of the state for the defense of the state, to provide assistance to civil authorities in emergencies resulting from disasters or public disorders as defined in section 29C.2, including homeland security and defense duties, and for parades and ceremonies of a civic nature.

2. The governor shall provide for the participation of the national guard in training at the times and places as necessary to ensure readiness for public defense or federal active duty.

3. If circumstances necessitate the establishment of a military district under martial law and the general assembly is not convened, the district shall be established only after the governor has issued a proclamation convening an extraordinary session of the general assembly.

[C51, §623; R60, §1004; C73, §1051; C97, §2169, 2170; S13, §2215-f19; C24, 27, 31, §449; C35, §467-f26, -f28; C39, §**467.26, 467.28;** C46, 50, §29.26, 29.28; C54, 58, 62, §29.7; C66, 71, 73, 75, 77, 79, 81, §29A.7]

2001 Acts, 2nd Ex, ch 1, §9, 28; 2002 Acts, ch 1117, §4, 23; 2012 Acts, ch 1072, §10
See Iowa Constitution, Art. IV, §7

29A.8 State active duty.

1. The governor may order into state active duty the military forces of the state, including retired members of the national guard, as the governor deems proper, under one or more of the following circumstances:

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a. In case of insurrection or invasion, or imminent danger of insurrection or invasion.

b. For the purpose of assisting the civil authorities of any political subdivision of the state in maintaining law and order in the subdivision in cases of breaches of the peace or imminent danger of breaches of the peace, if the law enforcement officers of the subdivision are unable to maintain law and order, and the civil authorities of the subdivision request the assistance.

c. For the purposes of providing support to civil authorities during emergencies resulting from disasters or public disorders and for performing homeland defense or homeland security duties.

d. For training, recruiting, escort duty, and duty at schools of instruction, as a student or instructor, including at the Iowa military academy.

e. To participate in parades and ceremonies of a civic nature.

f. For other purposes as the governor may deem necessary.

2. The governor may prescribe regulations and requirements for duties performed under this section.

[C51, §623; R60, §1004; C73, §1051; C97, §2169, 2170; S13, §2215-f19; C24, 27, 31, §449; C35, §467-f28, -f29; C39, §**467.28, 467.29;** C46, 50, §29.28, 29.29; C54, 58, 62, §29.7, 29.8; C66, 71, 73, 75, §29A.7, 29A.8; C77, 79, 81, §29A.8]

2001 Acts, 2nd Ex, ch 1, §10, 28; 2002 Acts, ch 1117, §5 – 8, 23

Referred to in §29A.1, 29A.3A

29A.8A National guard duty.

1. If federal funding and authorization exist for the purpose identified by the governor, the governor may order to national guard duty the military forces of the national guard as the governor may deem appropriate.

2. A state employee shall take either a full day's leave in accordance with section 29A.28 or eight hours of compensatory time on a day in which the state employee receives a full day's pay from federal funds for national guard duty.

3. When performing national guard duty, the adjutant general, a deputy adjutant general, or the state quartermaster shall not be considered a state employee, except for purposes of the Iowa public employees' retirement system, state health and dental plans, and other state employee benefits plans.

2001 Acts, 2nd Ex, ch 1, §11, 28; 2002 Acts, ch 1117, §9, 23; 2004 Acts, ch 1086, §13; 2008 Acts, ch 1003, §1, 5; 2010 Acts, ch 1087, §1; 2012 Acts, ch 1072, §11

Referred to in §29A.3A

29A.9 Training. Repealed by 2002 Acts, ch 1117, §22, 23.

29A.10 Inspections.

1. The governor may order such inspections of the different organizations, units, and personnel of the national guard as the governor may deem proper and necessary.

2. The form and mode of inspection shall be prescribed by the adjutant general.

3. The governor may appoint an officer of the national guard to serve as special investigator for a period determined by the governor. Service as special investigator shall be state active duty. The special investigator shall report to and serve at the pleasure of the governor. The duty of special investigator shall be assigned as additional duty. The special investigator shall not be the person designated as inspector general pursuant to federal national guard bureau regulation.

[C73, §1049; C97, §2191; S13, §2215-f22; C24, 27, 31, §451; C35, §467-f52; C39, §**467.54;** C46, 50, §29.54; C54, 58, 62, §29.10; C66, 71, 73, 75, 77, 79, 81, §29A.10]

2001 Acts, 2nd Ex, ch 1, §13, 28; 2017 Acts, ch 54, §76

29A.11 Adjutant general — appointment and term.

There shall be an adjutant general of the state who shall be appointed and commissioned by the governor subject to confirmation by the senate and who shall serve at the pleasure of the governor. The rank of the adjutant general shall be at least that of brigadier general and the adjutant general shall hold office for a term of four years beginning and ending as provided in section 69.19. At the time of appointment the adjutant general shall be a federally recognized

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commissioned officer in the United States army or air force, the army or air national guard, the army or air national guard of the United States, or the United States army or air force reserve who has reached at least the grade of colonel and who is or is eligible to be federally recognized at the next higher rank.

[C73, §1054; C97, §2174; SS15, §2215-f14; C24, 27, 31, §445; C35, §467-f40; C39, §**467.42;** C46, 50, §29.42; C54, 58, 62, §29.11; C66, 71, 73, 75, 77, 79, 81, §29A.11]

2000 Acts, ch 1020, §2, 6; 2001 Acts, 2nd Ex, ch 1, §14, 28

Confirmation, see §2.32

29A.12 Powers and duties.

1. The adjutant general shall have command and control of the department of public defense, and perform such duties as pertain to the office of the adjutant general under law and regulations, pursuant to the authority vested in the adjutant general by the governor. The adjutant general shall superintend the preparation of all letters and reports required by the United States from the state, and perform all the duties prescribed by law. The adjutant general shall have charge of the state military reservations, and all other property of the state kept or used for military purposes. The adjutant general may accept and expend nonappropriated funds in accordance with law and regulations. The adjutant general shall cause an inventory to be taken at least once each year of all military stores, property, and funds under the adjutant general's jurisdiction. In each year preceding a regular session of the general assembly, the adjutant general shall prepare a detailed report of the transactions of that office, its expenses, and other matters required by the governor for the period since the last preceding report, and the governor may at any time require a similar report.

2. The adjutant general may enter into an agreement with the secretary of defense to operate the water plant at Camp Dodge for the use and benefit of the United States, and the state of Iowa upon terms and conditions as approved by the governor. The adjutant general may also enter into an agreement with the national guard of another state for the use of Iowa national guard personnel and equipment.

3. The adjutant general may request activation of the civil air patrol to provide assistance to the national guard in accordance with section 29A.3A. The adjutant general is authorized to provide suitable space in national guard facilities to support the civil air patrol.

[C73, §1054, 1055; C97, §2175; SS15, §2215-f15; C24, 27, 31, §446, 446-c1, 447; C35, §467-f42; C39, §**467.44;** C46, 50, §29.44; C54, 58, 62, §29.12; C66, 71, 73, 75, 77, 79, 81, §29A.12]

2005 Acts, ch 119, §3; 2007 Acts, ch 74, §1; 2013 Acts, ch 29, §12

29A.12A Morale, welfare, and recreation activity.

1. The adjutant general may establish a morale, welfare, and recreation activity in the department of public defense, for the purposes of supporting the readiness and resilience of members of the national guard. The adjutant general shall prescribe regulations governing the operation of the morale, welfare, and recreation activity.

2. An obligation created under this section shall not be a charge against the state of Iowa and all obligations of the activity shall be paid from the operations of the activity.

3. There is no liability to the state of Iowa under this section. Members of the governing body of the activity shall not be held personally or individually liable for any action taken by them under this chapter.

2018 Acts, ch 1031, §1; 2019 Acts, ch 59, §18

29A.13 Appropriated funds.

1. Operating expenses for the national guard including the purchase of land, maintenance of facilities, improvement of state military reservations, installations, and weapons firing ranges owned or leased by the state of Iowa or the United States shall be paid from funds appropriated for the support and maintenance of the national guard. Claims for payment of such expenses shall be subject to the approval of the adjutant general. Upon approval of the adjutant general the claim shall be submitted to the director of the department of administrative services.

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2. Payment for personnel compensation and authorized benefits shall be approved by the adjutant general prior to submission to the director of the department of administrative services for payment.

[S13, §2215-f41; C24, 27, 31, §466; C35, §467-f43; C39, §**467.45;** C46, 50, §29.45; C54, 58, 62, §29.13; C66, 71, 73, 75, 77, 79, 81, §29A.13]

2003 Acts, ch 145, §147; 2019 Acts, ch 24, §104

29A.14 Support and facilities improvement fund.

1. The adjutant general may operate or lease any of the national guard facilities at Camp Dodge. Any income or revenue derived from the operation or leasing shall be deposited with the treasurer of state and credited to the national guard support and facilities improvement fund. The balance in the national guard support and facilities improvement fund is limited to a maximum of two million dollars. Any amount exceeding the limit shall be credited to the general fund of the state.

2. A national guard support and facilities improvement fund is created in the state treasury. The proceeds of the fund are appropriated, and shall be used to support national guard operations and for the construction, improvement, modification, maintenance or repair of national guard facilities. However, proceeds of the fund shall not be used for the construction of a new facility without the approval of the general assembly.

[C35, §467-f44; C39, §**467.46;** C46, 50, §29.46; C54, 58, 62, §29.14; C66, 71, 73, 75, 77, 79, 81, §29A.14; 81 Acts, ch 14, §19]

86 Acts, ch 1244, §12; 2011 Acts, ch 47, §1, 13

Referred to in §29A.57

29A.14A Use of government facilities.

Notwithstanding any provision of law to the contrary, the state or any political subdivision of the state, shall permit the rental of facilities under its control, for a fee not in excess of any expenses incurred by the state or political subdivision, for designated military events. For purposes of this section, *"designated military event"* means an event for military family readiness groups, departing units, or returning veterans of the national guard, reserves, or regular components of the armed forces of the United States for a period of up to one year from the date of return from active duty.

2010 Acts, ch 1170, §1; 2011 Acts, ch 47, §2

29A.15 State awards and decorations.

The adjutant general, from the funds appropriated for the support and maintenance of the national guard, shall procure and issue to the members of the national guard merit or service badges or other appropriate awards for service under regulations and according to the design and pattern determined by the adjutant general. Members of the national guard who, by order of the president, serve in federal forces during a national emergency, may count the period of that federal active duty toward the procurement of a service badge.

[S13, §2215-f34; C24, 27, 31, §462; C35, §467-f53; C39, §**467.55;** C46, 50, §29.55; C54, 58, 62, §29.15; C66, 71, 73, 75, 77, 79, 81, §29A.15]

2012 Acts, ch 1072, §12; 2013 Acts, ch 30, §10

29A.16 Deputy adjutants general.

1. The governor shall appoint a deputy adjutant general for the army national guard and a deputy adjutant general for the air national guard upon recommendation of the adjutant general. At the time of appointment, the deputy adjutants general shall be federally recognized officers in the national guard who have attained at least the rank of colonel and who are eligible for federal recognition at the next higher rank.

2. The deputy adjutants general shall have the rank as is consistent with federal law and regulations to and including the rank of brigadier general. The deputy adjutants general shall serve at the pleasure of the governor.

3. The deputy adjutants general shall serve in the office of the adjutant general and aid by performing such duties as the adjutant general may assign. In the absence or disability

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of the adjutant general, the senior deputy present for duty, based upon date of appointment under this section, shall perform the duties of that office as acting adjutant general.

4. The adjutant general may appoint a full-time staff within prescribed personnel authorization. Members of the staff who are not in state active duty status are authorized salaries with allowances as provided by law.

[C73, §1054; C97, §2174; SS15, §2215-f14; C24, 27, 31, §445; C35, §467-f41; C39, §**467.43;** C46, 50, §29.43; C54, 58, 62, §29.16; C66, 71, 73, 75, 77, 79, 81, §29A.16]

2000 Acts, ch 1020, §3, 6

29A.17 Governor's staff.

1. The military staff of the governor shall consist of the adjutant general, who shall be the chief of staff; the deputy adjutants general, who shall be the assistant chiefs of staff; and any aides, who shall be residents of the state, as the governor may appoint or detail from the armed forces of the state.

2. The aides appointed shall be commissioned at a rank not higher than the military rank of colonel, except that if a person holds or has held a higher rank in the armed forces of the state or nation the commission may issue for such higher rank.

[C73, §1054; C97, §2174; SS15, §2215-f14; C24, 27, 31, §445; C35, §467-f27; C39, §**467.27;** C46, 50, §29.27; C54, 58, 62, §29.17; C66, 71, 73, 75, 77, 79, 81, §29A.17]

2000 Acts, ch 1020, §4, 6; 2002 Acts, ch 1119, §121; 2019 Acts, ch 24, §104

29A.18 United States property and fiscal officer.

1. Subject to the approval of the secretary of the army and secretary of the air force, the governor shall detail through the national guard bureau a qualified commissioned officer of the national guard who is also a commissioned officer of the army or the air force of the United States to be the United States property and fiscal officer for Iowa. Subject to the approval of the governor, the adjutant general shall nominate a qualified commissioned officer for the detail to this position.

2. The United States property and fiscal officer for Iowa shall perform the duties provided by 32 U.S.C. §708.

3. The governor may request the removal for cause of the United States property and fiscal officer for Iowa through the chief of the national guard bureau to the secretary of the army or air force.

[R60, §1013; C73, §1050; C97, §2190; S13, §2215-f12; C24, 27, 31, §443; C35, §467-f45; C39, §**467.47;** C46, 50, §29.47; C54, 58, 62, §29.18; C66, 71, 73, 75, 77, 79, 81, §29A.18]

2017 Acts, ch 54, §76

29A.19 Quartermaster.

A present or retired member of the national guard who has ten years' service in the national guard shall be detailed to be the quartermaster, who shall be responsible for, under the adjutant general, all state military property and facilities.

[S13, §2215-f28; C24, 27, 31, §456; C35, §467-f18, -f46; C39, §**467.18, 467.48;** C46, 50, §29.18, 29.48; C54, 58, 62, §29.19; C66, 71, 73, 75, 77, 79, 81, §29A.19]

2002 Acts, ch 1117, §10, 23; 2011 Acts, ch 47, §3; 2012 Acts, ch 1072, §13

29A.20 Officers.

Officers of the national guard shall be selected from the classes of persons having the qualifications prescribed by federal law and regulations. They shall be appointed by the governor upon the recommendation of their superiors in the chain of command, provided that they shall have successfully passed such tests as to physical, moral, and professional fitness, as shall be prescribed by law and regulations. Each officer shall take an oath of office and shall hold office until the officer shall have attained the maximum age of retirement that is prescribed by federal law or regulations pertaining to officers of the armed forces of the United States, unless the officer's commission or warrant is sooner vacated by resignation, death, or as provided in this chapter. In case the officer has no immediate superiors, within the state, in the chain of command, the officer shall be appointed, as provided in this section,

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upon the recommendation of the adjutant general. A commission shall designate the arm or branch of service in which the officer is commissioned. Provided, however, that no person shall be appointed a commissioned or warrant officer who has not reached the person's eighteenth birthday at or prior to the time of such appointment.

[C51, §624, 626 – 628; R60, §1005, 1007 – 1009; C73, §1047, 1048; C97, §2176 – 2180; S13, §2215-f10; C24, 27, 31, §441; C35, §467-f11; C39, §**467.11;** C46, 50, §29.11; C54, 58, 62, §29.20; C66, 71, 73, 75, 77, 79, 81, §29A.20]

2020 Acts, ch 1063, §17

29A.21 Powers and duties.

In addition to the powers and duties prescribed in this chapter all officers of the national guard shall have the same powers and perform like military duties as officers of similar rank and position in the armed forces of the United States insofar as may be authorized by law. Officers are authorized to administer oaths in all matters connected with the service.

[C35, §467-f16; C39, §**467.16;** C46, 50, §29.16; C54, 58, 62, §29.21; C66, 71, 73, 75, 77, 79, 81, §29A.21]

29A.22 Fitness determined — vacation of commissions.

The moral character, capacity and general fitness for the service of any national guard officer may be determined at any time by an efficiency board as provided by federal law and regulations. Commissions or warrants of officers of the national guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Any officer permanently removing from the state shall resign the officer's commission or warrant upon request of the adjutant general or make application to be placed upon the inactive list, and upon failure to do so, the officer's commission or warrant shall be revoked by the governor. Officers rendered surplus by the disbandment of their organization shall be disposed of as provided by law and regulations. Subject to the approval of their superior commanders and the adjutant general, officers may, upon their own application, be placed on the inactive list, as such list may be authorized by law and regulations.

[C97, §2183, 2199; S13, §2215-f11; C24, 27, 31, §442; C35, §467-f12; C39, §**467.12;** C46, 50, §29.12; C54, 58, 62, §29.22; C66, 71, 73, 75, 77, 79, 81, §29A.22]

29A.23 Roll of retired officers and enlisted personnel.

An officer or enlisted person who is a member of the Iowa national guard who has completed twenty years of military service under 10 U.S.C. §12731, as evidenced by a letter of notification of retired pay at age sixty, shall upon retirement from the Iowa national guard and written request to the adjutant general be placed by order of the commander in chief on a roll in the office of the adjutant general to be known as the "roll of retired national guard military personnel". A member registered on the roll is entitled to wear the uniform of the rank last held on state or other occasions of ceremony, when the wearing of such uniform is not in conflict with federal law.

[C35, §467-f15; C39, §**467.15;** C46, 50, §29.15; C54, 58, 62, §29.23; C66, 71, 73, 75, 77, 79, 81, §29A.23]

2011 Acts, ch 47, §4; 2014 Acts, ch 1092, §166

Referred to in §29A.78

29A.24 Unassigned list.

There shall be maintained in the office of the adjutant general a list to be known as the unassigned list, to which officers may be transferred, pending their resignation or removal from the service. Any officer may be transferred by the adjutant general to such unassigned list upon the recommendation of the officer's commanding officer, either immediate or remote. Before such transfer is made the adjutant general shall notify the officer, either in person or by certified mail mailed to the officer's last known address of the intended transfer. The officer shall have ten days from the date of mailing of said notice in which to apply to the adjutant general for an efficiency board. Should the officer fail to apply for an

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efficiency board, the transfer shall be made upon the expiration of the ten-day period. If the officer requests an efficiency board, the adjutant general will be governed by the finding of such board. All officers transferred to such unassigned list shall remain subject to military discipline and to courts-martial for military offenses to the same extent and in like manner as if upon the active list.

[C35, §467-f13; C39, §**467.13;** C46, 50, §29.13; C54, 58, 62, §29.24; C66, 71, 73, 75, 77, 79, 81, §29A.24]

29A.25 Enlistments and discharges.

All enlistments and discharges in the national guard shall be as prescribed by federal law and regulations.

[C97, §2173; S13, §2215-f13; C24, 27, 31, §444; C39, §**467.22;** C46, 50, §29.22; C54, 58, 62, §29.25; C66, 71, 73, 75, 77, 79, 81, §29A.25]

2002 Acts, ch 1117, §11, 23

29A.26 State headquarters and detachment.

The number and grade of officers and enlisted personnel in the state headquarters and headquarters detachment shall be as prescribed by federal law and regulations. However, in case of war, invasion, insurrection, emergency, or imminent danger thereof, the governor may temporarily increase the force to meet the circumstance.

[C51, §624, 626 – 628; R60, §1005, 1007 – 1009; C73, §1047, 1048; C97, §2176 – 2180; S13, §2215-f10; C24, 27, 31, §441; C35, §467-f23; C39, §**467.23;** C46, 50, §29.23; C54, 58, 62, §29.26; C66, 71, 73, 75, 77, 79, 81, §29A.26]

2002 Acts, ch 1117, §12, 13, 23

29A.27 Pay and allowances — injury or death benefit boards — judicial review — damages.

1. Officers and enlisted persons while in state active duty shall receive the same pay, per diem, and allowances as are paid for the same rank or grade for federal active duty. However, a person shall not be paid at a base rate of pay of less than one hundred dollars per calendar day of state active duty.

2. *a.* In the event any officer or enlisted person shall be killed while on duty or in state active duty, in line of duty, or shall die as the result of injuries received or as a result of illness or disease contracted while on duty or in state active duty, in line of duty, dependents, as defined by the workers' compensation law of the state, shall receive the maximum compensation provided by such law.

b. Any officer or enlisted person who suffers injuries or contracts a disease causing disability, in line of duty, while on duty or in state active duty, shall receive hospitalization and medical treatment, and during the period that the officer or enlisted person is totally disabled from returning to military duty the officer or enlisted person shall also receive the pay and allowances of the officer's or enlisted person's grade. In the event of partial disability, the officer or enlisted person shall be allowed partial pay and allowances as determined by an evaluation board of three officers to be appointed by the adjutant general. At least one member of the board shall be a medical officer.

c. Any claim for death, illness, or disease contracted in line of duty while on duty or in state active duty, shall be filed with the adjutant general within six months from the date of death or contraction of the illness or disease.

3. Where the provisions of this section may be applicable or at other times as considered necessary, the adjutant general shall appoint a state review board consisting of three officers, one of whom shall be a medical officer, for the purpose of determining the continuation of benefits for individuals who have established their eligibility under this section. Once established, benefits shall be paid until terminated by the review board and shall continue for the duration of the disability even though the individual may no longer be medically qualified for military service and may have been discharged from the national guard.

4. Judicial review of any decision of the evaluation or state review board may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

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Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, petitions for judicial review must be filed within a period of thirty days from date of mailing by the adjutant general by certified mail of notice of the board's decision. Within thirty days after the filing of a petition for judicial review, the adjutant general shall make, certify, and file in the office of the clerk of the district court in which the judicial review is sought a full and complete transcript of all documents in the proceeding. The transcript shall include any depositions and a transcript or certification of the evidence, if reported. The attorney general of Iowa, upon the request of the adjutant general, shall represent the board appointed by the adjutant general against whom any such appeal has been instituted.

5. The provisions of this section shall apply to all individuals receiving benefits under this section or who subsequently may become entitled to such benefits.

6. *a.* All payments provided for under this section shall be paid on the approval of the adjutant general from the contingent fund of the executive council created in section 29C.20.

b. In the event benefits for death, injuries or illness are paid in part by the federal government, the state shall pay only the balance necessary to constitute the above designated amounts.

7. No payment received by any officer or enlisted person under the provisions of this section shall bar the right of such officer or enlisted person, or their heirs or representatives, to recover damages from any partnership, corporation, firm or persons whomsoever who otherwise would be liable, nor shall any such sums received under the provisions of this section reduce the amount of damages recoverable by such officer, enlisted person, or their heirs or representatives, against any partnership, corporation, firm or persons whomsoever who otherwise would be liable.

[C51, §625; R60, §1006; C73, §1051; C97, §2189, 2212, 2213; S13, §2215-f23; C24, 27, 31, §452; C35, §467-f21, -f31; C39, §**467.21, 467.31;** C46, 50, §29.21, 29.31; C54, 58, 62, §29.27; C66, 71, 73, 75, 77, 79, 81, §29A.27]

84 Acts, ch 1170, §1; 92 Acts, ch 1238, §15; 99 Acts, ch 99, §1; 2001 Acts, 2nd Ex, ch 1, §15, 28; 2003 Acts, ch 44, §114; 2011 Acts, ch 131, §21, 158; 2012 Acts, ch 1072, §14; 2018 Acts, ch 1026, §12

Workers' compensation, see chapter 85

29A.28 Leave of absence of civil employees.

1. *a.* All officers and employees of the state, a subdivision thereof, or a municipality, other than employees employed temporarily for six months or less, who are members of the national guard, organized reserves or any component part of the military, naval, air, or space forces, or nurse corps of this state or nation, or who are or may be otherwise inducted into the military service of this state or of the United States, or who are members of the civil air patrol, or who are regular, reserve, or auxiliary members of the United States coast guard, shall, when ordered by proper authority to state active duty, national guard duty, or federal active duty, or when performing a civil air patrol mission pursuant to section 29A.3A, be entitled to a leave of absence from such civil employment for the period of state active duty, national guard duty, federal active duty, or civil air patrol duty without loss of status or efficiency rating, and without loss of pay during the first thirty days of such leave of absence.

b. Where state active duty, national guard duty, federal active duty, or civil air patrol duty is for a period of less than thirty days, a leave of absence under this section shall only be required for those days that the civil employee would normally perform services for the state, subdivision of the state, or a municipality. The provisions of this section shall also apply to a leave of absence by a member of the national disaster medical system of the United States when activated for federal service with the system. If the workday for a civil employee encompasses a continuous period of up to twenty-four consecutive hours, regardless of whether the workday extends into one or two calendar days, the civil employee shall only be required to take a leave of absence for one day for that workday if a leave of absence is required under this paragraph.

2. A state agency, subdivision of the state, or municipality may hire a temporary employee to fill any vacancy created by such leave of absence. Temporary employees hired to fill a vacancy created by a leave of absence under this section shall not count against the number

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of full-time equivalent positions authorized for the state agency, subdivision of the state, or municipality.

3. Upon returning from a leave of absence under this section, an employee shall be entitled to return to the same position and classification held by the employee at the time of entry into state active duty, national guard duty, federal active duty, or civil air patrol duty, or to the position and classification that the employee would have been entitled to if the continuous civil service of the employee had not been interrupted by state active duty, national guard duty, federal active duty, or civil air patrol duty. Under this subsection, "*position*" includes the geographical location of the position.

[C35, §467-f25; C39, §**467.25;** C46, 50, §29.25; C54, 58, 62, §29.28; C66, 71, 73, 75, 77, 79, 81, §29A.28]

2001 Acts, 2nd Ex, ch 1, §16, 28; 2003 Acts, ch 142, §3, 11; 2003 Acts, 1st Ex, ch 2, §36, 47; 2004 Acts, ch 1086, §14; 2006 Acts, ch 1185, §59; 2007 Acts, ch 126, §12; 2007 Acts, ch 218, §133 – 135; 2008 Acts, ch 1003, §2, 5; 2012 Acts, ch 1072, §15; 2021 Acts, ch 13, §2; 2023 Acts, ch 55, §1

Referred to in §29A.8A, 279.13, 279.23
See also §29A.43

29A.29 Payment from treasury — exception.

When in state active duty, the compensation of officers and enlisted persons and expenses of the national guard and claims for death, injury, and illness of the members thereof, incurred in line of duty, shall be paid out of any funds in the state treasury not otherwise appropriated. However, if funds for compensation and expenses have been appropriated for compensation and expenses of persons on full-time state active duty pursuant to a specific Act of the general assembly, such persons shall be paid from funds appropriated pursuant to such Act.

[C51, §625; R60, §1006; C73, §1051; C97, §2189, 2212, 2213; S13, §2215-f23; C24, 27, 31, §452; C35, §467-f31; C39, §**467.31;** C46, 50, §2931; C54, 58, 62, §29.29; C66, 71, 73, 75, 77, 79, 81, §29A.29]

2001 Acts, 2nd Ex, ch 1, §17, 28

29A.30 Inactive guard.

An inactive national guard may be organized and maintained in such manner as may be prescribed or authorized by law and regulations.

[C35, §467-f14; C39, §**467.13;** C46, 50, §29.14; C54, 58, 62, §29.30; C66, 71, 73, 75, 77, 79, 81, §29A.30]

29A.31 Unlawful organizations.

It shall be unlawful for any person to form a military organization within the limits of this state without the written permission of the governor, which the governor may at any time revoke, but this provision shall not prevent civic, social, or benevolent organizations from wearing uniforms and equipment not in conflict with the other provisions of this chapter.

[C97, §2200; S13, §2215-f5; C24, 27, 31, §436; C35, §467-f3; C39, §**467.03;** C46, 50, §29.3; C54, 58, 62, §29.31; C66, 71, 73, 75, 77, 79, 81, §29A.31]

2002 Acts, ch 1117, §14, 23

29A.32 Reserved.

29A.33 Per capita allowance to unit.

Each unit of the national guard showing attendance and actual drill of those present for such drills as are prescribed in compliance with the National Defense Act or its amendments and such regulations as prescribed by the secretary of defense, shall receive an annual allowance for military purposes, in the sum of five dollars per capita, to be paid in semiannual installments on the basis of two dollars and fifty cents per capita. For the purpose of computing each semiannual installment the per capita strength shall be the average enlisted strength of the unit, for that semiannual period; however, if the average attendance of any unit during any semiannual period falls below fifty percent of the average enlisted strength of such unit in that period, the allowance shall not be paid for that period. The

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semiannual periods shall begin January 1 and July 1. The allowance shall be paid from the funds appropriated for the support and maintenance of the national guard, and the adjutant general shall prescribe regulations requiring an itemized statement of the allowance and governing its expenditure. The allowance shall be used for morale purposes and for the welfare of the troops. The allowance shall not be used to purchase an alcoholic beverage or beer.

[SS15, §2215-f27; C24, 27, 31, §455; C35, §467-f50; C39, §**467.52;** C46, 50, §29.52; C54, 58, 62, §29.33; C66, 71, 73, 75, 77, 79, 81, §29A.33]

90 Acts, ch 1267, §24; 2009 Acts, ch 41, §22

29A.34 Clothing and equipment.

1. The commanding officer of a unit or organization receiving clothing or equipment for the use of that command shall distribute it to the members of that command, taking receipts and requiring the return of each article at such time and place as that officer directs.

2. Upon the direction of any unit or organization commander the county attorney shall bring action in the name of the state of Iowa against any person for the recovery of any property issued by a unit or organization commander, or for its value as set forth in the price list promulgated by the federal government.

3. All sums so collected shall be paid to the treasurer of the United States and forwarded to the United States property and fiscal officer for Iowa.

[C51, §629; R60, §1010; C73, §1050; C97, §2190; SS15, §2215-f31; C24, 27, 31, §459; C35, §467-f55, -f56; C39, §**467.57, 467.58;** C46, 50, §29.57, 29.58; C54, 58, 62, §29.34; C66, 71, 73, 75, 77, 79, 81, §29A.34]

2017 Acts, ch 54, §76

29A.35 Use for military only.

All arms, clothing, equipment, and other military property furnished or issued by the federal government or the state or for which an allowance has been made, shall be used for military purposes only, and each officer and enlisted person upon being separated from the military forces of the state, or upon demand of the commanding officer, shall forthwith surrender such military property in the officer's or enlisted person's possession to said commanding officer. Any member of the national guard who shall neglect to return to the armory of the unit, or place in charge of the commanding officer of the organization to which the member belongs, any arms, clothing, equipment, or other military property or portion thereof, belonging to the federal government or the state, upon being notified by said commanding officer to do so, shall be guilty of a serious misdemeanor.

[S13, §2215-f35; C24, 27, 31, §463; C35, §467-f4; C39, §**467.04;** C46, 50, §29.4; C54, 58, 62, §29.35; C66, 71, 73, 75, 77, 79, 81, §29A.35]

29A.36 Injury or destruction of property.

Every person who shall willfully or wantonly injure or destroy any articles of arms, clothing, equipment, or other military property furnished or issued by the federal government or the state, and refuses to make good such injury or loss; or who shall sell, dispose of, secrete or remove the same with intent to sell or dispose of it, shall be guilty of a simple misdemeanor.

[R60, §1014; C73, §1050; C97, §2194; S13, §2215-f32; C24, 27, 31, §460; C35, §467-f57; C39, §**467.59;** C46, 50, §29.59; C54, 58, 62, §29.36; C66, 71, 73, 75, 77, 79, 81, §29A.36]

29A.37 Bond of officers.

1. Each officer responsible or accountable for property for military use, or funds of the state or of the United States, shall execute and deliver to the adjutant general a bond, with sureties to be approved by the adjutant general, and payable to the state, in such amount as fixed by the adjutant general, conditioned for the proper care, use, and return in good order, wear, use and unavoidable loss and damage excepted, of all such state and United States property, and the proper care and faithful disbursement and accounting of all those funds coming into the hands of that officer. However, the adjutant general, with the approval of the governor, may obtain an adequate indemnity bond covering all or part of those officers

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accountable or responsible and the officers covered shall not be required to furnish individual bonds.

2. Upon the violation of any of the conditions of any bond executed and delivered under the provisions of this section, action thereon shall be brought by the adjutant general on behalf of the state. It shall be the duty of the attorney general of the state to prosecute all actions upon such bonds. No further payments shall be made under any provision of this chapter to the accountable officer of any organization or unit who does not fully and satisfactorily account to the adjutant general for all moneys theretofore paid to the officer under any provision of this chapter.

[R60, §1013; C73, §1050; C97, §2190; S13, §2215-f12; C24, 27, 31, §443; C35, §467-f17; C39, §**467.17;** C46, 50, §29.17; C54, 58, 62, §29.37; C66, 71, 73, 75, 77, 79, 81, §29A.37]

2019 Acts, ch 24, §104

29A.38 Serious misdemeanors.

Any officer or enlisted person of the national guard who knowingly makes any false certificate of muster or false return of federal or state property or funds in the officer's or enlisted person's possession shall be guilty of a serious misdemeanor.

[C97, §2192; S13, §2215-f30; C24, 27, 31, §458; C35, §467-f19; C39, §**467.19;** C46, 50, §29.19; C54, 58, 62, §29.38; C66, 71, 73, 75, 77, 79, 81, §29A.38]

29A.39 Theft.

Any officer or enlisted person of the national guard who willfully neglects or refuses to apply all money, in the officer's or enlisted person's possession drawn from the state treasury, to the purpose for which such money was appropriated or who fails or refuses to account for or return any state or federal property or funds in the officer's or enlisted person's possession shall be guilty of the crime of theft.

[C97, §2192; S13, §2215-f30; C24, 27, 31, §458; C35, §467-f20; C39, §**467.20;** C46, 50, §29.20; C54, 58, 62, §29.39; C66, 71, 73, 75, 77, 79, 81, §29A.39]

See §714.2

29A.40 False wearing of uniform.

1. A member of the national guard shall not wear the uniform of the national guard while not on duty, except in accordance with state or federal regulations. A person, firm, or corporation, other than a civic, social, or benevolent military organization or the members of such organizations organizing for the benefit of all its members, shall not incorporate under the name of, or adopt any trade name which embodies the name or designation, officially or generally recognized as the name of a military organization now or formerly in existence, or any distinctive part of such name.

2. Any person who, without authority under the laws of the United States or of one of the states, wears the uniform of or a distinctive part of the uniform of the armed forces of the United States, shall be guilty of a serious misdemeanor.

[S13, §2215-f35; C24, 27, 31, §463; C35, §467-f4; C39, §**467.04;** C46, 50, §29.4; C54, 58, 62, §29.40; C66, 71, 73, 75, 77, 79, 81, §29A.40]

2002 Acts, ch 1117, §15, 23; 2006 Acts, ch 1185, §60; 2019 Acts, ch 24, §104

29A.41 Exemptions.

A member of the national guard shall not be arrested, or served with a summons, order, warrant or other civil process after having been ordered to any duty, or while going to, attending, or returning from, any place to which the national guard member is required to go for military duty. This section does not prevent the national guard member's arrest by order of a military officer or for a felony or breach of the peace committed while not in the actual performance of the national guard member's duty. The articles of equipment personally owned by such members are exempt from seizure or sale for debt.

[C97, §2209; S13, §2215-f33; C24, 27, 31, §461; C35, §467-f24; C39, §**467.24;** C46, 50, §29.24; C54, 58, 62, §29.41; C66, 71, 73, 75, 77, 79, 81, §29A.41]

84 Acts, ch 1181, §1; 2002 Acts, ch 1117, §16, 23

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29A.42 Trespass or interference with official acts.

1. Any person who shall trespass upon any military reservation, camp, or armory, in violation of the orders of the commander thereof, or officer charged with the responsibility therefor shall be guilty of trespass and shall be punished as provided in section 716.8.

2. Any person who shall molest, or interfere with any member of the national guard, in the discharge of the member's duty shall be guilty of interference with official acts under section 719.1, subsection 1. The commanding officer of such force may order the arrest of such person and cause the person to be delivered to a peace officer or magistrate.

[C97, §2188; S13, §2215-f29; C24, 27, 31, §457; C35, §467-f54; C39, §**467.56;** C46, 50, §29.56; C54, 58, 62, §29.42; C66, 71, 73, 75, 77, 79, 81, §29A.42]

2013 Acts, ch 90, §20; 2019 Acts, ch 24, §7

29A.43 Discrimination prohibited — leave of absence — continuation of health coverage.

1. A person shall not discriminate against any officer or enlisted person of the national guard or organized reserves of the armed forces of the United States, any regular, reserve, or auxiliary member of the United States coast guard, or any member of the civil air patrol because of that membership. An employer, or agent of an employer, shall not discharge a person from employment because of being an officer or enlisted person of the military forces of the state, a regular, reserve, or auxiliary member of the United States coast guard, or member of the civil air patrol, or hinder or prevent the officer or enlisted person, a regular, reserve, or auxiliary member of the United States coast guard, or member of the civil air patrol from performing any military service or civil air patrol duty the person is called upon to perform by proper authority. A member of the national guard or organized reserves of the armed forces of the United States, or a regular, reserve, or auxiliary member of the United States coast guard, ordered to temporary duty or service, as defined in section 29A.1, subsection 3, 8, or 12, or a member of the civil air patrol performing duty pursuant to section 29A.3A, for any purpose is entitled to a leave of absence during the period of the duty or service, from the member's private employment unless the employment is of a temporary nature. Upon completion of the duty or service, the employer shall restore the person to the position held prior to the leave of absence or employ the person in a position of like seniority, status, and pay. However, the person shall give evidence to the employer of satisfactory completion of the duty or service, and that the person is still qualified to perform the duties of the position. The period of absence shall be construed as an absence with leave, and shall in no way affect the employee's rights to vacation, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

2. An officer or enlisted person of the national guard or organized reserves of the armed forces of the United States, any member of the civil air patrol, or any regular, reserve, or auxiliary member of the United States coast guard, who is insured as a dependent under a group policy for accident or health insurance as a full-time student less than twenty-five years of age, whose coverage under the group policy would otherwise terminate while the officer or enlisted person was on a leave of absence during a period of temporary duty or service, as defined for members of the national guard in section 29A.1, subsection 3, 8, or 12, while performing duties as a member of the civil air patrol pursuant to section 29A.3A, or as a member of the organized reserves called to active duty from a reserve component status, or as a regular, reserve, or auxiliary member of the United States coast guard, shall be considered to have been continuously insured under the group policy for the purpose of returning to the insured dependent status as a full-time student who is less than twenty-five years of age. This subsection does not apply to coverage of an injury suffered or a disease contracted by a member of the national guard or organized reserves of the armed forces of the United States, any member of the civil air patrol, or any regular, reserve, or auxiliary member of the United States coast guard in the line of duty.

3. A person violating a provision of this section is guilty of a simple misdemeanor. Violations of this section shall be prosecuted by the attorney general or the county attorney of the county in which the violation occurs.

4. The protections provided for in this section shall apply with equal force to members of

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the national guard of another state, an organized reserve unit in another state, any regular, reserve, or auxiliary member of the United States coast guard in another state, or a civil air patrol unit in another state who are employed in this state.

[C35, §467-f5; C39, §**467.05;** C46, 50, §29.5; C54, 58, 62, §29.43; C66, 71, 73, 75, 77, 79, 81, §29A.43]

87 Acts, ch 115, §8; 2001 Acts, 2nd Ex, ch 1, §18, 28; 2002 Acts, ch 1117, §17, 23; 2003 Acts, ch 91, §1; 2006 Acts, ch 1185, §61; 2008 Acts, ch 1003, §3 – 5; 2011 Acts, ch 34, §14; 2012 Acts, ch 1072, §16; 2017 Acts, ch 63, §1; 2021 Acts, ch 13, §3; 2022 Acts, ch 1052, §1

Referred to in §8A.311, 96.7(2)(a)
Leave for civil employees; §29A.28

29A.44 Assault prohibited.

Whenever the national guard is called into service under proclamation of the governor for the performance of any duties contemplated in this chapter any person who willfully assaults, or fires at, or throws any dangerous missiles at, against, or upon any member or body of the national guard so engaged, or civil officer or other persons lawfully aiding or assisting them in the discharge of their duties, shall be guilty of an aggravated misdemeanor.

[C35, §467-f30; C39, §**467.30;** C46, 50, §29.30; C54, 58, 62, §29.44; C66, 71, 73, 75, 77, 79, 81, §29A.44]

29A.45 Martial law.

When a military district is established under martial law, the chief justice or an associate justice of the supreme court may, upon written agreement of the parties or their attorneys, on good cause being shown, order any civil or criminal case on file in the office of the clerk of any court of record within the military district transferred to any court of record outside of the military district. The said cause shall be docketed without fee and proceed in all respects with the same force and effect as though transferred on a change of venue. When the said military district is dissolved, the cause and all proceedings in connection therewith may be retransferred by the supreme court to the original court, where it shall be redocketed without fee.

[C39, §**467.32;** C46, 50, §29.32; C54, 58, 62, §29.45; C66, 71, 73, 75, 77, 79, 81, §29A.45]
Referred to in §602.8102(12)

29A.46 Military court or commission.

1. The governor may establish within such military district a military court or commission to take jurisdiction and cognizance of all public offenses against the peace and dignity of the state, and the violation of ordinances and military rules which are now, or may hereafter be, promulgated or enacted for the preservation of law and order and the public safety.

2. The military court or commission may make such orders, judgments, and decrees in civil cases as may be agreed upon by the litigants or their attorneys, or as may be necessary because of an emergency or to prevent waste, with the same force and effect as though made and entered by a judge of the district court. The said court or commission shall have full power and authority to issue all necessary process for the conduct of its proceedings, and like power to compel the attendance of witnesses therein as are exercised by civil courts of the state.

[C39, §**467.33;** C46, 50, §29.33; C54, 58, 62, §29.46; C66, 71, 73, 75, 77, 79, 81, §29A.46]
2019 Acts, ch 24, §104

29A.47 Arrests and subpoenas.

1. Troops occupying a military district established under martial law may, if necessary, pursue, arrest, and subpoena persons wanted in the military district, anywhere within the state of Iowa.

2. All peace officers of the state shall serve process and execute the orders of a military court in the same way and to the same extent as corresponding instruments of civil courts.

[C35, §467-f34; C39, §**467.32, 467.36;** C46, 50, §29.32, 29.36; C54, 58, 62, §29.47; C66, 71, 73, 75, 77, 79, 81, §29A.47]

2019 Acts, ch 24, §104; 2020 Acts, ch 1062, §14

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29A.48 Commitment and fines.

In default of payment of any fine imposed by any military court acting under martial law, the offender may be committed to any county jail designated by any court of this state for a period equal to one day for each three dollars of fine imposed and unpaid.

[C35, §467-f35; C39, §**467.37;** C46, 50, §29.37; C54, 58, 62, §29.48; C66, 71, 73, 75, 77, 79, 81, §29A.48]

29A.49 Military jails.

The keepers and wardens of all county jails or state institutions are required to receive and confine all military offenders or other persons when delivered to them, under a certificate of commitment of a military court or commanding officer, for and during the term of sentence or confinement as set forth in said commitment.

[C35, §467-f36; C39, §**467.38;** C46, 50, §29.38; C54, 58, 62, §29.49; C66, 71, 73, 75, 77, 79, 81, §29A.49]

29A.50 Immunity.

The commanding officer and members of any of the military forces engaged in the suppression of an insurrection, assistance to civil authorities in emergencies, homeland defense or security duties, or the enforcement of the laws, shall have the same immunity as peace officers.

[C35, §467-f37; C39, §**467.39;** C46, 50, §29.39; C54, 58, 62, §29.50; C66, 71, 73, 75, 77, 79, 81, §29A.50]

2002 Acts, ch 1117, §18, 23; 2014 Acts, ch 1092, §20

29A.51 Suit or proceeding — defense.

If a suit or proceeding is commenced in any court by any person against a member of the military forces of the state for an act done by the member in the member's official capacity in the discharge of a duty under this chapter or chapter 29B, the attorney general or staff judge advocate, upon the request of the adjutant general, shall defend the member against whom the suit or proceeding has been instituted. The costs of the defense shall be paid out of any funds in the state treasury not otherwise appropriated. Before the suit or proceeding is filed or maintained against the member, the plaintiff must give security, to be approved by the court in a sum not less than one hundred dollars to secure the costs. If the plaintiff fails to recover judgment, the costs shall be taxed and judgment rendered against the plaintiff and the plaintiff's sureties. When members of the military forces of the state are called into state active duty by the governor under martial law or to assist civil authorities, in addition to the judge advocate's other duties, any judge advocate on duty with those troops may be appointed by the attorney general as an assistant attorney general, without pay for the judge advocate's services for acting in that capacity.

[C35, §467-f38; C39, §**467.40;** C46, 50, §29.40; C54, 58, 62, §29.51; C66, 71, 73, 75, 77, 79, 81, §29A.51]

2002 Acts, ch 1117, §19, 23

29A.52 Malice must be proved.

No action or proceeding shall be maintained against any officer appointing a military court or against any member of a military court or commission, officer or agent acting under its authority, or reviewing its proceedings, on account of the imposition of a fine or penalty or for the execution of a sentence of any person, unless it be shown that such officer, member or agent has acted from motives of malice.

[C35, §467-f39; C39, §**467.41;** C46, 50, §29.41; C54, 58, 62, §29.52; C66, 71, 73, 75, 77, 79, 81, §29A.52]

29A.53 Call by president of U. S.

1. Whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the government of the United States, or the president is unable, with the regular forces at the president's command, to execute the laws of the

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union, it shall be lawful for the president to call forth such number of the national guard as the president may deem necessary to assist in repelling such invasion, suppressing such rebellion, or to assist in enabling the president to execute such laws, and to issue orders for that purpose, through the governor to such officers of the national guard as the president may think proper; and the president may specify, in the call, the period for which such service is required, and the guard so called forth shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the president.

2. Whenever the president shall require, in any of the designated instances, more troops than can be supplied by the national guard, the governor shall, in the governor's discretion, organize forthwith such other national guard forces as the governor may deem necessary, or order into the service of the United States so many of the unorganized militia of the state as is required, designating the same by draft if a sufficient number do not volunteer, and shall commission officers therefor.

3. Officers and enlisted personnel called into federal active duty through the national guard shall upon completion of such duty continue to serve the balance of their enlistment period the same as though it had not been interrupted by such duty.

[C97, §2169; S13, §2215-f18; C24, 27, 31, §448; C35, §467-f58; C39, §**467.60;** C46, 50, §29.60; C54, 58, 62, §29.53; C66, 71, 73, 75, 77, 79, 81, §29A.53]

2012 Acts, ch 1072, §17

29A.54 Senior commander allowances.

A fund shall be established from an annual appropriation of funds to be used by senior commanders as an expense allowance to defer expenses incurred in conducting command functions or escorting military guests while acting in their official capacity as commander. Appropriations to the fund shall be made at the beginning of each fiscal year in the amount of seven hundred fifty dollars for each federally recognized general officer of the army national guard and the air national guard. The adjutant general of Iowa shall have custodial and administrative responsibility for the fund and shall prescribe regulations requiring an itemized statement of expenditures from the fund. The fund shall not be used to purchase an alcoholic beverage or beer.

[C54, 58, 62, §29.54; C66, 71, 73, 75, 77, 79, 81, §29A.54]

2002 Acts, ch 1117, §20, 23

29A.55 Insurance.

The adjutant general is hereby authorized to procure insurance against the liability of officers and enlisted personnel of the national guard, and employees of the adjutant general by reason of claims for bodily injuries, death, or property damage, made upon such officers, enlisted personnel and employees resulting from their operation of a motor vehicle while in the performance of their duties.

[C54, 58, 62, §29.55; C66, 71, 73, 75, 77, 79, 81, §29A.55]

29A.56 Special police.

The adjutant general may by order entered of record commission one or more of the employees of the department of public defense as special police. Such special police shall on the premises of any state military reservation or other state military property have and exercise the powers of regular peace officers.

[C66, 71, 73, 75, 77, 79, §29A.12; C81, §29A.56]

2013 Acts, ch 29, §13

29A.57 Armory board.

1. The governor shall appoint an armory board which consists of the adjutant general serving as chairperson, at least two officers from the active commissioned personnel of the national guard, and at least one other person, who is a citizen of the state of Iowa. One member of the board shall have at least five years' experience in the building construction trade. The board shall meet at times and places as ordered by the governor. The members

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shall serve at the pleasure of the governor. Members of the board shall receive actual expenses for each day in which they are actually employed under this chapter. Each member of the board may also be eligible to receive compensation as provided in section 7E.6.

2. The board may acquire land or real estate by purchase, contract for purchase, gift, or bequest and acquire, own, contract for the construction of, erect, purchase, maintain, alter, operate, and repair installations and facilities of the Iowa army national guard and the Iowa air national guard when funds for the installations and facilities are made available by the federal government, the state of Iowa, municipalities, corporations, or individuals. The title to the property so acquired shall be taken in the name of the state of Iowa and the real estate may be sold or exchanged by the executive council, upon recommendation of the board, when it is no longer needed for the purpose for which it was acquired. Income or revenue derived from the sale of the real estate shall be credited to the national guard support and facilities improvement fund and used for the purposes specified in section 29A.14, subsection 2.

3. In carrying out this section, the armory board may:

a. Borrow money.

b. Mortgage any real estate acquired and the improvements erected on the real estate when purchasing or improving the property, in order to secure necessary loans.

c. Pledge the sales, rents, profits and income received from the property for the discharge of obligations executed.

d. Grant a temporary or permanent easement with or without monetary consideration for utility, public highway, or other purposes if granting the easement will not adversely affect use of the real estate for military purposes.

e. Enter into a design-build contract with a successful bidder identified as a result of a competitive bidding process for a facility to be funded entirely with federal funds and to be used solely by the national guard or jointly by the national guard and other armed forces of the United States. A design-build contract may provide that design and construction of the project may be in sequential or concurrent phases. As used in this paragraph, *"design-build contract"* means a single contract providing for both design services and construction services that may include maintenance, operations, preconstruction, and other related services.

4. An obligation created under this section shall not be a charge against the state of Iowa, but all the obligations, including principal and interest, are payable solely from any of the following:

a. The sales, net rents, profits and income arising from the property so pledged or mortgaged.

b. The sales, net rents, profits and income which have not been pledged for other purposes arising from any other installation and facility or like improvement under the control and management of said board.

c. The income derived from gifts and bequests for installations and facilities under the control of the armory board.

5. All property, real or personal, acquired by, and all bonds, debentures or other written evidences of indebtedness, given as security by the board, are exempt from taxation.

6. When property acquired by the armory board, under this chapter, is free and clear of all indebtedness, the title of the property shall pass to the state of Iowa.

7. There is no liability to the state of Iowa under this section. Members of the armory board and of the state executive council shall not be held personally or individually liable for any action taken by them under this chapter.

8. The board shall fix the amount to be paid to commanding officers of each organization and unit of the national guard for headquarters expenses and shall provide by regulation how the amount shall be disbursed by the commanding officers. The governor may disapprove the actions of the armory board.

9. The allowances made by the armory board shall be paid from the funds appropriated for the support and maintenance of the national guard.

[C24, 27, 31, §453; C35, §467-f47; C39, §**467.49;** C46, 50, §29.49; C54, 58, 62, §29.57; C66, 71, 73, 75, 77, 79, 81, §29A.57; 81 Acts, ch 14, §20]

86 Acts, ch 1245, §1703; 92 Acts, ch 1238, §16; 2006 Acts, ch 1143, §1; 2007 Acts, ch 74, §2; 2007 Acts, ch 126, §13; 2011 Acts, ch 47, §5; 2019 Acts, ch 59, §19

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29A.58 Armories leased.

1. The armory board as lessee may lease property to be used for armory purposes and other training of the national guard. Leases may be made for any term not to exceed thirty years. Rents under such leases shall be paid from funds appropriated for the support and maintenance of the national guard.

2. The armory board as lessor or sublessor may, for a term not to exceed twenty years, lease property under the control of the board for purposes other than armory or military use when the leasing does not interfere with the use of the property for military purposes. A military operations fund is created in the state treasury. The rental proceeds of property leased by the board shall be paid to the adjutant general for deposit with the treasurer of state and credited to a separate account of the military operations fund. The finance officer of the office of adjutant general shall credit the appropriate account with the rental revenue which each armory produces. The revenue credited to each account is appropriated for maintaining, improving and repairing the armory facility and utility payments.

3. Where the armory board is lessee, leases made under the provisions of this section may provide for an option to purchase the leased property and may make provision for the application upon the purchase price of rental payments made under the lease. Payments of special tax assessments arising under such leases may be paid from funds appropriated for the support and maintenance of the national guard.

[C24, 27, 31, §453; C35, §467-f47; C39, §**467.49;** C46, 50, §29.49; C54, 58, 62, §29.58; C66, 71, 73, 75, 77, 79, 81, §29A.58; 81 Acts, ch 14, §21]

2017 Acts, ch 54, §76; 2021 Acts, ch 65, §1

29A.59 Reserved.

29A.60 Property exempt from taxation.

All personal and real property held and used for armory or military purposes shall be exempt from taxation; and it shall be lawful for any county or city which owns public utilities to grant to any organization or unit of the national guard, which is stationed in such place, the free use of such public utilities.

[S13, §2215-f40; C24, 27, 31, §465; C39, §**467.50;** C46, 50, §29.50; C54, 58, 62, §29.60; C66, 71, 73, 75, 77, 79, 81, §29A.60]

29A.61 Fines.

1. Fines may be paid to a court or to an officer executing its process. The amount of any fine imposed may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due to the delinquent, until said fine is liquidated. Any sum so deducted from any state pay or allowance shall be turned in to the court which imposed the fine and shall be paid over by the officer receiving the same in like manner as provided for other fines and moneys collected.

2. The proceeds of all fines imposed by a military court or a commander administering nonjudicial punishment shall be transmitted to the adjutant general. The adjutant general shall deposit all fines and penalties received with the state treasurer for credit to the general fund of the state.

[C35, §467-f60; C39, §**467.62;** C46, 50, §29.62; C54, 58, 62, §29.78; C66, 71, 73, 75, 77, 79, 81, §29A.61]

2019 Acts, ch 24, §104

29A.62 Immunity from prosecution.

No action or proceeding shall be prosecuted or maintained against a member of a military court or officer or person acting under its authority or reviewing its proceeding on account of the approval or imposition or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any warrant, writ, execution, or process, of a military court.

[C35, §467-f37; C39, §**467.39;** C46, 50, §29.39; C54, 58, 62, §29.80; C66, 71, 73, 75, 77, 79, 81, §29A.62]

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29A.63 Jurisdiction presumed.
The jurisdiction of the courts and boards established by this chapter shall be presumed.
[C39, §**467.33;** C46, 50, §29.33; C54, 58, 62, §29.81; C66, 71, 73, 75, 77, 79, 81, §29A.63]

29A.64 Custom and usage.
All matters relating to the organization, discipline, and government of the military forces not otherwise provided for in this chapter, shall be decided by the custom, regulations, and usage of the armed forces of the United States.
[C35, §467-f61; C39, §**467.63;** C46, 50, §29.63; C54, 58, 62, §29.82; C66, 71, 73, 75, 77, 79, 81, §29A.64]

SUBCHAPTER II

IOWA STATE GUARD

29A.65 Activation.
Whenever any part of the national guard is on federal active duty the governor may activate such part of the unorganized militia, to be designated the "Iowa State Guard", as the governor may deem necessary, subject to provisions of federal law and regulations relating to such military organizations.
[C46, 50, §29.64; C54, 58, 62, §29.83; C66, 71, 73, 75, 77, 79, 81, §29A.65]
2012 Acts, ch 1072, §18

29A.66 Applicable powers and duties.
The powers and duties of the governor, the adjutant general, and the deputy adjutants general, with relation to the Iowa state guard, shall be the same as those powers and duties prescribed in this chapter for those officers with relation to the national guard.
[C46, 50, §29.65; C54, 58, 62, §29.84; C66, 71, 73, 75, 77, 79, 81, §29A.66]
2000 Acts, ch 1020, §5, 6; 2002 Acts, ch 1119, §122

29A.67 Chief of staff.
In the event the state headquarters of the national guard is inducted into federal active duty, the governor shall appoint a chief of staff for the Iowa state guard.
[C46, 50, §29.64; C54, 58, 62, §29.85; C66, 71, 73, 75, 77, 79, 81, §29A.67]
2012 Acts, ch 1072, §19

29A.68 Applicable provisions.
The provisions of this chapter pertaining to the administration and employment of the national guard shall be applicable to the Iowa state guard. The rules relating to, appointment of officers, enlistments, term and conditions of service in, and discharge from, the Iowa state guard shall be such as are directed by the governor.
[C46, 50, §29.65; C54, 58, 62, §29.86; C66, 71, 73, 75, 77, 79, 81, §29A.68]

29A.69 Officers and duties.
The powers and duties of officers and enlisted personnel of the Iowa state guard shall be the same as those prescribed in this chapter for officers and enlisted personnel of the national guard and the punitive and disciplinary provisions of this chapter relating to the national guard shall be applicable to the Iowa state guard.
[C46, 50, §29.16, 29.33; C54, 58, 62, §29.87; C66, 71, 73, 75, 77, 79, 81, §29A.69]

29A.70 Immunity and exemption.
The provisions of this chapter relating to immunity from suit and exemption from personal liability of members of the national guard shall apply to members of the Iowa state guard.
[C46, 50, §29.39; C54, 58, 62, §29.88; C66, 71, 73, 75, 77, 79, 81, §29A.70]

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29A.71 Pay and allowances.

Officers and enlisted personnel of the Iowa state guard while in state active duty shall receive the same pay, allowances, and compensation as provided by law for members of the Iowa national guard.

[C46, 50, §29.31, 29.67; C54, 58, 62, §29.89; C66, 71, 73, 75, 77, 79, 81, §29A.71]

2001 Acts, 2nd Ex, ch 1, §19, 28

29A.72 Expense.

Any expense necessary for organizing, equipping, and maintaining the Iowa state guard shall be paid on approval of the governor by warrant drawn on any state funds not otherwise appropriated, or funds now or hereafter appropriated for the maintenance of the national guard.

[C46, 50, §29.68; C54, 58, 62, §29.90; C66, 71, 73, 75, 77, 79, 81, §29A.72]

29A.73 Immunity from national service.

The Iowa state guard shall not be called, ordered or in any manner drafted as such into the military service of the United States. However, no person shall by reason of membership in the Iowa state guard be exempt from federal military service under federal law.

[C46, 50, §29.66; C54, 58, 62, §29.91; C66, 71, 73, 75, 77, 79, 81, §29A.73]

SUBCHAPTER III

POWERS OF ATTORNEY EXECUTED BY SERVICE PERSONNEL

29A.74 Death of principal — effect.

1. Except as otherwise provided in this chapter, an agency created by a power of attorney in writing given by a principal who is at the time of execution, or who after executing such power of attorney becomes a member of the national guard or the armed forces of the United States, a person serving as a merchant seaman outside the limits of the United States included within the fifty states and the District of Columbia, or a person outside those limits by permission, assignment, or direction of any department, shall not be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal.

2. Except as otherwise provided in this chapter, a report or listing, either official or otherwise, of "missing" or "missing in action" shall not constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

[C46, 50, §29.69, 29.71; C54, 58, 62, §29.92; C66, 71, 73, 75, 77, 79, 81, §29A.74]

2002 Acts, ch 1117, §21, 23; 2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §18

Referred to in §29A.76

29A.75 Affidavit.

An affidavit, executed by an attorney in fact or agent, setting forth that the attorney or agent has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable

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under the laws of this state, the affidavit, if authenticated for record in the manner prescribed by law, shall likewise be recordable.

[C46, 50, §29.70; C54, 58, 62, §29.93; C66, 71, 73, 75, 77, 79, 81, §29A.75]

2021 Acts, ch 76, §9

Referred to in §29A.76

29A.76 Express revocation or termination.

Sections 29A.74 and 29A.75 of this chapter shall not operate to alter, invalidate, or in any manner affect any express provision for revocation or termination contained in any power of attorney.

[C46, 50, §29.72; C54, 58, 62, §29.94; C66, 71, 73, 75, 77, 79, 81, §29A.76]

SUBCHAPTER IV

NATIONAL GUARD AWARDS

29A.77 Posthumous grants.

A member of the Iowa national guard, who was not retired, and was otherwise qualified for any state service award or for state appointment or promotion to a higher grade or rank as provided in this chapter, and who was unable to receive such award or appointment or promotion by reason of death, is eligible for posthumous grant of the award of state appointment or promotion to a higher grade or rank. The adjutant general shall present the award or evidence of the state appointment or promotion to the next of kin of the deceased member.

[C71, 73, 75, 77, 79, 81, §29A.77]

29A.78 Brevet rank.

The commander in chief, on the recommendation of the adjutant general, may commission by brevet general and field grade officers in the national guard whose names appear on the roll of retired military personnel as defined in section 29A.23 in the next higher grade than that held at retirement or resignation. Brevet rank is only honorary and does not confer any privilege, precedence or command or pay any emoluments. Brevet officers may wear the uniform of their brevet rank on occasions of ceremonies related to state functions only.

[C81, §29A.78]

2011 Acts, ch 47, §6

SUBCHAPTER V

AMBULANCE SERVICE

29A.79 Emergency helicopter ambulance.

1. The adjutant general shall develop a plan within the Iowa national guard for an emergency helicopter ambulance service to transport persons who require emergency medical treatment or require emergency transfer between hospitals and to transport emergency medical supplies, equipment, or personnel.

2. The Iowa national guard shall be requested to provide the emergency helicopter ambulance service from its available staffed helicopters when the plan is implemented on order of the governor at the request of the state patrol, or the administrative heads of the hospitals located in Iowa, unless the Iowa national guard does not have a staffed helicopter available or is in active service under the armed forces of the United States.

3. The adjutant general shall establish policies and procedures to carry out the provisions of this section. The policies and procedures shall provide that the emergency helicopter ambulance service shall be coordinated and supplemental to, and not competitive with conventional ambulance services. In determining whether an emergency exists the policies and procedures shall give reasonable consideration to the risk of death or permanent

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injury due to delayed treatment resulting from remoteness of an area from any hospital, the absence or unavailability of conventional ambulance services, and the distance to be traveled in a transfer between hospitals.

[C73, 75, 77, 79, 81, §29A.79]

98 Acts, ch 1074, §2; 2005 Acts, ch 35, §31; 2017 Acts, ch 54, §76

29A.80 through 29A.89 Reserved.

SUBCHAPTER VI

IOWA NATIONAL GUARD CIVIL RELIEF

Referred to in §598C.301, 598C.310, 654.17C

29A.90 Definitions.

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

1. *"Dependent"* means the spouse and children of a service member or any other person dependent upon the service member for support.
2. *"Interest"* includes service charges, renewal charges, fees, or any other charges in respect to any obligation or liability.
3. *"Military service"* means full-time national guard duty or state active duty, as defined in section 29A.1, for a period of at least thirty consecutive days, commencing on or after April 12, 2012.
4. *"Service member"* means a member of the military forces of the state performing military service.

2002 Acts, ch 1117, §24, 40; 2002 Acts, ch 1175, §78, 102; 2003 Acts, ch 108, §20, 132; 2004 Acts, ch 1086, §15; 2012 Acts, ch 1072, §20, 43

Referred to in §29A.105

29A.91 Applicability.

1. This subchapter shall apply to all service members on military orders who are unable to perform, continue, or complete civil obligations due to military service.
2. This subchapter does not apply to military duty performed under orders issued pursuant to 10 U.S.C.
3. Proper application of this subchapter shall suspend or postpone actions upon those obligations until thirty days after discharge from military service.

2002 Acts, ch 1117, §25, 40

Referred to in §29A.105

29A.92 Reopening default judgments.

1. A default judgment rendered in any civil action against a service member during a period of military service or within thirty days after termination of military service may be set aside under the following circumstances:

a. It appears that the service member was prejudiced by reason of military service in making a defense to the action.

b. Application by the service member or the service member's legal representative is made to the court rendering the judgment not later than thirty days after the termination of military service.

c. The application provides enough facts that it appears that the service member has a meritorious or legal defense to the action or some part of the action.

2. Vacating, setting aside, or reversing a judgment because of any of the provisions of this chapter shall not impair any right or title acquired by a bona fide purchaser for value under the judgment.

2002 Acts, ch 1117, §26, 40

Referred to in §29A.105

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29A.93 Stay of proceedings.

1. If at any point during an action or proceeding it appears that a plaintiff or defendant is a service member and may be adversely affected by military service in the conduct of the proceedings, the court may, on its own motion, stay the proceedings.

2. The court shall stay the proceedings if the service member or another person on the service member's behalf makes a request in writing to the court, unless the court determines on the record that the ability of the plaintiff to pursue the action or the defendant to conduct a defense, is not materially affected by reason of military service.

2002 Acts, ch 1117, §27, 40
Referred to in §29A.105

29A.94 Fines and penalties on contracts.

1. If compliance with the terms of a contract is stayed pursuant to this subchapter, a fine or penalty shall not accrue by reason of failure to comply with the terms of the contract during the period of the stay.

2. If a service member has not obtained a stay, and a fine or penalty is imposed for nonperformance of an obligation, a court may relieve enforcement if the service member was in military service when the penalty was incurred and the service member's ability to pay or perform was materially impaired.

2002 Acts, ch 1117, §28, 40
Referred to in §29A.105

29A.95 Exercise of rights not to affect future financial transactions.

An application by a service member in military service for, or receipt of, a stay, postponement, or suspension under the provisions of this subchapter in the payment of any fine, penalty, insurance premium, or other civil obligation or liability shall not be used as the basis for any of the following:

1. A determination by any lender or other person that the service member is unable to pay any civil obligation or liability in accordance with its terms.

2. With respect to a credit transaction between a creditor and a service member:

a. A denial or revocation of credit by the creditor.

b. A change by the creditor in the terms of an existing credit arrangement.

c. A refusal by the creditor to grant credit to the service member in substantially the amount or on substantially the terms requested.

d. An adverse report relating to the creditworthiness of the service member by or to any person or entity engaged in the practice of assembling or evaluating consumer credit information.

2002 Acts, ch 1117, §29, 40
Referred to in §29A.105

29A.96 Stay of execution of judgment.

Unless the court determines on the record that the ability of a service member to comply with a judgment or order entered or sought is not materially affected by reason of military service, the court shall, on its own motion, or upon application to it by the service member or another person on the service member's behalf, do the following:

1. Stay the execution of a judgment or order entered against the service member, as provided in this chapter.

2. Vacate or stay an attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this chapter.

2002 Acts, ch 1117, §30, 40
Referred to in §29A.105

29A.97 Duration of stays.

1. A stay of an action, proceeding, attachment, or execution, ordered by a court under the provisions of this subchapter, may be ordered for the period of military service plus thirty days after its termination or any part of that time period.

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2. Where the service member in military service is a codefendant with others, the plaintiff may, with the permission of the court, proceed against the others.

2002 Acts, ch 1117, §31, 40
Referred to in §29A.105

29A.98 Statutes of limitations affected by military service.

The period of military service shall not be included in computing any period limited by law, rule, or order for the bringing of any action or proceeding in any court, board, bureau, commission, department, or other agency of government by or against any service member or by or against the service member's heirs, executors, administrators, or assigns, whether the cause of action or the right or privilege to institute the action or proceeding has accrued prior to or during the period of military service.

2002 Acts, ch 1117, §32, 40
Referred to in §29A.105
Limitations of civil actions, see chapter 614
Limitations of criminal actions, see chapter 802

29A.99 Maximum rate of interest.

1. An obligation or liability bearing interest at a rate in excess of six percent per year that is incurred by a service member either individually or jointly with the service member's spouse before the service member enters military service shall not bear interest at a rate in excess of six percent per year during the service member's period of military service. Interest that would otherwise be incurred but for the prohibition in this section is forgiven. The amount of any periodic payment due from a service member under the terms of the instrument that created an obligation or liability covered by this section shall be reduced by the amount of the interest forgiven under this section that is allocable to the period for which such payment is made.

2. In order for an obligation or liability of a service member to be subject to the interest rate limitation in this section, the service member shall provide to the creditor written notice and a copy of the military orders calling the service member to military service and any orders further extending military service, not later than one hundred eighty days after the date of the service member's termination or release from military service. Upon receipt of written notice and a copy of orders calling a service member to military service, the creditor shall treat the debt in accordance with this section, effective as of the date on which the service member is called to military service.

3. A court may grant a creditor relief from the limitations of this section if, in the opinion of the court, the ability of the service member to pay interest upon the obligation or liability at a rate in excess of six percent per year is not materially affected by reason of the service member's military service.

4. As used in this section, the term *"interest"* includes service charges, renewal charges, fees, or any other charges, except for bona fide insurance, with respect to an obligation or liability.

2002 Acts, ch 1117, §33, 40; 2006 Acts, ch 1143, §2
Referred to in §29A.105

29A.100 Dependent benefits.

Dependents of a service member are entitled to the benefits accorded to service members under the provisions of sections 29A.101 through 29A.105. Dependents may obtain the benefits upon application to a court, unless, in the opinion of the court, the ability of the dependents to comply with the terms of the obligation, contract, lease, or bailment has not been materially impaired by reason of the military service of the service member of the dependents.

2002 Acts, ch 1117, §34, 40
Referred to in §29A.105

29A.101 Termination of lease or rental agreement — exceptions.

1. A landlord shall not terminate the lease or rental agreement of a service member or the service member's dependents for nonpayment of rent from any premises used as

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a dwelling by the service member or dependents during the period of military service if the rent on the premises occupied by the service member or dependents is less than one thousand two hundred dollars per month. However, a court may allow an eviction or the recovery of property pursuant to chapter 646 or 648.

2. In any action affecting the right of possession, the court may, on its own motion, stay the proceedings for not longer than three months, or make any order the court determines to be reasonable and just under the circumstances, unless the court finds that the ability of the service member to pay the agreed rent is not materially affected by reason of military service.

3. When a stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application, to relief with respect to the premises similar to that granted service members in military service in sections 29A.102 through 29A.104 to the extent and for any period as the court determines to be just and reasonable under the circumstances.

4. A person who knowingly takes part in any eviction or distress otherwise than as provided in subsection 1, or attempts to do so, commits a simple misdemeanor.

5. The governor may order an allotment of the pay of a service member in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by any dependents of the service member.

2002 Acts, ch 1117, §35, 40
Referred to in §29A.100, 29A.105
Uniform residential landlord and tenant law, see chapter 562A
Mobile home parks residential landlord and tenant law, see chapter 562B

29A.101A Termination of lease by service member — penalty.

1. For purposes of this section, unless the context otherwise requires:

a. "Premises lease" means a lease of premises occupied, or intended to be occupied, by a service member or a service member's dependents for a residential, professional, business, agricultural, or similar purpose if either of the following applies:

(1) The lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service.

(2) The service member, while in military service, executes the lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than ninety days.

b. "Vehicle lease" means a lease of a motor vehicle used, or intended to be used, by a service member or a service member's dependents for personal or business transportation if either of the following applies:

(1) The lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service under a call or order specifying a period of service of not less than ninety days, or who enters military service under a call or order specifying a period of ninety days of service or less and who, without a break in service, receives orders extending the period of military service to a period of not less than ninety days.

(2) The service member, while in military service, executes the lease and thereafter receives military orders to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than ninety days.

2. A service member may terminate a premises lease or vehicle lease pursuant to the requirements of this section. Termination of a premises lease or vehicle lease shall be made as follows:

a. By delivery by the lessee of written notice of such termination, and a copy of the service member's military orders, to the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee. A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease. For purposes of this paragraph, written notice may be accomplished by hand delivery, by private business carrier, or by placing the written notice in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the lessor or the lessor's grantee or to the lessor's agent or the agent's grantee, and depositing the written notice in the United States mail.

b. In the case of a vehicle lease, by return of the motor vehicle by the lessee to the lessor or the lessor's grantee, or to the lessor's agent or the agent's grantee, not later than fifteen days after the date of the delivery of written notice under paragraph *"a"*. A lessee's termination of

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a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.

3. In the case of a premises lease that provides for monthly payment of rent, termination of the lease is effective thirty days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered. In the case of any other premises lease, termination of the lease is effective on the last day of the month following the month in which the notice is delivered.

4. In the case of a vehicle lease, termination of the lease is effective on the day on which the vehicle is delivered to the lessor or the lessor's grantee.

5. Rents or lease amounts unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. In the case of a vehicle lease, the lessor shall not impose an early termination charge, but any summonses, title and registration fees, including the fee for new registration, and any other obligation and liability of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, use, and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

6. Rents or lease amounts paid in advance for a period after the effective date of the termination of the lease shall be refunded to the lessee by the lessor or the lessor's assignee or the assignee's agent within thirty days of the effective date of the termination of the lease.

7. Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a service member may be modified as justice and equity require.

8. *a.* Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a service member or a service member's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, commits a simple misdemeanor.

b. The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section.

2003 Acts, ch 154, §1; 2006 Acts, ch 1143, §3; 2007 Acts, ch 22, §12; 2008 Acts, ch 1113, §47
Referred to in §29A.100, 29A.105

29A.102 Installment contracts.

1. The creditor of a service member who, prior to entry into military service, has entered into an installment contract for the purchase or lease of real or personal property, including a motor vehicle, shall not terminate the contract or repossess the property for nonpayment or for any breach occurring during military service without an order from a court of competent jurisdiction.

2. The court, upon application to it under this section, shall, unless the court finds on the record that the ability of the service member to comply with the terms of the contract is not materially affected by reason of military service, do one or more of the following:

a. Order repayment of any prior installments or deposits as a condition of terminating the contract and resuming possession of the property.

b. Order a stay of the proceedings on its own motion, or on motion by the service member or another person on behalf of the service member.

c. Make any other disposition of the case it considers to be equitable to conserve the interests of all parties.

3. A person who knowingly repossesses property which is the subject of this section, other than as provided in subsection 1, commits a serious misdemeanor.

2002 Acts, ch 1117, §36, 40; 2006 Acts, ch 1143, §4; 2009 Acts, ch 166, §1
Referred to in §29A.100, 29A.101, 29A.105, 654.17C

29A.103 Mortgage foreclosures.

1. The creditor of a service member who, prior to entry into military service, has entered

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into a mortgage contract with the service member for the purchase of real or personal property shall not foreclose on the mortgage or repossess the property for nonpayment or for any breach occurring during military service without an order from a court of competent jurisdiction.

2. The court, upon application to it under this section, shall, unless the court finds on the record that the ability of the service member to comply with the terms of the mortgage is not materially affected by reason of military service, do one or more of the following:

a. Order repayment of any prior installments or deposits as a condition of terminating the contract and resuming possession of the property.

b. Order a stay of the proceedings on its own motion, or on motion by the service member or another person on behalf of the service member.

c. Make any other disposition of the case as it considers to be equitable to conserve the interests of all parties.

3. In order to come within the provisions of this section, the service member must establish all of the following:

a. That relief is sought on an obligation secured by a mortgage, trust deed, or other security in the nature of a mortgage on either real or personal property.

b. That the obligation originated prior to the service member's entry into military service.

c. That the property was owned by the service member prior to the commencement of military service.

d. That the property is owned by the service member at the time relief is sought.

4. A person who knowingly forecloses on property that is the subject of this section, other than as provided in subsection 1, commits a serious misdemeanor.

2002 Acts, ch 1117, §37, 40; 2009 Acts, ch 166, §2
Referred to in §29A.100, 29A.101, 29A.105, 654.17C

29A.103A Professional liability insurance.

An obligation or liability of a service member to pay a premium for professional liability insurance coverage shall be stayed for the service member during military service and the service member shall be allowed to continue coverage and resume payment upon completion of military service, without penalty.

2010 Acts, ch 1171, §3
Referred to in §29A.100, 29A.101, 29A.105

29A.104 Application for relief.

1. A service member may, at any time during military service or within thirty days after discharge or termination of military service, apply to a court for relief in respect of any obligation or liability incurred by the service member prior to military service.

2. The court, after appropriate notice and hearing, unless in its opinion the ability of the service member to comply with the terms of the obligation or liability has not been materially affected by reason of military service, shall grant the following relief:

a. In the case of an obligation payable under its terms in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, a stay of the enforcement of the obligation during the applicant's period of military service and, from the date of termination of the period of military service or from the date of application if made after termination of military service, for a period equal to the period of the remaining life of the installment contract or other instrument plus a period of time equal to the period of military service of the applicant, or any part of the combined period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or from the date of application, in equal installments during the combined period at the rate of interest on the unpaid balance as is prescribed in the contract, or other instrument evidencing the obligation, for installments paid when due, and subject to any other terms as the court may consider just.

b. In the case of any other obligation or liability, a stay of the enforcement during the applicant's period of military service and, from the date of termination of the period of military service or from the date of application if made after termination of the period of military

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service, for a period of time equal to the period of military service of the applicant or any part of that period, subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination of the period of military service or from the date of application, in equal periodic installments during the extended period at the rate of interest prescribed for the obligation or liability, if paid when due, and subject to other terms the court considers to be reasonable and just.

3. When any court has granted a stay as provided in this section, a fine or penalty shall not accrue for failure to comply with the terms or conditions of the obligation or liability for which the stay was granted during the period the terms and conditions of the stay are complied with.

2002 Acts, ch 1117, §38, 40
Referred to in §29A.100, 29A.101, 29A.105

29A.105 Applicability — contrary law.

Sections 29A.90 through 29A.104 apply notwithstanding any contrary provision of state law, which may include but is not limited to Titles XIII, XIV, and XV.

2002 Acts, ch 1117, §39, 40
Referred to in §29A.100

CHAPTER 29B

MILITARY JUSTICE

Referred to in §29A.51

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SUBCHAPTER I

GENERAL JURISDICTION

29B.1 Persons subject to code — definitions — short title.

1. A person shall not be punished for an offense under this chapter unless the person is a member of the military forces of the state and any of the following applies:

a. The person is on national guard duty or state active duty, including between consecutive drill periods which are less than twenty-four hours apart. For purposes of this paragraph, a member of the state military forces is on national guard duty or state active duty during travel to or from the member's duty location.

b. (1) The person is not on national guard duty or state active duty but a nexus exists between the offense and the military forces of the state. Only a commanding officer holding a position in the grade of 0-6 and above may impose nonjudicial punishment for an offense subject to this paragraph.

(2) For purposes of this paragraph, the military forces of the state shall have the burden to show the existence of a nexus by a preponderance of the evidence and the term nexus shall be liberally construed in favor of finding the existence of a nexus.

2. As used in this chapter, unless the context otherwise requires:

a. *"Code"* means this chapter.

b. *"State military forces"* means the same as defined in section 29A.6.

3. This chapter may be cited as the *"Iowa Code of Military Justice"*.

[C66, 71, 73, 75, 77, 79, 81, §29B.1; 82 Acts, ch 1042, §1]

2002 Acts, ch 1117, §41, 52; 2012 Acts, ch 1072, §21; 2017 Acts, ch 63, §2; 2021 Acts, ch 65, §2; 2021 Acts, ch 80, §15

29B.2 Jurisdiction to try personnel.

1. Each person discharged from the state military forces who is later charged with having fraudulently obtained a discharge is, subject to section 29B.44, subject to trial by court-martial on that charge and is after apprehension subject to this code while in the custody of the military for that trial. Upon conviction of that charge the person is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.

2. No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

3. A person who is charged with having committed an offense against this code may be called or ordered to duty for the purpose of investigation under section 29B.33, trial by court-martial, or nonjudicial punishment under section 29B.14.

4. A member of the state military forces who is subject to this code at the time of commission of an offense made punishable by this code is not relieved from amenability to the jurisdiction of this code by virtue of the termination of a period of duty.

[C66, 71, 73, 75, 77, 79, 81, §29B.2]

89 Acts, ch 82, §1; 2017 Acts, ch 54, §76; 2017 Acts, ch 63, §3

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29B.3 Territorial applicability of code.

1. This code applies throughout the state. It also applies to all persons otherwise subject to this code while they are serving outside the state, and while they are going to and returning from such service outside the state, in the same manner and to the same extent as if they were serving inside the state.

2. Courts-martial and courts of inquiry may be convened and held in units of the state military forces while those units are serving outside the state with the same jurisdiction and powers as to persons subject to this code as if the proceedings were held inside the state and offenses committed outside the state may be tried and punished either inside or outside the state.

[C66, 71, 73, 75, 77, 79, 81, §29B.3]
2019 Acts, ch 24, §104

SUBCHAPTER II

APPREHENSION AND RESTRAINT

29B.4 Apprehension.

1. *"Apprehension"* is the taking of a person into custody. Any person authorized by this code, or by regulations issued under it, to apprehend persons subject to this code, any marshal of a court-martial appointed pursuant to the provisions of this code, and any peace officer authorized to do so by law, may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

2. Commissioned officers, warrant officers, noncommissioned officers, and military police may quell quarrels, frays, and disorders among persons subject to this code and may apprehend persons subject to this code who take part therein.

[C54, 58, 62, §29.65; C66, 71, 73, 75, 77, 79, 81, §29B.4; 82 Acts, ch 1042, §2]
2019 Acts, ch 24, §104; 2022 Acts, ch 1032, §10

29B.5 Apprehension of deserters.

Any civil officer having authority to apprehend offenders under the laws of the United States or of a state, territory, commonwealth, or possession, or the District of Columbia may summarily apprehend a deserter from the state military forces and deliver the deserter into the custody of the state military forces. If an offender is apprehended outside the state the offender's return to the area must be in accordance with normal extradition procedures or reciprocal agreement.

[C66, 71, 73, 75, 77, 79, 81, §29B.5]

29B.6 Imposition of restraint.

1. *"Arrest"* is the restraint of a person by an order, not imposed as a punishment for an offense, directing the person to remain within certain specified limits. *"Confinement"* is the physical restraint of a person.

2. An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code or through any person authorized by this code to apprehend persons.

3. A commanding officer may authorize warrant officers or noncommissioned officers to order enlisted members of the officer's command or subject to the officer's authority into arrest or confinement.

4. A commissioned officer or a warrant officer may be ordered apprehended or into arrest or confinement only by a commanding officer to whose authority the commissioned or warrant officer is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons apprehended or into arrest or confinement may not be delegated.

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5. This section does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until the proper authority is notified.

[C54, 58, 62, §29.66; C66, 71, 73, 75, 77, 79, 81, §29B.6, 29B.7; 82 Acts, ch 1042, §3]
2016 Acts, ch 1011, §7

29B.7 Probable cause.

A person shall not be ordered apprehended or into arrest or confinement except for probable cause.

[C54, 58, 62, §29.66; C66, 71, 73, 75, 77, 79, 81, §29B.7; 82 Acts, ch 1042, §4]

29B.8 Restraint of persons charged with offenses.

Any person subject to this code charged with an offense under this code shall be ordered into arrest or confinement, as circumstances may require; but when charged only with an offense normally tried by a summary court-martial, such person shall not ordinarily be placed in confinement. When any person subject to this code is placed in arrest or confinement prior to trial, after charges are placed against the person, immediate steps shall be taken to inform the person of the specific wrong of which the person is accused and to try the person within sixty days of informing the accused or to dismiss the charges and release the person.

[C35, §467-f35; C39, §**467.37;** C46, 50, §29.37; C54, 58, 62, §29.67; C66, 71, 73, 75, 77, 79, 81, §29B.8]

29B.9 Posting of bond.

The accused may post bond in the amount ordered by the convening authority but not to exceed twice the authorized fine for such offense, however, no bond is permitted for capital offenses.

[C66, 71, 73, 75, 77, 79, 81, §29B.9]

29B.10 Confinement in jails.

Persons confined other than in a guardhouse, whether before, during or after trial by a military court, shall be confined in civil jails, penitentiaries, or prisons.

[C66, 71, 73, 75, 77, 79, 81, §29B.10]

29B.11 Reports and receiving of prisoners.

Every commander of a guard, master-at-arms, warden, keeper, or officer of a city or county jail or of any other jail, penitentiary, or prison, to whose charge a prisoner is committed shall, within twenty-four hours after that commitment or as soon as relieved from guard, report to the commanding officer of the prisoner the name of the prisoner, the offense charged against the prisoner, and the name of the person who ordered or authorized the commitment.

[C54, 58, 62, §29.68; C66, 71, 73, 75, 77, 79, 81, §29B.11]

29B.12 Punishment prohibited before trial.

Subject to section 29B.58, no person, while being held for trial or the result of a trial, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against the person, nor shall the arrest or confinement imposed upon the person be any more rigorous than the circumstances require to insure the person's presence, but the person may be subjected to minor punishment during that period for infractions of discipline.

[C66, 71, 73, 75, 77, 79, 81, §29B.12]

29B.13 Delivery of offenders to civil authorities.

1. Under regulations as may be prescribed under this code a person subject to this code who is on national guard duty or state active duty who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

2. When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, shall be held to interrupt the execution of the sentence of the court-martial, and the offender after

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having answered to the civil authorities for the offense shall, upon the request of competent military authority, be returned to military custody for the completion of the sentence.

[C35, §467-f61; C39, §**467.63;** C46, 50, §29.63; C54, 58, 62, §29.61; C66, 71, 73, 75, 77, 79, 81, §29B.13]

2002 Acts, ch 1117, §42, 52; 2004 Acts, ch 1086, §16; 2012 Acts, ch 1072, §22

SUBCHAPTER III

NONJUDICIAL PUNISHMENT

29B.14 Commanding officer's nonjudicial punishment.

1. Under regulations as the adjutant general may prescribe limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers authorized to exercise those powers, the applicability of this section to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, punishment shall not be imposed upon any member of the state military forces under this section if the member demands trial by court-martial in lieu of punishment before imposition of the punishment. The adjutant general may adopt rules relating to the suspension and mitigation of punishments authorized under this code. The adjutant general, or an officer of a general rank in command may delegate powers under this section to a principal assistant who is a member of the state military forces according to rules adopted by the adjutant general.

2. Subject to rules of the adjutant general, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose disciplinary punishments for minor offenses without the intervention of a court-martial as follows:

a. Upon officers under the officer's command any one or a combination of the following:

(1) Withholding of privileges for not more than two consecutive weeks.

(2) Restriction to certain specified limits with or without suspension from duty, for not more than two consecutive weeks.

(3) If imposed by a commanding officer of the state military forces of field grade or above, a fine of any amount up to a maximum of the equivalent of ten days' pay or the forfeiture of not more than ten days' pay.

b. Upon other military personnel under the officer's command any one or a combination of the following:

(1) Withholding of privileges for not more than two consecutive weeks.

(2) Restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks.

(3) Extra duties for not more than fourteen days, which need not be consecutive, and for not more than two hours per day, holidays included.

(4) Reduction to the next inferior pay grade if the current grade from which demoted is within the promotion authority of the officer imposing the reduction or an officer subordinate to the one imposing the reduction.

(5) A fine of any amount up to a maximum of the equivalent of four days' pay or the forfeiture of not more than four days' pay.

c. If the commanding officer is of field grade or above, any one or a combination of the following:

(1) Any of the punishments stated in paragraph "*b*", subparagraph (1), (2), or (3).

(2) A fine of any amount up to the maximum of the equivalent of ten days' pay or the forfeiture of not more than ten days' pay.

(3) Reduction to the lowest or any intermediate pay grade, if the current grade from which demoted is within the promotion authority of the officer imposing the reduction or an officer subordinate to the one imposing the reduction, but enlisted members in pay grades above E-4 shall not be reduced more than two pay grades.

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d. Maximum allowable punishments of withholding of privileges, restrictions, and extra duties shall not be combined to run consecutively.

3. A person punished under this section who considers the punishment unjust or disproportionate to the offense may appeal to the next superior authority through the proper channel. The authority considering the appeal may refer a case that has been appealed to a staff judge advocate or legal officer for consideration and advice and shall do so before deciding on the appeal when the punishment is restriction, withholding of privileges, extra duties, forfeiture of pay, or reduction from the fourth or higher pay grade. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, the officer's successor in command, or superior authority may suspend, set aside, or remit any part or amount of the punishment and restore all rights, privileges and property affected. In addition the officer or authority may at any time place the offender on probation and suspend a reduction in grade or forfeiture whether or not executed.

4. The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section, but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

5. When a punishment of forfeiture of pay and allowances is imposed under this section, the forfeiture may apply to pay or allowances accruing on or after that punishment is imposed and to pay and allowances accrued before that date.

[C54, 58, 62, §29.62; C66, 71, 73, 75, 77, 79, 81, §29B.14; 82 Acts, ch 1042, §5]
89 Acts, ch 82, §2 – 4
Referred to in §29B.2, 29B.18, 29B.44

SUBCHAPTER IV
COURTS-MARTIAL

29B.15 Courts-martial classified.

1. In the state military forces there are general, special, and summary courts-martial constituted like similar courts of the armed forces of the United States. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures provided for those courts.

2. The three kinds of courts-martial are:

a. General courts-martial, consisting of either of the following:

(1) A military judge and not less than five members.

(2) Only a military judge, if before the court is assembled the accused, knowing the identity of the military judge, and after consultation with defense counsel, requests in writing a court composed only of a military judge and the military judge approves.

b. Special courts-martial, consisting of any of the following:

(1) Not less than three members.

(2) A military judge and not less than three members.

(3) Only a military judge, if one has been detailed to the court, and the accused requests only a military judge under the same conditions as prescribed in subsection 2, paragraph "*a*", subparagraph (2).

c. Summary courts-martial, consisting of one commissioned officer.

[C35, §467-f33, -f61; C39, §**467.35, 467.63;** C46, 50, §29.35, 29.63; C54, 58, 62, §29.69; C66, 71, 73, 75, 77, 79, 81, §29B.15; 82 Acts, ch 1042, §6]
2008 Acts, ch 1032, §201

29B.16 Jurisdiction of courts-martial in general.

1. Each force of the state military forces has court-martial jurisdiction over all persons subject to this code.

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2. Courts-martial have primary jurisdiction of military offenses as defined in sections 29B.77 through 29B.116 of this code.

[C35, §467-f33, -f61; C39, §**467.35, 467.63;** C46, 50, §29.35, 29.63; C54, 58, 62, §29.69; C66, 71, 73, 75, 77, 79, 81, §29B.16]

2014 Acts, ch 1069, §1

Referred to in §29B.17, 29B.18

29B.17 Jurisdiction of general courts-martial.

Subject to section 29B.16, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the adjutant general may prescribe, adjudge any one or a combination of the following punishments:

1. A fine of not more than five thousand dollars.
2. Forfeiture of not more than twenty days' pay and allowances.
3. A reprimand.
4. Dismissal or dishonorable discharge.
5. Reduction of a noncommissioned officer to the ranks.

[C39, §**467.33;** C46, 50, §29.33; C54, 58, 62, §29.71; C66, 71, 73, 75, 77, 79, 81, §29B.17]

2008 Acts, ch 1026, §1; 2009 Acts, ch 41, §23

29B.18 Jurisdiction of special or summary courts-martial.

1. *a.* Subject to section 29B.16, special courts-martial have jurisdiction to try persons subject to this code for any offense for which they may have been punished under this code and may, under such limitations as the adjutant general may impose by rule, adjudge any one or a combination of the following punishments:

(1) A fine not exceeding two thousand five hundred dollars.
(2) Forfeiture of not more than twenty days' pay and allowances.
(3) A reprimand.
(4) Dismissal or dishonorable discharge.
(5) Reduction of a noncommissioned officer to the ranks.

b. A special courts-martial shall not try a commissioned officer.

2. *a.* Subject to section 29B.16, summary courts-martial have jurisdiction to try persons subject to this code, for any offense made punishable by this code.

b. A person with respect to whom summary courts-martial have jurisdiction shall not be brought to trial before a summary court-martial if the person objects, unless under section 29B.14 the person has been permitted and has elected to refuse punishment under that section. If objection to trial by summary court-martial is made by an accused who has not been permitted to refuse punishment under section 29B.14, trial shall be ordered by special or general court-martial, as appropriate.

c. A summary court-martial may, under limitations the adjutant general imposes by rule, adjudge any of the following punishments:

(1) A fine of not more than one thousand dollars for a single offense.
(2) Forfeiture of not more than twenty days' pay and allowances.
(3) Reduction of a noncommissioned officer to the ranks.

[C54, 58, 62, §29.72, 29.73; C66, 71, 73, 75, 77, 79, 81, §29B.18, 29B.24; 82 Acts, ch 1042, §7]

89 Acts, ch 82, §5; 2007 Acts, ch 22, §13; 2008 Acts, ch 1026, §2, 3

29B.19 Sentences of dismissal or dishonorable discharge to be approved by the governor.

In the state military forces a sentence of dismissal or dishonorable discharge shall not be executed until it is approved by the governor.

[C54, 58, 62, §29.75; C66, 71, 73, 75, 77, 79, 81, §29B.19; 82 Acts, ch 1042, §8]

Referred to in §29B.128

29B.20 Complete record.

A sentence imposing a dishonorable discharge, discharge under other than honorable conditions, dismissal, or confinement shall not be adjudged unless a complete record of the proceedings and testimony has been made, counsel having the qualifications prescribed

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under this code was detailed to represent the accused, and a military judge was detailed to the trial, except in any case in which a military judge could not be detailed to the trial because of physical conditions or military exigencies. If a military judge was not detailed to the trial, the convening authority shall make a detailed written statement, to be appended to the record, stating the reason a military judge could not be detailed.

[C66, 71, 73, 75, 77, 79, 81, §29B.20; 82 Acts, ch 1042, §9]

2000 Acts, ch 1154, §5

Referred to in §29B.60

29B.21 Confinement instead of fine.

In the state military forces, not on federal active duty, a court-martial may, instead of imposing a fine, sentence to confinement for not more than one day for each three dollars of the authorized fine.

[C35, §467-f35; C39, §**467.37;** C46, 50, §29.37; C54, 58, 62, §29.74; C66, 71, 73, 75, 77, 79, 81, §29B.21]

2012 Acts, ch 1072, §23

29B.22 Judge advocates and legal officers.

1. A judge advocate in the state military forces shall be a commissioned officer who is a member of the bar of the state. However, a judge advocate serving in the military forces of the state on April 22, 2002, who is not a member of the bar of the state shall not be required to become a member of the bar of the state to maintain military membership as a judge advocate. A judge advocate shall be either a federally recognized judge advocate or appointed as a judge advocate in the state military forces by the adjutant general.

2. The adjutant general shall designate a staff judge advocate for the army national guard and the air national guard. The adjutant general may appoint the number of judge advocates of the state military forces as the adjutant general considers necessary to perform state active duty to supplement or replace national guard judge advocates in emergencies or when the national guard judge advocates are on federal active duty.

3. Convening authorities shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command may communicate directly with the staff judge advocate of any command.

4. No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case may later act as staff judge advocate or legal officer to any reviewing authority upon the same case.

[C66, 71, 73, 75, 77, 79, 81, §29B.22]

2002 Acts, ch 1117, §43, 52; 2003 Acts, ch 44, §20; 2012 Acts, ch 1072, §24

SUBCHAPTER V

APPOINTMENT AND COMPOSITION OF COURTS-MARTIAL

29B.23 Who may convene general courts-martial.

In the state military forces general courts-martial may be convened by the governor, or by the adjutant general of the state of Iowa.

[C39, §**467.33;** C46, 50, §29.33; C54, 58, 62, §29.71; C66, 71, 73, 75, 77, 79, 81, §29B.23; 82 Acts, ch 1042, §10]

Referred to in §29B.128

29B.24 Who may convene special courts-martial.

In the state military forces, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where members of the state military forces are on duty, or of a division, brigade, regiment, wing, group, detached battalion, separate squadron, or

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other detached command, may convene special courts-martial. When any such officer is an accuser, the court shall be convened by superior competent authority.

[C54, 58, 62, §29.72; C66, 71, 73, 75, 77, 79, 81, §29B.24; 82 Acts, ch 1042, §11]

29B.25 Summary courts-martial — who may convene.

1. In the state military forces, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where members of the state military forces are on duty, or of a division, brigade, regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

2. When only one commissioned officer is present with a command or detachment, the officer shall be the summary court officer of that command or detachment and shall hear and determine all summary court-martial cases.

[C54, 58, 62, §29.73; C66, 71, 73, 75, 77, 79, 81, §29B.25; 82 Acts, ch 1042, §12]

2019 Acts, ch 24, §104

29B.26 Who may serve on courts-martial.

1. *a.* Any commissioned officer of or on duty with the state military forces is eligible to serve on all courts-martial for the trial of any person who may lawfully be brought before the courts for trial.

b. Any warrant officer of or on duty with the state military forces is eligible to serve on general and special courts-martial for the trial of any person, other than a commissioned officer, who may lawfully be brought before the courts for trial.

c. Any enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts-martial for the trial of any enlisted member who may lawfully be brought before the courts for trial, but the enlisted member shall serve as a member of a court only if, before the end of any pretrial session that is held or if none is held before the convening of the court, the accused personally has requested in writing, that enlisted members serve on it. After such a request, the accused shall not be tried by a general or special court-martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

d. In this section, the word *"unit"* means any regularly organized body of the state military forces.

2. When it can be avoided, a person subject to this code shall not be tried by a court-martial any member of which is junior to the person in rank or grade.

3. When convening a court-martial, the convening authority shall detail as members of the courts-martial persons who in the convening authority's opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. A person is not eligible to serve as a member of a general or special court-martial when the person is the accuser or a witness for the prosecution or has acted as investigating officer, staff judge advocate, or as counsel in the same case. If a military judge is not appointed for a special court-martial and if a commissioned officer who is a member of the bar of the highest court of the state and of appropriate rank and grade is present and not otherwise disqualified and within the command of the convening authority, the convening authority shall appoint the commissioned officer as president of a special court-martial. Failure to meet this requirement does not divest a military court of jurisdiction.

[C66, 71, 73, 75, 77, 79, 81, §29B.26; 82 Acts, ch 1042, §13]

2015 Acts, ch 29, §5

29B.27 Military judge of a general court-martial.

1. The authority convening a general court-martial shall detail a military judge to the court-martial. Subject to rules of the adjutant general, the authority convening a special

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court-martial may detail a military judge to the court-martial. A military judge shall preside over each open session of the court-martial to which the military judge has been detailed.

2. A military judge must be a commissioned officer of the state armed forces or a retired officer of the reserve components of the armed forces of the United States, a member of the bar of a federal court or a member of the bar of the highest court of the state, and certified to be qualified for the duty by the appropriate staff judge advocate of the state force concerned. The judge advocate responsible for certifying the military judge may recommend to the adjutant general that the adjutant general order to active duty retired personnel of the national guard or the United States armed forces who are qualified to act as military judges.

3. Unless the court-martial was convened by the governor neither the convening authority nor any member of the convening authority's staff shall prepare or review any report concerning the effectiveness, fitness, or efficiency of the military judge so detailed to perform the duties of a military judge. A person is not eligible to act as a military judge in a case if the person is the accuser or a witness for the prosecution or has acted as investigating officer or as a counsel in the same case. The military judge of a court-martial shall not consult with the members of the court except in the presence of the accused, trial counsel, and defense counsel, nor shall the military judge vote with members of the court.

[C35, §467-f38; C39, §**467.40;** C46, 50, §29.40; C54, 58, 62, §29.79; C66, 71, 73, 75, 77, 79, 81, §29B.27; 82 Acts, ch 1042, §14]

2002 Acts, ch 1117, §44, 52; 2017 Acts, ch 54, §76

29B.28 Detail of trial counsel and defense counsel.

1. For each general and special court-martial the authority convening the court shall detail trial counsel and defense counsel and assistants the authority considers appropriate. A person who has acted as investigating officer, military judge, or court member in a case shall not act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel, or assistant defense counsel in the same case. A person who has acted for the prosecution shall not act later in the same case for the defense, nor shall a person who has acted for the defense act later in the same case for the prosecution.

2. Trial counsel or defense counsel detailed for a general court-martial must be a person who is a member of the bar of the highest court of the state and certified as competent for the duty by the staff judge advocate.

3. In the case of a special court-martial:

a. The accused has the right to be represented at the trial by counsel having the qualifications stated in this section unless counsel having such qualifications cannot be provided because of physical conditions or military exigencies. If such counsel cannot be provided, the court may be convened and the trial held, but the convening authority shall append a detailed written statement to the record stating why such counsel was not provided.

b. If the trial counsel is qualified to act as counsel before a general court-martial, the defense counsel detailed by the convening authority must be a person similarly qualified.

c. If the trial counsel is a member of the bar of the highest court of the state, the defense counsel detailed by the convening authority must also be a member of the bar of the highest court of the state.

[C66, 71, 73, 75, 77, 79, 81, §29B.28; 82 Acts, ch 1042, §15]

2002 Acts, ch 1117, §45, 52; 2008 Acts, ch 1032, §201

Referred to in §29B.39, 29B.67

29B.29 Detail or employment of reporters and interpreters.

Under such regulations as the adjutant general may prescribe, the convening authority of a general or special court-martial or court of inquiry shall detail or employ certified court reporters, who shall record the proceedings of and testimony taken before that court. Under like regulations, the convening authority of a military court may detail or employ interpreters who shall interpret for the court.

[C66, 71, 73, 75, 77, 79, 81, §29B.29]

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29B.30 Absent and additional members.

1. A member of a general or special court-martial shall not be absent or excused after the court has been assembled for the trial of the accused except for physical disability or as the result of a challenge or by order of the convening authority for good cause.

2. If a general court-martial, except a general court-martial composed of a military judge only, is reduced below five members, the trial shall not proceed until the convening authority details new members sufficient in number to provide not less than five members. The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the new members of the court in the presence of the military judge, the accused, and counsel for both sides.

3. If a special court-martial, except a special court-martial composed of a military judge only, is reduced below three members, the trial shall not proceed until the convening authority details new members sufficient in number to provide not less than three members. The trial shall proceed with the new members present as if no evidence had previously been introduced at the trial, unless a verbatim record of the evidence previously introduced before the members of the court is read to the new members of the court in the presence of the military judge, if any, the accused, and counsel for both sides.

4. If the military judge of a court-martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed after the detail of a new military judge as if no evidence had previously been introduced unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

[C66, 71, 73, 75, 77, 79, 81, §29B.30; 82 Acts, ch 1042, §16]

SUBCHAPTER VI

PRETRIAL PROCEDURES

29B.31 Charges and specifications.

1. Charges and specifications shall be signed by a person subject to this code under oath before a person authorized by this code to administer oaths and shall state:

a. That the signer has personal knowledge of, or has investigated, the matters set forth therein; and

b. That they are true in fact to the best of the signer's knowledge and belief.

2. Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against the person as soon as practicable.

[C54, 58, 62, §29.64; C66, 71, 73, 75, 77, 79, 81, §29B.31]

2008 Acts, ch 1032, §201

Referred to in §29B.50

29B.32 Compulsory self-incrimination prohibited.

1. No person subject to this code may compel any person to make a self-incriminating statement or to answer any question the answer to which may tend to incriminate the person.

2. No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing the accused or suspect of the nature of the accusation and advising the accused or suspect that the accused or suspect does not have to make any statement regarding the offense of which the person is accused or suspected and that any statement made by the accused or suspect may be used as evidence against the accused or suspect in a trial by court-martial.

3. No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

4. No statement obtained from any person in violation of this section, or through the use

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of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

[C66, 71, 73, 75, 77, 79, 81, §29B.32]

2017 Acts, ch 54, §76

29B.33 Investigation.

1. A charge or specification shall not be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth in the charge or specification is made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

2. The accused shall be advised of the charges and of the right to be represented at the investigation by counsel. Upon the accused's own request the accused shall be represented by civilian counsel at the expense of the accused, or military counsel of the accused's own selection if such counsel is reasonably available, or by counsel detailed by the convening authority. At that investigation full opportunity shall be given to the accused to cross-examine prosecution witnesses if they are available and to present anything the accused may desire in the accused's own behalf, either in defense or mitigation, and the investigating officer shall examine witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

3. If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed above, no further investigation of that charge is necessary under this section unless it is demanded by the accused after the accused is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in the accused's own behalf.

4. The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

[C66, 71, 73, 75, 77, 79, 81, §29B.33; 82 Acts, ch 1042, §17]

2017 Acts, ch 54, §76

Referred to in §29B.2

29B.34 Forwarding of charges.

When a person is held for trial by general court-martial the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges directly to the person exercising general court-martial jurisdiction, together with the investigation and allied papers. If that is not practicable, the commanding officer shall report in writing to the adjutant general the reasons for delay.

[C66, 71, 73, 75, 77, 79, 81, §29B.34; 82 Acts, ch 1042, §18]

29B.35 Advice of staff judge advocate and reference for trial.

1. Before directing the trial of any charge by general court-martial, the convening authority shall refer the charge to the appropriate staff judge advocate of the state force concerned for consideration and advice. The convening authority may not refer a charge to a general court-martial for trial unless the authority has found that the charge alleges an offense under this code and is warranted by evidence indicated in the report of the investigation.

2. If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

[C66, 71, 73, 75, 77, 79, 81, §29B.35]

2002 Acts, ch 1117, §46, 52; 2019 Acts, ch 24, §104; 2020 Acts, ch 1062, §15

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29B.36 Service of charges.

The trial counsel to whom court-martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. The accused shall not be brought to trial before a general court-martial or be required to participate in a session before a military judge under section 29B.40 within a period of five days after the service of the charges upon the accused, or before a special court-martial within a period of three days after the service of the charges upon the accused, unless the accused consents otherwise.

[C66, 71, 73, 75, 77, 79, 81, §29B.36; 82 Acts, ch 1042, §19]

SUBCHAPTER VII

TRIAL PROCEDURE

29B.37 Adjutant general may prescribe rules.

The procedures, including modes of proof, in cases before military courts and other military tribunals shall be prescribed by the adjutant general by rule, but shall not be contrary to or inconsistent with this code. All courts and other proceedings shall be conducted under the procedural rules established under 10 U.S.C. ch. 47 unless otherwise provided in this code.

[C66, 71, 73, 75, 77, 79, 81, §29B.37; 82 Acts, ch 1042, §20]

2010 Acts, ch 1087, §2

29B.38 Unlawfully influencing action of court.

1. The authority convening a general, special, or summary court-martial or any other commanding officer, or officer serving on the staff of the authority, shall not censure, reprimand, or admonish the court or any member, military judge, or counsel of the court, with respect to the findings or sentence adjudged by the court, or with respect to any other exercise of its or the court or military judge or counsel's functions in the conduct of the proceeding. A person subject to this code shall not attempt to coerce or, by any unauthorized means, influence the action of the court-martial or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to the authority's judicial acts. Any violation of this section shall be punished as a court-martial may direct.

2. In the preparation of an effectiveness, fitness, or efficiency report or any other report or document used to determine whether a member of the state military force is qualified to be advanced in grade, reassigned, transferred, or retained on active duty, a person shall not do either of the following:

a. Consider or evaluate the performance of duty of the member as a member of a court-martial or military judge.

b. Give a less favorable rating or evaluation of a member of the state military forces because of the zeal with which the member, as counsel, represented an accused before a court-martial.

[C66, 71, 73, 75, 77, 79, 81, §29B.38; 82 Acts, ch 1042, §21]

29B.39 Duties of trial counsel and defense counsel.

1. The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

2. The accused has the right to be represented in the accused's defense before a general or special court-martial by civilian counsel if provided at the expense of the accused, or by military counsel selected by the accused if reasonably available, or by the defense counsel detailed under section 29B.28. If the accused selects defense counsel, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as associate counsel for the accused; otherwise they shall be excused by the military judge or by the president of the court-martial if there is no military judge.

3. In every court-martial proceeding, the defense counsel may, in the event of conviction,

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forward for attachment to the record of proceedings a brief of such matters the defense counsel feels should be considered in behalf of the accused on review, including any objection to the contents of the record which the defense counsel considers appropriate.

4. An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when the assistant is qualified to be a trial counsel as required by section 29B.28, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.

5. An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when the assistant is qualified to be the defense counsel as required by section 29B.28, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

[C66, 71, 73, 75, 77, 79, 81, §29B.39; 82 Acts, ch 1042, §22]
2017 Acts, ch 54, §76

29B.40 Sessions.

1. At any time after the service of charges referred for trial to a court-martial composed of a military judge and members, the military judge may, subject to this chapter, call the court into session without the presence of the members for the purpose of any of the following:

a. Hearing and determining motions raising defenses or objections which are capable of determination without trial of the issues raised by a plea of not guilty.

b. Hearing and ruling upon any matter which may be ruled upon by the military judge under this code, whether or not the matter is appropriate for later consideration or decision by the members of the court.

c. If permitted by rules of the adjutant general holding the arraignment and receiving the pleas of the accused.

d. Performing any other procedural function which may be performed by the military judge under this code or under rules adopted pursuant to this code and which does not require the presence of the members of the court.

2. *a.* These proceedings shall be conducted in the presence of the accused, the defense counsel, and the trial counsel and shall be made a part of the record.

b. When the members of a court-martial deliberate or vote, only the members may be present. All other proceedings, including any other consultation of the members of the court with counsel or the military judge, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and in cases in which a military judge has been detailed to the court, the military judge.

[C66, 71, 73, 75, 77, 79, 81, §29B.40; 82 Acts, ch 1042, §23]
2008 Acts, ch 1032, §201
Referred to in §29B.36

29B.41 Continuances.

A military judge or court-martial without a military judge may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

[C66, 71, 73, 75, 77, 79, 81, §29B.41; 82 Acts, ch 1042, §24]

29B.42 Challenges.

1. The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or the court in the absence of a military judge shall determine the relevancy and validity of challenges for cause, and shall not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

2. Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge shall not be challenged except for cause.

[C66, 71, 73, 75, 77, 79, 81, §29B.42; 82 Acts, ch 1042, §25]
2019 Acts, ch 24, §104

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29B.43 Oaths.

Before performing their official duties, military judges, members of a general and special courts-martial, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, reporters, and interpreters shall take an oath to perform their duties faithfully. The adjutant general shall adopt rules prescribing the form of the oath, the time and place of the taking of the oath, the manner of recording, and whether the oath must be taken for all cases in which official duties must be performed or for a particular case. The rules may provide that an oath to perform duties faithfully as a military judge, trial counsel, assistant trial counsel, defense counsel, or assistant defense counsel may be taken at any time by any judge advocate or legal officer, or other person certified to be qualified or competent for the duty, and that once taken the oath need not be taken again each time the person is detailed to that duty.

[C66, 71, 73, 75, 77, 79, 81, §29B.43; 82 Acts, ch 1042, §26]

2021 Acts, ch 76, §10

29B.44 Statute of limitations.

1. A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny, may be tried and punished at any time without limitation.

2. Except as otherwise provided in this section, a person charged with desertion in time of peace or with any other offense under this code is not liable to be tried by court-martial if the offense was committed more than five years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

3. Except as otherwise provided in this section, a person charged with any offense under this code is not liable to be punished under section 29B.14 if the offense was committed more than two years before the imposition of punishment under section 29B.14.

4. Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

5. If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations has expired or will expire within one hundred eighty days after the date the charges or specifications are dismissed, trial by court-martial or punishment under section 29B.14 is not barred by the statute of limitations if the following conditions are met:

a. The charges and specifications are received by an officer exercising summary court-martial jurisdiction or having the authority to conduct punishment under section 29B.14 within one hundred eighty days after the charges or specifications are dismissed.

b. The charges and specifications allege some or all of the same acts or omissions that were alleged in the dismissed charges or specifications.

[C66, 71, 73, 75, 77, 79, 81, §29B.44]

2017 Acts, ch 54, §76; 2017 Acts, ch 63, §4

Referred to in §29B.2

29B.45 Former jeopardy.

1. No person may, without the person's consent, be tried a second time in any military court of the state for the same offense.

2. No proceeding in which an accused has been found guilty by a court-martial upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

3. A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this section.

[C66, 71, 73, 75, 77, 79, 81, §29B.45]

2017 Acts, ch 54, §76

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29B.46 Pleas of the accused.

1. If the accused after arraignment makes an irregular pleading, or after a plea of guilty sets up defenses inconsistent with the plea, or if it appears that the accused has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if the accused fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though the accused had pleaded not guilty.

2. With respect to any charge or specification to which a plea of guilty has been made by the accused and accepted by the military judge, or by a court-martial without a military judge, a finding of guilty of the charge or specification may, if permitted by rules of the adjutant general be entered immediately without vote. This finding shall constitute the finding of the court unless the plea of guilty is withdrawn prior to the announcement of the sentence, in which case the proceedings shall continue as though the accused had pleaded not guilty.

[C66, 71, 73, 75, 77, 79, 81, §29B.46; 82 Acts, ch 1042, §27]

29B.47 Opportunity to obtain witnesses and other evidence.

1. The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the adjutant general may prescribe.

2. The military judge or the president of a court-martial without a military judge may:

a. Issue a warrant for the arrest of any accused person who having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

b. Issue subpoenas duces tecum and other subpoenas;

c. Enforce by attachment the attendance of witnesses and the production of books and papers; and

d. Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

3. Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the United States and shall be executed by civil officers as prescribed by laws of the United States or the place where the witness or evidence is located.

[C35, §467-f37; C39, §**467.39;** C46, 50, §29.39; C54, 58, 62, §29.76; C66, 71, 73, 75, 77, 79, 81, §29B.47; 82 Acts, ch 1042, §28]

2008 Acts, ch 1032, §201; 2010 Acts, ch 1087, §3

29B.48 Refusal to appear or testify.

1. Any person not subject to this code is guilty of a simple misdemeanor if the person does all of the following:

a. Has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer and designated to take a deposition to be read in evidence before such a court.

b. Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the courts of the state.

c. Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person has been legally subpoenaed to produce.

2. Upon certification of the facts in a case under this section by the military judge, president of courts-martial without a military judge, or summary courts-martial officer, the county attorney of the county where the offense occurred shall prosecute the offense as if it were included in the Iowa criminal code.

[C66, 71, 73, 75, 77, 79, 81, §29B.48; 82 Acts, ch 1042, §29]

2006 Acts, ch 1010, §19

29B.49 Contempts.

1. A military court may punish for contempt any person subject to this code who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot

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or disorder. The punishment shall not exceed confinement for thirty days or a fine of one hundred dollars, or both.

2. A person who is not subject to this code who engages in conduct described in subsection 1 is guilty of a simple misdemeanor. The facts shall be certified to the county attorney of the county in which the offense occurred who shall prosecute the case as if the offense were included in the Iowa criminal code.

[C66, 71, 73, 75, 77, 79, 81, §29B.49; 82 Acts, ch 1042, §30]

29B.50 Depositions.

1. At any time after charges have been signed, as provided in section 29B.31 any party may take oral or written depositions unless the military judge or court-martial without a military judge hearing the case, or if the case is not being heard, an authority competent to convene a court-martial for the trial of those charges forbids it for good cause. If a deposition is to be taken before charges are referred for trial, the authority may designate commissioned officers to represent the prosecution and the defense and may authorize those officers to take the deposition of any witness.

2. The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

3. Depositions may be taken before and authenticated by any military or civil officer authorized to administer oaths by the laws of the United States or by the laws of the place where the deposition is taken.

4. A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence before any court-martial or in any proceeding before a court of inquiry, if any of the following are apparent:

a. That the witness resides or is out of the state of Iowa and the witness' appearance cannot be obtained, unless it appears that the absence of the witness was procured by the party offering the deposition.

b. That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing.

c. That the party offering the deposition has been unable to procure the attendance of the witness by subpoena or other process and the present whereabouts of the witness is unknown.

[C66, 71, 73, 75, 77, 79, 81, §29B.50; 82 Acts, ch 1042, §31]

2008 Acts, ch 1032, §201

29B.51 Admissibility of records of courts of inquiry.

1. In any case not extending to the dismissal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court-martial if the accused was a party before the court of inquiry, and if the same issue was involved or if the accused consents to the introduction of such evidence.

2. Such testimony may be read in evidence only by the defense in cases extending to the dismissal of a commissioned officer.

3. Such testimony may also be read in evidence before a court of inquiry or a military board.

[C66, 71, 73, 75, 77, 79, 81, §29B.51]

2008 Acts, ch 1032, §201

29B.52 Voting and rulings.

1. Voting by members of a general or special court-martial on the findings and on the sentence, and by members of a court-martial without a military judge upon questions of challenge shall be by secret written ballot. The junior member of the court shall count the votes. The count shall be checked by the president, who shall immediately announce the result of the ballot to the members of the court.

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2. The military judge and, except for questions of challenge, the president of a court-martial without a military judge, shall rule upon all questions of law and all interlocutory questions arising during the proceedings. A ruling made by the military judge upon a question of law or an interlocutory question other than the factual issue of mental responsibility of the accused, or by the president of a court-martial without a military judge upon a question of law other than a motion for a finding of not guilty is final and constitutes the ruling of the court. However, the military judge may change a ruling at any time during the trial. Unless the ruling is final, if a member objects to the ruling, the court shall be cleared and closed and the question decided by a voice vote as provided in this code beginning with the junior in rank.

3. Before a vote is taken on the findings, the military judge or the president of a court-martial without a military judge shall, in the presence of the accused and counsel, instruct the members of the court as to the elements of the offense and charge them as follows:

a. That the accused must be presumed to be innocent until guilt is established by legal and competent evidence beyond reasonable doubt.

b. That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and the accused must be acquitted.

c. That, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt.

d. That the burden of proof for establishing the guilt of the accused beyond reasonable doubt is upon the state.

4. Subsection 3 does not apply to a court-martial composed of a military judge only. The military judge of a court-martial composed only of a military judge shall determine all questions of law and fact arising during the proceedings, and, if the accused is convicted, adjudge an appropriate sentence. The military judge shall make a general finding and shall find the facts specifically on request. If an opinion or memorandum of decision is filed, it is sufficient if the findings of fact appear in the opinion or memorandum of decision.

[C66, 71, 73, 75, 77, 79, 81, §29B.52; 82 Acts, ch 1042, §32]

29B.53 Number of votes required.

1. A person shall not be convicted of an offense, except as provided in this code by the concurrence of two-thirds of the members present at the time the vote is taken.

2. All sentences shall be determined by the concurrence of two-thirds of the members present at the time that the vote is taken.

3. All other questions to be decided by the members of a general or special court-martial shall be determined by a majority vote. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused but a determination to reconsider a finding of guilty or to reconsider a sentence for the purpose of possible reduction may be made by any lesser vote if the determination to reconsider is not opposed by two-thirds of the members present.

[C66, 71, 73, 75, 77, 79, 81, §29B.53; 82 Acts, ch 1042, §33]

2008 Acts, ch 1032, §201

29B.54 Court to announce action.

A court-martial shall announce its findings and sentence to the parties as soon as determined.

[C66, 71, 73, 75, 77, 79, 81, §29B.54]

29B.55 Record of trial.

1. Each general court-martial shall keep a separate record of the proceedings in each case brought before it, and the record shall be authenticated by the signature of the military judge. If the record cannot be authenticated by the military judge by reason of death, disability, or

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absence of the military judge, it shall be authenticated by the signature of the trial counsel or by the signature of a member if the trial counsel is unable to authenticate it by reason of death, disability, or absence. In a court-martial consisting of only a military judge the record shall be authenticated by the court reporter under the same conditions which would impose such a duty on a member under this subsection. If the proceedings have resulted in an acquittal of all charges and specifications or, if not affecting a general officer, in a sentence not including discharge, dismissal, or confinement and not in excess of that which may otherwise be adjudged by a special court-martial, the record shall contain matters prescribed by rules of the adjutant general.

2. Each special and summary court-martial shall keep a separate record of the proceedings in each case, and the record shall contain the matter and shall be authenticated in the manner required by rules of the adjutant general.

3. A copy of the record of the proceedings of each general and special court-martial shall be given to the accused as soon as the record is authenticated. If a verbatim record of trial by general court-martial is not required, but is made, the accused may buy the record as prescribed in rules of the adjutant general.

[C66, 71, 73, 75, 77, 79, 81, §29B.55; 82 Acts, ch 1042, §34]
2008 Acts, ch 1032, §201

SUBCHAPTER VIII

SENTENCES

29B.56 Cruel and unusual punishments prohibited.

Punishment by cruel or unusual punishment may not be adjudged by any court-martial or inflicted upon any person subject to this code.

[C66, 71, 73, 75, 77, 79, 81, §29B.56]

29B.57 Maximum fines.

The punishment which a court-martial may direct for an offense may not exceed limits prescribed by this code.

[C66, 71, 73, 75, 77, 79, 81, §29B.57]

29B.58 Effective date of sentences.

1. When a sentence of a court-martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended or deferred, the forfeiture shall apply only to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. A forfeiture shall not extend to any pay or allowances accrued before that date.

2. A period of confinement included in a sentence of a court-martial begins to run from the date the sentence is adjudged by the court-martial but periods during which the sentence to confinement is suspended or deferred shall be excluded in computing the service of the term of confinement, provided that credit be given for confinement served prior to trial. Rules prescribed by the adjutant general may provide that sentences of confinement shall not be executed until approved by designated officers.

3. All other sentences of courts-martial are effective on the date ordered executed.

4. On application by an accused who is under sentence to confinement that has not been ordered executed, the convening authority, or if the accused is no longer under the jurisdiction of the convening authority, the person exercising general court-martial jurisdiction, may in the person's discretion defer service of the sentence to confinement. The deferral terminates when the sentence is ordered executed. The deferral may be rescinded at any time by the officer who granted it, or, if the accused is no longer under jurisdiction of that officer, by the person exercising general court-martial jurisdiction.

5. Unless otherwise provided in rules of the adjutant general, a court-martial sentence of an enlisted member in pay grade above E-1, that includes a discharge under other than

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honorable conditions or confinement and that is approved by the convening authority reduces the member to pay-grade E-1, effective on the date of the approval.

6. If the sentence of a member who is reduced in pay grade under subsection 5 is set aside or disapproved, or, as finally approved, does not include a punishment named in subsection 5, the rights and privileges of which the member was deprived because of the reduction shall be restored and the member is entitled to the pay and allowances lost during the period the reduction was in effect.

[C66, 71, 73, 75, 77, 79, 81, §29B.58; 82 Acts, ch 1042, §35]
Referred to in §29B.12

29B.59 Execution of confinement.

1. A sentence of confinement adjudged by a military court, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the forces of the state military forces or in any jail, penitentiary, or prison designated for that purpose. Persons so confined in a jail, penitentiary, or prison are subject to the same discipline and treatment as persons confined or committed to the jail, penitentiary or prison by the courts of the state or of any political subdivision thereof.

2. The omission of the words "hard labor" from any sentence or punishment of a court-martial adjudging confinement does not deprive the authority executing that sentence or punishment of the power to require hard labor as a part of the punishment.

3. The keepers, officer, and wardens of city or county jails and of other jails, penitentiaries, or prisons shall receive persons ordered into confinement before trial and persons committed to such confinement by a military court and shall confine them according to law. No such keeper, officer or warden may require payment of any fee or charge for so receiving or confining a person.

[C66, 71, 73, 75, 77, 79, 81, §29B.59]
2017 Acts, ch 54, §76

SUBCHAPTER IX

REVIEW BY COURT-MARTIAL

29B.60 Execution of sentence — suspension of sentence.

Except as provided in sections 29B.20 and 29B.65, a court-martial sentence, unless suspended or deferred, may be ordered executed by the convening authority when approved by the convening authority. The convening authority shall approve the sentence or the part, amount, or commuted form of the sentence as the convening authority sees fit, and may suspend or defer the execution of the sentence.

[C66, 71, 73, 75, 77, 79, 81, §29B.60; 82 Acts, ch 1042, §36]

29B.61 Initial action of record.

1. After a trial by court-martial the record shall be forwarded to the convening authority, as reviewing authority, and action may be taken by the person who convened the court, a commissioned officer commanding for the time being, a successor in command, or by the adjutant general.

2. In acting on the findings and sentence of a court-martial, the convening authority may approve only such findings of guilty, and the sentence or part or amount of the sentence as the convening authority finds correct in law and fact and as in the convening authority's discretion should be approved. Unless the convening authority indicates otherwise, approval of the sentence includes approval of the findings.

[C66, 71, 73, 75, 77, 79, 81, §29B.61; 82 Acts, ch 1042, §37]
2019 Acts, ch 24, §104

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29B.62 General court-martial records.

The convening authority shall refer the record of each general court-martial to the appropriate staff judge advocate of the state force concerned, who shall submit a written opinion thereon to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

[C66, 71, 73, 75, 77, 79, 81, §29B.62]
2002 Acts, ch 1117, §47, 52

29B.63 Reconsideration and revision.

1. If a specification before a court-martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any further appropriate action.

2. Where there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court-martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action. In no case, however, may the record be returned:

a. For reconsideration of a finding of not guilty, or a ruling which amounts to a finding of not guilty;

b. For reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some section of this code; or

c. For increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory.

[C66, 71, 73, 75, 77, 79, 81, §29B.63]
2008 Acts, ch 1032, §201

29B.64 Rehearings.

1. If the convening authority disapproves the findings and sentence of a court-martial the convening authority may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing. In such case the convening authority shall state the reasons for disapproval. If the convening authority disapproves the findings and sentence and does not order a rehearing, the convening authority shall dismiss the charges.

2. Each rehearing shall take place before a court-martial composed of members not members of the court-martial which first heard the case. Upon a rehearing the accused may not be tried for any offense of which the accused was found not guilty by the first court-martial, and no sentence in excess of or more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

[C66, 71, 73, 75, 77, 79, 81, §29B.64]
2019 Acts, ch 24, §104

29B.65 Review of records — disposition.

1. If the convening authority is the governor or adjutant general, the convening authority's action on the review of any record of trial is final.

2. In all other cases not covered by subsection 1, if the sentence of a special court-martial as approved by the convening authority includes a bad-conduct discharge, dishonorable discharge, dismissal, or confinement, whether or not suspended, the entire record shall be sent to the appropriate staff judge advocate of the state force concerned to be reviewed in the same manner as a record of trial by general court-martial.

3. All other special and summary court-martial records shall be sent to the appropriate staff judge advocate of the state force concerned and shall be acted upon, transmitted, and disposed of as prescribed by rules of the adjutant general.

4. *a.* The staff judge advocate of the state force concerned shall review the record of

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trial in each case sent for review as provided under this section. If the final action of the court-martial has resulted in an acquittal of all charges and specifications, the opinion of the staff judge advocate is limited to questions of jurisdiction.

b. The staff judge advocate shall take final action in any case reviewable by the staff judge advocate.

5. In a case reviewable by the appropriate staff judge advocate under this section, the staff judge advocate may act only with respect to the findings and sentence as approved by the convening authority. The staff judge advocate may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as the staff judge advocate finds correct in law and fact and determines, on the basis of the entire record, should be approved. In consideration of the record, the staff judge advocate may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses. If the staff judge advocate sets aside the findings and sentence, the staff judge advocate may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If the staff judge advocate sets aside the findings and sentence and does not order a rehearing, the staff judge advocate shall order that the charges be dismissed.

6. In a case reviewable by the staff judge advocate under this section, the staff judge advocate shall instruct the convening authority to act in accordance with the decision on the review. If the staff judge advocate has ordered a rehearing but the convening authority finds a rehearing impracticable, the staff judge advocate may dismiss the charges.

7. The staff judge advocate may order one or more boards of review each composed of not less than three commissioned officers of the state military forces, each of whom must be a member of the bar of the highest court of the state. Each board of review shall review the record of any trial by court-martial including a sentence to a dishonorable discharge, dismissal or confinement, referred to it by the staff judge advocate. Boards of review have the same authority on review as the staff judge advocate has under this section.

[C66, 71, 73, 75, 77, 79, 81, §29B.65; 82 Acts, ch 1042, §38]

2002 Acts, ch 1117, §48, 52; 2008 Acts, ch 1032, §201

Referred to in §29B.60

29B.66 Error of law — lesser included offenses.

1. A finding or sentence of a court-martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

2. Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm so much of the finding as includes a lesser included offense.

[C66, 71, 73, 75, 77, 79, 81, §29B.66]

2019 Acts, ch 24, §104

29B.67 Review counsel.

1. Upon the final review of a sentence of a general court-martial or of a sentence to a dishonorable discharge, dismissal, or confinement, the accused has the right to be represented by counsel before the reviewing authority and before the appropriate staff judge advocate.

2. Upon the request of an accused entitled to be so represented, the appropriate staff judge advocate shall appoint a lawyer who is a member of the state military forces and who has the qualifications prescribed in section 29B.28, if available, to represent the accused before the reviewing authority and before the appropriate staff judge advocate, in the review of cases specified in this section.

3. If provided by the accused, an accused entitled to be so represented may be represented by civilian counsel before the reviewing authority and before the appropriate staff judge advocate.

[C66, 71, 73, 75, 77, 79, 81, §29B.67; 82 Acts, ch 1042, §39]

2002 Acts, ch 1117, §49, 52; 2017 Acts, ch 54, §76

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29B.68 Vacation of suspension.

1. Before the vacation of the suspension of a special court-martial sentence which as approved includes a discharge under other than honorable conditions, a dismissal, or a confinement, or of any general court-martial sentence, the officer having special court-martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at the hearing by counsel if the probationer so desires.

2. The record of the hearing and the recommendation of the officer having special court-martial jurisdiction shall be sent for action to the adjutant general in cases involving a general court-martial sentence and to the commanding officer of the force of state military forces of which the probationer is a member in all other cases covered by this section. If the adjutant general or commanding officer vacates the suspension, any unexecuted part of the sentence except a dismissal shall be executed.

3. The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

[C66, 71, 73, 75, 77, 79, 81, §29B.68; 82 Acts, ch 1042, §40]
2017 Acts, ch 54, §76

29B.69 Petition for a new trial.

At any time within two years after approval by the convening authority of a court-martial sentence which extends to dismissal, dishonorable or bad-conduct discharge, the accused may petition the governor for a new trial on ground of newly discovered evidence or fraud on the court-martial.

[C66, 71, 73, 75, 77, 79, 81, §29B.69; 82 Acts, ch 1042, §41]
Referred to in §29B.72

29B.70 Remission or suspension.

1. A convening authority may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures.

2. The governor may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

[C66, 71, 73, 75, 77, 79, 81, §29B.70]
2019 Acts, ch 24, §104

29B.71 Restoration.

1. Under such regulations as the adjutant general may prescribe, all rights, privileges, and property affected by an executed part of a court-martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon a new trial or rehearing.

2. If a previously executed sentence of dishonorable or bad-conduct discharge is not imposed on a new trial, the adjutant general shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of the accused's enlistment.

3. If a previously executed sentence of dismissal is not imposed on a new trial, the adjutant general shall substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the governor alone to such commissioned grade and with such rank as in the opinion of the governor that former officer would have attained had the former officer not been dismissed. The reappointment of such a former officer may be made if a position vacancy is available under applicable tables of organization. All times between the dismissal and reappointment shall be considered as service for all purposes.

[C66, 71, 73, 75, 77, 79, 81, §29B.71]
2017 Acts, ch 54, §76

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29B.72 Finality of proceedings — findings and sentences.

The proceedings, findings, and sentences of court-martial as reviewed and approved, as required by this code, and all dismissals and discharges carried into execution under sentences by courts-martial following review and approval, as required by this code, are final and conclusive. Orders publishing the proceedings are binding upon all departments, courts, agencies, and officers of the state, subject only to action upon a petition for a new trial as provided in section 29B.69.

[C66, 71, 73, 75, 77, 79, 81, §29B.72]

SUBCHAPTER X

PUNITIVE ARTICLES

29B.73 Persons to be tried or punished.

A person shall not be tried or punished for any offense provided for in this code unless it was committed while the person was in a duty status or during a time when the person was under lawful orders to be in a duty status.

[C66, 71, 73, 75, 77, 79, 81, §29B.73; 82 Acts, ch 1042, §42]

29B.74 Principals.

Any person subject to this code is a principal if the person does any of the following:

1. Commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission.

2. Causes an act to be done which if directly performed by the person would be punishable by this code.

[C66, 71, 73, 75, 77, 79, 81, §29B.74]

2006 Acts, ch 1010, §20

29B.75 Accessory after the fact.

Any person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent the offender's apprehension, trial or punishment shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.75]

29B.76 Conviction of lesser included offenses.

An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

[C66, 71, 73, 75, 77, 79, 81, §29B.76]

29B.77 Attempts.

1. An act, done with specific intent to commit an offense under this code, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

2. Any person subject to this code who attempts to commit any offense punishable by this code shall be punished as a court-martial may direct, unless otherwise specifically prescribed.

3. Any person subject to this code may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

[C66, 71, 73, 75, 77, 79, 81, §29B.77]

2017 Acts, ch 54, §76

Referred to in §29B.16

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29B.78 Conspiracy.

Any person subject to this code who conspires with any other person to commit an offense under this code shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.78]

Referred to in §29B.16

29B.79 Solicitation.

1. Any person subject to this code who solicits or advises another or others to desert in violation of section 29B.82 or mutiny in violation of section 29B.91 shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, the person shall be punished as a court-martial may direct.

2. Any person subject to this code who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of section 29B.96 or sedition in violation of section 29B.91 shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed, the person shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.79]

2019 Acts, ch 24, §104

Referred to in §29B.16

29B.80 Fraudulent enlistment — appointment or separation.

Any person shall be punished as a court-martial may direct if the person does any of the following:

1. Procures the person's own enlistment or appointment in the state military forces by knowingly false representation or deliberate concealment as to the person's qualifications for that enlistment or appointment and receives pay or allowances thereunder.

2. Procures the person's own separation from the state military forces by knowingly false representation or deliberate concealment as to the person's eligibility for that separation.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(1); C66, 71, 73, 75, 77, 79, 81, §29B.80]

2006 Acts, ch 1010, §21

Referred to in §29B.16

29B.81 Unlawful enlistment — appointment or separation.

Any person subject to this code who effects an enlistment or appointment in or a separation from the state military forces of any person who is known to the person subject to this code to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.81]

Referred to in §29B.16

29B.82 Desertion.

1. Any member of the state military forces who does any of the following is guilty of desertion:

a. Without authority goes or remains absent from the member's unit, organization, or place of duty with intent to remain away therefrom permanently.

b. Quits the member's unit, organization or place of duty with intent to avoid hazardous duty or to shirk important services.

c. Without being regularly separated from one of the state military forces enlists or accepts an appointment in the same or another one of the state military forces, or in one of the armed forces of the United States, without duly disclosing the fact that the member has not been regularly separated.

2. Any commissioned officer of the state military forces who, after tender of the officer's resignation and before notice of its acceptance, quits a post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

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3. Any person found guilty of desertion or attempt to desert shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.82]

2005 Acts, ch 3, §17

Referred to in §29B.16, 29B.79

29B.83 Absence without leave.

Any person subject to this code shall be punished as a court-martial may direct if the person without authority does any of the following:

1. Fails to go to the person's appointed place of duty at the time prescribed.
2. Goes from that place.
3. Leaves or remains absent from the unit, organization, or place of duty at which the person is required to be at the time prescribed.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(3); C66, 71, 73, 75, 77, 79, 81, §29B.83]

2006 Acts, ch 1010, §22

Referred to in §29B.16

29B.84 Missing movement.

Any person subject to this code who through neglect or design misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.84]

Referred to in §29B.16

29B.85 Contempt toward officials.

Any person subject to this code who uses contemptuous words against the president, the governor, or the governor of any other state, territory, commonwealth, or possession in which that person may be serving, shall be punished as a court-martial may direct.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(4); C66, 71, 73, 75, 77, 79, 81, §29B.85]

Referred to in §29B.16

29B.86 Disrespect toward superior commissioned officer.

Any person subject to this code who behaves with disrespect toward the person's superior commissioned officer shall be punished as a court-martial may direct.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(5); C66, 71, 73, 75, 77, 79, 81, §29B.86]

Referred to in §29B.16

29B.87 Assaulting or willfully disobeying superior commissioned officer.

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Strikes the person's superior commissioned officer or draws or lifts up any weapon or offers any violence against the superior commissioned officer while the superior commissioned officer is in the execution of the officer's office.
2. Willfully disobeys a lawful command of the person's superior commissioned officer.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(6); C66, 71, 73, 75, 77, 79, 81, §29B.87]

2006 Acts, ch 1010, §23

Referred to in §29B.16

29B.88 Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.

Any warrant officer or enlisted member shall be punished as a court-martial may direct if the person does any of the following:

1. Strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of the officer's office.

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2. Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer.

3. Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of the officer's office.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(7); C66, 71, 73, 75, 77, 79, 81, §29B.88]

2006 Acts, ch 1010, §24

Referred to in §29B.16

29B.89 Failure to obey order or regulation.

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Violates or fails to obey any lawful general order or regulation.

2. Having knowledge of any other lawful order issued by a member of the state military forces which it is the person's duty to obey, fails to obey the order.

3. Is derelict in the performance of the person's duties.

[C66, 71, 73, 75, 77, 79, 81, §29B.89]

2006 Acts, ch 1010, §25

Referred to in §29B.16

29B.90 Cruelty and maltreatment.

Any person subject to this code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to orders of the person subject to this code shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.90]

Referred to in §29B.16

29B.90A Interference with report of a crime to civilian law enforcement.

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Interferes with or reprises against any member of the state military forces who has indicated the intent to make or who has made a report to civilian law enforcement of a crime listed in section 29B.116A, subsection 1, where the accused and the victim are subject to this code at the time of the offense.

2. Fails to cooperate with or obstructs a civilian law enforcement investigation based upon a report in subsection 1.

2014 Acts, ch 1069, §2

Referred to in §29B.16

29B.91 Mutiny or sedition.

1. Any person subject to this code who:

a. With intent to usurp or override lawful military authority refuses, in concert with any other person, to obey orders or otherwise do the person's duty or creates any violence or disturbance against that authority is guilty of mutiny;

b. With intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition;

c. Fails to do the person's utmost to prevent and suppress a mutiny or sedition being committed in the person's presence, or fails to take all reasonable means to inform the person's superior commissioned officer or commanding officer of a mutiny or sedition which the person knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

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2. A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court-martial may direct.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(8); C66, 71, 73, 75, 77, 79, 81, §29B.91]

2008 Acts, ch 1032, §201

Referred to in §29B.16, 29B.79

29B.92 Resistance, breach of arrest and escape.

Any person subject to this code who resists apprehension or breaks arrest or who escapes from physical restraint lawfully imposed shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.92]

Referred to in §29B.16

29B.93 Releasing prisoner without proper authority.

Any person subject to this code who, without proper authority, releases any prisoner committed to the person's charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(9); C66, 71, 73, 75, 77, 79, 81, §29B.93]

Referred to in §29B.16

29B.94 Unlawful detention of another.

Any person subject to this code who, except as provided by law or regulation, apprehends, arrests, or confines any person shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.94]

Referred to in §29B.16

29B.95 Noncompliance with procedural rules.

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code.

2. Knowingly and intentionally fails to enforce or comply with any provisions of this code regulating the proceedings before, during, or after trial of an accused.

[C66, 71, 73, 75, 77, 79, 81, §29B.95]

2006 Acts, ch 1010, §26

Referred to in §29B.16

29B.96 Misbehavior before the enemy.

Any person subject to this code shall be punished as a court-martial may direct if the person, before or in the presence of the enemy, does any of the following:

1. Runs away.

2. Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is the person's duty to defend.

3. Through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property.

4. Casts away the person's arms or ammunition.

5. Is guilty of cowardly conduct.

6. Quits the person's place of duty to plunder or pillage.

7. Causes false alarms in any command, unit, or place under control of the armed forces of the United States or the state military forces.

8. Willfully fails to do the person's utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is the person's duty so to encounter, engage, capture or destroy.

9. Does not afford all practicable relief and assistance to any troops, combatants, vessels,

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or aircraft of the armed forces belonging to the United States or their allies, to the state, or to any other state, when engaged in battle.

[C66, 71, 73, 75, 77, 79, 81, §29B.96]

2006 Acts, ch 1010, §27

Referred to in §29B.16, 29B.79

29B.97 Subordinate compelling surrender.

A person subject to this code who compels or attempts to compel the commander of any place, vessel, aircraft, or other military property or any body of the state military forces, or of any other state, to surrender the place, property, or forces to an enemy or to abandon the place, property, or forces, or who strikes the colors or flag to an enemy without proper authority, shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.97; 82 Acts, ch 1042, §43]

Referred to in §29B.16

29B.98 Improper use of countersign.

Any person subject to this code who in time of war discloses the parole or countersign to any person not entitled to receive it, or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to the person's knowledge, the person was authorized and required to give, shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.98]

Referred to in §29B.16

29B.99 Forcing a safeguard.

Any person subject to this code who forces a safeguard shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.99]

Referred to in §29B.16

29B.100 Captured or abandoned property.

1. All persons subject to this code shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

2. Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

a. Fails to carry out the duties prescribed herein.

b. Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby the person receives or expects any profit, benefit, or advantage to the person or another directly or indirectly connected with the person.

c. Engages in looting or pillaging.

[C66, 71, 73, 75, 77, 79, 81, §29B.100]

2006 Acts, ch 1030, §9

Referred to in §29B.16

29B.101 Aiding the enemy.

Any person subject to this code shall be punished as a court-martial may direct if the person does any of the following:

1. Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things.

2. Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly.

[C66, 71, 73, 75, 77, 79, 81, §29B.101]

2006 Acts, ch 1010, §28

Referred to in §29B.16

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29B.102 Misconduct of a prisoner.

Any person subject to this code shall be punished as a court-martial may direct if the person, while in the hands of the enemy in time of war, does any of the following:

1. For the purpose of securing favorable treatment by the captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners.

2. While in a position of authority over such persons maltreats them without justifiable cause.

[C66, 71, 73, 75, 77, 79, 81, §29B.102]
2006 Acts, ch 1010, §29
Referred to in §29B.16

29B.103 False official statements — forgery.

1. A person subject to this code who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court-martial may direct.

2. A person subject to this code who with intent to defraud does either or both of the following is guilty of forgery and shall be punished as a court-martial may direct:

a. Falsely makes or alters a signature to, or a part of, a writing which would if genuine apparently impose a legal liability on another or change the person's legal right or prejudice the person's liability.

b. Utters, offers, issues, or transfers written material the person knows is falsely made or altered.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(2); C66, 71, 73, 75, 77, 79, 81, §29B.103; 82 Acts, ch 1042, §44]
Referred to in §29B.16

29B.104 Property crimes.

1. A person subject to this code who, while in a duty status, willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages property other than military property of the United States or of the state shall be punished as a court-martial may direct.

2. A person subject to this code who without proper authority sells or otherwise disposes of or who willfully or through neglect damages, destroys, or loses or who causes willfully or through neglect the damage, destruction, sale, or wrongful disposition of military property of the United States or the state shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.104; 82 Acts, ch 1042, §45]
Referred to in §29B.16

29B.105 Improper hazarding of vessel.

1. Any person subject to this code who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces of the United States or of the state military forces shall be punished as a court-martial may direct.

2. Any person subject to this code who negligently hazards or suffers to be hazarded any vessel of the armed forces of the United States or of the state military forces shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.105]
2019 Acts, ch 24, §104
Referred to in §29B.16

29B.106 Drunken or reckless driving.

Any person subject to this code who operates any vehicle while under the influence of an alcoholic beverage, a narcotic, hypnotic or other drug, or any combination of such substances, or in a reckless or wanton manner, shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.106]
Referred to in §29B.16
For operating while intoxicated provisions, see chapter 321J

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29B.107 Drunk on duty — sleeping on post — leaving post before relief.

Any person subject to this code who is found drunk on duty or sleeping upon the person's post, or who leaves the person's post before the person is regularly relieved, shall be punished as a court-martial may direct.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(10); C66, 71, 73, 75, 77, 79, 81, §29B.107]

Referred to in §29B.16

29B.107A Wrongful use or possession of controlled substances.

1. Any person subject to this code who wrongfully uses, possesses, manufactures, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces of the United States or of the state military forces, a controlled substance shall be punished as a court-martial may direct.

2. For purposes of this section, *"controlled substance"* includes but is not limited to any of the following:

a. Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

b. Any substance listed on a schedule of controlled substances prescribed by the president of the United States for the purposes of the uniform code of military justice, 10 U.S.C. ch. 47.

c. Any substance listed in schedules I through V of section 202 of the federal Controlled Substances Act, 21 U.S.C. §812.

3. Notwithstanding subsection 2, *"controlled substance"* does not include hemp or a hemp product excluded from schedule I of controlled substances as provided in section 124.204, subsection 7.

2010 Acts, ch 1087, §4; 2019 Acts, ch 130, §20, 33

Referred to in §29B.16

29B.108 Dueling.

Any person subject to this code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.108]

Referred to in §29B.16

29B.109 Malingering.

Any person subject to this code shall be punished as a court-martial may direct if the person for the purpose of avoiding work, duty, or service in the state military forces does any of the following:

1. Feigns illness, physical disablement, mental lapse, or derangement.
2. Intentionally inflicts self-injury.

[C66, 71, 73, 75, 77, 79, 81, §29B.109]

2006 Acts, ch 1010, §30

Referred to in §29B.16

29B.110 Riot or breach of peace.

Any person subject to this code who causes or participates in any riot or breach of the peace shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.110]

Referred to in §29B.16

29B.111 Provoking speeches or gestures.

Any person subject to this code who uses provoking or reproachful words or gestures toward any other person subject to this code shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.111]

Referred to in §29B.16

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29B.112 Perjury.

Any person subject to this code who in a judicial proceeding or in a court of justice conducted under this code willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.112]

Referred to in §29B.16

29B.113 Frauds against the government.

Any person subject to this code shall, upon conviction of any of the following, be punished as a court-martial may direct:

1. The person, knowing it to be false or fraudulent, does any of the following:

a. Makes any claim against the United States, the state, or any officer thereof.

b. Presents to any person in the civil or military service thereof, for approval or payment any claim against the United States, the state, or any officer thereof.

2. The person, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof, does any of the following:

a. Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements.

b. Makes any oath to any fact or to any writing or other paper knowing the oath to be false.

c. Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited.

3. The person, having charge, possession, custody, or control of any money, or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which the person receives a certificate or receipt.

4. The person, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(13); C66, 71, 73, 75, 77, 79, 81, §29B.113]

2006 Acts, ch 1010, §31

Referred to in §29B.16

29B.114 Larceny and wrongful appropriation.

1. Any person subject to this code who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind:

a. With intent permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to the person's own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

b. With intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to the person's own use or the use of any person other than the owner, is guilty of wrongful appropriation.

2. Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.

[C66, 71, 73, 75, 77, 79, 81, §29B.114]

2006 Acts, ch 1010, §32

Referred to in §29B.16

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29B.115 Conduct unbecoming an officer.

A commissioned officer who is convicted of conduct unbecoming an officer shall be punished as a court-martial directs.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(11); C66, 71, 73, 75, 77, 79, 81, §29B.115]

85 Acts, ch 67, §7

Referred to in §29B.16

29B.116 General article.

Though not specifically mentioned in this code, and subject to section 29B.116A, all disorders and neglects to the prejudice of good order and discipline in the state military forces and all conduct of a nature to bring discredit upon the state military forces, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

[C97, §2196 – 2198; SS15, §2215-f63; C24, 27, 31, §464; C35, §467-f59; C39, §**467.61;** C46, 50, §29.61; C54, 58, 62, §29.63(12); C66, 71, 73, 75, 77, 79, 81, §29B.116; 82 Acts, ch 1042, §46]

2000 Acts, ch 1154, §45; 2002 Acts, ch 1117, §50, 52; 2014 Acts, ch 1069, §3; 2015 Acts, ch 30, §29

Referred to in §29B.16

SUBCHAPTER XI

MISCELLANEOUS PROVISIONS

29B.116A Jurisdiction of offenses by civilian courts and notification of civilian authorities.

1. *a.* Jurisdiction under this code shall not be extended to the crimes of murder, manslaughter, sexual abuse, robbery, arson, extortion, assault, or burglary, jurisdiction of which is reserved exclusively to civilian courts.

b. The term *"civilian criminal offenses"* includes all offenses not defined in this code. Primary jurisdiction over civilian criminal offenses shall be with civilian courts, even when committed by a member of the state military forces while subject to this code.

c. Where a civilian criminal offense and a military offense defined in this code may be charged based on the same event, concurrent civilian and military jurisdiction shall exist.

2. *a.* A commander, who is made aware of an allegation that an offense under subsection 1, paragraph *"a"* or *"b"*, has been committed by a member of the state military forces against another member of the state military forces while both are subject to this code, shall notify, without delay, the civilian law enforcement agency having primary jurisdiction over the alleged offense. Upon notification, the agency shall promptly assign a case number to the allegation and shall share with the national guard the results of any investigation or inform the national guard of the reasons for not conducting an investigation.

b. (1) Regarding an allegation of sexual abuse, the commander shall provide the person making the allegation with written notice of the person's right to notify local civilian law enforcement authorities independently, as described in subsection 3. The written notice shall include contact information for an appropriate civilian law enforcement authority.

(2) Regarding an allegation of sexual abuse, the commander's obligation to notify under paragraph *"a"* shall not apply to an allegation that is a restricted report, as that term is defined in federal military regulations. The commander's obligation to notify under paragraph *"a"* shall apply to an allegation of sexual abuse that is an unrestricted report, as that term is defined in federal military regulations. The commander's written notification under subparagraph (1) shall inform the person making an allegation of sexual abuse that if the person consents to making an unrestricted report that the person is thereby consenting to the commander notifying an appropriate civilian law enforcement authority so that such an authority may initiate an investigation or collect evidence. The commander's written notification under subparagraph (1) shall also inform the person making the allegation that

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if the person consents to making an unrestricted report that the person is not required to speak with civilian law enforcement investigators or otherwise participate in an investigation by a civilian law enforcement authority.

3. Members of the state military forces who are victims of offenses described in subsection 1 retain the right to notify local civilian law enforcement authorities independently.

2014 Acts, ch 1069, §4; 2018 Acts, ch 1031, §2
Referred to in §29B.90A, 29B.116, 29B.116B, 803.1

29B.116B Adjutant general report.

1. The adjutant general shall report annually, by January 15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in section 29B.116A, subsection 1, which have been reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

2. The adjutant general may include in the annual report described in subsection 1 the number of sexual abuse cases reported to the United States department of defense that are not otherwise required to be included in the annual report pursuant to subsection 1.

2014 Acts, ch 1069, §5; 2015 Acts, ch 30, §30; 2021 Acts, ch 65, §3

29B.117 Courts of inquiry.

1. *a.* Courts of inquiry to investigate any matter may be convened by the adjutant general, the governor, or by any other person designated by the adjutant general or authorized to convene a general court-martial for that purpose, whether or not the persons involved have requested the inquiry.

b. A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

2. Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

3. *a.* Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

b. The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

c. Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

d. Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

e. Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

[C97, §2196 – 2198; SS15, §2215-f36; C24, 27, 31, §464; C35, §467-f32; C39, §**467.34;** C46, 50, §29.34; C54, 58, 62, §29.70; C66, 71, 73, 75, 77, 79, 81, §29B.117; 82 Acts, ch 1042, §47]
2008 Acts, ch 1032, §142

29B.118 Complaints or wrongs.

Any member of the state military forces who feels wronged by the member's commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the governor or adjutant general.

[C66, 71, 73, 75, 77, 79, 81, §29B.118]

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29B.119 Redress of injuries to property.

1. Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that the person's property has been wrongfully taken by members of the state military forces, the person may, subject to such regulations as the adjutant general may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved shall be charged against the pay of the offenders. The order of the commanding officer directing charges authorized in this section is conclusive, except as provided in this chapter, on any disbursement officer for the payment by the officer to the injured parties of the damages so assessed and approved.

2. Any person subject to this code who is accused of causing willful damage to property has the right to be represented by counsel, to summon witnesses in the person's behalf, and to cross-examine those appearing against the person. The person has the right of appeal to the next higher commander.

[C66, 71, 73, 75, 77, 79, 81, §29B.119]

2019 Acts, ch 24, §104; 2020 Acts, ch 1063, §19

29B.120 Process of military courts.

1. Military courts may issue any process or mandate necessary to carry into effect their powers. Such a court may issue subpoenas and subpoenas duces tecum and enforce by attachment attendance of witnesses and production of books and records, when it is sitting within the state and the witnesses, books and records sought are also so located.

2. Process and mandates may be issued by summary courts-martial, provost courts, a military judge, or the president of other military courts and may be directed to and executed by the marshals of the military court or any peace officer. Process and mandates shall be in a form prescribed by rules issued under this code.

3. All officers to whom process or mandates may be so directed shall execute them and make return of their acts thereunder according to the requirements of those documents. Except as otherwise specifically provided in this code, no such officer may demand or require payment of any fee or charge for receiving, executing, or returning such a process or mandate or for any service in connection therewith.

[C35, §467-f34; C39, §**467.36;** C46, 50, §29.36; C54, 58, 62, §29.77; C66, 71, 73, 75, 77, 79, 81, §29B.120; 82 Acts, ch 1042, §48]

2017 Acts, ch 54, §76

29B.121 through 29B.124 Reserved.

29B.125 Immunity for action of military courts.

An accused shall not bring an action or proceeding against the convening authority or a member of a military court or board convened under this code or a person acting under its authority or reviewing its proceedings because of the approval, imposition, or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court or board convened under this code.

[82 Acts, ch 1042, §50]

29B.126 Payment and disposition of fines.

Fines imposed by a military court may be paid to the court or to an officer executing its process. The amount of the fine may be noted upon any state payroll or pay account and fines may be deducted from any pay or allowance due or thereafter to become due to the offender, until the fine is collected. Any sum so deducted shall be turned into the military court that imposed the fine. An officer collecting a fine or penalty imposed by a military court upon an officer or enlisted person shall pay the fine within thirty days to the judge advocate, who shall transmit the fine to the adjutant general. The adjutant general shall monthly, deposit all fines

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and penalties so received with the state treasurer, to be credited to the general fund of the state. Forfeited bonds shall be processed in the same manner.

[82 Acts, ch 1042, §51]

29B.127 Presumption of jurisdiction.

The jurisdiction of the military courts and boards established by this code shall be presumed and the burden of proof rests on any person seeking to deny those courts or boards jurisdiction in any action or proceeding.

[82 Acts, ch 1042, §52]

29B.128 Delegation of authority by the governor.

The governor may delegate any authority vested in the governor under this code, and may provide for the subdelegation of any such authority, except the power given to the governor by sections 29B.19 and 29B.23.

[82 Acts, ch 1042, §53]

29B.129 Authority to administer oaths.

The following members of the state military forces may administer oaths for the purposes of military administration including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public as provided in chapter 9B:

1. All summary courts-martial.
2. Adjutants, assistant adjutants, acting adjutants, and personnel adjutants.
3. Commanding officers.
4. Staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.
5. The president, military judge, trial counsel, and assistant trial counsel for general and special courts-martial.
6. The president and the counsel for the court of any court of inquiry.
7. Officers designated to take a deposition.
8. Persons detailed to conduct an investigation.
9. Other persons designated by state law or by rules of the governor.

[82 Acts, ch 1042, §54]

2002 Acts, ch 1117, §51, 52; 2012 Acts, ch 1050, §33, 60

29B.130 Uniformity of interpretation.

This code shall be construed as to effectuate the general purpose of uniformity, so far as practical, with the uniform code of military justice, 10 U.S.C. ch. 47.

2010 Acts, ch 1087, §5

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SUBTITLE 12

EMERGENCY CONTROL

CHAPTER 29C

EMERGENCY MANAGEMENT AND SECURITY

Referred to in §7.19, 8.55, 30.2, 163.3A, 163.3D, 331.424, 331.427, 384.12, 455B.381, 455B.385, 456A.37, 622.10, 669.2

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29C.1 Statement of policy.

Because of existing and increasing possibility of the occurrence of disasters, and in order to insure that preparations of this state will be adequate to deal with such disasters, and to provide for the common defense and to protect the public peace, health and safety, and to preserve the lives and property of the people of the state, it is the policy of this state:

1. To establish a department of homeland security and emergency management and to authorize the establishment of local organizations for emergency management in the political subdivisions of the state.

2. To confer upon the governor and upon the executive heads or governing bodies of the political subdivisions of the state the emergency powers provided in this chapter.

3. To provide for the rendering of mutual aid among the political subdivisions of the state and with other states, to cooperate with the federal government with respect to the carrying out of emergency management functions, and to ensure the state government and its departments and agencies facilitate the rapid response of businesses and workers in the state and other states to a disaster.

[C62, §28A.3; C66, 71, 73, 75, §29C.3; C77, 79, 81, §29C.1]

92 Acts, ch 1139, §1; 2003 Acts, ch 179, §157; 2012 Acts, ch 1023, §157; 2013 Acts, ch 29, §14; 2016 Acts, ch 1095, §1, 14

29C.2 Definitions.

1. *"Commission"* means a local emergency management commission or joint emergency management commission.

2. *"Department"* means the department of homeland security and emergency management.

3. *"Director"* means the director of the department of homeland security and emergency management.

4. *"Disaster"* means man-made and natural occurrences, such as fire, flood, drought, earthquake, tornado, windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes attack, sabotage, or other hostile action from within or without the state.

5. *"Homeland security"* means the detection, prevention, preemption, deterrence of, and protection from attacks targeted at state territory, population, and infrastructure.

6. *"Local administrative entity"* means a countywide provider, or a provider of a statewide program with local offices throughout the state, contracted for the administration of the disaster aid individual assistance grant program and the disaster case advocacy program.

7. *"Local emergency management agency"* means a countywide joint county-municipal public safety agency organized to administer this chapter under the authority of a commission.

8. *"Mass notification and emergency messaging system"* means a system which disseminates emergency and public safety-related information to the public by various means including but not limited to telephone, wireless communications service, dual party relay service or telecommunications device, text messaging, electronic mail, and facsimile, and which integrates with federal emergency messaging systems.

9. *"Public disorder"* means such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting, and persistent violent civil disobedience.

[C77, 79, 81, §29C.2; 81 Acts, ch 32, §1]

92 Acts, ch 1139, §2; 2001 Acts, 2nd Ex, ch 1, §20, 21, 28; 2011 Acts, ch 69, §1, 2; 2013 Acts, ch 29, §15; 2014 Acts, ch 1136, §24; 2015 Acts, ch 29, §6; 2017 Acts, ch 136, §1; 2024 Acts, ch 1173, §1

Referred to in §8D.9, 24.6, 29A.7, 34A.2, 34A.3, 34A.8, 135.140, 256.9, 257.31, 273.2, 273.3, 273.14, 298.3, 331.441, 384.3A, 384.24, 613.17, 669.2

29C.3 Proclamation of state of public disorder by governor.

1. The governor may, after finding a state of public disorder exists, proclaim a state of public disorder emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state.

2. Notice of a proclamation of a state of public disorder emergency shall be given by the secretary of state by publication in a newspaper of general circulation in the area affected, by broadcast through radio and television serving the area affected, and by posting signs at conspicuous places within this area. The exercise of the special powers by the governor under this section shall not be precluded by the lack of giving notice if the giving of notice has been diligently attempted. All orders and rules promulgated under the proclamation shall be given public notice by the governor in the area affected.

3. A state of public disorder emergency shall continue for ten days, unless sooner terminated by the governor. The general assembly may, by concurrent resolution, rescind a proclamation of a state of public disorder emergency. If the general assembly is not in session, the legislative council may, by a majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state.

4. The governor may, during the existence of a state of public disorder emergency, prohibit:

a. Any person being in a public place during the hours declared by the governor to be a period of curfew if this period does not exceed twelve hours in any one day and if its area of its application is specifically designated.

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b. Public gatherings of a designated number of persons within a designated area.

c. The manufacture, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion.

d. The possession of any flammable or explosive liquids or materials in a glass or uncapped container, except in connection with normal operation of motor vehicles or normal home and commercial use.

e. The sale, purchase, or dispensing of alcoholic beverages.

f. The sale, purchase, or dispensing of such other commodities as are designated by the governor.

g. The use of certain streets or highways by the public.

h. Such other activities as the governor reasonably believes should be prohibited to help maintain life, health, property, or the public peace.

[C77, 79, 81, §29C.3]

2017 Acts, ch 54, §76; 2017 Acts, ch 69, §34

Referred to in §68A.405A

29C.4 Judicial protections.

The supreme court shall promulgate rules for emergency proceedings to be effective upon the declaration of a state of public disorder emergency in order that the constitutional rights of all persons taken into custody shall be adequately protected.

[C77, 79, 81, §29C.4]

29C.5 Department of homeland security and emergency management.

The department of homeland security and emergency management is created. The department of homeland security and emergency management shall be responsible for the administration of emergency planning matters, including emergency resource planning in this state, cooperation with, support of, funding for, and tasking of the civil air patrol for missions not qualifying for federal mission status as described in section 29A.3A in accordance with operational and funding criteria developed with the adjutant general and coordinated with the civil air patrol, homeland security activities, and coordination of available services and resources in the event of a disaster to include those services and resources of the federal government and private entities.

[C62, §28A.1; C66, 71, 73, 75, §29C.1; C77, 79, 81, §29C.5]

92 Acts, ch 1139, §3; 2001 Acts, 2nd Ex, ch 1, §22, 28; 2003 Acts, ch 179, §157; 2005 Acts, ch 119, §4; 2013 Acts, ch 29, §16; 2017 Acts, ch 28, §1

Referred to in §7E.5, 8.57D, 29A.3A, 418A.1

29C.6 Proclamation of disaster emergency by governor.

In exercising the governor's powers and duties under this chapter and to effect the policy and purpose, the governor may:

1. *a.* After finding a disaster exists or is threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the governor, and be filed with the secretary of state. If the state of disaster emergency specifically constitutes a public health disaster as defined in section 135.140, the written proclamation shall include a statement to that effect. A state of disaster emergency shall continue for thirty days, unless sooner terminated or extended in writing by the governor. The general assembly may, by concurrent resolution, rescind this proclamation. If the general assembly is not in session, the legislative council may, by majority vote, rescind this proclamation. Rescission shall be effective upon filing of the concurrent resolution or resolution of the legislative council with the secretary of state. A proclamation of disaster emergency shall activate the disaster response and recovery aspect of the state, local, and interjurisdictional disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan applies, and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available.

b. A measure dictated in a state of disaster emergency shall not do any of the following:

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(1) Authorize a change to established laws, policies, or regulations governing a local, county, or state election for public office absent prior approval of the general assembly.

(2) Regulate conduct within a private residence.

(3) Require a vaccination.

c. A measure dictated in a state of disaster emergency that constitutes a public health disaster, as defined in section 135.140, shall not require but may recommend that a private business operating within this state cease the business's lawful operations.

2. When, at the request of the governor, the president of the United States has declared a major disaster to exist in this state, enter into purchase, lease, or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and to make such units available to any political subdivision of the state, to assist any political subdivision of this state which is the locus of temporary housing for disaster victims, to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units, by advancing or lending funds available to the governor from any appropriation made by the legislature or from any other source, allocating funds made available by any agency, public or private, or becoming a copartner with the political subdivision for the execution and performance of any temporary housing for disaster victims project. Any political subdivision of this state is expressly authorized to acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements are necessary to prepare or equip such sites to utilize the housing units. The governor may temporarily suspend or modify, for not to exceed sixty days, any public health, safety, zoning, transportation, or other requirement of law or regulation within this state when by proclamation, the governor deems such suspension or modification essential to provide temporary housing for disaster victims.

3. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that a local government of the state will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, apply to the federal government, on behalf of the local government for a loan, receive and disburse the proceeds of any approved loan to any applicant local government, determine the amount needed by any applicant local government to restore or resume its governmental functions, and certify the same to the federal government; however, no application amount shall exceed twenty-five percent of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs. The governor may recommend to the federal government, based upon the governor's review, the cancellation of all or any part of repayment when, in the first three full fiscal year period following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional disaster-related expenses of a municipal operation character.

4. When a disaster emergency is proclaimed, notwithstanding any other provision of law, through the use of state agencies or the use of any of the political subdivisions of the state, clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety or public or private property. The governor may accept funds from the federal government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately owned land or water. Authority shall not be exercised by the governor unless the affected local government, corporation, organization, or individual shall first present an additional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, such corporation, organization, or individual shall first agree to hold harmless the state or local government against any claim arising from such removal. The state and any of its officers or employees who are engaged in the removal of debris or wreckage on public property shall not be liable to the affected local government on account of any act or omission in good faith while so engaged or on account of the maintenance or use of any equipment or supplies in connection with the removal of debris or wreckage. For purposes of this subsection, *"good faith"* shall not include willful misconduct, gross negligence, or recklessness. When the

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governor provides for clearance of debris or wreckage, employees of the designated state agencies or individuals appointed by the state may enter upon private land or waters and perform any tasks necessary to the removal or clearance operation. Any state employee or agent complying with orders of the governor and performing duties pursuant to such orders under this chapter shall be considered to be acting within the scope of employment within the meaning specified in chapter 669.

5. When the president of the United States has declared a major disaster to exist in the state and upon the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund such financial assistance, subject to such terms and conditions as may be imposed upon the grant and enter into an agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent thereof, and, if state funds are not otherwise available to the governor, accept an advance of the state share from the federal government to be repaid when the state is able to do so.

6. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules, of any state agency, if strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency by stating in a proclamation such reasons. Upon the request of a local governing body, the governor may also suspend statutes limiting local governments in their ability to provide services to aid disaster victims.

7. On behalf of this state, enter into mutual aid arrangements with other states, including mutual aid arrangements with other states that extend the terms and conditions set forth in the interstate emergency management assistance compact described in section 29C.21 to situations in which an emergency or disaster proclamation has not been made by the governor of an affected state, and to coordinate mutual aid plans between political subdivisions of this state.

8. Delegate any administrative authority vested in the governor under this chapter and provide for the subdelegation of any such authority.

9. Cooperate with the president of the United States and the heads of the armed forces, the emergency management agencies of the United States and other appropriate federal officers and agencies and with the officers and agencies of other states in matters pertaining to emergency management of the state and nation.

10. Utilize all available resources of the state government as reasonably necessary to cope with the disaster emergency and of each political subdivision of the state.

11. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management.

12. Subject to any applicable requirements for compensation, commandeer or utilize any private property if the governor finds this necessary to cope with the disaster emergency.

13. Direct the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

14. Prescribe routes, modes of transportation, and destinations in connection with evacuation.

15. Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises in such area.

16. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles.

17. *a.* When the president of the United States has declared a major disaster to exist in the state or any other emergency financial assistance is provided by the federal government, and upon the governor's determination that financial assistance is essential to meet disaster-related necessary expenses or serious needs of local and state government adversely affected by a major disaster or emergency that cannot be otherwise adequately met from other means of assistance, accept a grant by the federal government to fund the financial assistance, subject to terms and conditions imposed upon the grant, and enter into an

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agreement with the federal government pledging the state to participate in the funding of the financial assistance authorized to local government and eligible private nonprofit agencies in an amount not to exceed ten percent of the total eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government for state disaster or emergency financial assistance-related expenses or serious needs, the state shall participate in the funding of the financial assistance authorized in an amount not to exceed twenty-five percent of the total eligible expenses. If financial assistance is granted by the federal government for hazard mitigation, the state may participate in the funding of the financial assistance authorized to a local government in an amount not to exceed ten percent of the eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government for state-related hazard mitigation, the state may participate in the funding of the financial assistance authorized, not to exceed fifty percent of the total eligible expenses. If state funds are not otherwise available to the governor, an advance of the state share may be accepted from the federal government to be repaid when the state is able to do so.

b. State participation in funding financial assistance under paragraph *"a"* is contingent upon the local government having on file a state-approved, comprehensive emergency plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

18. Direct the disbursement of moneys by the department of management under section 8.55, subsection 3, paragraph *"f"*, with the approval of the executive council.

[C62, §28A.3; C66, 71, 73, 75, §29C.3; C77, 79, 81, §29C.6; 81 Acts, ch 32, §2]

85 Acts, ch 53, §1; 92 Acts, ch 1139, §4; 99 Acts, ch 86, §3, 4; 2003 Acts, ch 33, §7, 11; 2011 Acts, ch 69, §3; 2014 Acts, ch 1014, §1; 2017 Acts, ch 54, §76; 2017 Acts, ch 69, §35; 2022 Acts, ch 1081, §1; 2023 Acts, ch 66, §7; 2024 Acts, ch 1043, §31; 2024 Acts, ch 1069, §1; 2025 Acts, ch 28, §83; 2026 Acts, ch 1184, §2

Referred to in §8.55, 8D.9, 16.57B, 16.194, 16.194A, 16.196, 29C.7, 29C.8, 29C.24, 53.2, 68A.405A, 100D.13, 135.140, 135.144, 135M.1, 135M.3, 135M.4, 161A.75, 418.4, 423.6, 455B.262A, 478.35, 613.17, 670.4

Emergency care or assistance rendered during disasters, see §613.17

Subsection 1 amended

29C.7 Hazard mitigation financial assistance.

1. If financial assistance is granted by the federal government under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. §5121 et seq. or the federal National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325, 42 U.S.C. §4001 et seq. for hazard mitigation and section 29C.6 is not applicable, the state may participate in the funding of the financial assistance authorized to a local government in an amount not to exceed ten percent of the eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government as described in this section for state-related hazard mitigation, the state may participate in the funding of the financial assistance authorized, not to exceed fifty percent of the total eligible expenses.

2. State participation in funding financial assistance to local government under subsection 1 is contingent upon the local government having on file a state-approved, comprehensive emergency plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

2020 Acts, ch 1041, §1

29C.8 Powers and duties of director.

1. The department of homeland security and emergency management shall be under the management of a director who shall be appointed by the governor, subject to confirmation by the senate, and who shall serve at the pleasure of the governor.

2. The director shall be vested with the authority to administer emergency management and homeland security affairs in this state and shall be responsible for preparing and executing the emergency management and homeland security programs of this state subject to the direction of the governor.

3. The director, upon the direction of the governor, shall:

a. Prepare a comprehensive emergency plan and emergency management program for homeland security, disaster preparedness, response, recovery, mitigation, emergency

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operation, and emergency resource management of this state. The plan and program shall be integrated into and coordinated with the homeland security and emergency plans of the federal government and of other states to the fullest possible extent. The director shall also coordinate the preparation of plans and programs for emergency management of the political subdivisions and various state departments of this state. The plans shall be integrated into and coordinated with a comprehensive state homeland security and emergency program for this state as coordinated by the director to the fullest possible extent.

b. Make such studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the vulnerabilities of critical state infrastructure and assets to attack and the capabilities of the state for disaster recovery, disaster planning and operations, and emergency resource management, and to plan for the most efficient emergency use thereof.

c. Provide technical assistance to any commission requiring the assistance in the development of an emergency management or homeland security program.

d. Implement planning and training for emergency response teams as mandated by the federal government under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §9601 et seq.

e. Prepare a critical asset protection plan that contains an inventory of infrastructure, facilities, systems, other critical assets, and symbolic landmarks; an assessment of the criticality, vulnerability, and level of threat to the assets; and information pertaining to the mobilization, deployment, and tactical operations involved in responding to or protecting the assets.

f. Approve and support the development and ongoing operations of homeland security and emergency response teams to be deployed as a resource to supplement and enhance disrupted or overburdened local emergency and disaster operations and deployed as available to provide assistance to other states pursuant to the interstate emergency management assistance compact described in section 29C.21. The following shall apply to homeland security and emergency response teams:

(1) A member of a homeland security and emergency response team acting under this section upon the directive of the director or pursuant to a governor's disaster emergency proclamation as provided in section 29C.6 shall be considered an employee of the state for purposes of section 29C.21 and chapter 669 and shall be afforded protection as an employee of the state under section 669.21. Disability, workers' compensation, and death benefits for team members working under the authority of the director or pursuant to the provisions of section 29C.6 shall be paid by the state in a manner consistent with the provisions of chapter 85, 410, or 411 as appropriate, depending on the status of the member, provided that the member is registered with the department as a member of an approved team and is participating as a team member in a response or recovery operation initiated by the director or governor pursuant to this section or in a training or exercise activity approved by the director.

(2) Each approved homeland security and emergency management response team shall establish standards for team membership, shall provide the department with a listing of all team members, and shall update the list each time a member is removed from or added to the team. Individuals so identified as team members shall be considered to be registered as team members for purposes of subparagraph (1).

(3) Upon notification of a compensable loss to a member of a homeland security and emergency management response team, the department of administrative services shall process the claim and seek authorization from the executive council to pay as an expense paid from the appropriations addressed in section 7D.29 those costs associated with covered benefits.

g. Implement and support the national incident management system as established by the United States department of homeland security to be used by state agencies and local and tribal governments to facilitate efficient and effective assistance to those affected by emergencies and disasters.

h. Carry out duties related to the flood mitigation program and the flood mitigation board under chapter 418.

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4. The director, with the approval of the governor, may employ a deputy director and such technical, clerical, stenographic, and other personnel and make such expenditures within the appropriation or from other funds made available to the department, as may be necessary to administer this chapter.

5. The department may charge fees for the repair, calibration, or maintenance of radiological detection equipment and may expend funds in addition to funds budgeted for the servicing of the radiological detection equipment. The department shall adopt rules pursuant to chapter 17A providing for the establishment and collection of fees for radiological detection equipment repair, calibration, or maintenance services and for entering into agreements with other public and private entities to provide the services. Fees collected for repair, calibration, or maintenance services shall be treated as appropriated receipts as defined in section 8.2 and shall be used for the operation of the department's radiological maintenance facility or radiation incident response training.

[C62, §28A.4, 28A.5; C66, 71, 73, 75, §29C.4, 29C.5; C77, 79, 81, §29C.8]

88 Acts, ch 1190, §1; 92 Acts, ch 1139, §6 – 8; 99 Acts, ch 86, §2; 2001 Acts, 2nd Ex, ch 1, §23, 24, 28; 2002 Acts, ch 1117, §54, 56; 2003 Acts, ch 179, §104, 157; 2005 Acts, ch 119, §5; 2006 Acts, ch 1185, §62; 2011 Acts, ch 69, §4; 2011 Acts, ch 131, §22, 158; 2012 Acts, ch 1094, §1, 18; 2013 Acts, ch 29, §17; 2014 Acts, ch 1014, §2; 2023 Acts, ch 19, §2163; 2024 Acts, ch 1185, §111

Referred to in §8.55, 22.7(45), 29C.20, 135.141
Confirmation, see §2.32

29C.8A Emergency response fund created.

1. An emergency response fund is created in the state treasury. The first one hundred thousand dollars received annually by the treasurer of state for the civil penalties and fines imposed by the court pursuant to sections 455B.146, 455B.191, 455B.386, and 455B.477 shall be deposited in the waste volume reduction and recycling fund created in section 455D.15. The next hundred thousand dollars shall be deposited in the emergency response fund and any additional moneys shall be deposited in the household hazardous waste account. All moneys received annually by the treasurer of the state for the fines imposed by sections 716B.2, 716B.3, and 716B.4 shall also be deposited in the emergency response fund.

2. The emergency response fund shall be administered by the department to carry out planning and training for the emergency response teams.

88 Acts, ch 1190, §2; 90 Acts, ch 1260, §21; 92 Acts, ch 1139, §9; 2003 Acts, ch 179, §157; 2011 Acts, ch 9, §1; 2013 Acts, ch 29, §18

Referred to in §455E.11

29C.9 Local emergency management commissions.

1. The county boards of supervisors, city councils, and the sheriff in each county shall cooperate with the department to establish a commission to carry out the provisions of this chapter.

2. The commission shall be composed of a member of the board of supervisors, the sheriff, and the mayor from each city within the county. A commission member may designate an alternate to represent the designated entity. For any activity relating to section 29C.17, subsection 2, or chapter 24, participation shall only be by a commission member or a designated alternate that is an elected official from the same designated entity.

3. The name used by the commission shall be "(county name) county emergency management commission". The name used by the office of the commission shall be "(county name) county emergency management agency".

4. For the purposes of this chapter, a commission is a municipality as defined in section 670.1.

5. The commission shall model its bylaws and conduct its business according to the guidelines provided in the department's administrative rules.

6. The commission shall determine the mission of its agency and program and provide direction for the delivery of the emergency management services of planning, administration, coordination, training, and support for local governments and their departments. The commission shall coordinate its services in the event of a disaster. The commission may also

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provide joint emergency response communications services through an agreement entered into under chapter 28E.

7. The commission shall delegate to the emergency management coordinator the authority to fulfill the commission duties as described in the department's administrative rules. Each commission shall appoint a local emergency management coordinator who shall meet the qualifications specified in the administrative rules by the director. Additional emergency management personnel may be appointed at the discretion of the commission.

8. The commission shall develop, adopt, and submit for approval by local governments within the commission's jurisdiction, a comprehensive emergency plan which meets standards adopted by the department in accordance with chapter 17A. If an approved comprehensive emergency plan has not been prepared according to established standards and the director finds that satisfactory progress is not being made toward the completion of the plan, or if the director finds that a commission has failed to appoint a qualified emergency management coordinator as provided in this chapter, the director shall notify the governing bodies of the counties and cities affected by the failure and the governing bodies shall not appropriate any moneys to the local emergency management fund until the comprehensive emergency plan is prepared and approved or a qualified emergency management coordinator is appointed. If the director finds that a commission has appointed an unqualified emergency management coordinator, the director shall notify the commission citing the qualifications which are not met and the commission shall not approve the payment of the salary or expenses of the unqualified emergency management coordinator.

9. The commission shall encourage local officials to support and participate in exercise programs which test proposed or established jurisdictional emergency plans and capabilities. During emergencies when lives are threatened and extensive damage has occurred to property, the county and all cities involved shall fully cooperate with the emergency management agency to provide assistance in order to coordinate emergency management activities including gathering of damage assessment data required by state and federal authorities for the purposes of emergency declarations and disaster assistance.

10. The commission shall, if agreed to by a two-thirds majority of the commission and a two-thirds majority of the joint 911 service board, be responsible for the activities of a joint 911 service board if substituted for a joint 911 service board pursuant to section 34A.3, subsection 4.

11. Two or more commissions may, upon review by the director and with the approval of their respective boards of supervisors and cities, enter into agreements pursuant to chapter 28E for the joint coordination and administration of emergency management services throughout the multicounty area.

[C62, §28A.7; C66, 71, 73, 75, §29C.7; C77, 79, 81, §29C.9]

83 Acts, ch 123, §40, 209; 92 Acts, ch 1139, §10; 2003 Acts, ch 179, §157; 2007 Acts, ch 149, §1; 2011 Acts, ch 69, §5; 2012 Acts, ch 1071, §1; 2013 Acts, ch 29, §19; 2022 Acts, ch 1073, §1; 2023 Acts, ch 64, §9

Referred to in §8D.13, 29C.6, 29C.7, 29C.17, 29C.22, 34A.3, 34A.8, 331.381, 331.653

29C.10 Emergency management coordinator.

1. The commission shall appoint an emergency management coordinator who shall serve at the pleasure of the commission, shall be responsible for the development of the comprehensive emergency plan, shall coordinate emergency planning activities, and shall provide technical assistance to political subdivisions comprising the commission.

2. When an emergency or disaster occurs, the emergency management coordinator shall provide coordination and assistance to the governing officials of the political subdivisions comprising the commission.

3. The commission and its members shall cooperate with the president of the United States and the heads of the armed forces and other appropriate federal, state, and local officers and agencies and with the officers and agencies of adjoining states in matters

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pertaining to comprehensive emergency management for political subdivisions comprising the commission.

[C66, 71, 73, 75, §29C.7; C77, 79, 81, §29C.10]
92 Acts, ch 1139, §11; 2011 Acts, ch 69, §6
Referred to in §8D.13, 331.381

29C.11 Local mutual aid arrangements.

1. The local emergency management commission shall, in collaboration with other public and private agencies within this state, develop mutual aid arrangements for reciprocal disaster services and recovery aid and assistance in case of disaster too great to be dealt with unassisted. The arrangements shall be consistent with the department plan and program, and in time of emergency each local emergency management agency shall render assistance in accordance with the provisions of the mutual aid arrangements.

2. The chairperson of a commission may, subject to the approval of the governor, enter into mutual aid arrangements with emergency management agencies or organizations in other states for reciprocal emergency services and recovery aid and assistance in case of disaster too great to be dealt with unassisted.

[C77, 79, 81, §29C.11]
92 Acts, ch 1139, §12; 2003 Acts, ch 179, §157; 2011 Acts, ch 69, §7; 2013 Acts, ch 29, §20
Referred to in §331.381

29C.12 Use of existing facilities.

In carrying out the provisions of this chapter, the governor, the director, and the executive officers or governing boards of political subdivisions of the state shall utilize, to the maximum extent practicable, the services, equipment, supplies, and facilities of existing departments, officers, and agencies of the state and of political subdivisions at their respective levels of responsibility.

[C62, §28A.8; C66, 71, 73, 75, §29C.8; C77, 79, 81, §29C.12]
2013 Acts, ch 29, §21
Referred to in §331.381

29C.12A Participation in funding disaster recovery facility.

All state government departments and agencies may participate in sharing the cost of the design, construction, and operation of a disaster recovery facility located in the joint forces headquarters armory at Camp Dodge. State departments and agencies may use funds from any source, including but not limited to user fees and appropriations for operational or capital purposes, to participate in the facility.

91 Acts, ch 263, §36; 2013 Acts, ch 29, §22
Referred to in §331.381

29C.13 Funds by grants or gifts.

1. If the federal government or any agency or officer of the federal government offers to the state or through the state to any political subdivision of the state, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the governor or the political subdivision, acting with the consent of the governor and through its executive officer or governing body, may authorize any officer of the state or of the political subdivision to receive the services, equipment, supplies, materials, or funds on behalf of the state or the political subdivision, and subject to the terms of the offer and rules of the agency making the offer.

2. If any person offers to the state or to any political subdivision of the state, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of emergency management, the governor or executive officer of the political subdivision may accept the offer and, upon acceptance, the governor of the state or executive officer or governing body of the political subdivision may authorize any officer of the state or of the

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political subdivision to receive such services, equipment, supplies, materials, or funds on behalf of the state or the political subdivision, and subject to the terms of the offer.

[C66, 71, 73, 75, §29C.9; C77, 79, 81, §29C.13]

92 Acts, ch 1139, §13

Referred to in §331.381

29C.14 Director of the department of administrative services to issue warrants.

The director of the department of administrative services shall draw warrants on the treasurer of state for the purposes specified in this chapter, upon duly itemized and verified vouchers that have been approved by the director of the department of homeland security and emergency management.

[C62, §28A.9; C66, 71, 73, 75, §29C.10; C77, 79, 81, §29C.14]

92 Acts, ch 1139, §14; 2003 Acts, ch 145, §286; 2003 Acts, ch 179, §157; 2013 Acts, ch 29, §23

29C.15 Tax-exempt purchases.

All purchases under the provisions of this chapter shall be exempt from the taxes imposed by sections 423.2 and 423.5.

[C62, §28A.10; C66, 71, 73, 75, §29C.11; C77, 79, 81, §29C.15]

2003 Acts, 1st Ex, ch 2, §156, 205

29C.16 Prohibited political activities.

A person employed by any organization for emergency management established under this chapter shall not:

1. During working hours or when performing official duties or when using public equipment or at any time on public property, take part in any way in soliciting any contribution for any political party or any person seeking political office.
2. Seek or attempt to use any political endorsement in connection with any appointment to a position created under this chapter.
3. Use any official authority or influence for the purpose of interfering with an election or affecting the results of an election.

[C62, §28A.11; C66, 71, 73, 75, §29C.12; C77, 79, 81, §29C.16]

92 Acts, ch 1139, §15; 2016 Acts, ch 1045, §1

29C.17 Local emergency management fund.

1. A local emergency management fund is created in the office of the county treasurer. Revenues provided and collected shall be deposited in the fund. An unencumbered balance in the fund shall not revert to county general revenues. Any reimbursement, matching funds, moneys received from sale of property, or moneys obtained from any source in connection with the local emergency management program shall be deposited in the local emergency management fund. The commission shall be the fiscal authority and the chairperson or vice chairperson of the commission is the certifying official.
2. For purposes consistent with this chapter, the local emergency management agency's approved budget shall be funded by one or any combination of the following options, as determined by the commission and subject to subsection 7:

a. A countywide special levy pursuant to section 331.424, subsection 1.

b. Per capita allocation funded from city and county general funds or by a combination of city and county special levies which may be apportioned among the member jurisdictions.

c. An allocation computed as each jurisdiction's relative share of the total assessed valuation within the county.

d. A voluntary share allocation.

e. Other funding sources allowed by law.

3. A political subdivision may appropriate additional funds for the purpose of supporting commission expenses relating to special or unique matters extending beyond the resources of the agency.

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4. Joint emergency response communications services under section 29C.9, subsection 6, shall be funded as provided for in the agreement entered into pursuant to chapter 28E.

5. Expenditures from the local emergency management fund shall be made on warrants drawn by the county auditor, supported by claims and vouchers signed by the emergency management coordinator or chairperson of the commission.

6. Subject to chapter 24, the commission shall adopt, certify, and provide a budget, on or before February 28 of each year, to the funding entities determined pursuant to subsection 2. The form of the budget shall be as prescribed by the department of management. Any portion of a tax levied by a county or city to support the local emergency management agency shall be identified separately on tax statements issued by the county treasurer.

7. For each fiscal year beginning on or after July 1, 2027, and in addition to any applicable property tax levy rate limitations provided by law, the sum of the property tax dollars levied by all governmental entities for the purpose of funding the services and operation of the emergency management agency and commission shall not exceed an amount equal to one hundred three percent of the sum of property tax dollars levied by all governmental entities for the purpose of funding the services and operation of the emergency management agency and commission for the immediately preceding fiscal year. The amount of property tax dollars determined under this subsection includes those amounts received as replacement taxes under chapter 437A or 437B, if applicable.

[C62, §28A.12; C66, 71, 73, 75, §29C.13; C77, 79, 81, §29C.17]

92 Acts, ch 1139, §16; 2011 Acts, ch 69, §8, 9; 2012 Acts, ch 1071, §2, 3; 2013 Acts, ch 30, §11; 2026 Acts, ch 1115, §169, 170

Referred to in §29C.9
Subsection 2, unnumbered paragraph 1 amended
NEW subsection 7

29C.17A Mass notification and emergency messaging system fund.

1. A mass notification and emergency messaging system fund is created in the state treasury under the control of the department. The fund shall consist of moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department for placement in the fund. Notwithstanding section 12C.7, interest or earnings on moneys in the fund shall be credited to the fund. Notwithstanding section 8.33, moneys credited to the fund that remain unexpended or unobligated at the end of a fiscal year shall not revert to any other fund.

2. Amounts contained in the fund shall be used exclusively to provide for the purchase and ongoing operation of a system capable of providing mass notification and emergency messaging to the public. The system shall be purchased from a vendor selected by the department pursuant to a competitive bidding process, and shall, once purchased, be under the control of the department.

3. Information disseminated to the public through the mass notification and emergency messaging system shall be limited to imminent emergency and public safety-related issues. The department may provide access to the system for use at the county and local level. Access by a county or local government shall be at the department's sole discretion, and if approved by the department, shall be under the control of the local commission. The commission shall establish an operational plan and procedure which meets standards adopted by the department by rule, and shall submit the operational plan and procedure for approval by the department prior to access being granted. Additional access criteria and procedures for administering the fund shall be established by the department by rule.

4. All personal information collected for use in the mass notification and emergency messaging system, including but not limited to the names and contact information of emergency messaging recipients, shall be considered confidential records under section 22.7. The director may, however, provide all or part of such confidential information to state or local governmental agencies possessing emergency planning or response functions if the director is satisfied that the need to know the information and its intended use are reasonable. An agency receiving confidential information pursuant to this subsection shall not redisseminate the information in any form without prior approval by the director. The release of confidential information by the department, a county or local government, or a

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state or local governmental agency other than as authorized pursuant to this section, and the sale of such confidential information, is strictly prohibited.

2014 Acts, ch 1136, §25
Referred to in §34A.8

29C.18 Enforcement duties.

1. Every organization for homeland security and emergency management established pursuant to this chapter and its officers shall execute and enforce the orders or rules made by the governor, or under the governor's authority and the orders or rules made by subordinate organizations and not contrary or inconsistent with the orders or rules of the governor.

2. A peace officer, when in full and distinctive uniform or displaying a badge or other insignia of authority, may arrest without a warrant any person violating or attempting to violate in such officer's presence any order or rule, made pursuant to this chapter. This authority shall be limited to those rules which affect the public generally.

[C66, 71, 73, 75, §29C.15; C77, 79, 81, §29C.18]
92 Acts, ch 1139, §17; 2013 Acts, ch 29, §24

29C.19 Rules and order exempted.

Any order issued or rule promulgated by a state agency during a declared disaster emergency and pursuant to the provisions of this chapter shall be exempt from being issued or promulgated as provided in chapter 17A.

[C77, 79, 81, §29C.19]

29C.20 Contingent fund — disaster aid.

1. *a.* A contingent fund is created in the state treasury for the use of the executive council. Funding for the contingent fund, if authorized by the executive council, shall be paid from the appropriations addressed in section 7D.29. Moneys in the contingent fund may be expended for the following purposes:

(1) Paying the expenses of suppressing an insurrection or riot, actual or threatened, when state aid has been rendered by order of the governor.

(2) Repairing, rebuilding, or restoring state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause.

(3) Repairing, rebuilding, or restoring state property that is fiberoptic cable and that is injured or destroyed by a wild animal.

(4) Purchasing a police service dog for the department of corrections when such a dog is injured or destroyed.

(5) Paying the expenses incurred by and claims of a homeland security and emergency response team when acting under the authority of section 29C.8, public health response teams when acting under the provisions of section 135.143, and a party state rendering assistance under the provisions of section 29C.21.

(6) (a) Aiding any governmental subdivision in an area declared by the governor to be a disaster area due to natural disasters or to expenditures necessitated by the governmental subdivision toward averting or lessening the impact of the potential disaster, where the effect of the disaster or action on the governmental subdivision is the immediate financial inability to meet the continuing requirements of local government.

(b) Upon application by a governmental subdivision in such an area, accompanied by a showing of obligations and expenditures necessitated by an actual or potential disaster in a form and with further information the executive council requires, the aid may be made in the discretion of the executive council and, if made, shall be in the nature of a loan up to a limit of seventy-five percent of the showing of obligations and expenditures. The loan, without interest, shall be repaid by the maximum annual emergency levy authorized by section 24.6, or by the appropriate levy authorized for a governmental subdivision not covered by section 24.6. The aggregate total of loans shall not exceed one million dollars during a fiscal year. A loan shall not be for an obligation or expenditure occurring more than two years previous to the application.

b. When a state department or agency requests that moneys from the contingent fund be

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expended to repair, rebuild, or restore state property injured, destroyed, or lost by fire, storm, theft, or unavoidable cause, or to repair, rebuild, or restore state property that is fiberoptic cable and that is injured or destroyed by a wild animal, or to purchase a police service dog for the department of corrections when such a dog is injured or destroyed, or for payment of the expenses incurred by and claims of a homeland security and emergency response team when acting under the authority of section 29C.8, the executive council shall consider the original source of the funds for acquisition of the property before authorizing the expenditure. If the original source was other than the general fund of the state, the department or agency shall be directed to utilize moneys from the original source if possible. The executive council shall not authorize the repairing, rebuilding, or restoring of the property from the disaster aid contingent fund if it determines that moneys from the original source are available to finance the project.

2. The proceeds of such loan shall be applied toward the payment of costs and obligations necessitated by such actual or potential disaster and the reimbursement of local funds from which such expenditures have been made. Any such project for repair, rebuilding or restoration of state property for which no specific appropriation has been made, shall, before work is begun, be subject to approval or rejection by the executive council.

3. If the president of the United States, at the request of the governor, has declared a major disaster to exist in this state, or any other emergency financial assistance is provided by the federal government, the executive council may make financial grants to meet disaster or emergency funding-related necessary expenses, serious needs, or hazard mitigation projects of local governments and eligible private nonprofit agencies adversely affected by the major disaster or emergency if those expenses or needs cannot otherwise be met from other means of assistance. The amount of the grant shall not exceed ten percent of the total eligible expenses and is conditional upon the federal government providing at least seventy-five percent for public assistance grants and at least fifty percent for hazard mitigation grants of the eligible expenses.

4. If the president, at the request of the governor, has declared a major disaster to exist in this state, the executive council may make financial grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster which cannot otherwise adequately be met from other means of assistance. The amount of a financial grant shall not exceed the maximum federal authorization in the aggregate to an individual or family in any single major disaster declared by the president. All grants authorized to individuals and families will be subject to the federal government providing no less than seventy-five percent of each grant and the declaration of a major disaster in the state by the president of the United States.

5. If the president, at the request of the governor, has declared a major disaster to exist in this state, the executive council may lease or purchase sites and develop such sites to accommodate temporary housing units for disaster victims.

6. For the purposes of this section, "*governmental subdivision*" means any political subdivision of this state.

[C73, §120; C97, §170; C24, 27, 31, 35, 39, §**286;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §19.7; C77, 79, 81, §29C.20]

85 Acts, ch 53, §2; 85 Acts, ch 195, §6; 89 Acts, ch 315, §27; 92 Acts, ch 1139, §18; 97 Acts, ch 210, §19; 2003 Acts, ch 155, §1; 2003 Acts, ch 179, §105; 2005 Acts, ch 89, §1; 2006 Acts, ch 1185, §63, 64; 2011 Acts, ch 131, §23, 158; 2016 Acts, ch 1028, §2; 2024 Acts, ch 1069, §2

Referred to in §7D.29, 29A.27

29C.20A Disaster aid individual assistance grant fund.

1. A disaster aid individual assistance grant fund is created in the state treasury for the use of the executive council. Moneys in the fund may be expended following the governor's proclamation of a state of disaster emergency. The executive council may make financial grants to meet disaster-related expenses or serious needs of individuals or families adversely affected by a disaster which cannot otherwise be met by other means of financial assistance. The aggregate total of grants awarded shall not be more than one million dollars during

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a fiscal year. However, within the same fiscal year, additional funds may be specifically authorized by the executive council to meet additional needs.

2. The grant funds shall be administered by the department. The department shall adopt rules to create the Iowa disaster aid individual assistance grant program. The rules shall specify the eligibility of applicants and eligible items for grant funding. The executive council shall use grant funds to reimburse the department for its actual expenses associated with the administration of the grants. The department may implement an ongoing contract with a local administrative entity for the grant program so that the program can be implemented with minimal delay when a disaster occurs in a local area. The rules adopted by the department for the program shall include but are not limited to all of the following:

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

b. If the president of the United States has declared a major disaster to exist in this state and federal aid is made available to provide assistance grants to individuals similar to that provided by the Iowa disaster aid individual assistance grant program, the Iowa program shall be discontinued.

c. Authorization for the local administrative entity to draw grant funding to pay valid claims on at least a weekly basis.

3. To be eligible for a grant, an applicant shall have an annual household income that is less than two hundred percent of the federal poverty level based on the number of people in the applicant's household as defined by the most recently revised poverty income guidelines published by the United States department of health and human services. The amount of a grant for a household shall not exceed seven thousand dollars. Expenses eligible for grant funding shall be limited to personal property, home repair, food assistance, and temporary housing assistance. An applicant for a grant shall sign an affidavit committing to refund any part of the grant that is duplicated by any other assistance, such as but not limited to insurance or assistance from community development groups, charities, the small business administration, and the federal emergency management agency.

4. A recipient of grant funding shall receive reimbursement for expenses upon presenting a receipt for an eligible expense or shall receive a voucher through a voucher system developed by the department and administered locally within the designated disaster area. A voucher system shall ensure sufficient data collection to discourage and prevent fraud. The department shall consult with long-term disaster recovery committees and disaster recovery case management committees in developing a voucher system.

5. The department shall submit an annual report, by January 1 of each year, to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program in the previous fiscal year.

2007 Acts, ch 145, §1; 2008 Acts, ch 1078, §1; 2009 Acts, ch 86, §3; 2010 Acts, ch 1150, §1; 2011 Acts, ch 69, §10; 2012 Acts, ch 1078, §1; 2012 Acts, ch 1138, §14, 42, 45; 2023 Acts, ch 19, §2164; 2024 Acts, ch 1173, §2, 3

Referred to in §7D.29, 29C.26

29C.20B Disaster case advocacy grant fund and program.

1. *a.* A disaster case advocacy grant fund is created in the state treasury for the use of the executive council. Moneys in the fund shall be available following the governor's proclamation of a state of disaster emergency or the declaration of a major disaster by the president of the United States.

b. The executive council may make financial grants to meet disaster-related case advocacy needs of disaster-affected individuals. The aggregate total of grants awarded shall not be more than one million dollars during a fiscal year. However, within the same fiscal year, additional funds may be specifically authorized by the executive council to meet additional needs. Upon request of the department, the executive council may make available up to one

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hundred thousand dollars, or so much as is necessary, for contract entity staff support and case advocacy training.

c. The department shall work with representatives of selected nonprofit, voluntary, and faith-based organizations active in disaster recovery and response to establish a statewide system of disaster case advocacy to be activated following the governor's proclamation of a disaster emergency or the declaration of a major disaster by the president of the United States for individual assistance purposes.

2. The department shall administer disaster case advocacy grants. The department shall establish a disaster case advocacy program and adopt rules pursuant to chapter 17A necessary to administer the program. The executive council shall use grant moneys to reimburse the department for actual expenses associated with the administration of the grants. Under the program, the department shall coordinate case advocacy services locally through one or more contracted entities. The department may implement an ongoing contract with a local administrative entity for the grant program to allow implementation of the program with minimal delay following a governor's proclamation of a state of disaster emergency or a declaration of a major disaster by the president of the United States.

3. The department in consultation with representatives of the Iowa voluntary organizations active in disaster, shall adopt rules pursuant to chapter 17A to create coordination mechanisms and standards for the establishment and implementation of a statewide system of disaster case advocacy. The rules adopted by the department for the program shall include but are not limited to all of the following:

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

b. Authorization for the local administrative entity to draw down grant funding to pay valid claims on at least a weekly basis.

c. Disaster case advocacy standards.

d. Disaster case advocacy policies.

e. Reporting requirements.

f. Eligibility criteria.

g. Coordination mechanisms necessary to carry out the services provided.

h. Development of formal working relationships with agencies and creation of interagency agreements for those considered to provide disaster case advocacy services.

i. Establishment of nonduplication of benefits policies and mechanisms.

j. Referral to all known available services for individuals from multiple agencies in coordinated service locations.

4. By January 1 of each year, the department shall submit an annual written report to the legislative fiscal committee and the general assembly's standing committees on government oversight concerning the activities of the grant program during the previous fiscal year.

2010 Acts, ch 1096, §1; 2011 Acts, ch 25, §8; 2011 Acts, ch 69, §11; 2011 Acts, ch 122, §29, 30; 2011 Acts, ch 129, §83, 156; 2012 Acts, ch 1021, §35; 2013 Acts, ch 29, §25; 2016 Acts, ch 1110, §1; 2023 Acts, ch 19, §2165; 2024 Acts, ch 1173, §4, 5

Referred to in §16.57B, 29C.26

29C.20C Immunity — licensed architects and professional engineers.

An architect licensed pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B who, during a disaster emergency as proclaimed by the governor or a major disaster as declared by the president of the United States, in good faith and at the request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, voluntarily and without compensation provides architectural, engineering, structural, electrical, mechanical, or other design professional services related to the disaster emergency or major disaster shall not be liable for civil damages for any acts or omissions resulting from the services provided,

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unless such acts or omissions constitute recklessness or willful and wanton misconduct. A licensed architect or professional engineer who receives expense reimbursement for the performance of services described in this section shall not be considered to have received compensation for such services.

2019 Acts, ch 89, §8, 22, 24; 2019 Acts, ch 111, §1, 2; 2021 Acts, ch 80, §379, 380

29C.21 Emergency management assistance compact.

The interstate emergency management assistance compact is entered into with all other states which enter into the compact in substantially the following form:

1. *Article I — Purpose and authorities.*

a. This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term *"states"* is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions.

b. The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

c. This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' national guard forces, either in accordance with the national guard mutual assistance compact or by mutual agreement between states.

2. *Article II — General implementation.*

a. Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

b. The prompt, full, and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

c. On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

3. *Article III — Party state responsibilities.*

a. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.

(2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

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(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

b. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide all of the following:

(1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

c. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans, and resource records relating to emergency capabilities.

4. *Article IV — Limitations.* Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof, provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

5. *Article V — Licenses and permits.* Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

6. *Article VI — Liability.* Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes; and no party state or its officers or employees rendering aid

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in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

7. *Article VII — Supplementary agreements.* Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

8. *Article VIII — Compensation.* Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

9. *Article IX — Reimbursement.* Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be reimbursable under this provision.

10. *Article X — Evacuation.* Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

11. *Article XI — Implementation.*

a. This compact shall become operative immediately upon its enactment into law by any two states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.

b. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

c. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party

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states and with the federal emergency management agency and other appropriate agencies of the United States government.

12. *Article XII — Validity.* This compact shall be construed to effectuate the purposes stated in article I hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

13. *Article XIII — Additional provisions.* Nothing in this compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the president is authorized by law to call into federal active duty the militia, or for any purpose for which the use of the army or the air force would in the absence of express statutory authorization be prohibited under 18 U.S.C. §1385.

[C62, §28A.3; C66, 71, 73, 75, §29C.3; C77, 79, 81, §29C.21]

97 Acts, ch 129, §1; 2008 Acts, ch 1032, §201; 2012 Acts, ch 1072, §25

Referred to in §29C.6, 29C.8, 29C.20, 135.143, 669.2

29C.22 Statewide mutual aid compact.

This statewide mutual aid compact is entered into with all other emergency management commissions established pursuant to section 29C.9, counties, cities, and other political subdivisions that enter into this compact in substantially the following form:

1. *Article I — Purpose and authorities.*

a. This compact is made and entered into by and between the participating emergency management commissions established pursuant to section 29C.9, counties, cities, and political subdivisions which enact this compact. For the purposes of this agreement, the term *"participating governments"* means emergency management commissions, counties, cities, townships, and other political subdivisions of the state which have not, through ordinance or resolution of the governing body, acted to withdraw from this compact. The inclusion of emergency management commissions in the term *"participating governments"* shall not convey taxing authority or other legal authority to emergency management commissions that is not otherwise granted in this chapter.

b. The purpose of this compact is to provide for mutual assistance between the participating governments entering into this compact in managing any emergency or disaster that is declared in accordance with a comprehensive emergency plan or by the governor, whether arising from natural disaster, technological hazard, man-made disaster, community disorder, insurgency, terrorism, or enemy attack.

c. This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by participating governments during emergencies, such actions occurring outside actual declared emergency periods.

2. *Article II — General implementation.*

a. Each participating government entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each participating government further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to the emergency. This is because few, if any, individual governments have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

b. The prompt, full, and effective use of resources of the participating governments, including any resources on hand or available from any source, that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster declared by the governor or any participating government, shall be the underlying principle on which all articles of this compact shall be understood.

c. On behalf of the participating government in the compact, the legally designated official who is assigned responsibility for emergency management will be responsible for formulation

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of the appropriate intrastate mutual aid plans and procedures necessary to implement this compact.

3. *Article III — Participating government responsibilities.*

a. It shall be the responsibility of each participating government to formulate procedural plans and programs for intrastate cooperation in the performance of the responsibilities listed in this article. In formulating the plans, and in carrying them out, the participating governments, insofar as practical, shall:

(1) Review individual hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the participating governments might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, civil disorders, insurgency, terrorism, or enemy attack.

(2) Review the participating governments' individual emergency plans and develop a plan that will determine the mechanism for the intrastate management and provision of assistance concerning any potential emergency.

(3) Develop intrastate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(4) Assist in warning communities adjacent to or crossing the participating governments' boundaries.

(5) Protect and ensure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the intrastate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any ordinances that restrict the implementation of the above responsibilities.

b. The authorized representative of a participating government may request assistance of another participating government by contacting the authorized representative of that participating government. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide all of the following:

(1) A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time that the personnel, equipment, materials, and supplies will be needed.

(3) The specific place and time for staging of the assisting participating government's response and a point of contact at that location.

c. The authorized representative of a participating government may initiate a request by contacting the department of homeland security and emergency management. When a request is received by the department, the department shall directly contact other participating governments to coordinate the provision of mutual aid.

d. Frequent consultation shall occur between officials who have been assigned emergency management responsibilities and other appropriate representatives of the participating governments with affected jurisdictions and state government, with free exchange of information, plans, and resource records relating to emergency capabilities.

e. For purposes of this subsection, "*authorized representative of a participating government*" means a mayor or the mayor's designee, a member of the county board of supervisors or a representative of the board, an emergency management coordinator or the coordinator's designee, or the elected chief executive officer of the participating government or the elected chief executive officer's designee authorized to enter into contracts on behalf of the participating government.

4. *Article IV — Limitations.* Any participating government requested to render mutual

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aid or conduct exercises and training for mutual aid shall take the necessary action to provide and make available the resources covered by this compact in accordance with the terms of the compact. However, it is understood that the participating government rendering aid may withhold resources to the extent necessary to provide reasonable protection for the participating government. Each participating government shall afford to the emergency forces of any other participating government, while operating within its jurisdictional limits under the terms and conditions of this compact, the same powers, except that of arrest unless specifically authorized by the receiving participating government, duties, rights, and privileges as are afforded forces of the participating government in which the emergency forces are performing emergency services. Emergency forces shall continue under the command and control of their regular leaders, but the organizational units shall come under the operational control of the emergency services authorities of the participating government receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor or by competent authority of the participating government that is to receive assistance, or commencement of exercises or training for mutual aid, and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving jurisdiction, whichever is longer.

5. *Article V — Licenses and permits.* If a person holds a license, certificate, or other permit issued by any participating government to this compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when the assistance is requested by another participating government, the person shall be deemed licensed, certified, or permitted by the participating government requesting assistance to render aid involving the skill to meet a declared emergency or disaster, subject to the limitations and conditions as the governor may prescribe by executive order or otherwise.

6. *Article VI — Liability.* Officers or employees of a participating government rendering aid in another participating government jurisdiction pursuant to this compact shall be considered agents of the requesting participating government for tort liability and immunity purposes and a participating government or its officers or employees rendering aid in another jurisdiction pursuant to this compact shall not be liable on account of any act or omission in good faith on the part of the forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection with the aid. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

7. *Article VII — Supplementary agreements.* Because it is probable that the pattern and detail of the machinery for mutual aid among two or more participating governments may differ from that among other participating governments, this compact contains elements of a broad base common to all political subdivisions, and this compact shall not preclude any political subdivision from entering into supplementary agreements with another political subdivision or affect any other agreements already in force between political subdivisions. Supplementary agreements may include, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

8. *Article VIII — Workers' compensation.* Each participating government shall provide for the payment of workers' compensation and death benefits to injured members of the emergency forces of that participating government and representatives of deceased members of the emergency forces in case the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

9. *Article IX — Reimbursement.* Any participating government rendering aid in another jurisdiction pursuant to this compact shall be reimbursed by the participating government receiving the emergency aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with the requests. However, an aiding political subdivision may assume in whole or in part the loss, damage, expense, or other cost, or may loan the equipment or donate the services to the receiving participating government without charge

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or cost, and any two or more participating governments may enter into supplementary agreements establishing a different allocation of costs among the participating governments. Article VIII expenses shall not be reimbursable under this provision.

10. *Article X — Evacuation and sheltering.* Plans for the orderly evacuation and reception of portions of the civilian population as the result of any emergency or disaster shall be worked out and maintained between the participating governments and the emergency management or services directors of the various jurisdictions where any type of incident requiring evacuations might occur. The plans shall be put into effect by request of the participating government from which evacuees come and shall include the manner of transporting the evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of the evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. The plans shall provide that the participating government receiving evacuees and the participating government from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for the evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. The expenditures shall be reimbursed as agreed by the participating government from which the evacuees come. After the termination of the emergency or disaster, the participating government from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

11. *Article XI — Implementation.*

a. This compact shall become operative July 1, 2009.

b. Any participating government may withdraw from this compact by adopting an ordinance or resolution repealing the same, but a withdrawal shall not take effect until thirty days after the governing body of the withdrawing participating government has given notice in writing of the withdrawal to the director of the department of homeland security and emergency management who shall notify all other participating governments. The action shall not relieve the withdrawing political subdivision from obligations assumed under this compact prior to the effective date of withdrawal.

c. Duly authenticated copies of this compact and any supplementary agreements as may be entered into shall be deposited, at the time of their approval, with the director of the department of homeland security and emergency management who shall notify all participating governments and other appropriate agencies of state government.

12. *Article XII — Validity.* This compact shall be construed to effectuate the purposes stated in article I. If any provision of this compact is declared unconstitutional, or the applicability of the compact to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability of this compact to other persons and circumstances shall not be affected.

2002 Acts, ch 1117, §55, 56; 2003 Acts, ch 179, §157; 2008 Acts, ch 1032, §201; 2009 Acts, ch 67, §1 – 4; 2011 Acts, ch 69, §12; 2013 Acts, ch 29, §26, 27; 2020 Acts, ch 1100, §1

29C.23 Statewide interoperable communications system.

1. The statewide interoperable communications system shall be under the joint purview of the department of public safety and the department of transportation. The departments shall jointly submit a biannual report to the statewide interoperable communications system board established in section 80.28, beginning July 1, 2016.

2. The treasurer of state is authorized to enter into a financing agreement in accordance with the provisions of section 12.28 for the purpose of building the statewide interoperable communications system.

2015 Acts, ch 129, §1, 7, 8; 2016 Acts, ch 1011, §8; 2016 Acts, ch 1103, §1; 2016 Acts, ch 1137, §23, 24

29C.24 Facilitating business rapid response to state-declared disasters Act.

1. *Title.* This section may be cited as the *"Facilitating Business Rapid Response to State-Declared Disasters Act"*.

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2. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. (1) *"Critical infrastructure"* means real and personal property and equipment owned or used by any of the following networks or systems, including related support facilities, which network or system provides service to more than one customer or person:

(a) Communication and video networks.

(b) Electric generation, transmission, and distribution systems.

(c) Gas distribution systems.

(d) Water and wastewater pipeline systems.

(2) *"Critical infrastructure"* includes but is not limited to buildings, structures, offices, lines, poles, pipes, and equipment.

b. "Declared state disaster or emergency" means a disaster or emergency event that meets at least one of the following conditions:

(1) A disaster emergency proclamation has been issued by the governor pursuant to section 29C.6 in relation to the event.

(2) A presidential declaration of a major disaster has been issued in relation to the event.

c. "Disaster or emergency-related work" means repairing, renovating, installing, building, or rendering services or other business activities, that relate to critical infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency.

d. "Disaster response period" means, with respect to each declared state disaster or emergency, a period of time that begins ten calendar days prior to the day the governor proclaims a disaster emergency or the president declares a major disaster, whichever occurs first, and extends for a period of sixty calendar days after the end of the declared state disaster or emergency.

e. (1) *"Out-of-state business"* means a business entity that meets all of the following requirements:

(a) The business entity is requested to perform disaster or emergency-related work in the state by a registered business or by the state or a political subdivision of the state.

(b) Except for disaster or emergency-related work, the business entity has no presence in the state and conducts no business in the state.

(c) Except for disaster or emergency-related work, the business entity had no registrations, tax filings, or nexus in the state for the tax year immediately preceding the year in which the relevant declared state disaster or emergency occurs.

(2) *"Out-of-state business"* may include a business entity that is affiliated with a registered business solely through common ownership.

f. "Out-of-state employee" means an employee who does not work in this state except to perform disaster or emergency-related work during a disaster response period.

g. "Registered business" means a business entity that is registered to do business in the state prior to the declared state disaster or emergency.

3. *Business and employee status during disaster response period.*

a. Notwithstanding any other provision of law to the contrary, an out-of-state business that conducts operations within the state solely for the purpose of performing disaster or emergency-related work during a disaster response period shall not be considered to have established a level of presence that would subject the out-of-state business to any of the following:

(1) The requirement to complete or obtain any state or local registration, license, or similar authorization as a condition of doing business in this state or engaging in an occupation in this state, or to pay any related fee, including but not limited to the requirement to register with the secretary of state or a political subdivision. This subparagraph (1) does not apply to the notification and insurance verification requirements in subsection 5.

(2) (a) The requirement to collect and remit any tax imposed upon another person or file any related tax return or obtain any related tax permit. This subparagraph division (a) does not apply to an out-of-state business for the collection and remittance of sales and use taxes under chapter 423 if the out-of-state business is registered voluntarily as a seller under the streamlined sales and use tax agreement.

(b) Subparagraph division (a) shall not be construed to protect or otherwise exempt

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any person liable for the payment of a tax, other than the out-of-state business, from the responsibility to pay such tax.

(3) The imposition of income taxes under chapter 422, subchapters II and III, including the requirement to file tax returns under sections 422.13 through 422.15, section 422.16B, or section 422.36, as applicable, and including the requirement to withhold and remit income tax from out-of-state employees under section 422.16. In addition, the performance of disaster or emergency-related work during a disaster response period by an out-of-state business or out-of-state employee shall not require an out-of-state business to be included in a consolidated return under section 422.37, and shall not increase the amount of net income of the out-of-state business allocated and apportioned to the state under section 422.8 or 422.33, as applicable.

(4) The employment security requirements under chapter 96, including but not limited to the payment of employer contributions under section 96.7.

(5) The use tax under chapter 423, subchapter III, or the equipment tax under chapter 423D, on tangible personal property or equipment purchased outside the state and brought into the state to aid in the performance of disaster or emergency-related work during a disaster response period if such tangible personal property or equipment does not remain in the state after the conclusion of the disaster response period.

(6) The assessment of property taxes by the department of revenue under sections 428.24 through 428.26, 428.28, and 428.29, or chapters 434, 435, and 437 through 438, or by a local assessor under another provision of law, on property brought into the state to aid in the performance of disaster or emergency-related work during a disaster response period if such property does not remain in the state after the conclusion of the disaster response period.

b. Notwithstanding any other provision of law to the contrary, the performance of disaster or emergency-related work during a disaster response period by an out-of-state employee shall not be used as the basis to determine that the out-of-state employee has established residency or a level of presence that would subject the out-of-state employee to any of the following:

(1) The requirement to complete or obtain any state or local registration, license, or similar authorization as a condition of doing business in this state or engaging in an occupation in this state, or to pay any related fee, including but not limited to the requirement to register with the secretary of state or a political subdivision.

(2) The imposition of income taxes under chapter 422, subchapter II, including the requirement to file tax returns under section 422.13 and the requirement to be subject to withholding of income tax under section 422.16. In addition, the performance of disaster or emergency-related work during a disaster response period by an out-of-state employee shall not increase the amount of net income of the out-of-state employee allocated and apportioned to the state under section 422.8.

(3) The use tax under chapter 423, subchapter III, or the equipment tax under chapter 423D, on tangible personal property or equipment purchased outside the state and used in the state to aid in the performance of disaster or emergency-related work during a disaster response period if such tangible personal property or equipment does not remain in the state after the conclusion of the disaster response period.

c. During a disaster response period, an out-of-state business or an out-of-state employee shall be subject to all taxes and fees not included in paragraphs *"a"* and *"b"*, and this subsection shall not be construed to provide protection or exemption during a disaster response period or any other period from taxes or taxable events not included in paragraphs *"a"* and *"b"*.

4. *Business and employee status after a disaster response period.* An out-of-state business or out-of-state employee that remains in the state after the conclusion of the disaster response period during which the disaster or emergency-related work was performed shall be fully subject to the state's standards for establishing presence, residency, or doing business as otherwise provided by law, and shall be responsible for any resulting taxes, fees, licensing, registration, filing, or other requirements.

5. *Notification and insurance verification during disaster response period.*

a. An out-of-state business that enters the state to perform disaster or emergency-related

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work during a disaster response period shall provide notification to the secretary of state, which notification shall contain all the following information related to the out-of-state business:

(1) Name.
(2) State of domicile.
(3) Principal business address.
(4) Federal employer identification number.
(5) The date the out-of-state business entered the state.
(6) Contact information.
(7) A statement that the out-of-state business is in the state for the purpose of responding to a declared state disaster or emergency.

b. For an out-of-state business that enters this state to perform disaster or emergency-related work during a disaster response period as an affiliate of a registered business, the registered business shall provide, on behalf of the affiliate out-of-state business, the notification required in paragraph *"a"*, which notification shall also include contact information for the registered business.

c. Upon request of the secretary of state, an out-of-state business that enters the state to perform disaster or emergency-related work during a disaster response period shall provide proof of workers' compensation insurance coverage and liability insurance coverage, if any. Such proof shall be provided within ten days of the request.

d. The secretary of state shall transmit notification and insurance verification information to the department, department of revenue, and other appropriate state and local government agencies and officials.

6. *Powers and duties not created.* This section shall not be construed to place any new mandates or duties upon a local emergency management commission or create any new authority or power for a local emergency management commission not already expressly granted in another provision of this chapter.

7. *Rules.* The department, the secretary of state, and the department of revenue shall each adopt rules pursuant to chapter 17A to jointly administer this section.

2016 Acts, ch 1095, §2, 14; 2016 Acts, ch 1138, §20, 21; 2017 Acts, ch 29, §23 – 25; 2018 Acts, ch 1158, §1, 28; 2020 Acts, ch 1062, §94; 2020 Acts, ch 1063, §20; 2021 Acts, ch 151, §8, 15
Referred to in §422.8, 422.13, 422.16, 422.16B, 422.33, 422.36, 422.37, 423.6, 423.33, 423.58, 423D.3, 427.1(41)
2021 amendment to subsection 3, paragraph a, subparagraph (3) applies to tax years beginning on or after January 1, 2022; 2021 Acts, ch 151, §15

29C.25 Firearms and ammunition — limitations — exceptions — remedies.

1. This chapter shall not be construed to authorize the governor or any other official of this state or any of its political subdivisions or any agent or person acting at the direction of the governor or any such official to do any of the following:

a. Prohibit, regulate, or curtail the otherwise lawful possession, carrying, transportation, or defensive use of firearms or ammunition.

b. Suspend or revoke, except in accordance with section 724.13, a permit issued pursuant to section 724.6, 724.7, or 724.19.

c. Seize or confiscate firearms and ammunition possessed in accordance with the laws of this state.

2. This section shall not prohibit any of the following:

a. The temporary closure or limitations on the operating hours of businesses that sell firearms or ammunition if the same operating restrictions apply to all businesses in the affected area.

b. The adoption or enforcement of regulations pertaining to firearms and ammunition used or carried for official purposes by law enforcement officers or persons acting under the authority of emergency management agencies or officials.

3. *a.* A person aggrieved by a violation of this section may seek relief in an action at law or in equity or in any other proper proceeding for actual damages, injunctive relief, or other appropriate redress against a person who commits or causes the commission of such violation.

b. In addition to any other remedy available at law or in equity, a person aggrieved by

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the seizure or confiscation of a firearm or ammunition in violation of this section may make application pursuant to section 809.3 for its return in the office of the clerk of court for the county in which the property was seized.

c. In an action or proceeding to enforce this section, the court shall award the prevailing plaintiff reasonable court costs and attorney fees.

2017 Acts, ch 69, §36; 2022 Acts, ch 1021, §18

29C.26 Referrals — fraud — benefits inappropriately obtained.

1. Following a review of an applicant's or recipient's eligibility to receive moneys under section 29C.20A or 29C.20B, the department may refer cases of suspected fraud, misrepresentation, inadequate documentation relating to initial or continued eligibility, or benefits being otherwise inappropriately obtained, along with any supportive information, to the department of inspections, appeals, and licensing for review.

2. In cases of substantiated fraud, misrepresentation, or benefits being otherwise inappropriately obtained, the state shall review all appropriate legal options including but not limited to removal of a recipient from other public assistance programs and garnishment of wages or state income tax refunds until the department recovers an amount equal to the benefits fraudulently claimed.

3. The department may refer suspected cases of fraud, misrepresentation, or inadequate documentation relating to initial or continued eligibility, or suspected cases of benefits being otherwise inappropriately obtained, to appropriate state entities for review of such issues in other programs providing public benefits.

2025 Acts, ch 89, §5

CHAPTER 29D

NATURAL HAZARD MITIGATION FINANCING PROGRAM

Referred to in §16.231, 16.233

29D.1	Short title.	29D.6	Intended use plans — capitalization grants — accounting.
29D.2	Definitions.	29D.7	Authority — loan application review and approval.
29D.3	Natural hazard mitigation financing program.	29D.8	Loans to eligible entities.
29D.4	Natural hazard mitigation revolving loan fund.	29D.9	Rules.
29D.5	Director — powers and duties.		

29D.1 Short title.

This chapter shall be known and may be cited as the *"Natural Hazard Mitigation Financing Program"*.

2025 Acts, ch 28, §5

29D.2 Definitions.

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

1. *"Authority"* means the Iowa finance authority created in section 16.1A.

2. *"Cost"* means all costs or indebtedness incurred by a loan recipient and determined by the department as reasonable and necessary for carrying out all work necessary or incidental to the accomplishment of a project.

3. *"Department"* means the department of homeland security and emergency management.

4. *"Director"* means the director of the department of homeland security and emergency management.

5. *"Eligible entity"* means a person that is eligible under the STORM Act to receive a loan under the program.

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6. *"Fund"* means the natural hazard mitigation revolving loan fund created in section 29D.4.

7. *"Loan recipient"* means an eligible entity that has received a loan from the fund.

8. *"Municipality"* means a city, county, sanitary district, state agency, or other governmental body or corporation, or any combination of two or more governmental bodies or corporations acting jointly, in connection with a project.

9. *"Private entity"* means a corporation, limited liability company, trust, estate, partnership, association, or any other legal entity or a legal representative, agent, officer, employee, or assignee of such entity. *"Private entity"* does not include any of the following:

a. An individual, municipality, or city utility as that term is defined in section 362.2.

b. A public water supply system as defined in section 455B.171.

c. A qualified entity as defined in section 384.84, subsection 2.

10. *"Program"* means the natural hazard mitigation financing program created in section 29D.3.

11. *a. "Project"* means an activity or set of activities, in accordance with the limitations set forth in the STORM Act, that mitigate the impact of natural hazards, including but not limited to:

(1) Drought and prolonged episodes of intense heat.
(2) Severe storms, including tornadoes, windstorms, and severe winter storms.
(3) Wildfires.
(4) Earthquakes.
(5) Flooding.
(6) Shoreline erosion.
(7) High water levels.
(8) Storm surges.

b. "Project" may include but is not limited to any of the following:

(1) The construction, repair, or replacement of a nonfederal levee or other flood control structure, provided that the administrator of the federal emergency management agency, in consultation with the United States army corps of engineers, if appropriate, requires an eligible entity to determine that such levee or other flood control structure is designed, constructed, and maintained in accordance with sound engineering practices and standards equivalent to the purpose for which such levee or structure is intended.

(2) Zoning and land use planning changes.

(3) Establishing and enforcing building codes.

12. *"Safeguarding tomorrow through ongoing risk mitigation Act"*, or *"STORM Act"*, means the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. §5121 et seq.

2025 Acts, ch 28, §6
Referred to in §16.230

29D.3 Natural hazard mitigation financing program.

1. The natural hazard mitigation financing program is created for the purpose of making loans available to eligible entities to finance all or part of the costs of a project.

2. The program shall be a joint and cooperative undertaking of the department and the authority. The department and the authority may enter into any agreements, documents, instruments, certificates, data, or information as necessary for the operation, administration, and financing of the program consistent with this chapter, chapter 16, subchapter X, part 11, the STORM Act, the rules promulgated under chapter 17A by the department in consultation with the authority, and any other applicable federal or state laws. The authority and the department may act to conform the program to the applicable guidance and regulations adopted by the federal emergency management agency.

2025 Acts, ch 28, §7
Referred to in §16.230, 29D.2

29D.4 Natural hazard mitigation revolving loan fund.

1. A natural hazard mitigation revolving loan fund is created in the state treasury under

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the control of the department in consultation with the authority. The revolving loan fund is a separate dedicated fund under the administration and control of the department in consultation with the authority and shall be subject to section 16.31. Moneys on deposit in the revolving loan fund shall be invested by the treasurer of state in cooperation with the department, in consultation with the authority, and the income from the investments shall be credited to and deposited in the revolving loan fund.

2. *a.* The fund shall consist of moneys appropriated by the general assembly, moneys received by the fund through the federal emergency management agency and the STORM Act, moneys received as repayment of loan principal and interest from loans paid for by the fund, and all other moneys received by the fund from any other source. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the fund shall be credited to the fund.

b. Moneys in the fund are appropriated to the department to provide loans to eligible entities pursuant to section 29D.8, and for administration of the program as permitted under the STORM Act. Moneys in the fund shall not be used to provide a loan to a private entity for the acquisition of real property. Moneys in the fund shall not be considered part of the general fund of the state subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance, shall not be included in the general fund of the state subject to section 16.31, insofar as section 16.31 complies with the STORM Act.

2025 Acts, ch 28, §8; 2025 Acts, ch 159, §7
Referred to in §16.230, 29D.2, 29D.7

29D.5 Director — powers and duties.

The director shall do all of the following:

1. Process and review each intended use plan application to determine if the intended use plan application meets the eligibility requirements promulgated by the department by rule, and approve or deny the application.

2. Process and review all documents relating to the planning, design, construction, and operation of each project.

3. Prepare and process, in coordination with the authority, documents relating to the administration of the program.

4. Prepare an annual budget for administration of the program.

5. Receive program fees as determined in conjunction with the authority.

6. Perform other acts and assume other duties and responsibilities necessary for the administration of the program and compliance with the STORM Act.

2025 Acts, ch 28, §9

29D.6 Intended use plans — capitalization grants — accounting.

1. For the fiscal year beginning July 1, 2025, and each fiscal year thereafter, the department may prepare and deliver intended use plans to, and enter into capitalization grant agreements with, the administrator of the federal emergency management agency under the terms and conditions set forth in the STORM Act and federal regulations adopted pursuant to the STORM Act, and may accept capitalization grants for the fund in accordance with payment schedules established by the administrator. All payments from the administrator shall be deposited into the fund.

2. The department, in consultation with the authority, shall establish fiscal controls and accounting procedures during appropriate accounting periods for payments received for deposit into, and disbursements made from, the fund, and to fund balances at the beginning and end of an accounting period.

2025 Acts, ch 28, §10
Referred to in §29D.7, 29D.8

29D.7 Authority — loan application review and approval.

1. The department and the authority shall review each loan application to determine if the applicant is an eligible entity and qualifies for a loan pursuant to eligibility requirements

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established by rule promulgated by the department and the authority, and in accordance with the intended use plan applications approved by the director under section 29D.6.

2. The authority, in cooperation with the department, shall determine the interest rate and repayment terms for each loan made under the program and the authority shall enter into a loan agreement with each loan recipient in compliance with the Clean Water Act as defined in section 455B.291, the Safe Drinking Water Act as defined in section 455B.291, the STORM Act, and any other applicable state or federal law.

3. The authority may charge loan recipients fees and assess costs as deemed necessary by the authority for the continued operation of the program. Fees and costs collected pursuant to this subsection shall be deposited in the fund described in section 29D.4.

2025 Acts, ch 28, §11

29D.8 Loans to eligible entities.

1. Moneys deposited in the fund shall be used for the primary purpose of making loans to eligible entities to finance eligible costs of projects in accordance with the intended use plans prepared and delivered to the administrator of the federal emergency management system by the department under section 29D.6. The loan recipients and the purpose and amount of the loans shall be determined by the director, in compliance with the STORM Act and other applicable federal law, and any resolution, agreement, indenture, or other document of the authority, and rules adopted by the authority relating to any bonds, notes, or other obligations issued for the program which may be applicable to the loan.

2. Notwithstanding any provision of this chapter to the contrary, moneys received under the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and deposited in the fund may be used in any manner permitted or required by applicable federal law.

2025 Acts, ch 28, §12
Referred to in §29D.4

29D.9 Rules.

The department, in consultation with the authority, shall adopt rules pursuant to chapter 17A to administer this chapter.

2025 Acts, ch 28, §13

CHAPTER 29E

INFORMATION SHARING — SCHOOL SAFETY

29E.1 Information sharing — school safety.

29E.1 Information sharing — school safety.

1. For purposes of this section:

a. (1) *"Covered entity"* includes all of the following:

(a) A criminal or juvenile justice agency as defined in section 692.1.

(b) A city, county, or township.

(c) A state agency.

(d) Any service or support provider that contracts with an entity described in subparagraph divisions (a) through (c).

(2) *"Covered entity"* does not include the judicial branch.

b. *"School"* means all of the following:

(1) A school corporation organized under chapter 274.

(2) A nonpublic school as defined in section 280.2.

(3) A charter school established pursuant to chapter 256E.

(4) Any service or support provider that contracts with an entity described in subparagraphs (1) through (3).

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c. *"State agency"* means a department, board, bureau, commission, or other agency or authority of the state of Iowa.

2. Notwithstanding any provision of law to the contrary, including section 22.7, any covered entity or school that provides services to students enrolled in kindergarten through grade twelve who are experiencing or at risk of an emotional disturbance or mental illness, or who pose an articulable and significant threat to the health and safety of any person, shall, upon the request of another covered entity or school when the covered entity or school is acting as part of a multidisciplinary school safety assessment team established pursuant to section 280.36, share records or information that are reasonably necessary to ensure access to appropriate services for such students, or to ensure the safety of such students or others, with any other such covered entity or school.

3. Notwithstanding any provision of law to the contrary, including section 22.7, a multidisciplinary school safety assessment team established pursuant to section 280.36 may request and receive records or information that are related to students enrolled in kindergarten through grade twelve who are experiencing or at risk of an emotional disturbance or mental illness, or who pose an articulable and significant threat to the health and safety of any person.

4. When acting as part of a multidisciplinary school safety assessment team established pursuant to section 280.36, a covered entity and a school may communicate, collaborate, and coordinate efforts with other covered entities to best serve students enrolled in kindergarten through grade twelve who are experiencing or at risk of an emotional disturbance or mental illness, or who pose an articulable and significant threat to the health and safety of any person.

2025 Acts, ch 59, §1; 2026 Acts, ch 1086, §1, 101
Referred to in §256E.7, 256E.23, 280.36
Subsection 1, paragraph b, subparagraph (4) stricken and former subparagraph (5) renumbered as (4)

CHAPTER 30

CHEMICAL EMERGENCIES

30.1 Definitions.
30.2 Department powers and duties.
30.3 Duties to be allocated to department of natural resources — emergency and hazardous chemicals.
30.4 Duties to be allocated to department of natural resources.
30.5 Powers of local emergency planning committees.
30.6 Liability of committee members.
30.7 Civil action.
30.8 Duties to be allocated to department of natural resources. Transferred to §30.4; 2017 Acts, ch 28, §11.
30.9 Duties to be allocated to department of homeland security and emergency management. Repealed by 2017 Acts, ch 28, §10.
30.10 Powers of local emergency planning committees. Transferred to §30.5; 2017 Acts, ch 28, §11.
30.11 Liability of committee members. Transferred to §30.6; 2017 Acts, ch 28, §11.
30.12 Civil action. Transferred to §30.7; 2017 Acts, ch 28, §11.

30.1 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. *"Committee"* means a local emergency planning committee appointed by the department.

2. *"Department"* means the department of homeland security and emergency management.

3. *"Emergency Planning and Community Right-to-know Act"* means Pub. L. No. 99-499, Tit. III, 42 U.S.C. §11001 et seq., as amended to January 1, 1989.

89 Acts, ch 204, §2; 2010 Acts, ch 1061, §180; 2017 Acts, ch 28, §2 – 4

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30.2 Department powers and duties.

1. The department has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act, including the powers to solicit and accept gifts and grants, and to adopt rules pursuant to chapter 17A. All federal funds, grants, and gifts shall be deposited with the treasurer of state and used only for the purposes agreed upon as conditions for receipt of the funds, grants, or gifts.

2. The department may enter into agreements pursuant to chapter 28E to accomplish any duty imposed upon the department by the Emergency Planning and Community Right-to-know Act, but the department shall not compensate any governmental unit for the performance of duties pursuant to such an agreement. Funding for administering the duties of the department under sections 30.3 and 30.4 shall be included in the budgets of the department of natural resources and the department of homeland security and emergency management.

3. The department may request from any state agency or official the information and assistance necessary to perform the duties of the department. All state departments, divisions, agencies, and offices shall make available upon request information which is requested and which is not by law confidential.

4. The department shall designate local emergency planning districts and appoint persons to serve on local emergency planning committees. The department may, upon request, revise its designations of districts and appointments of committee members.

5. The department shall supervise and coordinate the activities of the committees.

6. Upon request by a state or local official or any person, the department shall obtain from a facility owner or operator the emergency and hazardous chemical inventory information which the owner or operator is required to prepare and submit pursuant to section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, and provide the information to the requesting party.

7. The department shall make available to the public upon request during normal working hours material safety data sheets, lists of hazardous chemicals, inventory forms, toxic chemical release forms, and follow-up emergency notices in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

8. The department shall perform all other functions and duties as specified in the Emergency Planning and Community Right-to-know Act.

9. Comprehensive emergency response plans required to be developed under section 303 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003, shall be submitted to the department. After initial submission, a plan need not be resubmitted unless revisions are requested by the department. The department shall review the plan and shall incorporate the provisions of the plan into its responsibilities under chapter 29C.

10. The department shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

89 Acts, ch 204, §6
CS89, §30.5
96 Acts, ch 1186, §23; 2007 Acts, ch 211, §31; 2013 Acts, ch 29, §29; 2017 Acts, ch 28, §5, 11
C2018, §30.2
Former §30.2 repealed by 2017 Acts, ch 28, §10

30.3 Duties to be allocated to department of natural resources — emergency and hazardous chemicals.

Agreements negotiated by the department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Material safety data sheets or a list of chemicals required to be submitted to the department under section 311 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021, shall be submitted to the department of natural resources. Submission to the department of natural resources constitutes compliance with the requirement for notification to the department.

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2. Emergency and hazardous chemical inventory forms required to be submitted to the department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022, shall be submitted to the department of natural resources. Submission to the department of natural resources constitutes compliance with the requirement for notification to the department.

3. The department of natural resources shall advise the department of the failure of any facility owner or operator to submit information as required under sections 311 and 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021 and 11022.

4. The department of natural resources shall make available to the public upon request during normal working hours the information forms in its possession pursuant to sections 312 and 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022 and 11044.

5. The department of natural resources shall compile data or information from the emergency and hazardous chemical inventory forms required to be submitted to the department under section 312 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022.

89 Acts, ch 204, §8
CS89, §30.7
91 Acts, ch 255, §6; 96 Acts, ch 1186, §23; 97 Acts, ch 40, §1; 2007 Acts, ch 211, §32; 2017 Acts, ch 28, §6, 11
C2018, §30.3
2018 Acts, ch 1026, §13
Referred to in §30.2
Former §30.3 repealed by 2017 Acts, ch 28, §10

30.4 Duties to be allocated to department of natural resources.

Agreements negotiated by the department and the department of natural resources shall provide for the allocation of duties to the department of natural resources as follows:

1. Emergency notifications of releases required to be submitted to the department under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004, shall be submitted to the department of natural resources. Submission to the department of natural resources constitutes compliance with the requirement for notification to the department.

2. The department of natural resources shall advise the department of the failure of any facility owner or operator to submit a notification as required under section 304 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11004.

3. The department of natural resources shall make available to the public upon request during normal working hours the information in its possession pursuant to section 324 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11044.

4. The department of natural resources shall compile the data collected pursuant to section 313 of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11023, and shall make the compiled data available to the public upon request.

89 Acts, ch 204, §9
CS89, §30.8
91 Acts, ch 255, §7; 2017 Acts, ch 28, §7, 11
C2018, §30.4
2018 Acts, ch 1026, §14
Referred to in §30.2
Former §30.4 repealed by 2017 Acts, ch 28, §10

30.5 Powers of local emergency planning committees.

The local emergency planning committee appointed by the department for each local emergency planning district has the powers necessary to carry out the functions and duties specified in state law and the Emergency Planning and Community Right-to-know Act.

89 Acts, ch 204, §11
CS89, §30.10

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2017 Acts, ch 28, §8, 11
C2018, §30.5
Former §30.5 transferred to §30.2; 2017 Acts, ch 28, §11

30.6 Liability of committee members.

A person appointed as a member of a local emergency planning committee is not personally liable for a claim based upon an act or omission of the person performed in the discharge of the functions and duties specified in the state law and the Emergency Planning and Community Right-to-know Act, except for acts and omissions which involve intentional misconduct or knowing violation of the law, or for a transaction from which the person derives an improper personal benefit.

89 Acts, ch 204, §12
CS89, §30.11
2017 Acts, ch 28, §11
C2018, §30.6
Former §30.6 repealed by 2017 Acts, ch 28, §10

30.7 Civil action.

1. The department may commence a civil action against an owner or operator of a facility who has violated federal requirements to do any of the following:

a. Provide notification under section 302(c) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11002(c).

b. Submit a material safety data sheet or a list under section 311(a) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021(a).

c. Make available information requested under section 311(c) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11021(c).

d. Complete and submit an inventory form under section 312(a) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022(a), containing tier I information unless tier II information is submitted for the same period of time.

e. Provide information under section 303(d) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11003(d).

f. Submit tier II information under section 312(e)(1) of the Emergency Planning and Community Right-to-know Act, 42 U.S.C. §11022(e)(1).

2. The Iowa district court shall have jurisdiction over actions brought under this section and may grant any appropriate relief.

89 Acts, ch 204, §13
CS89, §30.12
2017 Acts, ch 28, §9, 11
C2018, §30.7
Former §30.7 transferred to §30.3; 2017 Acts, ch 28, §11

30.8 Duties to be allocated to department of natural resources. Transferred to §30.4; 2017 Acts, ch 28, §11.

30.9 Duties to be allocated to department of homeland security and emergency management. Repealed by 2017 Acts, ch 28, §10. See §30.2.

30.10 Powers of local emergency planning committees. Transferred to §30.5; 2017 Acts, ch 28, §11.

30.11 Liability of committee members. Transferred to §30.6; 2017 Acts, ch 28, §11.

30.12 Civil action. Transferred to §30.7; 2017 Acts, ch 28, §11.

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CHAPTERS 31 to 33

RESERVED

CHAPTER 34

EMERGENCY TELEPHONE NUMBER (911)

This chapter not enacted as a part of this
title; transferred from chapter 477A in Code 1993

34.1 Definitions. 34.2 911 service.

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34.1 Definitions.

As used in this chapter unless the context otherwise requires:

1. *"911 service"* means a service which provides the user of a public telephone system the ability to reach a public safety answering point by dialing the digits 9-1-1.

2. *"Private safety entity"* means a private entity which provides emergency fire, ambulance, or medical services whether by full or part-time employees or on a volunteer basis.

3. *"Public agency"* means the state government and any unit of local government or special purpose district located in whole or in part within the state that provides or has authority to provide fire fighting, law enforcement, ambulance, medical, or other emergency services.

4. *"Public safety agency"* means a functional unit of a public agency that provides fire fighting, law enforcement, ambulance, medical, or other emergency services.

5. *"Public safety answering point"* means a communications facility operated on a twenty-four hour basis and serving participating jurisdictions, that initially receives 911 calls and either directly dispatches emergency response services, or relays the calls to the appropriate public safety agency.

86 Acts, ch 1246, §763
C87, §477A.1
C93, §34.1
94 Acts, ch 1023, §6
Referred to in §321.234A, 321.276, 707.6A

34.2 911 service.

1. After July 1, 1986, when 911 service is established in a service area each public agency, public safety agency, and private safety entity serving territory within the service area shall participate in providing the 911 service. The 911 service shall be established according to a written plan which has the written approval of the governing bodies of each public agency, public safety agency, and private safety entity serving territory within the 911 service area.

2. This chapter does not prohibit or discourage participation in or the provision of 911 service covering the territory of more than one public agency, public safety agency, or private safety entity. A system established pursuant to this section may serve the territory of more than one public agency, public safety agency, or private safety entity or may include a part of their respective territories. Public agencies, public safety agencies, and private safety entities may enter into agreements under chapter 28E to provide 911 service.

3. The digits "911" shall be the primary emergency telephone number within the 911 service areas established under this section. A public safety agency or a private safety entity whose services are available through a 911 system may maintain a separate secondary backup number for emergencies, and shall maintain a separate number for nonemergency telephone calls.

4. *a.* A 911 system shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to a public safety agency or agencies that provide the requested service at the place where the call originates. A 911 system may also provide for transmitting requests for emergency management, poison

control, suicide prevention, and other emergency services. The public safety answering point shall be capable of receiving calls from deaf and hard-of-hearing persons through a telecommunications device for the deaf and hard of hearing. Conferencing capability with counseling, aid to persons with disabilities, and other services as deemed necessary for identifying appropriate emergency response services may be provided by the 911 service.

b. A public safety answering point may transmit emergency response requests to private safety entities.

86 Acts, ch 1246, §764
C87, §477A.2
92 Acts, ch 1139, §32
C93, §34.2
93 Acts, ch 75, §2; 96 Acts, ch 1129, §13; 2020 Acts, ch 1102, §1

CHAPTER 34A

911 EMERGENCY TELEPHONE SYSTEMS

Referred to in §16.161, 423.3

This chapter not enacted as a part of this title; transferred from chapter 477B in Code 1993

SUBCHAPTER I

LOCAL OPTION 911 SERVICE SURCHARGE AND 911 SERVICE

34A.1 Purpose.
34A.2 Definitions.
34A.2A Program manager — appointment — duties.
34A.3 Joint 911 service board — 911 service plan — implementation — waivers.
34A.4 Requirements of pay telephones and other telecommunications devices to allow 911 calls without depositing coins or other charge.
34A.5 Private listing subscribers and 911 service.
34A.6 and 34A.6A Repealed by 2013 Acts, ch 120, §9.
34A.7 Funding — wire-line 911 service surcharge.
34A.7A Emergency communications service surcharge — fund established — distribution and permissible expenditures.
34A.7B Prepaid wireless 911 surcharge.
34A.8 Local exchange service information — penalty.
34A.9 Telecommunications devices for persons with speech disorders and the deaf and hard of hearing.
34A.10 Next generation 911 network access.
34A.11 Communications — single point-of-contact.
34A.12 Delivery of 911 calls — reimbursement.
34A.13 and 34A.14 Reserved.
34A.15 911 communications council established — duties.
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34A.17 through 34A.19 Reserved.

SUBCHAPTER II

911 PROGRAM FINANCING

34A.20 911 financing program — definitions — funding — bonds and notes.
34A.21 Security — reserve funds — pledges — nonliability — irrevocable contracts.
34A.22 Rules.

SUBCHAPTER I

LOCAL OPTION 911 SERVICE SURCHARGE AND 911 SERVICE

Referred to in §34A.20

34A.1 Purpose.

The general assembly finds that 911 emergency telephone communication systems and other emergency 911 notification devices further the public interest and protect the health,

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safety, and welfare of the people of Iowa. The purpose of this chapter is to enable the orderly development, installation, and operation of 911 emergency telephone communication systems and other emergency 911 notification devices statewide. These systems are to be operated under governmental management and control for the public benefit.

88 Acts, ch 1177, §1
C89, §477B.1
C93, §34A.1
2004 Acts, ch 1175, §444; 2017 Acts, ch 136, §2

34A.2 Definitions.

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

1. *"911 call processing equipment"* means equipment owned by the department of homeland security and emergency management that functions in a host remote environment, provides 911 call processing functionality to public safety answering points, and utilizes the next generation 911 network. *"911 call processing equipment"* includes but is not limited to computer aided dispatch, voice logging recorders, mapping, and emergency medical dispatch.

2. *"911 call processing equipment provider"* means a vendor or vendors selected by the department of homeland security and emergency management to provide 911 call processing equipment.

3. *"911 call transport provider"* means a vendor or vendors selected by the department of homeland security and emergency management to deliver aggregated wire-line 911 call traffic to the next generation 911 network and from the next generation 911 network to public safety answering points.

4. *"911 service area"* means the geographic area encompassing at least one entire county, and which may encompass a geographical area outside the one entire county not restricted to county boundaries, serviced or to be serviced under a 911 service plan.

5. *"911 service plan"* means a plan that includes the following information:

a. A description of the 911 service area.

b. A list of all public and private safety agencies within the 911 service area.

c. The number of public safety answering points within the 911 service area.

d. (1) A statement of estimated costs to be incurred by the joint 911 service board or the department of public safety, including separate estimates of the following:

(a) Nonrecurring costs, including but not limited to public safety answering points, 911 call processing equipment, internet and telephone access, database, addressing, training, and other capital expenditures, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider.

(b) Recurring costs, including but not limited to 911 call processing equipment, internet and telephone access, equipment, and database management, and maintenance, including the purchase or lease of subscriber names, addresses, and telephone information from the local exchange service provider. Recurring costs shall not include personnel costs for a public safety answering point.

(2) Funds deposited in a 911 service fund are appropriated and shall be used for the payment of costs that are limited to nonrecurring and recurring costs directly attributable to the receipt and disposition of the 911 call. Costs do not include expenditures for any other purpose, and specifically exclude costs attributable to other emergency services or expenditures for buildings or personnel, except for the costs of personnel for database management and personnel directly associated with addressing.

e. A schedule for implementation of the plan throughout the 911 service area. The schedule may provide for phased implementation.

f. The number of telephone access lines and voice over internet protocol service connections capable of access to 911 in the 911 service area.

g. The total property valuation in the 911 service area.

h. A plan to migrate to a next generation 911 network.

6. *"Access line"* means an exchange access line that has the ability to access dial tone and reach a public safety answering point.

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7. *"Communications service"* means a service capable of accessing, connecting with, or interfacing with a 911 system by dialing, initializing, or otherwise activating the system exclusively through the digits 911 by means of a local telephone device, wireless communications device, or any other device capable of interfacing with the 911 system.

8. *"Competitive local exchange service provider"* means any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a non-rate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the Iowa utilities commission as of September 30, 1992.

9. *"Director"* means the director of the department of homeland security and emergency management.

10. *"Emergency communications service surcharge"* means a charge established by the program manager in accordance with section 34A.7A.

11. *"Emergency services internet protocol network"* or *"ESInet"* means a system using broadband packet-switched technology that is capable of supporting the transmission of varying types of data to be shared by all public or private safety agencies that are involved in an emergency.

12. *"Enhanced 911"* or *"E911"* means a service that provides the user of a communications service with the ability to reach a public safety answering point by using the digits 911, and that has the following additional features:

a. Routes an incoming 911 call to the appropriate public safety answering point.

b. Automatically provides voice, displays the name, address or location, and telephone number of an incoming 911 call and public safety agency servicing the location.

13. *"Geographic information system"* or *"GIS"* means a system designed to capture, store, manipulate, analyze, manage, and present spatial or geographical data.

14. *"Local exchange carrier"* means any person that was the incumbent and historical rate-regulated wireline provider of local exchange services or any successor to such person that provides local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the Iowa utilities commission as of September 30, 1992.

15. *"Local exchange service provider"* means a vendor engaged in providing telecommunications service between points within an exchange and includes but is not limited to a competitive local exchange service provider and a local exchange carrier.

16. *"Next generation 911 network"* means an internet protocol-enabled system that enables the public to transmit digital information to public safety answering points and is responsible for the delivery of all 911 messages within the state. *"Next generation 911 network"* replaces enhanced 911 and includes but is not limited to 911 voice and nonvoice messages generated by originating service providers, ESInet, GIS, cybersecurity, and other system components.

17. *"Next generation 911 network service provider"* means a vendor or vendors selected by the department of homeland security and emergency management to provide next generation 911 network functionality.

18. *"Originating service provider"* means a communications provider that allows its users or subscribers to originate 911 voice or nonvoice messages from the public to public safety answering points, including but not limited to wire-line, wireless, and voice over internet protocol services.

19. *"Prepaid wireless telecommunications service"* means a wireless communications service that provides the right to utilize mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the amount declines with use in a known amount.

20. *"Program manager"* means the 911 program manager appointed pursuant to section 34A.2A.

21. *"Provider"* means a vendor who provides, or offers to provide, 911 equipment, installation, maintenance, or exchange access services within the 911 service area.

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22. *"Public or private safety agency"* means a unit of state or local government, a local emergency management agency as defined in section 29C.2, a special purpose district, or a private firm which provides or has the authority to provide fire fighting, police, ambulance, or emergency medical services, or hazardous materials response.

23. *"Public safety answering point"* means a twenty-four-hour public safety communications facility that receives 911 service calls and directly dispatches emergency response services or relays calls to the appropriate public or private safety agency.

24. *"Voice over internet protocol service"* means a service to which all of the following apply:

a. The service provides real-time two-way voice communications transmitted using internet protocol or a successor protocol.

b. The service is offered to the public, or such classes of users as to be effectively available to the public.

c. The service has the capability to originate traffic to, and terminate traffic from, the public switched telephone network or a successor network.

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

26. *"Wireless communications service provider"* means a company that offers wireless communications service to users of wireless devices including but not limited to cellular, personal communications services, mobile satellite services, and enhanced specialized mobile radio.

27. *"Wireless E911 phase 1"* means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and address of the tower that received the call to the appropriate public safety answering point.

28. *"Wireless E911 phase 2"* means a 911 call made from a wireless device in which the wireless communications service provider delivers the call-back number and the latitude and longitude coordinates of the wireless device to the appropriate public safety answering point.

29. *"Wire-line 911 service surcharge"* means a charge set by the 911 service area operating authority and assessed on each wire-line access line which physically terminates within the 911 service area in accordance with section 34A.7.

88 Acts, ch 1177, §2
C89, §477B.2
92 Acts, ch 1139, §34
C93, §34A.2

93 Acts, ch 125, §1; 94 Acts, ch 1199, §45; 98 Acts, ch 1101, §3, 4, 16; 2004 Acts, ch 1175, §445; 2008 Acts, ch 1032, §201; 2012 Acts, ch 1111, §1; 2013 Acts, ch 29, §31, 32; 2017 Acts, ch 136, §3; 2018 Acts, ch 1076, §1 – 3, 11; 2021 Acts, ch 75, §5; 2021 Acts, ch 80, §16; 2022 Acts, ch 1021, §19; 2024 Acts, ch 1170, §369

Referred to in §34A.7

34A.2A Program manager — appointment — duties.

1. The director of the department of homeland security and emergency management shall appoint a 911 program manager to administer this chapter.

2. The 911 program manager shall act under the supervisory control of the director of the department of homeland security and emergency management, and in consultation with the 911 communications council, and shall perform the duties specifically set forth in this chapter and as assigned by the director.

98 Acts, ch 1101, §5, 16; 2004 Acts, ch 1175, §446; 2013 Acts, ch 29, §33; 2017 Acts, ch 136, §4

Referred to in §16.161, 34A.2

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34A.3 Joint 911 service board — 911 service plan — implementation — waivers.

1. *Joint 911 service boards — plans.*

a. The board of supervisors of each county shall maintain a joint 911 service board.

(1) Each political subdivision of the state having a public safety agency serving territory within the county and each local emergency management agency as defined in section 29C.2 operating within the area is entitled to voting membership on the joint 911 service board. For the purposes of this section, a township that operates a volunteer fire department providing fire protection services to the township, or a city which provides fire protection services through the operation of a volunteer fire department not financed through city government, shall be considered a political subdivision of the state having a public safety agency serving territory within the county. Each private safety agency operating within the area is entitled to nonvoting membership on the board.

(2) A township that does not operate its own public safety agency, but contracts for the provision of public safety services, is not entitled to membership on the joint 911 service board, but its contractor is entitled to membership according to the contractor's status as a public or private safety agency.

(3) The sheriff of each county, or the sheriff's designee, is entitled to voting membership on the joint 911 service board.

(4) The chief of police of each city operating a public safety answering point, or the chief of police's designee, is entitled to voting membership on the joint 911 service board of the county where the city is located.

b. The joint 911 service board shall maintain a 911 service plan encompassing at minimum the entire county, unless an exemption is granted by the program manager permitting a smaller 911 service area.

(1) The program manager may grant a discretionary exemption from the single county minimum service area requirement based upon a joint 911 service board's or other 911 service plan operating authority's presentation of evidence which supports the requested exemption if the program manager finds that local conditions make adherence to the minimum standard unreasonable or technically infeasible and that the purposes of this chapter would be furthered by granting an exemption. The minimum size requirement is intended to prevent unnecessary duplication of public safety answering points and minimize other administrative, personnel, and equipment expenses.

(2) The program manager may order the inclusion of a specific territory not serviced by surrounding 911 service plan areas in an adjoining 911 service plan area upon request of the joint 911 service board representing the territory to avoid the creation by exclusion of a territory smaller than a single county.

c. The 911 service plan operating authority shall submit proposed changes to the plan to all of the following:

(1) The program manager.

(2) Public and private safety agencies in the 911 service area.

(3) Local exchange service providers affected by the 911 service plan.

2. *Compliance waivers available in limited circumstances.*

a. The program manager may extend the time period for plan implementation by issuing a compliance waiver.

b. The compliance waiver shall be based upon a joint 911 service board's presentation of evidence which supports an extension if the program manager finds that local conditions make implementation financially unreasonable or technically infeasible by the originally scheduled plan of implementation.

c. The compliance waiver shall be for a set period of time, and subject to review and renewal or denial of renewal upon its expiration.

d. The waiver may cover all or a portion of a 911 service plan's 911 service area to facilitate phased implementation when possible.

e. The granting of a compliance waiver does not create a presumption that the identical or similar waiver will be extended in the future.

f. Consideration of compliance waivers shall be on a case-by-case basis.

3. *Chapter 28E agreement — alternative to joint 911 service board.*

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a. A legal entity created pursuant to chapter 28E by a county or counties, other political divisions, and public or private agencies to jointly plan, implement, and operate a countywide, or larger, 911 service system may be substituted for the joint 911 service board required under subsection 1. An alternative legal entity created pursuant to chapter 28E as a substitute for a joint 911 service board, as permitted by this subsection, may be created by either:

(1) Agreement of the parties entitled to voting membership on a joint 911 service board.

(2) Agreement of the members of a joint 911 service board.

b. An alternative chapter 28E entity has all of the powers of a joint 911 service board and any additional powers granted by the agreement. As used in this chapter, *"joint 911 service board"* includes an alternative chapter 28E entity created for that purpose, except as specifically limited by the chapter 28E agreement or unless clearly provided otherwise in this chapter. A chapter 28E agreement related to 911 service shall permit the participation of a private safety agency or other persons allowed to participate in a joint 911 service board, but the terms, scope, and conditions of participation are subject to the chapter 28E agreement.

4. *Local emergency management commission — alternative to 911 service board.*

a. Subject to section 29C.9, subsection 10, a local emergency management commission may be substituted for the joint 911 service board required under subsection 1 by the board of supervisors of the county in which the joint 911 service board is maintained.

b. A commission shall have all of the powers of a joint 911 service board if a commission is substituted for the joint 911 service board pursuant to paragraph *"a"*.

c. As used in this chapter, *"joint 911 service board"* includes a commission if a commission is substituted for the joint 911 service board pursuant to paragraph *"a"*.

5. *Participation in joint 911 service board required.* A political subdivision having a public or private safety agency within its territory or jurisdiction shall participate in a joint 911 service board and cooperate in maintaining the 911 service plan.

88 Acts, ch 1177, §3
C89, §477B.3
89 Acts, ch 168, §1, 2
C93, §34A.3
93 Acts, ch 125, §2; 98 Acts, ch 1101, §6, 16; 2004 Acts, ch 1175, §447; 2008 Acts, ch 1032, §143; 2008 Acts, ch 1070, §1; 2012 Acts, ch 1111, §2; 2017 Acts, ch 136, §5; 2018 Acts, ch 1026, §15; 2019 Acts, ch 71, §1; 2022 Acts, ch 1073, §2
Referred to in §29C.9, 34A.11

34A.4 Requirements of pay telephones and other telecommunications devices to allow 911 calls without depositing coins or other charge.

In a 911 service area, a person shall not install or offer for use within the 911 service area a pay station telephone or other fixed device unless the telephone or device is capable of making a 911 call without prior insertion of a coin or payment of any other charge, and unless the telephone or device displays notice of free 911 service.

88 Acts, ch 1177, §4
C89, §477B.4
C93, §34A.4
2004 Acts, ch 1175, §448; 2017 Acts, ch 136, §6

34A.5 Private listing subscribers and 911 service.

Private listing subscribers in a 911 service area waive the privacy afforded by nonlisted or nonpublished numbers to the extent that the name and address associated with the telephone number may be furnished to the 911 service system, for all routing, for automatic retrieval of location information, and for associated emergency services.

88 Acts, ch 1177, §5
C89, §477B.5
C93, §34A.5
2017 Acts, ch 136, §7

34A.6 and 34A.6A Repealed by 2013 Acts, ch 120, §9.

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34A.7 Funding — wire-line 911 service surcharge.

When a 911 service plan is implemented, the costs of providing 911 service within a 911 service area are the responsibility of the joint 911 service board and the member political subdivisions. Costs in excess of the amount raised by imposition of the 911 service surcharge provided for under subsection 1 shall be paid by the joint 911 service board from such revenue sources allocated among the member political subdivisions as determined by the joint 911 service board. Funding is not limited to the surcharge, and surcharge revenues may be supplemented by other permissible local and state revenue sources. A joint 911 service board shall not commit a political subdivision to appropriate property tax revenues to fund a 911 service plan without the consent of the political subdivision. A joint 911 service board may approve a 911 service plan, including a funding formula requiring appropriations by participating political subdivisions, subject to the approval of the funding formula by each political subdivision. However, a political subdivision may agree in advance to appropriate property tax revenues or other moneys according to a formula or plan developed by an alternative chapter 28E entity.

1. *Local wire-line 911 service surcharge imposition.*

a. To encourage local implementation of 911 service, one source of funding for 911 emergency communication systems shall come from a surcharge per month, per access line on each access line subscriber, of one dollar.

b. The surcharge shall be imposed by order of the program manager as follows:

(1) The program manager shall notify a local exchange service provider scheduled to provide exchange access line service to a 911 service area that implementation of a 911 service plan has been approved by the joint 911 service board and that collection of the surcharge is to begin within sixty days.

(2) The program manager shall also provide notice to all affected public safety answering points.

2. *Surcharge collected by local exchange service providers.*

a. The surcharge shall be collected as part of the access line service provider's periodic billing to a subscriber. In compensation for the costs of billing and collection, the local exchange service provider may retain one percent of the gross surcharges collected. If the compensation is insufficient to fully recover a local exchange service provider's costs for billing and collection of the surcharge, the deficiency shall be included in the local exchange service provider's costs for ratemaking purposes to the extent it is reasonable and just under section 476.6. The surcharge shall be remitted to the joint 911 service board for deposit into the 911 service fund quarterly by the local exchange service provider. The total amount for multiple exchanges may be combined.

b. A local exchange service provider is not liable for an uncollected surcharge for which the local exchange service provider has billed a subscriber but not been paid. The surcharge shall appear as a single line item on a subscriber's periodic billing entitled, "911 emergency communications service surcharge".

c. The joint 911 service board may request, not more than once each quarter, the following information from the local exchange service provider:

(1) The identity of the exchange from which the surcharge is collected.

(2) The number of lines to which the surcharge was applied for the quarter.

(3) The number of refusals to pay per exchange if applicable.

(4) Write-offs applied per exchange if applicable.

(5) The number of lines exempt per exchange.

(6) The amount retained by the local exchange service provider generated from the one percent administration fee.

d. Access line counts and surcharge remittances are confidential public records as provided in section 34A.8.

3. *Maximum limit per subscriber billing for surcharge.* An individual subscriber shall not be required to pay on a single periodic billing the surcharge on more than one hundred access lines, or their equivalent, in a 911 service area. A subscriber shall pay the surcharge in each 911 service area in which the subscriber receives access line service.

4. *911 service fund.* Each joint 911 service board shall establish and maintain as a

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separate account a 911 service fund. Any funds remaining in the account at the end of each fiscal year shall not revert to the general funds of the member political subdivisions, except as provided in subsection 5, but shall remain in the 911 service fund. Moneys in a 911 service fund may only be used for nonrecurring and recurring costs of the 911 service plan as approved by the program manager, as those terms are defined by section 34A.2.

5. *Use of moneys in fund — priority and limitations on expenditure.*

a. Moneys deposited in a 911 service fund shall be used for the repayment of any bonds issued for the benefit of or loan made to the joint 911 service board pursuant to sections 34A.20 through 34A.22, and as long as any such bond or loan remains unpaid the surcharge shall not be reduced or eliminated. Moneys deposited in the fund shall be subject to such terms and conditions as may be contained in the relevant bond documents, trust indenture, resolution, loan agreement, or other instrument pursuant to which bonds are issued or a loan is made, without regard to any limitation otherwise provided by law.

b. Moneys deposited in a 911 service fund shall be used for the following, in order of priority if paragraph *"a"* does not apply:

(1) Money shall first be spent for actual recurring costs of operating the 911 service plan.

(2) If money remains in the fund after fully paying for recurring costs incurred in the preceding year, the remainder may be spent to pay for nonrecurring costs, not to exceed actual nonrecurring costs as approved by the program manager.

(3) If money remains in the fund after fully paying obligations under subparagraphs (1) and (2), the remainder may be accumulated in the fund as a carryover operating surplus.

6. *Limitation of liability — provider not liable on cause of action related to provision of 911 services.* A claim or cause of action does not exist based upon or arising out of an act or omission in connection with a land-line or wireless provider's participation in a 911 service plan or provision of 911 or local exchange access service, unless the act or omission is determined to be willful and wanton negligence.

88 Acts, ch 1177, §7
C89, §477B.7
89 Acts, ch 168, §4 – 6; 90 Acts, ch 1144, §2 – 4
C93, §34A.7
98 Acts, ch 1101, §8, 16; 2004 Acts, ch 1175, §450 – 452; 2005 Acts, ch 140, §1; 2012 Acts, ch 1111, §5 – 8; 2013 Acts, ch 120, §1 – 4; 2017 Acts, ch 136, §8; 2018 Acts, ch 1076, §4, 11
Referred to in §34A.2, 34A.7B, 476.95

34A.7A Emergency communications service surcharge — fund established — distribution and permissible expenditures.

1. *a.* The director shall adopt by rule a monthly surcharge of one dollar to be imposed on each originating service number provided in this state. The surcharge shall be imposed uniformly on a statewide basis and simultaneously on all originating service numbers as provided by rule of the director. The surcharge shall not be imposed on wire-line-based communications or prepaid wireless telecommunications service.

b. The program manager shall provide no less than sixty days' notice of the surcharge to be imposed to each originating service provider.

c. (1) The surcharge shall be collected as part of the originating service provider's periodic billing to a subscriber. The surcharge shall appear as a single line item on a subscriber's periodic billing indicating that the surcharge is for 911 emergency communications service.

(2) In compensation for the costs of billing and collection, the originating service provider may retain one percent of the gross surcharges collected.

(3) The surcharges shall be remitted quarterly by the originating service provider to the program manager for deposit into the fund established in subsection 2.

(4) An originating service provider is not liable for an uncollected surcharge for which the originating service provider has billed a subscriber but which has not been paid.

2. Moneys collected pursuant to subsection 1 and section 34A.7B, subsection 2, shall be deposited in a separate 911 emergency communications fund within the state treasury under the control of the program manager. Section 8.33 shall not apply to moneys in the fund.

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Moneys earned as income, including as interest, from the fund shall remain in the fund until expended as provided in this section. Moneys in the fund shall be expended and distributed in the following priority order:

a. An amount as appropriated by the general assembly to the director shall be allocated to the director and program manager for implementation, support, and maintenance of the functions of the director and program manager and to employ the auditor of state to perform an annual audit of the 911 emergency communications fund.

b. (1) The program manager shall allocate to each joint 911 service board and to the department of public safety a minimum of one thousand dollars per calendar quarter for each public safety answering point within the service area of the department of public safety or joint 911 service board.

(2) The amount allocated under this paragraph *"b"* shall be sixty percent of the total amount of surcharge generated per calendar quarter allocated as follows:

(a) Sixty-five percent of the total dollars available for allocation shall be allocated in proportion to the square miles of the service area to the total square miles in this state.

(b) Thirty-five percent of the total dollars available for allocation shall be allocated in proportion to the wireless 911 calls taken at the public safety answering point in the service area to the total number of wireless 911 calls originating in this state.

(c) Notwithstanding subparagraph divisions (a) and (b), the minimum amount allocated to each joint 911 service board and to the department of public safety shall be no less than one thousand dollars for each public safety answering point within the service area of the department of public safety or joint 911 service board.

(3) The funds allocated in this paragraph *"b"* shall be used by the public safety answering points for the receipt and disposition of 911 calls.

c. From July 1, 2013, until June 30, 2026, the program manager shall allocate ten percent of the total amount of surcharge generated to wireless carriers to recover their costs to deliver E911 phase 1 services. If the allocation in this paragraph is insufficient to reimburse all wireless carriers for such carrier's eligible expenses, the program manager shall allocate a prorated amount to each wireless carrier equal to the percentage of such carrier's eligible expenses as compared to the total of all eligible expenses for all wireless carriers for the calendar quarter during which such expenses were submitted. When prorated expenses are paid, the remaining unpaid expenses shall no longer be eligible for payment under this paragraph.

d. (1) The program manager shall reimburse next generation 911 network service providers, 911 call processing equipment providers, 911 call transport providers, and third-party 911 automatic location identification database providers on a calendar quarterly basis for the costs of maintaining and upgrading the next generation 911 network functionality, 911 call processing equipment, 911 call transport from the next generation 911 network to public safety answering points and from the wireless originating service provider network to the next generation 911 network, and the automatic location identification database.

(2) The program manager may also provide grants to joint 911 service boards and the department of public safety for the purpose of developing and maintaining GIS data to be used in support of the next generation 911 network. The program manager shall provide guidelines, application forms, and notice of the availability of such grants on the department's internet site.

e. The department of homeland security and emergency management may, in a reserve account established within the 911 emergency communications fund, credit each fiscal year an amount of up to twelve and one-half percent of the annual 911 emergency communications service surcharge collected pursuant to subsection 1 and the prepaid wireless 911 surcharge collected pursuant to section 34A.7B, subsection 2. However, the moneys contained in such reserve account shall not exceed twelve and one-half percent of the total surcharges collected for each fiscal year. Moneys credited to the reserve account shall only be used by the department for the purpose of repairing or replacing equipment in the event of a catastrophic equipment failure, as determined by the director.

f. (1) If moneys remain in the fund after fully paying all obligations under paragraphs

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"a", *"b"*, *"c"*, *"d"*, and *"e"*, remaining funds shall be expended and distributed in the following priority order:

(a) (i) The director, in consultation with the program manager and the 911 communications council, may provide grants to any public safety answering point agreeing to consolidate. For purposes of this subparagraph division, *"consolidate"* means the consolidation of all public safety answering point systems, functions, 911 service areas, and physical facilities of two or more public safety answering points, resulting in the consolidated public safety answering point being responsible for all call answering and dispatch functions for the combined 911 service area. Such a grant to a public safety answering point shall not exceed one-half of the projected cost of consolidation, or two hundred thousand dollars, whichever is less.

(ii) Grants provided under this subparagraph may, subject to available funding, be provided until June 30, 2022.

(iii) The director, in consultation with the program manager and the 911 communications council, shall adopt rules governing the eligibility for and the 911 communications council's distribution of grants to public safety answering points pursuant to this subparagraph division.

(b) The program manager, in consultation with the 911 communications council, shall allocate an amount, not to exceed one hundred thousand dollars per fiscal year, for development of public awareness and educational programs related to the use of 911 by the public, educational programs for personnel responsible for the maintenance, operation, and upgrading of local 911 systems, and the expenses of members of the 911 communications council for travel, monthly meetings, and training, provided, however, that the members have not received reimbursement funds for such expenses from another source.

(c) The program manager shall allocate an equal amount of moneys to each public safety answering point for costs related to the receipt and disposition of 911 calls, including hardware and software for the next generation 911 network and local costs related to accessing the state's interoperable communications system.

(2) Notwithstanding section 8.33, any moneys remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain available for the purposes of the fund.

g. The director, in consultation with the program manager and the 911 communications council, shall adopt rules pursuant to chapter 17A governing the distribution of the surcharge collected and distributed pursuant to this subsection. The rules shall include provisions that all joint 911 service boards and the department of public safety which answer or service wireless 911 calls are eligible to receive an equitable portion of the receipts.

3. *a.* The program manager shall submit an annual report by January 15 of each year to the general assembly's standing committees on government oversight advising the general assembly of the status of 911 implementation and operations, including both wire-line and wireless services, the distribution of surcharge receipts, and an accounting of the revenues and expenses of the 911 program.

b. The program manager shall submit a calendar quarter report of the revenues and expenses of the 911 program to the fiscal services division of the legislative services agency.

c. The general assembly's standing committees on government oversight shall review the priorities of distribution of funds under this chapter at least every two years.

4. The amount collected from an originating service provider and deposited in the fund, pursuant to section 22.7, subsection 6, information provided by an originating service provider to the program manager consisting of trade secrets, pursuant to section 22.7, subsection 3, and other financial or commercial operations information provided by an originating service provider to the program manager, shall be kept confidential as provided under section 22.7. This subsection does not prohibit the inclusion of information in any report providing aggregate amounts and information which does not identify numbers of accounts or customers, revenues, or expenses attributable to an individual originating service provider.

5. *a.* The program manager, in consultation with the 911 communications council and the auditor of state, shall establish a methodology for determining and collecting public safety

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answering point cost and expense data through the county joint 911 service boards. The methodology shall include the collection of data for direct costs and expenses related to the operation of a public safety answering point and account for the extent to which identified costs and expenses are compensated for or addressed through 911 surcharges versus other sources of funding.

b. Data collection pursuant to paragraph *"a"* shall commence no later than January 1, 2014, and shall be subject to an audit by the auditor of state beginning July 1, 2014. The program manager shall prepare a report detailing the methodology developed and the data collected after such data has been collected for a two-year period. The report and the results of the initial audit shall be submitted to the general assembly by March 1, 2016. A new report regarding data collection and the results of an ongoing audit for each successive two-year period shall be submitted by March 1 every two years thereafter. Expenses associated with the audit shall be paid to the auditor of state by the program manager from the 911 emergency communications fund established in subsection 2.

c. A county joint 911 service board which fails to submit expenses and costs pursuant to the methodology developed pursuant to paragraph *"a"* by March 31 of each year shall be allocated sixty-five cents out of the one dollar 911 emergency communications service surcharge until March 31 of the following year. Remaining funds shall be held in the carryover operating surplus fund until the expenses and cost report is submitted by the county joint 911 service board. If the county joint 911 service board submits the expense and cost report before March 30 of the following year, the set aside funds shall be provided to the county joint 911 service board. If the county joint 911 service board fails to submit the expense and cost report within one year, funds shall revert to the carryover operating surplus fund and be used in accordance with subsection 2, paragraph *"f"*.

98 Acts, ch 1101, §9, 16; 99 Acts, ch 96, §5; 2004 Acts, ch 1175, §453 – 455; 2005 Acts, ch 140, §2; 2007 Acts, ch 213, §21; 2009 Acts, ch 41, §263; 2009 Acts, ch 86, §4; 2012 Acts, ch 1111, §9; 2013 Acts, ch 29, §35, 36; 2013 Acts, ch 30, §13; 2013 Acts, ch 120, §5 – 8; 2015 Acts, ch 129, §3, 5, 7, 8; 2016 Acts, ch 1100, §1; 2016 Acts, ch 1103, §2 – 4; 2017 Acts, ch 136, §9; 2018 Acts, ch 1076, §5 – 8, 11; 2022 Acts, ch 1031, §1

Referred to in §34A.2, 34A.7B, 34A.12, 34A.15

34A.7B Prepaid wireless 911 surcharge.

1. As used in this section, unless the context otherwise requires:

a. "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

b. "Department" means the department of revenue.

c. "Prepaid wireless 911 surcharge" means the surcharge that is required to be collected by a seller from a consumer in the amount established under this section.

d. "Provider" means a person who provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.

e. "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

f. "Seller" means a person who sells prepaid wireless telecommunications service to another person.

2. There is imposed a prepaid wireless 911 surcharge of thirty-three cents on each retail transaction or, on or after the determination of an adjusted rate as determined pursuant to subsection 7, the adjusted rate.

3. The prepaid wireless 911 surcharge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 911 surcharge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

4. For purposes of subsection 3, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as

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occurring in this state if the retail transaction is treated as occurring in this state for purposes of section 423.20 as that section applies to sourcing of a prepaid wireless calling service.

5. The prepaid wireless 911 surcharge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 911 surcharges that the seller collects from consumers as provided in subsection 3, including all such surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

6. The amount of the prepaid wireless 911 surcharge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, other surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

7. The prepaid wireless 911 surcharge shall be increased or reduced, as applicable, in an amount proportionate to any change to the surcharge imposed under section 34A.7A, subsection 1. The proportional increase or reduction shall be effective on the first day of the calendar month after the effective date of the change to the surcharge imposed under section 34A.7A, subsection 1. The department shall provide not less than thirty days' advance notice of such increase or reduction on the department's internet site.

8. If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, nonitemized price, the seller may elect not to apply the prepaid wireless 911 surcharge to the retail transaction. For purposes of this subsection, an amount of service denominated as ten minutes or less, or five dollars or less, shall be regarded as a minimal amount of service.

9. Prepaid wireless 911 surcharges collected by sellers shall be remitted to the department at the times and in the manner provided by chapter 423 with respect to the sales and use tax. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to sellers under chapter 423.

10. A seller may deduct and retain three percent of prepaid wireless 911 surcharges that are collected by the seller from consumers.

11. The audit, appeal, collection, and enforcement procedures and other pertinent provisions applicable to the sales and use tax imposed under chapter 423 shall apply to prepaid wireless 911 surcharges.

12. The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under chapter 423.

13. The department shall transfer all reported prepaid wireless 911 surcharges to the treasurer of state for deposit in the 911 emergency communications fund created under section 34A.7A, subsection 2, within thirty days of receipt after deducting an amount, not to exceed two percent of collected surcharges, that shall be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless 911 surcharges.

14. The limitation of actions provisions under section 34A.7, subsection 6, shall apply to providers and sellers of prepaid wireless telecommunications service. In addition, a provider or seller of prepaid wireless telecommunications service shall not be liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any other state, in connection with any lawful investigation or other law enforcement activity by such investigative or law enforcement officer.

15. The prepaid wireless 911 surcharge imposed pursuant to this section shall be the only 911 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for 911 funding purposes,

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upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

2012 Acts, ch 1111, §10, 13, 14; 2013 Acts, ch 70, §16, 27, 28; 2017 Acts, ch 136, §10; 2018 Acts, ch 1161, §21

Referred to in §34A.7A

34A.8 Local exchange service information — penalty.

1. A local exchange service provider shall furnish to the next generation 911 network service provider, designated by the department of homeland security and emergency management, all names, addresses, and telephone number information concerning its subscribers which will be served by the next generation 911 network and shall periodically update the local exchange service information. The 911 service provider shall furnish the addresses and telephone number information received from the local exchange service provider to the director for use in the mass notification and emergency messaging system as defined in section 29C.2. The local exchange service provider shall receive as compensation for the provision of local exchange service information charges according to its tariffs on file with and approved by the Iowa utilities commission. The tariff charges shall be the same whether or not the local exchange service provider is designated as the next generation 911 network service provider by the department of homeland security and emergency management.

2. *a.* Subscriber information remains the property of the local exchange service provider.

b. The director, program manager, joint 911 service board, local emergency management commission established pursuant to section 29C.9, the designated next generation 911 network service provider, and the public safety answering point, and their agents, employees, and assigns shall use local exchange service information provided by the local exchange service provider solely for the purposes of providing 911 emergency telephone service or providing related mass notification and emergency messaging services as described in section 29C.17A utilizing only the subscriber's information, and local exchange service information shall otherwise be kept confidential. A person who violates this paragraph is guilty of a simple misdemeanor.

c. This chapter does not require a local exchange service provider to sell or provide its subscriber names, addresses, or telephone number information to any person other than the designated next generation 911 network service provider.

88 Acts, ch 1177, §8

C89, §477B.8

C93, §34A.8

2004 Acts, ch 1175, §456; 2008 Acts, ch 1032, §201; 2009 Acts, ch 32, §1; 2015 Acts, ch 40, §1, 2; 2017 Acts, ch 136, §11; 2018 Acts, ch 1026, §16; 2018 Acts, ch 1076, §9, 11; 2022 Acts, ch 1021, §20; 2023 Acts, ch 66, §8; 2024 Acts, ch 1170, §369

Referred to in §34A.7

34A.9 Telecommunications devices for persons with speech disorders and the deaf and hard of hearing.

Each public safety answering point shall provide for the installation and use of telecommunications devices for persons with speech disorders and for the deaf and hard of hearing.

89 Acts, ch 157, §1

CS89, §477B.9

C93, §34A.9

2004 Acts, ch 1175, §457; 2020 Acts, ch 1102, §2

34A.10 Next generation 911 network access.

On and after July 1, 2017, only the program manager shall approve access to the next generation 911 network.

2004 Acts, ch 1175, §458; 2017 Acts, ch 136, §12

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34A.11 Communications — single point-of-contact.

1. The joint 911 service board in each 911 service area shall designate a person to serve as a single point-of-contact to facilitate the communication of needs, issues, or concerns regarding emergency communications, interoperability, and other matters applicable to emergency 911 communications and migration to the next generation 911 network. The person designated as the single point-of-contact shall be responsible for facilitating the communication of such needs, issues, or concerns between public or private safety agencies within the service area, the 911 program manager, the 911 communications council, the statewide interoperable communications system board established in section 80.28, and any other person, entity, or agency the person deems necessary or appropriate. The person designated shall also be responsible for responding to surveys or requests for information applicable to the service area received from a federal, state, or local agency, entity, or board.

2. In the event a joint 911 service board fails to designate a single point-of-contact by November 1, 2013, the chairperson of the joint 911 service board shall serve in that capacity. The 911 service board shall submit the name and contact information for the person designated as the single point-of-contact to the 911 program manager by January 1 annually.

3. The provisions of this section shall be equally applicable to an alternative legal entity created pursuant to chapter 28E if such an entity is established as an alternative to a joint 911 service board as provided in section 34A.3. If such an entity is established, the governing body of that entity shall designate the single point-of-contact for the entity, and the chairperson or representative official of the governing body shall serve in the event a single point-of-contact is not designated.

2013 Acts, ch 129, §59; 2017 Acts, ch 136, §13

34A.12 Delivery of 911 calls — reimbursement.

The program manager may request reimbursement from each joint 911 service board for reasonable costs under section 34A.7A related to the delivery of 911 call traffic to public safety answering points. Upon request, each joint 911 service board shall reimburse the department of homeland security and emergency management for such costs within thirty days.

2025 Acts, ch 159, §42

34A.13 and 34A.14 Reserved.

34A.15 911 communications council established — duties.

1. A 911 communications council is established. The council consists of the following fourteen members:

a. One person appointed by the commissioner of public safety.

b. One person appointed by the Iowa state sheriffs' and deputies' association.

c. One person appointed by the Iowa peace officers association.

d. One person appointed by the Iowa emergency medical services association.

e. One person appointed by the Iowa professional fire fighters.

f. One person appointed by the Iowa firefighters association.

g. One person appointed by the Iowa chapter of the national emergency number association.

h. One person appointed by the Iowa chapter of the association of public-safety communications officials—international, inc.

i. One person appointed by the Iowa emergency management directors association.

j. Two persons appointed by the Iowa telephone association, with one person appointed to represent telephone companies having fifteen thousand or more customers and one person appointed to represent telephone companies having less than fifteen thousand customers.

k. Two persons appointed by the Iowa wireless industry. One appointee shall represent cellular companies and the other appointee shall represent personal communications services companies.

l. One person appointed by the Iowa geographic information council established by executive order of the governor.

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2. The auditor of state or the auditor of state's designee shall serve as an ex officio nonvoting member.

3. The council shall advise and make recommendations to the director and program manager regarding the implementation of this chapter. Such advice and recommendations shall be provided on issues at the request of the director or program manager or as deemed necessary by the council.

4. The council may provide grants, subject to available moneys in the 911 emergency communications fund, to public safety answering points agreeing to consolidate pursuant to section 34A.7A, subsection 2, paragraph "*f*".

5. A member of the council shall be reimbursed for actual and necessary expenses incurred in the performance of the member's duties, if such member is not otherwise reimbursed for such expenses.

6. The authority of the council is limited to the issues specifically identified in this section and does not preempt the authority of the utilities commission, created in section 474.1, to act on issues within the jurisdiction of the utilities commission.

96 Acts, ch 1219, §64; 98 Acts, ch 1101, §10 – 13, 16; 2004 Acts, ch 1175, §459, 460; 2011 Acts, ch 25, §9; 2012 Acts, ch 1023, §9; 2012 Acts, ch 1111, §11; 2013 Acts, ch 29, §37; 2016 Acts, ch 1100, §2; 2017 Acts, ch 136, §14, 15; 2018 Acts, ch 1026, §181, 182; 2024 Acts, ch 1170, §369

34A.16 Request for call location.

1. A wireless communications service provider shall provide call location information concerning a device to a law enforcement agency or officer or a public safety answering point upon a request for that information if the law enforcement agency or public safety answering point determines the information is needed in an emergency situation that involves the risk of death or serious physical harm.

2. Notwithstanding any provision of law to the contrary, nothing in this section prohibits a wireless communications service provider from establishing protocols by which the provider could voluntarily disclose call location information to a law enforcement agency or officer or a public safety answering point upon a request for that information.

3. A claim or cause of action may not be brought against any wireless communications service provider or employee for providing call location information while acting reasonably and in good faith and in accordance with the provisions of this section.

4. *a.* Wireless communications service providers authorized to do business in the state of Iowa, or submitting to the jurisdiction of Iowa, shall submit contact information to the department of public safety in order to facilitate requests from law enforcement agencies or public safety answering points pursuant to this section. Wireless communications service providers shall submit this contact information annually by June 15 or immediately upon any change in contact information.

b. The department of public safety shall maintain a database containing emergency contact information for all wireless communications service providers authorized to do business in the state and shall make the information immediately available upon request to any law enforcement agency or public safety answering point in the state.

5. A person filing a false report with, or providing false information to, a law enforcement agency or a public safety answering point that results in a request for call location information under this section may be subject to criminal penalty pursuant to section 718.6.

6. Nothing in this section shall be construed as requiring a wireless communications service provider to act in a manner inconsistent with or in violation of federal law.

2015 Acts, ch 89, §1, 3

34A.17 through 34A.19 Reserved.

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SUBCHAPTER II

911 PROGRAM FINANCING

Referred to in §16.161

34A.20 911 financing program — definitions — funding — bonds and notes.

1. As used in this subchapter, unless the context otherwise requires, *"authority"* means the Iowa finance authority.

2. The authority shall cooperate with the director in the creation, administration, and funding of the 911 program established in subchapter I.

3. The authority may issue its bonds and notes for the purpose of funding 911 nonrecurring and recurring costs of one or more 911 service areas.

4. The authority may issue its bonds and notes for the purposes of this chapter and may enter into one or more lending agreements or purchase agreements with one or more bondholders or noteholders containing the terms and conditions of the repayment of and the security for the bonds or notes. The authority and the bondholders or noteholders or a trustee agent designated by the authority may enter into agreements to provide for any of the following:

a. That the proceeds of the bonds and notes and the investments of the proceeds may be received, held, and disbursed by the authority or by a trustee or agent designated by the authority.

b. That the bondholders or noteholders or a trustee or agent designated by the authority may collect, invest, and apply the amount payable under the loan agreements or any other instruments securing the debt obligations under the loan agreements.

c. That the bondholders or noteholders may enforce the remedies provided in the loan agreements or other instruments on their own behalf without the appointment or designation of a trustee. If there is a default in the principal of or interest on the bonds or notes or in the performance of any agreement contained in the loan agreements or other instruments, the payment or performance may be enforced in accordance with the loan agreement or other instrument.

d. Other terms and conditions as deemed necessary or appropriate by the authority.

5. The powers granted the authority under this section are in addition to other powers contained in chapter 16. All other provisions of chapter 16, except section 16.28, subsection 4, apply to bonds or notes issued and powers granted to the authority under this section, except to the extent they are inconsistent with this section.

6. All bonds or notes issued by the authority in connection with the program are exempt from taxation by this state and the interest on the bonds or notes is exempt from state income tax, both personal and corporate.

90 Acts, ch 1144, §6
C91, §477B.20
C93, §34A.20
98 Acts, ch 1101, §14, 16; 2013 Acts, ch 29, §38; 2017 Acts, ch 136, §16
Referred to in §16.161, 34A.7, 34A.21, 422.7(2)(i)

34A.21 Security — reserve funds — pledges — nonliability — irrevocable contracts.

1. The authority may provide in the resolution, trust agreement, or other instrument authorizing the issuance of its bonds or notes pursuant to section 34A.20 that the principal of, premium, and interest on the bonds or notes are payable from any of the following and may pledge the same to its bonds and notes:

a. The income and receipts or other moneys derived from the projects financed with the proceeds of the bonds or notes.

b. The income and receipts or other money derived from designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes.

c. The amounts on deposit in the 911 service fund of a joint 911 service board, including, but not limited to revenues from a local option 911 service surcharge.

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d. The amounts payable to the authority by jurisdictions within service areas pursuant to loan agreements with service areas.

e. Any other funds or accounts established by the authority in connection with the program or the sale and issuance of its bonds or notes.

2. The authority may establish reserve funds to secure one or more issues of its bonds or notes. The authority may deposit in a reserve fund established under this subsection, the proceeds of the sale of its bonds or notes and other money which is made available from any other source.

3. A pledge made in respect of bonds or notes is valid and binding from the time the pledge is made. The money or property so pledged and received after the pledge by the authority is immediately subject to the lien of the pledge without physical delivery or further act. The lien of the pledge is valid and binding as against all persons having claims of any kind in tort, contract, or otherwise against the authority whether or not the parties have notice of the lien. Neither the resolution, trust agreement, or any other instrument by which a pledge is created needs to be recorded, filed, or perfected under chapter 554, to be valid, binding, or effective against all persons.

4. The members of the authority or persons executing the bonds or notes are not personally liable on the bonds or notes and are not subject to personal liability or accountability by reason of the issuance of the bonds or notes.

5. The state pledges to and agrees with the holders of bonds or notes issued under this subchapter that the state will not limit or alter the rights and powers vested in the authority to fulfill the terms of a contract made by the authority with respect to the bonds or notes, or in any way impair the rights and remedies of the holders until the bonds or notes, together with the interest on them including interest on unpaid installments of interest, and all costs and expenses in connection with an action or proceeding by or on behalf of the holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state, as it refers to holders of bonds or notes of the authority, in a contract with the holders.

90 Acts, ch 1144, §7
C91, §477B.21
C93, §34A.21
2017 Acts, ch 136, §17
Referred to in §16.161, 34A.7

34A.22 Rules.

The authority shall adopt rules pursuant to chapter 17A to implement this subchapter.

90 Acts, ch 1144, §8
C91, §477B.22
C93, §34A.22
Referred to in §16.161, 34A.7

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SUBTITLE 13

VETERANS

CHAPTER 35

VETERANS AFFAIRS

35.1 Definitions.
35.2 Proof of veteran status for certain veterans.
35.3 Veterans preference in private employment permitted.
35.4 and 35.5 Reserved.
35.6 Contract with United States department of veterans affairs.
35.7 Orphans educational fund. Repealed by 99 Acts, ch 180, §21.
35.8 through 35.12 Repealed by 2012 Acts, ch 1059, §13.

35.1 Definitions.

As used in this chapter and chapters 35A through 35D:

1. *"Department"* means the Iowa department of veterans affairs created in section 35A.4.

2. *"Veteran"* means any of the following:

a. A resident of this state who served in the armed forces of the United States at any time during the following dates and who was discharged under honorable conditions:

(1) World War I from April 6, 1917, through November 11, 1918.

(2) Occupation of Germany from November 12, 1918, through July 11, 1923.

(3) American expeditionary forces in Siberia from November 12, 1918, through April 30, 1920.

(4) Second Haitian suppression of insurrections from 1919 through 1920.

(5) Second Nicaragua campaign with marines or navy in Nicaragua or on combatant ships from 1926 through 1933.

(6) Yangtze service with navy and marines in Shanghai or in the Yangtze valley from 1926 through 1927 and 1930 through 1932.

(7) China service with navy and marines from 1937 through 1939.

(8) World War II from December 7, 1941, through December 31, 1946.

(9) Korean Conflict from June 25, 1950, through January 31, 1955.

(10) Vietnam Conflict from February 28, 1961, through May 7, 1975.

(11) Lebanon or Grenada service from August 24, 1982, through July 31, 1984.

(12) Panama service from December 20, 1989, through January 31, 1990.

(13) Persian Gulf Conflict from August 2, 1990, through the date the president or the Congress of the United States declares a cessation of hostilities. However, if the United States Congress enacts a date different from August 2, 1990, as the beginning of the Persian Gulf Conflict for purposes of determining whether a veteran is entitled to receive military benefits as a veteran of the Persian Gulf Conflict, that date shall be substituted for August 2, 1990.

b. (1) Former members of the reserve forces of the United States who served at least twenty years in the reserve forces and who were discharged under honorable conditions. However, a member of the reserve forces of the United States who completed a minimum aggregate of ninety days of federal active duty, other than training, and was discharged under honorable conditions, or was retired under Tit. 10 of the United States Code shall be included as a veteran.

(2) Former members of the Iowa national guard who served at least twenty years in the Iowa national guard and who were discharged under honorable conditions. However, a member of the Iowa national guard who was activated for federal duty, other than training, for a minimum aggregate of ninety days, and was discharged under honorable conditions or was retired under Tit. 10 of the United States Code shall be included as a veteran.

(3) Former members of the active, oceangoing merchant marines who served during World War II at any time between December 7, 1941, and December 31, 1946, both dates inclusive, who were discharged under honorable conditions.

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(4) Former members of the women's air force service pilots and other persons who have been conferred veterans status based on their civilian duties during World War II in accordance with federal Pub. L. No. 95-202, 38 U.S.C. §106.

(5) Former members of the armed forces of the United States if any portion of their term of enlistment would have occurred during the time period of the Korean Conflict from June 25, 1950, through January 31, 1955, but who instead opted to serve five years in the reserve forces of the United States, as allowed by federal law, and who were discharged under honorable conditions.

(6) Members of the reserve forces of the United States who have served at least twenty years in the reserve forces and who continue to serve in the reserve forces.

(7) Members of the Iowa national guard who have served at least twenty years in the Iowa national guard and who continue to serve in the Iowa national guard.

c. A resident of this state who served on federal active duty, other than training, in the armed forces of the United States and who was discharged under honorable conditions.

d. A resident of this state who served in any component of the armed forces of the United States, who is in receipt of service-connected disability from the United States department of veterans affairs, and who was discharged under honorable conditions.

99 Acts, ch 180, §2; 2003 Acts, ch 142, §4, 11; 2005 Acts, ch 115, §2 – 4, 40; 2009 Acts, ch 164, §1, 7; 2010 Acts, ch 1061, §180; 2012 Acts, ch 1072, §26, 27; 2024 Acts, ch 1047, §1

Referred to in §8A.413, 12.34, 35.2, 35B.3, 35B.6, 35B.14, 35B.16, 35C.1, 37.10, 91A.5A, 256.183, 256.229, 260C.14, 262.9, 272C.12A, 282.6, 331.608, 400.10, 425.1, 426A.11, 426A.12, 426A.13, 514C.27, 523I.304, 546B.1

35.2 Proof of veteran status for certain veterans.

In order to fulfill any eligibility requirements under Iowa law pertaining to veteran status, a veteran described in section 35.1, subsection 2, paragraph "*b*", subparagraph (6) or (7), shall submit the veteran's retirement points accounting statement issued by the armed forces of the United States, the state adjutant general, or the adjutant general of any other state, to confirm that the person has completed twenty years of service with the reserve forces or the national guard.

2005 Acts, ch 115, §5, 40

Referred to in §426A.13

35.3 Veterans preference in private employment permitted.

1. A private employer may grant preference in hiring and promotion to an individual who is a veteran.

2. *a.* A private employer may grant preference in hiring and promotion to the spouse of a veteran who has sustained a permanent, compensable service-connected disability as adjudicated by the United States veterans administration or by the retirement board of one of the armed forces of the United States.

b. A private employer may grant preference in hiring and promotion to the surviving spouse of a deceased member of the United States armed forces who died while serving on active duty during a time of military conflict or who died as a result of such service.

3. Granting a hiring or promotion preference under this section does not violate any state law or local ordinance regarding equal employment opportunity, including but not limited to chapter 216.

4. The hiring and promotion preferences allowable under this section shall only be granted if consistent with applicable federal laws and regulations.

2014 Acts, ch 1116, §29

35.4 and 35.5 Reserved.

35.6 Contract with United States department of veterans affairs.

A state agency or a political subdivision of this state operating a hospital or medical facility may contract with the United States department of veterans affairs to receive and to provide medical services to patients who are the responsibility of a United States department of veterans affairs hospital or medical facility in the same jurisdiction or medical service area.

88 Acts, ch 1011, §1; 2009 Acts, ch 26, §2

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35.7 Orphans educational fund. Repealed by 99 Acts, ch 180, §21.

35.8 through 35.12 Repealed by 2012 Acts, ch 1059, §13.

CHAPTER 35A

DEPARTMENT OF VETERANS AFFAIRS

Referred to in §35.1

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35A.18 Presentation of flags.
35A.19 through 35A.22 Repealed by 2013 Acts, ch 91, §4.

35A.1 Definitions.

1. *"Commandant"* means the commandant appointed pursuant to section 35A.8.
2. *"Commission"* means the commission of veterans affairs established in section 35A.2.
3. *"Commissioner"* means a member of the commission of veterans affairs.
4. *"Department"* means the Iowa department of veterans affairs established in section 35A.4.

[C79, 81, §35A.1]

86 Acts, ch 1245, §1704; 92 Acts, ch 1140, §7; 2000 Acts, ch 1058, §7; 2005 Acts, ch 115, §9, 40; 2023 Acts, ch 19, §2169, 2170

35A.2 Commission of veterans affairs.

1. A commission of veterans affairs is created consisting of twelve persons who shall be appointed by the governor, subject to confirmation by the senate. Members shall be appointed to staggered terms of four years beginning and ending as provided in section 69.19. The governor shall fill a vacancy for the unexpired portion of the term. In addition to the members appointed by the governor, the commandant shall serve as a nonvoting, ex officio member of the commission.

2. Eleven commissioners shall be honorably discharged members of the armed forces of the United States. The American legion, disabled American veterans, veterans of foreign wars, American veterans, the Vietnam veterans of America, the military order of the purple heart, the paralyzed veterans of America, the marine corps league, and the Iowa association of county commissioners and veteran service officers, through their department commanders, shall submit two names respectively from their organizations to the governor. The adjutant general and the Iowa affiliate of the reserve officers association may submit names to the governor of persons to represent the Iowa national guard and the reserve organization of America. The governor shall appoint from the group of names submitted by the adjutant general and reserve officers association two representatives and from each of the other organizations one representative to serve as a member of the commission, unless the appointments would conflict with the bipartisan provisions of section 4A.12. In

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addition, the governor shall appoint one member of the public, knowledgeable in the general field of veterans affairs, to serve on the commission. If an organization fails to submit a recommendation pursuant to this subsection, the governor may appoint any person to fill the vacancy.

3. *a.* The commissioners are entitled to receive reimbursement for actual expenses incurred while engaged in the performance of official duties. Each member of the commission may also be eligible to receive compensation as provided in section 7E.6.

b. The commandant and employees of the department are entitled to receive, in addition to salary, reimbursement for actual expenses incurred while engaged in the performance of official duties.

c. All out-of-state travel by commissioners shall be approved by the chairperson of the commission.

[C31, §446-c1; C35, §467-f42; C39, §**467.44;** C46, 50, §29.44; C54, 58, 62, §29.12; C66, 71, 73, 75, 77, §29A.12; C79, 81, §35A.2; 81 Acts, ch 33, §1]

86 Acts, ch 1245, §1705, 1706; 92 Acts, ch 1140, §8; 95 Acts, ch 67, §6; 95 Acts, ch 161, §1, 2; 2004 Acts, ch 1175, §222, 287; 2007 Acts, ch 202, §2; 2012 Acts, ch 1059, §1; 2018 Acts, ch 1064, §1; 2023 Acts, ch 19, §2171; 2024 Acts, ch 1004, §7; 2024 Acts, ch 1134, §1; 2024 Acts, ch 1170, §176

Referred to in §35A.1, 35A.12, 35D.1
Confirmation, see §2.32

35A.3 Duties of the commission.

The commission shall do all of the following:

1. Organize and annually select a chairperson.

2. Review and approve, prior to adoption, all proposed rules submitted by the department concerning the management and operation of the department and programs administered by the department.

3. *a.* Advise and make recommendations to the department, the general assembly, and the governor concerning issues involving and impacting veterans in this state.

b. Advise and make recommendations to the general assembly and the governor concerning the management and operation of the department.

4. Review and approve applications for distributions of moneys from the veterans license fee fund pursuant to section 35A.11 and the veterans trust fund pursuant to section 35A.13 for the benefit of veterans, spouses of veterans, and dependents of veterans.

5. Conduct an equal number of meetings at Camp Dodge and the Iowa veterans home. The agenda for each meeting shall include a reasonable time period for public comment.

6. Provide guidance and make recommendations to the department during an annual review of the department's proposed budget and provide guidance and make recommendations for budget changes that occur during the fiscal year.

[C39, §**482.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §35.1; C79, 81, §35A.3]

86 Acts, ch 1245, §1707; 92 Acts, ch 1140, §9; 94 Acts, ch 1107, §3; 95 Acts, ch 161, §3; 2004 Acts, ch 1175, §223; 2005 Acts, ch 115, §10, 11, 40; 2007 Acts, ch 202, §3; 2011 Acts, ch 74, §1, 2; 2023 Acts, ch 19, §2172; 2024 Acts, ch 1047, §2

Referred to in §35A.5

35A.4 Department established.

There is established an Iowa department of veterans affairs which shall consist of a commandant, a commission, and any additional personnel as employed by the commandant.

2005 Acts, ch 115, §12, 40; 2023 Acts, ch 19, §2173

Referred to in §7E.5, 35.1, 35A.1, 35D.1

35A.5 Duties of department.

The department shall do all of the following:

1. Maintain and disseminate information to veterans and the public regarding facilities, benefits, and services available to veterans and their families and assist veterans and their families in obtaining such benefits and services.

2. Maintain information and data concerning the military service records of Iowa veterans.

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3. Assist county veteran affairs commissions established pursuant to chapter 35B. The department shall provide to county commissions suggested uniform benefits and administrative procedures for carrying out the functions and duties of the county commissions.

4. Permanently maintain the records including certified records of bonus applications for awards paid.

5. *a.* Coordinate with United States department of veterans affairs hospitals, health care facilities, and clinics in this state and the department of health and human services to provide assistance to veterans and their families to reduce the incidence of alcohol and chemical dependency and suicide among veterans and to make mental health counseling available to veterans.

b. The assistance program shall include but not be limited to the following:

(1) Public education and awareness programs for veterans, health care professionals, and the public, relative to the needs of veterans.

(2) Referral services to identify appropriate counseling and treatment programs for veterans in need of services.

c. Any assistance program established pursuant to this subsection shall be implemented in a manner that does not duplicate other services readily available to veterans.

6. *a.* Administer or conduct one service school each year for county commissioners and one service school for executive directors and administrators.

b. (1) The department may receive and accept donations, grants, gifts, and contributions from any public or private source to be used for any of the following purposes:

(a) Providing payment for training opportunities under paragraph *"a"*.

(b) Organizing training relating to state programs for county commission of veteran affairs executive directors, administrators, and commissioners.

(c) Hiring an agency, organization, or other entity to provide training or educational programming.

(d) Reimbursing county commission of veteran affairs executive directors, administrators, and commissioners for transportation costs related to a conference, program, or both.

(e) Verifying a person's qualifications pursuant to subsection 9.

(2) All funds received by the department for the purposes established in subparagraph (1) shall be deposited in the county commission of veteran affairs training program account established in section 35A.16, subsection 4.

7. Assist the United States department of veterans affairs, the Iowa veterans home, funeral directors, and federally chartered veterans service organizations in providing information concerning veterans service records and veterans affairs data.

8. Maintain alphabetically a permanent registry of the graves of all persons who served in the military or naval forces of the United States in time of war and whose mortal remains rest in Iowa.

9. Verify each executive director and administrator of a county commission of veteran affairs is fully qualified to work in the person's position. Qualifications include but are not limited to all of the following:

a. The person has obtained certification that is federally required for the executive director's or administrator's position within twelve months of beginning the person's employment.

b. The person has obtained a personal identification verification card necessary to access the veterans benefits management system within twelve months of beginning the person's employment.

c. The person maintains certification that is federally required for the executive director's or administrator's position.

d. The person maintains an active personal identification verification card and has access to the veterans benefits management system.

e. The person is proficient in the use of electronic mail, general computer use, and use of the internet to access information regarding facilities, benefits, and services available to veterans and their families.

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10. Establish and operate a state veterans cemetery and make application to the government of the United States or any subdivision, agency, or instrumentality thereof, for funds for the purpose of establishing such a cemetery.

a. The department may enter into agreements with any subdivision of the state for assistance in operating the cemetery.

b. The state shall own the land on which the cemetery is located.

c. The department shall have the authority to accept federal grant funds, funding from state subdivisions, donations from private sources, and federal "plot allowance" payments.

d. The department through the commandant shall have the authority to accept suitable cemetery land, in accordance with federal veterans cemetery grant guidelines, from the federal government, state government, state subdivisions, private sources, and any other source wishing to transfer land for use as a veterans cemetery.

e. The department may lease or use property received pursuant to this subsection for any purpose so long as such leasing or use does not interfere with the use of the property for cemetery purposes and is not contrary to federal or state guidelines.

f. All funds received pursuant to this subsection, including lease payments or funds generated from any activity engaged in on any property accepted pursuant to this subsection, shall be deposited into an account dedicated to the establishment, operation, and maintenance of a veterans cemetery and these funds shall be expended only for those purposes.

g. Notwithstanding section 8.33, any moneys in the account for a state veterans cemetery shall not revert and, notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the account.

11. Authorize the sale, trade, or transfer of veterans commemorative property pursuant to chapter 37A.

12. Adopt rules pursuant to chapter 17A and establish policy for the management and operation of the department, for the facilitation of programs under the department's authority, and for the performance of duties established under this section. Prior to adopting rules, the department shall submit proposed rules to the commission for review and approval pursuant to the requirements of section 35A.3.

13. Provide information requested by the commission concerning the management and operation of the department and the programs administered by the department.

14. Annually, by August 31, prepare and submit a report to the governor and the general assembly relating to county commissions of veteran affairs. Copies of the report shall also be provided to each county board of supervisors and to each county commission of veteran affairs by electronic means. Pursuant to section 35B.11, the department may request any information necessary to prepare the report from each county commission of veteran affairs. The report shall include all of the following:

a. Information related to compliance with the training requirements under section 35B.6 during the previous calendar year.

b. The weekly operating schedule of each county commission of veteran affairs office maintained under section 35B.6.

c. The number of hours of veterans' services provided by each county commission of veteran affairs executive director or administrator during the previous fiscal year.

d. Population of each county, including the number of veterans residing in each county.

e. The total amount of compensation, disability benefits, or pensions received by the residents of each county under laws administered by the United States department of veterans affairs.

f. An analysis of the information contained in paragraphs *"a"* through *"e"*, including an analysis of such information for previous years.

15. Upon receipt of certificate of release or discharge from active duty, create a roster of information that includes the name of the military member, the member's address of record, and the member's county of residence listed on the certificate. The department shall, within thirty days of receipt of the certificate of release or discharge from active duty, provide a copy of the roster to the county commission of veteran affairs in each county listed on the roster.

16. In coordination with the department of public defense, advise service members prior

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to, and after returning from, deployment on active duty service outside the United States of issues related to the filing of tax returns and the payment of taxes due and encourage a service member who has not filed a return or who owes taxes to contact the department of revenue prior to deployment.

17. Carry out the policies of the department.

2005 Acts, ch 115, §13, 40; 2006 Acts, ch 1107, §1; 2006 Acts, ch 1185, §65; 2007 Acts, ch 202, §4, 5; 2008 Acts, ch 1031, §20; 2008 Acts, ch 1130, §1, 10; 2009 Acts, ch 26, §4; 2009 Acts, ch 122, §1; 2010 Acts, ch 1102, §1; 2011 Acts, ch 45, §1; 2011 Acts, ch 74, §3; 2012 Acts, ch 1059, §2 – 4; 2013 Acts, ch 29, §39; 2015 Acts, ch 74, §1; 2018 Acts, ch 1115, §1; 2023 Acts, ch 19, §36, 2174, 2175; 2024 Acts, ch 1047, §3, 4; 2025 Acts, ch 11, §1

Referred to in §35A.16

35A.6 and 35A.7 Reserved.

35A.8 Commandant — term — duties.

1. The governor shall appoint a commandant, subject to confirmation by the senate, who shall serve at the pleasure of the governor. The commandant is responsible for administering the duties of the department and the commission.

2. The commandant shall be a resident of the state of Iowa and an honorably discharged veteran.

3. The commandant shall employ such personnel as are necessary for the performance of the duties and responsibilities assigned to the department and the commission. All employees shall be selected on a basis of fitness for the work to be performed with due regard to training and experience and shall be subject to the provisions of chapter 8A, subchapter IV.

[C79, 81, §35A.8]

86 Acts, ch 1245, §1710; 92 Acts, ch 1140, §10; 92 Acts, ch 1247, §28; 99 Acts, ch 180, §5; 2000 Acts, ch 1218, §1; 2003 Acts, ch 145, §148; 2005 Acts, ch 115, §14, 40; 2007 Acts, ch 176, §1, 3; 2007 Acts, ch 202, §6; 2008 Acts, ch 1031, §21; 2008 Acts, ch 1191, §35, 36, 106; 2012 Acts, ch 1059, §5; 2023 Acts, ch 19, §2176

Referred to in §35A.1, 35D.1
Confirmation, see §2.32

35A.8A Vietnam Conflict veterans bonus — limited residency requirement — appropriation. Repealed by its own terms; 2008 Acts, ch 1131, §1.

35A.9 Expenses and compensation. Repealed by 2012 Acts, ch 1059, §14. See §35A.2(3).

35A.10 Multiyear construction program — construction, repair, and improvement projects.

1. The commission shall work with the department of administrative services to prepare and submit to the director of the department of management, as provided in section 8.23, a multiyear construction program including estimates of the expenditure requirements for the construction, repair, or improvement of buildings, grounds, or equipment at the commission of veterans affairs building at Camp Dodge and the Iowa veterans home in Marshalltown.

2. The commandant and the commission shall have plans and specifications prepared by the department of administrative services for authorized construction, repair, or improvement projects in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B. An appropriation for a project shall not be expended until the department of administrative services has adopted plans and specifications and has completed a detailed estimate of the cost of the project, prepared under the supervision of a licensed architect or licensed professional engineer.

3. The director of the department of administrative services shall, in writing, let all contracts for authorized improvements in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B in accordance with chapter 8A, subchapter III, and chapter 26. The director of the department of administrative services shall not authorize

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payment for construction purposes until satisfactory proof has been furnished by the proper officer or supervising architect that the parties have complied with the contract.

96 Acts, ch 1218, §29; 2003 Acts, ch 145, §149; 2006 Acts, ch 1017, §18, 42, 43; 2007 Acts, ch 126, §14; 2017 Acts, ch 131, §7

35A.11 Veterans license fee fund.

1. A veterans license fee fund is created in the state treasury under the control of the commission. Notwithstanding section 12C.7, interest or earnings on moneys in the veterans license fee fund shall be credited to the veterans license fee fund. Moneys in the fund are appropriated to the commission to be used to fulfill the responsibilities of the commission.

2. The fund created in this section shall include the fees credited by the treasurer of state from the annual validation of the following special motor vehicle registration plates:

a. National guard special plates issued pursuant to section 321.34, subsection 16.

b. Pearl Harbor special plates issued pursuant to section 321.34, subsection 17.

c. Purple heart special plates issued pursuant to section 321.34, subsection 18.

d. United States armed forces retired special plates issued pursuant to section 321.34, subsection 19.

e. Silver star and bronze star special plates issued pursuant to section 321.34, subsection 20.

f. Distinguished service cross, navy cross, and air force cross special plates issued pursuant to section 321.34, subsection 20A.

g. Soldier's medal, navy and marine corps medal, and airman's medal special plates issued pursuant to section 321.34, subsection 20B.

h. Combat infantryman badge, combat action badge, combat action ribbon, air force combat action medal, and combat medical badge plates issued pursuant to section 321.34, subsection 20C.

i. Gold star special plates issued pursuant to section 321.34, subsection 24.

j. United States veteran special plates issued pursuant to section 321.34, subsection 27.

99 Acts, ch 201, §8; 2007 Acts, ch 178, §1, 3; 2007 Acts, ch 184, §1, 7; 2011 Acts, ch 114, §1; 2014 Acts, ch 1116, §10

Referred to in §35A.3, 321.34

35A.12 Military honor guard services.

An honor guard unit made up of members of a recognized military veterans organization as listed in section 35A.2 or 37.2, the Iowa national guard, the reserve forces of the United States, the United States coast guard auxiliary, or a reserve officers training corps shall be allowed to perform any honor guard service on public property.

2001 Acts, ch 96, §1; 2002 Acts, ch 1037, §1; 2010 Acts, ch 1173, §1

35A.13 Veterans trust fund.

1. A veterans trust fund is created in the state treasury under the control of the commission.

2. The trust fund shall consist of all of the following:

a. Moneys in the form of a devise, gift, bequest, donation, federal or other grant, reimbursement, repayment, judgment, transfer, payment, or appropriation from any source intended to be used for the purposes of the trust fund.

b. Moneys credited to the fund pursuant to an income tax checkoff provided in chapter 422, subchapter II, if applicable.

c. Interest attributable to investment of moneys in the fund or an account of the trust fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the trust fund shall be credited to the trust fund.

3. Moneys credited to the trust fund shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section.

4. *a.* Notwithstanding subsection 5, moneys in the fund, except so much of the fund as may be necessary to be kept on hand for the making of disbursements under this section, shall be invested by the treasurer of state, in consultation with the commission and the public

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retirement systems committee established by section 97D.4, in any investments authorized for the Iowa public employees' retirement system in section 97B.7A, including common stock, and subject to the requirements of chapters 12F, 12H, 12J, and 12K, and the earnings therefrom shall be credited to the fund. The treasurer of state may execute contracts and agreements with investment advisors, consultants, and investment management and benefit consultant firms in the administration of investments of moneys in the fund.

b. Investment management expenses shall be charged to the investment income of the fund and there is appropriated to the treasurer of state from the investment income of the fund an amount required for the investment management expenses.

c. For purposes of this subsection, investment management expenses are limited to the following:

(1) Fees for investment advisors, consultants, and investment management and benefit consultant firms hired by the treasurer of state in administering the investments of the fund.

(2) Fees and costs for safekeeping fund assets.

(3) Costs for performance and compliance monitoring and accounting for fund investments.

(4) Any other costs necessary to prudently invest or protect the assets of the fund.

d. The commission, the public retirement systems committee established by section 97D.4, and the treasurer of state, and their employees, are not personally liable for claims based upon an act or omission of the person performed in the discharge of the person's duties concerning the veterans trust fund, except for acts or omissions which involve malicious or wanton misconduct.

5. *a.* For each fiscal year that the balance of the trust fund on July 1 is below fifty million dollars, the interest and earnings on moneys in the fund and the first five hundred thousand dollars transferred pursuant to section 99G.39 from the lottery fund are appropriated to the commission to be used to achieve the purposes of subsection 8. Moneys appropriated to the commission under this paragraph that remain unencumbered or unobligated at the end of the fiscal year shall revert to the fund.

b. For each fiscal year that the balance of the trust fund on July 1 is above fifty million dollars but the balance of the fund was below fifty million dollars on July 1 of the previous fiscal year, moneys transferred pursuant to section 99G.39 from the lottery fund are appropriated to the commission to be used to achieve the purposes of subsection 8. Moneys appropriated to the commission under this paragraph that remain unencumbered or unobligated at the end of the fiscal year shall revert to the fund.

c. For each fiscal year that the balance of the trust fund on July 1 is above fifty million dollars and the balance of the fund was above fifty million dollars on July 1 of the previous fiscal year, moneys equal to the net income the fund received in the previous fiscal year are appropriated to the commission to be used to achieve the purposes of subsection 8. Moneys appropriated to the commission under this paragraph that remain unencumbered or unobligated at the end of the fiscal year shall revert to the fund. For the purposes of this paragraph, "*income*" means moneys credited to the veterans trust fund pursuant to subsection 2 and moneys transferred pursuant to section 99G.39.

d. Notwithstanding paragraphs "*a*", "*b*", and "*c*", moneys credited to the war orphans educational assistance account shall be expended as provided in subsection 9.

e. Notwithstanding paragraphs "*a*", "*b*", and "*c*", moneys transferred under subsection 6 to the county commission of veteran affairs training program account shall be expended as provided in section 35A.16.

6. For the fiscal year beginning July 1, 2024, and for each subsequent fiscal year, there is transferred to the county commission of veteran affairs training program account of the county commissions of veteran affairs fund created in section 35A.16, from the moneys transferred pursuant to section 99G.39 from the lottery fund to the veterans trust fund, three hundred thousand dollars.

7. It is the intent of the general assembly that beginning with the fiscal year beginning July 1, 2008, appropriations be made annually to the veterans trust fund. Prior to any additional appropriations to this fund, the department shall provide the general assembly

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with information identifying immediate and long-term veteran services throughout the state and a plan for delivering those services.

8. Moneys appropriated to the commission under this section shall not be used to supplant funding provided by other sources. The moneys may be expended upon a majority vote of the commission membership for the benefit of veterans and the spouses and dependents of veterans, for any of the following purposes:

a. Travel expenses for wounded veterans, and their spouses, directly related to follow-up medical care.

b. Job training or college tuition assistance for job retraining.

c. Unemployment assistance during a period of unemployment due to prolonged physical or mental illness or disability resulting from military service.

d. Expenses related to the purchase of durable medical equipment or services to allow veterans to remain in their homes.

e. Expenses related to hearing care, dental care, vision care, or prescription drugs.

f. Individual counseling or family counseling programs.

g. Family support group programs or programs for children of members of the military.

h. Honor guard services.

i. Expenses related to ambulance and emergency room services for veterans who are trauma patients.

j. Emergency expenses related to vehicle repair, housing repair, or temporary housing assistance.

k. Expenses related to establishing whether a minor child is a dependent of a deceased veteran.

l. Expenses related to initial screening for any military service-connected traumatic brain injury sustained while on federal active duty, state active duty, or national guard duty, as defined in section 29A.1, or sustained while on federal reserve duty pursuant to orders issued under Tit. 10 of the United States Code for which payment or reimbursement is not otherwise available through any other federal or state program or, if applicable, through a veteran's private insurance or managed care organization. A veteran seeking moneys for expenses pursuant to this paragraph *"l"* shall not be subject to an income limit.

m. Expenses related to survivor outreach activities supported by the department of public defense established in section 29.1.

n. Rental housing assistance for veterans who meet the definition of homeless, as set out in 42 U.S.C. §11302, for payment of rental application fees needed for obtaining rental housing.

o. Monetary assistance on a one-time basis per recipient to be used to prevent homelessness in an amount not to exceed one thousand dollars per recipient.

9. *a.* A war orphans educational assistance account shall be created as a separate account in the veterans trust fund and moneys in the account shall not be commingled with any other moneys within the fund. Moneys credited to the war orphans educational assistance account shall only be expended for the purposes of assisting in the education of orphaned children of veterans as provided in this subsection. Interest or earnings on moneys deposited in the account shall be credited to the account.

b. (1) The commission may provide educational assistance funds to any child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department. The commission shall not expend more than six hundred dollars per year for educational assistance for any one child under this paragraph *"b"*.

(2) A child eligible to receive funds under this subsection shall not receive more than three thousand dollars under this paragraph *"b"* during the child's lifetime.

c. (1) Upon application by a child who is less than thirty-one years of age, and who is

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the child of a person who died on or after September 11, 2001, during active federal military service while serving in the armed forces or during active federal military service in the Iowa national guard or other military component of the United States, and who at the time of entering into active military service had maintained the person's residence in the state for a period of at least six months immediately before entering into active military service, the commission shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

(2) A child eligible to receive state educational assistance under this paragraph *"c"* shall begin postsecondary education prior to reaching age twenty-six, shall not receive more than an amount equal to five times the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents during the child's lifetime, and shall, to remain eligible for assistance, meet the academic progress standards of the postsecondary educational institution. Payments for state educational assistance for a child under this paragraph *"c"* shall be made to the applicable postsecondary educational institution. The college student aid commission may, if requested, assist the commission in administering this paragraph *"c"*.

d. Eligibility for assistance pursuant to this subsection shall be determined upon application to the commission, whose decision is final. The eligibility of applicants shall be certified by the commission to the director of the department of administrative services in a timely manner, and all amounts that are or become due an individual or a training institution under this subsection shall be paid to the individual or institution by the director of the department of administrative services upon receipt by the director of certification by the president or governing board of the educational or training institution as to accuracy of charges made, and as to the attendance of the individual at the educational or training institution. The commission may pay over the annual sum set forth in this subsection to the educational or training institution in a lump sum, or in installments as the circumstances warrant, upon receiving from the institution such written undertaking as the department may require to assure the use of funds for the child for the authorized purposes and for no other purpose. A person is not eligible for the benefits of this subsection until the person has graduated from a high school or educational institution offering a course of training equivalent to high school training.

e. Any expense incurred in carrying out the provisions of this subsection shall be chargeable to the trust fund.

10. If the commission identifies other purposes for which the moneys appropriated under this section may be used for the benefit of veterans and the spouses and dependents of veterans, the commission shall submit recommendations for the addition of such purposes to the general assembly for review.

11. The commission shall submit an annual report to the general assembly by January 15 of each year concerning the veterans trust fund created by this section. The annual report shall include financial information concerning the moneys in the trust fund and shall also include information on the number, amount, and type of expenditures, if any, from the fund during the prior calendar year for the purposes described in subsection 8.

12. The department may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph *"b"*, to implement the provisions of this section and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this subsection shall also be published as a notice of intended action as provided in section 17A.4.

13. It is the intent of the general assembly that beginning with the fiscal year beginning July 1, 2013, appropriations be made as necessary to the war orphans educational assistance account of the veterans trust fund to pay all claims made pursuant to subsection 9. Prior to any additional appropriations to this account, the department shall provide the general

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assembly with information identifying immediate and long-term war orphans educational needs throughout the state and a plan for meeting those needs.

2003 Acts, ch 131, §1; 2006 Acts, ch 1110, §1, 2; 2006 Acts, ch 1185, §66 – 68; 2007 Acts, ch 202, §7; 2008 Acts, ch 1012, §1; 2008 Acts, ch 1129, §1, 2, 3, 9; 2009 Acts, ch 164, §2, 7; 2012 Acts, ch 1029, §1; 2012 Acts, ch 1097, §1, 6; 2012 Acts, ch 1139, §1; 2013 Acts, ch 91, §1 – 3; 2013 Acts, ch 98, §1; 2013 Acts, ch 140, §54; 2015 Acts, ch 15, §1; 2017 Acts, ch 167, §21; 2018 Acts, ch 1064, §2 – 5; 2020 Acts, ch 1062, §94; 2022 Acts, ch 1034, §3 – 5; 2023 Acts, ch 64, §10; 2023 Acts, ch 119, §36; 2024 Acts, ch 1047, §5; 2024 Acts, ch 1128, §1, 2

Referred to in §12B.10, 12B.10C, 35A.3, 35A.16, 97D.4, 99G.39, 422.7(32)(a), 422.7(32)(b), 546B.5

35A.14 Injured veterans grant program.

1. For the purposes of this section, "*veteran*" means any of the following:

a. A resident of this state who is or was a member of the national guard, reserve, or regular component of the armed forces of the United States who has served on active duty at any time after September 11, 2001, and, if discharged, was discharged under honorable conditions.

b. A nonresident of this state who is or was a member of a national guard unit located in this state prior to alert for mobilization who has served on active duty at any time after September 11, 2001, was injured while serving in the national guard unit located in this state, is not eligible to receive a similar grant from another state for that injury, and, if discharged, was discharged under honorable conditions.

2. An injured veterans grant program is created under the control of the department for the purpose of providing grants to eligible injured veterans. Providing grants to eligible injured veterans pursuant to this section is deemed to serve a vital and valid public purpose of the state by assisting injured veterans and their families.

3. The department may receive and accept donations, grants, gifts, and contributions from any public or private source for the purpose of providing grants under this section. Moneys received by the department pursuant to this subsection shall be deposited in an injured veterans trust fund which shall be created in the state treasury under the control of the department. Moneys credited to the trust fund are appropriated to the department for the purpose of providing injured veterans grants under this section and shall not be transferred, used, obligated, appropriated, or otherwise encumbered, except as provided in this section. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the trust fund shall be credited to the trust fund.

4. Moneys appropriated to or received by the department for providing injured veterans grants under this section may be expended for grants of up to ten thousand dollars to a veteran who is seriously injured or very seriously injured, as defined in the most recently published United States department of defense joint publication 1-02, to provide financial assistance to the veteran so that family members of the veteran may be with the veteran during the veteran's recovery from an injury received in the line of duty after September 11, 2001.

5. The department shall adopt rules governing the distribution of grants under this section in accordance with the following:

a. Grants shall be paid in increments of two thousand five hundred dollars, up to a maximum of ten thousand dollars, upon proof that the veteran has been evacuated from the operational theater in which the veteran was injured to a military hospital or that the veteran has suffered an injury requiring at least thirty consecutive days of hospitalization at a military hospital, for an injury received in the line of duty and shall continue to be paid, at thirty-day intervals, up to the maximum amount, so long as the veteran is hospitalized or receiving medical care or rehabilitation services authorized by the military.

b. Proof of continued medical care or rehabilitation services may include any reasonably reliable documentation showing that the veteran is receiving continued medical or rehabilitative care as a result of qualifying injuries. Proof that the injury occurred in the line of duty shall be made based upon the circumstances of the injury known at the time of evacuation from the place where the veteran was injured.

c. Grants for veterans injured after September 11, 2001, but prior to May 8, 2006, shall be payable, upon a showing that the veteran would have been eligible for payment had the injury occurred on or after May 8, 2006.

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d. (1) A seriously injured veteran meeting all other requirements of this section may receive additional grants for subsequent, unrelated injuries that meet the requirements of this section. Any subsequent, unrelated injury shall be treated as if it were an initial injury for the purposes of determining eligibility or allotment.

(2) Grants for veterans suffering subsequent, unrelated injuries after September 11, 2001, but prior to March 30, 2011, shall be payable, upon a showing that the veteran would have been eligible for payment had the subsequent, unrelated injury occurred on or after March 30, 2011.

6. The department may appear before the executive council and request funds to meet the funding needs of the grant program under this section if funds are made available to the executive council for this purpose.

7. The department, the commission, and the national guard shall collaborate on a report regarding the sustainability of future funding for the injured veterans grant program and shall submit their findings and recommendations in a written report to the governor and the general assembly by December 31, 2019.

2006 Acts, ch 1106, §1, 4; 2006 Acts, ch 1185, §115; 2007 Acts, ch 22, §112, 116; 2007 Acts, ch 142, §1, 2; 2010 Acts, ch 1047, §1; 2011 Acts, ch 12, §1 – 3; 2012 Acts, ch 1012, §1; 2019 Acts, ch 9, §1 – 3

Referred to in §422.7(31), 422.7(33)

35A.15 Home ownership assistance program. Repealed by 2008 Acts, ch 1120, §2. See §16.54.

35A.16 County commissions of veteran affairs fund — appropriation.

1. *a.* A county commissions of veteran affairs fund is created within the state treasury under the control of the department. The fund shall consist of appropriations made to the fund and any other moneys available to and obtained or accepted by the department from the federal government or private sources for deposit in the fund.

b. There is appropriated from the general fund of the state to the department, for the fiscal year beginning July 1, 2009, and for each subsequent fiscal year, the sum of nine hundred ninety thousand dollars to be credited to the county commissions of veteran affairs fund.

2. Notwithstanding section 12C.7, interest or earnings on moneys in the county commissions of veteran affairs fund shall be credited to the county commissions of veteran affairs fund. Notwithstanding section 8.33, moneys remaining in the county commissions of veteran affairs fund at the end of a fiscal year shall not revert to the general fund of the state.

3. *a.* If sufficient moneys are available, the department shall annually allocate ten thousand dollars to each county commission of veteran affairs, or to each county sharing the services of an executive director or administrator pursuant to chapter 28E, to be used to provide services to veterans pursuant to section 35B.6 and provide for and maintain accreditation in accordance with the policies and procedures of the United States department of veterans affairs. Each county receiving an allocation shall annually report on expenditure of the allocation in a form agreed to by the department and county representatives.

b. If a county fails to be in compliance with the requirements of section 35B.6 on June 30 of each fiscal year, all moneys received by the county pursuant to this subsection during that fiscal year shall be reimbursed to the county commissions of veteran affairs fund.

c. Moneys distributed to a county under this subsection shall be used to supplement and not supplant any existing funding provided by the county or received by the county from any other source. The department shall adopt a maintenance of effort requirement for moneys distributed under this subsection.

4. A county commission of veteran affairs training program account shall be established within the county commissions of veteran affairs fund. Any moneys remaining in the fund after the allocations under subsection 3 shall be credited to the account and are appropriated to the department to fund the county commission of veteran affairs training program under section 35A.5, subsection 6, and training for department personnel. In addition, from the moneys transferred to the account from the veterans trust fund created in section 35A.13, the department shall annually allocate three thousand dollars to each county commission

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of veteran affairs, or to each county sharing the services of an executive director or administrator pursuant to chapter 28E, to be used for national training and related expenses of county veteran service officers and appropriate staff.

2008 Acts, ch 1130, §2, 10; 2009 Acts, ch 4, §1; 2010 Acts, ch 1031, §409; 2012 Acts, ch 1059, §6; 2024 Acts, ch 1047, §6, 7; 2024 Acts, ch 1128, §3; 2024 Acts, ch 1157, §61

Referred to in §35A.5, 35A.13

For temporary exceptions to appropriations contained in this section, see appropriations and other noncodified enactments in annual Acts of the general assembly

35A.17 County commission of veteran affairs training program. Repealed by 2024 Acts, ch 1047, §11.

35A.18 Presentation of flags.

1. For the purposes of this section, unless the context otherwise requires, *"member of the armed forces of the United States"* means a person who was a resident of this state and a member of the national guard, reserve, or regular component of the armed forces of the United States at the time of the person's death.

2. If the governor issues a proclamation for the national and state flags to be flown at half-staff in recognition of the death of a member of the armed forces of the United States while serving on active duty, the office of the governor shall present the flags that were flown over the state capitol to the member's surviving spouse. If the member does not have a surviving spouse, the two flags shall be presented to another individual who is part of the member's immediate family. The cost of the flags is the responsibility of the department.

2009 Acts, ch 45, §1

35A.19 through 35A.22 Repealed by 2013 Acts, ch 91, §4.

CHAPTER 35B

COUNTY COMMISSIONS OF VETERAN AFFAIRS

Referred to in §35.1, 35A.5, 331.303, 331.427, 714.8

This chapter not enacted as a part of this title; transferred from chapter 250 in Code 1993

35B.1 Definitions.
35B.2 Administration.
35B.3 County commission of veteran affairs.
35B.4 Appointment — vacancies.
35B.5 Compensation.
35B.6 Qualification — training — offices.
35B.7 Meetings — report — budget.
35B.8 Accounting system. Repealed by 2014 Acts, ch 1116, §54.
35B.9 Names certified — benefits changed. Repealed by 2014 Acts, ch 1116, §54.
35B.10 Disbursements — inspection of records.
35B.11 Data furnished Iowa department of veterans affairs.
35B.12 Benefit information confidential. Repealed by 2014 Acts, ch 1116, §54.
35B.13 Burial — expenses. Repealed by 2014 Acts, ch 1116, §54.
35B.14 County appropriation — burial expenses — audit.
35B.15 Expenses and audit. Repealed by 2014 Acts, ch 1116, §54.
35B.16 Markers for graves.
35B.16A Veterans' grave markers.
35B.17 Maintenance of graves. Repealed by 2024 Acts, ch 1047, §11.
35B.18 Payment — how made. Repealed by 2014 Acts, ch 1116, §54.
35B.19 Burial records.

35B.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

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35B.2 Administration.

Unless otherwise provided, the county commission of veteran affairs shall be responsible for the administration of this chapter.

2014 Acts, ch 1116, §37

35B.3 County commission of veteran affairs.

1. The county commission of veteran affairs shall consist of either three or five persons, as determined by the board of supervisors, all of whom shall be one of the following:

a. A veteran as defined in section 35.1.

b. An Iowa resident who is a current member of the Iowa national guard or an Iowa unit of the reserve forces of the United States, whose service is satisfactory according to a letter of recommendation from the commander of the person's current unit.

c. An Iowa resident who is a former member of the Iowa national guard or an Iowa unit of the reserve forces of the United States and was discharged under honorable conditions as evidenced by the person's certificate of release or discharge from active duty, commonly referred to as a DD214, or a letter of recommendation from the commander of the person's last unit.

2. If possible, each member of the commission shall have served in a different military branch. However, this qualification does not preclude membership to a veteran who served in more than one branch of the military.

[C97, §431; C24, 27, 31, 35, §5387; C39, §**3828.053;** C46, 50, 54, §250.3; C58, 62, 66, 71, 73, 75, 77, 79, 81, §250.3, 250.21; S81, §250.3; 81 Acts, ch 33, §3]

85 Acts, ch 67, §26; 88 Acts, ch 1082, §1; 91 Acts, ch 199, §1

C93, §35B.3

94 Acts, ch 1007, §1; 99 Acts, ch 180, §6; 2024 Acts, ch 1047, §8; 2026 Acts, ch 1088, §1

Referred to in §35B.6, 331.321

Section amended

35B.4 Appointment — vacancies.

1. Members of the commission of veteran affairs shall be appointed by the board of supervisors, in consultation with the current commission members and the executive director or administrator, to staggered three-year terms at the regular meeting in June. However, a member shall serve until a successor has been appointed and qualifies. The board may remove an appointee at any time for neglect of duty or maladministration. A vacancy on the commission shall be filled for the unexpired portion of the regular term in the same manner as regular appointments are made.

2. If the board of supervisors increases the commission of veteran affairs membership to five members, the initial terms of the two new members shall be two and three years respectively. However, the new members shall serve until their successors are appointed and qualify.

[C97, §431; C24, 27, 31, 35, §5388; C39, §**3828.054;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.4]

C93, §35B.4

94 Acts, ch 1007, §2; 2014 Acts, ch 1116, §38

Referred to in §331.321

35B.5 Compensation.

A member of the commission shall receive twenty-five dollars or a greater amount as established by the board of supervisors for each month during which the member attends one or more commission meetings and shall be reimbursed for mileage the same as a member of the board of supervisors. Compensation and mileage shall be paid out of the appropriation authorized in section 35B.14.

[C27, 31, 35, §5388-b1; C39, §**3828.055;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.5; 81 Acts, ch 33, §4, ch 117, §1034]

83 Acts, ch 123, §97, 209

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C93, §35B.5
2005 Acts, ch 115, §16, 40
Mileage, §331.215

35B.6 Qualification — training — offices.

1. *a.* The members of the commission shall qualify by taking the usual oath of office. The commission shall organize by selecting one of the commission members as chairperson and one as secretary. The commission, subject to the annual approval of the board of supervisors, shall employ an executive director or administrator who shall have the power to employ other necessary employees to carry out the provisions of this chapter, including administrative or clerical assistants, but no member of the commission shall be so employed. The state department of veterans affairs shall recognize the executive director or administrator as a county veterans service officer of a veterans' service organization recognized pursuant to 38 C.F.R. §14.628(c) for the purposes of assisting veterans and their dependents in obtaining federal and state benefits. The commission shall recommend the compensation of the executive director or administrator and all employees of the county veteran affairs office to the board of supervisors. The board of supervisors shall consider the recommendation and shall determine and approve the compensation of the executive director or administrator and all employees of the county veteran affairs office. The executive director shall be a veteran as defined in section 35.1. However, this qualification requirement shall not apply to a person employed as an executive director prior to July 1, 1989.

b. The commission may employ an administrator in lieu of an executive director. Administrators shall not be required to meet all the qualifications provided in section 35B.3 for commissioners. An administrator may hold another position within the county or other government entity while serving as an administrator only if such position does not adversely affect the administrator's duties under this chapter.

c. (1) (a) Upon the employment of an executive director or administrator, the executive director or administrator shall comply with all directives of the commandant of the Iowa department of veterans affairs regarding the completion of any training or certification required for the person's position under applicable state and federal law. The executive director or administrator shall also obtain a personal identification verification card necessary to access the veterans benefits management system. An executive director or administrator shall be removed from office if, after one year of employment, the executive director or administrator has not done all of the following:

(i) Obtained certification.

(ii) Obtained a personal identification verification card.

(iii) Completed training directed by the commandant of the Iowa department of veterans affairs.

(b) Upon a request from a county commission of veteran affairs and based on extenuating circumstances, the commandant of the Iowa department of veterans affairs may extend the time frame for an executive director or administrator to obtain a personal identification verification card.

(2) To complete continuing education federally required for the person's position, an executive director or administrator shall receive training only from entities approved by the commandant of the Iowa department of veterans affairs. Failure of an executive director or administrator to maintain certification shall be cause for removal from office. The expenses of training the executive director or administrator shall be paid from the appropriation authorized in section 35B.14.

(3) An executive director or administrator shall satisfy the continuing education requirements necessary to maintain an active personal identification verification card and access to the veterans benefits management system. Failure of an executive director or administrator to maintain certification and access to the veterans benefits management system shall be cause for removal from office.

d. The duties of the executive director, administrator, and employees shall include all of the following:

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(1) Inform members of the armed forces, veterans, and their dependents of all federal, state, and local laws enacted for their benefit.

(2) Assist all residents of the state who served in the armed forces of the United States and their relatives, beneficiaries, and dependents in receiving from the United States and this state any and all compensation, pensions, hospitalization, insurance, education, employment pay and gratuities, loan guarantees, or any other aid or benefit to which they may be entitled under any law.

(3) Complete and submit all forms required for federal, state, and county benefits.

e. The department of veterans affairs or county veteran affairs offices shall not charge for any service provided to any individual.

f. An executive director or administrator shall only be removed from office by the commission, subject to the approval of the board of supervisors.

2. *a.* Two or more boards of supervisors may agree, pursuant to chapter 28E, to share the services of an executive director or administrator. The agreement shall provide for the establishment of a commission of veteran affairs office in each of the counties participating in the agreement.

b. Neither a county board of supervisors nor a county commission of veteran affairs shall publish the names of the veterans or their families who receive benefits under the provisions of this chapter.

c. Neither a county board of supervisors nor a county commission of veteran affairs shall place the administration of the duties of the county commission of veteran affairs under any other agency of any county.

3. *a.* Each county commission of veteran affairs shall maintain an office in a public building owned, operated, or leased by the county.

b. An executive director or administrator employed pursuant to subsection 1 shall provide veterans services for the following minimum number of hours each week:

(1) For a county with a population of thirty thousand or less, no fewer than twenty hours per week.

(2) For a county with a population of more than thirty thousand and less than sixty thousand, no fewer than thirty hours per week.

(3) For a county with a population of sixty thousand or more, no fewer than forty hours per week.

c. Counties sharing the services of an executive director or administrator shall provide the number of hours of service required under paragraph *"b"* for each county.

d. The hours that the office established under paragraph *"a"* is open shall be posted in a prominent position outside the office.

[C97, §431; C24, 27, 31, 35, §5389; C39, §**3828.056;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.6; 81 Acts, ch 33, §5]

89 Acts, ch 248, §1; 92 Acts, ch 1075, §2

C93, §35B.6

94 Acts, ch 1107, §4; 2005 Acts, ch 115, §17, 40; 2008 Acts, ch 1130, §4 – 6, 10; 2009 Acts, ch 4, §2; 2009 Acts, ch 133, §188; 2014 Acts, ch 1116, §39 – 43; 2015 Acts, ch 29, §7; 2017 Acts, ch 47, §1; 2019 Acts, ch 104, §1; 2024 Acts, ch 1047, §9; 2025 Acts, ch 11, §2; 2026 Acts, ch 1088, §2

Referred to in §35A.5, 35A.16, 35B.14
Oath, §63.10
Subsection 1, paragraph a amended

35B.7 Meetings — report — budget.

The commission shall meet monthly and at other times as necessary. At the monthly meeting the commission shall determine who are entitled to county benefits and the probable amount required to be expended. The commission shall meet annually to prepare an estimated budget for all expenditures to be made in the next fiscal year and certify the budget to the board of supervisors. The board may approve or reduce the budget for valid reasons shown and entered of record and the board's decision is final.

[C97, §432; S13, §432; C24, 27, 31, 35, §5390; C39, §**3828.057;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.7; 81 Acts, ch 33, §6]

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C93, §35B.7
2014 Acts, ch 1116, §44; 2015 Acts, ch 29, §8

35B.8 Accounting system. Repealed by 2014 Acts, ch 1116, §54.

35B.9 Names certified — benefits changed. Repealed by 2014 Acts, ch 1116, §54.

35B.10 Disbursements — inspection of records.

1. All claims certified by the commission shall be sent to the board of supervisors with all personally identifying information redacted and shall be subject to approval by the board of supervisors. Upon the approval of the board of supervisors, the county auditor shall issue warrants in payment of the claims. All applications, investigation reports, and case records are privileged communications and confidential, subject to use and inspection only by persons authorized by law in connection with their official duties relating to financial audits and the administration of this chapter or as authorized by order of a district court. A person may sign a release to authorize the examination of that person's applications, reports, or records.

2. The county commission of veteran affairs shall prepare and file in the office of the county auditor on or before the thirtieth day of each January, April, July, and October a report showing the case numbers of all recipients receiving assistance under this chapter, together with the amount paid to each during the preceding quarter. Each report so filed shall be maintained as a permanent record to be used only for such reports made under this chapter.

3. It shall be unlawful for any person, body, association, firm, corporation or any other agency to solicit, disclose, receive, make use of or to authorize, knowingly permit, participate in or acquiesce in the use of any lists, names or other information obtained from the reports above provided for, for commercial or political purposes, and a violation of this provision shall constitute a serious misdemeanor.

[C97, §432; S13, §432; C24, 27, 31, 35, §5392; C39, §**3828.059;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.10; 81 Acts, ch 33, §7]
83 Acts, ch 123, §98, 209
C93, §35B.10
99 Acts, ch 180, §7; 2014 Acts, ch 1116, §45
Referred to in §331.502, 331.508

35B.11 Data furnished Iowa department of veterans affairs.

The commission of veteran affairs of each county shall provide information to the department of veterans affairs as the department may request.

[C27, 31, 35, §5392-b1; C39, §**3828.060;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §250.11; 81 Acts, ch 33, §8]
92 Acts, ch 1140, §35
C93, §35B.11
2005 Acts, ch 115, §18, 40
Referred to in §35A.5

35B.12 Benefit information confidential. Repealed by 2014 Acts, ch 1116, §54. See §35B.6.

35B.13 Burial — expenses. Repealed by 2014 Acts, ch 1116, §54. See §35B.14.

35B.14 County appropriation — burial expenses — audit.

1. The board of supervisors of each county may appropriate moneys for training an executive director or administrator as provided in section 35B.6, and for the expenses for food, clothing, shelter, utilities, medical benefits, and a funeral for indigent veterans, as defined in section 35.1, as well as for their indigent spouses, surviving spouses, and minor children not over eighteen years of age, who legally reside in the county.

2. The appropriation shall be expended by the joint action and control of the board of supervisors and the county commission of veteran affairs.

3. The commission is responsible for the interment in a suitable cemetery of the body of

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any veteran, as defined in section 35.1, or the spouse, surviving spouse, or child of the person, if the person has died without leaving sufficient means to defray the funeral expenses. The commission may pay the expenses in a sum not exceeding an amount established by the board of supervisors.

4. Burial expenses shall be paid by the county in which the person resided. The county board of supervisors shall audit and pay the account from the funds provided for in this chapter in the manner as other claims are audited and paid.

83 Acts, ch 123, §99, 209
CS83, §250.14
85 Acts, ch 67, §28; 88 Acts, ch 1082, §3; 91 Acts, ch 1, §1; 91 Acts, ch 199, §3
C93, §35B.14
99 Acts, ch 180, §9; 2008 Acts, ch 1130, §7, 10; 2009 Acts, ch 133, §189; 2014 Acts, ch 1116, §46; 2024 Acts, ch 1047, §10
Referred to in §35B.5, 35B.6, 331.381

35B.15 Expenses and audit. Repealed by 2014 Acts, ch 1116, §54. See §35B.14.

35B.16 Markers for graves.

The county commission of veteran affairs may furnish a suitable and appropriate marker for the grave of each veteran, as defined in section 35.1, who is buried within the limits of the county. The marker shall be placed at the individual's grave to permanently mark and designate the grave for memorial purposes. The expenses shall be paid from any funds raised as provided in this chapter.

[SS15, §434-a; C24, 27, 31, 35, §5396; C39, §**3828.064;** C46, 50, 54, §250.16; C58, 62, 66, 71, 73, 75, 79, 81, §250.16, 250.21; S81, §250.16; 81 Acts, ch 33, §11]
85 Acts, ch 67, §29; 86 Acts, ch 1237, §13; 88 Acts, ch 1082, §4; 91 Acts, ch 199, §4
C93, §35B.16
99 Acts, ch 180, §10; 2014 Acts, ch 1116, §47
Referred to in §35B.16A

35B.16A Veterans' grave markers.

A person commits a simple misdemeanor when the person takes possession or control of a veteran's grave marker which was provided pursuant to section 35B.16, with the intention to deprive the owner of the marker, regardless of the value of the marker. The person shall also be liable for reimbursement in an amount equal to three times the cost of the marker to be paid to the county commission of veteran affairs or other person who furnished the marker.

89 Acts, ch 47, §1
CS89, §714.7A
94 Acts, ch 1142, §4; 2006 Acts, ch 1107, §3
C2007, §35B.16A
Veterans commemorative property, see §37A.1

35B.17 Maintenance of graves. Repealed by 2024 Acts, ch 1047, §11.

35B.18 Payment — how made. Repealed by 2014 Acts, ch 1116, §54.

35B.19 Burial records.

The executive director or administrator shall be charged with securing the information requested by the department of veterans affairs of every person having a military service record and buried in the county. Such information shall be secured from the funeral director in charge of the burial or cremation and shall be transmitted by the funeral director to the county veteran affairs office of the county where burial or disposition of cremated remains is made. This information shall be recorded alphabetically and by description of location in the cemetery where the veteran is buried or the place of disposition of the cremated remains of the veteran. This recording shall conform to the directives of the department of veterans affairs and shall be maintained as a permanent record by the executive director or administrator.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §250.19]

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92 Acts, ch 1140, §36
C93, §35B.19
2005 Acts, ch 115, §19, 40; 2014 Acts, ch 1116, §49

CHAPTER 35C

VETERANS PREFERENCE

Referred to in §35.1, 372.8

This chapter not enacted as a part of this title; transferred from chapter 70 in Code 1993

35C.1 Appointments and employment — applications.
35C.2 Physical disability.
35C.3 Duty to investigate and appoint.
35C.4 Mandamus — judicial review.
35C.5 Appeals.
35C.5A Arbitration.
35C.6 Removal — certiorari — judicial review.
35C.7 Burden of proof.
35C.8 Exceptions.
35C.9 Veterans preference — information clearinghouse.

35C.1 Appointments and employment — applications.

1. In every public department and upon all public works in the state, and of the counties, cities, and school corporations of the state, veterans who are citizens and residents of the United States are entitled to preference in appointment and employment over other applicants of no greater qualifications. The preference in appointment and employment for employees of cities under a municipal civil service is the same as provided in section 400.10. For purposes of this section, *"veteran"* means as defined in section 35.1 except that the requirement that the person be a resident of this state shall not apply.

2. *a.* In all jobs of the state and its political subdivisions, an application form shall be completed. The application form shall contain an inquiry into the applicant's military service during the wars or armed conflicts as specified in subsection 1.

b. The department of administrative services shall inform the agency to which the person is seeking employment of the person's military service as specified in subsection 1.

3. In all jobs of political subdivisions of the state which are to be filled by competitive examination or by appointment, public notice of the application deadline to fill a job shall be posted at least ten days before the deadline in the same manner as notices of meetings are posted under section 21.4.

4. For jobs in political subdivisions of the state that are filled through a point-rated qualifying examination, the preference afforded to veterans shall be equivalent to that provided for municipal civil service systems in section 400.10.

[S13, §1056-a15; C24, 27, 31, 35, 39, §**1159;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.1]

85 Acts, ch 50, §1; 92 Acts, ch 1238, §17
C93, §35C.1
94 Acts, ch 1189, §16; 2000 Acts, ch 1154, §6; 2003 Acts, ch 145, §286; 2008 Acts, ch 1032, §201; 2009 Acts, ch 150, §1; 2009 Acts, ch 179, §108
Referred to in §35C.2, 35C.5

35C.2 Physical disability.

The persons thus preferred shall not be disqualified from holding any position mentioned in section 35C.1 on account of age or by reason of any physical disability, provided such age

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or disability does not render such person incompetent to perform properly the duties of the position applied for.

[S13, §1056-a15; C24, 27, 31, 35, 39, §**1160;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.2]

C93, §35C.2

2017 Acts, ch 29, §26

35C.3 Duty to investigate and appoint.

When any preferred person applies for appointment or employment under this chapter, the officer, board, or person whose duty it is or may be to appoint or employ a person to fill the position or place shall, before appointing or employing a person to fill the position or place, make an investigation as to the qualifications of the applicant for the place or position, and if the applicant is of good moral character and can perform the duties of the position applied for, the officer, board, or person shall appoint the applicant to the position, place, or employment. The appointing officer, board, or person shall set forth in writing and file for public inspection the specific grounds upon which it appointed or refused to appoint the person. At the time of application or at an interview for the position, an applicant may request notification of refusal only or notification of refusal and the specific grounds for refusal. The notification shall be sent within ten days after the successful applicant is selected and shall include information on the right of an unsuccessful applicant to maintain an action for mandamus under section 35C.4, or file an appeal and the time to file an appeal under section 35C.5.

[S13, §1056-a15; C24, 27, 31, 35, 39, §**1161;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.3]

C93, §35C.3

99 Acts, ch 180, §11; 2000 Acts, ch 1106, §1; 2020 Acts, ch 1050, §1

35C.4 Mandamus — judicial review.

A refusal to allow the preference granted under this chapter, or a reduction of the salary for a position with intent to bring about the resignation or discharge of the incumbent, shall entitle the applicant or incumbent, as the case may be, to maintain an action of mandamus to right the wrong. The applicant or incumbent may elect, in the alternative, to maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case. An action of mandamus shall be filed by an applicant or incumbent within three hundred days after a refusal to allow the preference, or a reduction of the salary for a position with intent to bring about the resignation or discharge of the incumbent.

[S13, §1056-a15, -a16; C24, 27, 31, 35, 39, §**1162;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.4]

C93, §35C.4

2003 Acts, ch 44, §114; 2020 Acts, ch 1050, §2; 2021 Acts, ch 80, §17

Referred to in §35C.3, 35C.5, 35C.5A

35C.5 Appeals.

1. In addition to the remedy provided in section 35C.4, an appeal may be taken by any person belonging to any of the classes of persons to whom a preference is granted under this chapter, from any refusal to allow the preference, as provided in this chapter, to the district court of the county in which the refusal occurs.

2. The appeal shall be made by serving upon the appointing board, within twenty days after the date of the refusal of the appointing officer, board, or persons to allow the preference, a written notice of appeal stating the grounds of the appeal and a demand in writing for a certified transcript of the record and all papers on file in the office affecting or relating to the appointment. Upon receipt of the notice and demand, the appointing officer, board, or person shall, within ten days, make, certify, and deliver to the appellant the transcript. The appellant shall, within five days thereafter, file the transcript and a copy of the notice of appeal with the clerk of court.

3. The notice of appeal shall stand as the appellant's complaint and the cause shall be

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accorded such preference in its assignment for trial as to assure its prompt disposition. The court shall receive and consider any pertinent evidence, whether oral or documentary, concerning the appointment from which the appeal is taken. If the court finds that the applicant is qualified as defined in section 35C.1, to hold the position for which the applicant has applied, the court shall, by its mandate, specifically direct the appointing officer, board, or persons as to their further action in the matter.

4. An appeal may be taken from the judgment of the district court on the same terms as an appeal is taken in civil actions. Parties entitled to appeal under this section may elect, in the alternative, to maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to the case.

[C35, §1162-g1; C39, §**1162.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.5]

C93, §35C.5

2003 Acts, ch 44, §114; 2018 Acts, ch 1026, §17

Referred to in §35C.3, 35C.5A

Appeals, R.App.P. 6.101, 6.102, 6.701

35C.5A Arbitration.

In addition to the remedies provided in sections 35C.4 and 35C.5, a person belonging to a class of persons qualifying for a preference may submit any refusal to allow a preference, or any reduction of the person's salary as described in section 35C.4, to arbitration within sixty days after written notification of the refusal or reduction. Within ten days after any submission, an arbitrator shall be selected by a committee that includes one member chosen by the person refused preference, one member chosen by the appointing officer, board, or person, and one member who shall be a disinterested party selected by the other two members of the committee. A list of qualified arbitrators may be obtained from the American arbitration association or other recognized arbitration organization or association. The decision of the arbitrator shall be final and binding on the parties.

99 Acts, ch 180, §12

35C.6 Removal — certiorari — judicial review.

No person holding a public position by appointment or employment, and belonging to any of the classes of persons to whom a preference is granted under this chapter, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to a review by a writ of certiorari or at such person's election, to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case. Upon removal from such position or employment, the person shall be provided written notification of the right of such employee or appointee to a review by a writ of certiorari or judicial review. A review by a writ of certiorari shall be filed within three hundred days of the removal of the employee or appointee.

[S13, §1056-a16; C24, 27, 31, 35, 39, §**1163;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.6]

C93, §35C.6

2003 Acts, ch 44, §114; 2017 Acts, ch 29, §27; 2020 Acts, ch 1050, §3

35C.7 Burden of proof.

The burden of proving incompetency or misconduct shall rest upon the party alleging the same.

[S13, §1056-a16; C24, 27, 31, 35, 39, §**1164;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.7]

C93, §35C.7

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35C.8 Exceptions.

Nothing in this chapter shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

[S13, §1056-a16; C24, 27, 31, 35, 39, §**1165;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §70.8]

C93, §35C.8

35C.9 Veterans preference — information clearinghouse.

1. The department of workforce development, in coordination with the department of administrative services, shall establish a clearinghouse for the purpose of providing information to the state, political subdivisions of the state, and veterans who are citizens and residents of the United States, concerning the rights and duties relating to providing veterans preference as required by this chapter.

2. The information provided, which shall include a written statement in plain language concerning the rights and duties of this chapter, shall be developed by the department of workforce development in consultation with the office of the attorney general and the department of administrative services. The information provided shall also include information concerning the enforcement of the requirements of this chapter.

3. The internet site for the department of workforce development, the department of administrative services, the office of the attorney general, and the department of veterans affairs shall include a link to the information provided pursuant to this section.

2016 Acts, ch 1090, §1

CHAPTER 35D

VETERANS HOME

Referred to in §35.1, 714.8

35D.1 Purpose of home — definitions.
35D.2 Right to admission.
35D.3 Rules — general management.
35D.4 Married couples — quarters — cottages.
35D.5 Surviving spouses of veterans.
35D.6 Certificate of eligibility. Repealed by 2020 Acts, ch 1055, §1.
35D.7 Contributing to own support.
35D.8 Conditional admittance. Repealed by 2013 Acts, ch 36, §14.
35D.9 County of residence upon discharge.
35D.10 Payment to spouse.
35D.11 Handling of pension money and other funds.
35D.12 Bank account for members' deposits.
35D.13 Commandant. Repealed by 2023 Acts, ch 19, §2186.
35D.14 Personnel — expenses — compensation. Repealed by 2023 Acts, ch 19, §2186.
35D.14A Volunteer record checks.
35D.15 Rules enforced — power to suspend and discharge members.
35D.16 Dispositions of active duty members charged with offense. Repealed by 2013 Acts, ch 36, §14.
35D.17 Report by department.
35D.18 Net general fund appropriation — purpose.

35D.1 Purpose of home — definitions.

1. The Iowa veterans home, located in Marshalltown, shall be maintained as a long-term health care facility providing nursing and residential levels of care for honorably discharged veterans and their dependent spouses, surviving spouses of honorably discharged veterans, and gold star parents. Eligibility requirements for admission to the Iowa veterans home shall coincide with the eligibility requirements for care and treatment in a United States department of veterans affairs facility pursuant to 38 U.S.C. §1710, and regulations promulgated under that section, as amended. For the purposes of this subsection, "*gold star parent*" means a parent of a deceased member of the United States armed forces who died

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while serving on active duty during a time of military conflict or who died as a result of such service.

2. As used in this chapter:

a. *"Commandant"* means the commandant appointed pursuant to section 35A.8.

b. *"Commission"* means the commission of veterans affairs established in section 35A.2.

c. *"Department"* means the department of veterans affairs established in section 35A.4.

d. *"Member"* means a patient or resident of the home.

[C97, §2601, 2602, 2606; S13, §2601, 2602, 2606; SS15, §2606; C24, 27, 31, 35, §3366, 3367; C39, §**3384.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.1]

84 Acts, ch 1277, §1; 92 Acts, ch 1140, §22

C93, §35D.1

2009 Acts, ch 26, §5; 2013 Acts, ch 36, §1; 2023 Acts, ch 19, §2177

Referred to in §35D.2

35D.2 Right to admission.

1. Persons described in section 35D.1 who are disabled by disease, injury, or old age, and who meet the qualifications for nursing or residential care, and who are unable to earn a livelihood, and who are residents of the state of Iowa on the date of the application and immediately preceding the date the application is accepted, may be admitted to the home as members under rules adopted by the commission. The commission shall adopt rules to emphasize the admission of homeless honorably discharged veterans. Eligibility determinations are subject to approval by the commandant.

2. A person shall not be received or retained in the home who has been diagnosed by a qualified mental health professional as acutely mentally ill and considered dangerous to self or others, is an acute inebriate, or is addicted to the use of drugs, and whose documented behavior is continuously disruptive to the operation of the facility.

1. [C97, §2602; S13, §2602, 2606; SS15, §2606; C24, 27, 31, 35, §3366; C39, §**3384.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.2]

2. [C97, §2605; C24, 27, 31, 35, §3370; C39, §**3384.13**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.13]

84 Acts, ch 1277, §2

C85, §219.2

92 Acts, ch 1140, §23

C93, §35D.2

2013 Acts, ch 36, §2; 2014 Acts, ch 1092, §21

35D.3 Rules — general management.

The commission shall adopt all the necessary rules, pursuant to chapter 17A, for the preservation of order and enforcement of discipline, the promotion of health and well-being of all the members and the management and control of the home and its grounds.

[C97, §2602; C24, 27, 31, 35, §3367; C39, §**3384.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.3]

84 Acts, ch 1277, §3; 92 Acts, ch 1140, §24

C93, §35D.3

35D.4 Married couples — quarters — cottages.

1. When a married person is or becomes a member of the home, the spouse, if married to the person for at least one year and otherwise eligible under this chapter, may be admitted as a member of the home subject to the rules of the home. Veteran and spouse members may be permitted to occupy, together, cottages or other quarters on the grounds of the home.

2. The cottages may be made available to persons on the staff of the home at a rental rate determined by the commandant.

[C97, §2606; S13, §2606; SS15, §2606; C24, 27, 31, 35, §3366, 3368; C39, §**3384.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.4]

84 Acts, ch 1277, §4; 92 Acts, ch 1140, §25

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C93, §35D.4
2013 Acts, ch 36, §3

35D.5 Surviving spouses of veterans.

If a deceased veteran, who would be entitled to admission to the home if the deceased veteran were living, has left a surviving spouse, the spouse is entitled to admission to the home with the same rights, privileges, and benefits as if the veteran were living and a member of the home, if the spouse was married to the veteran for at least one year immediately prior to the veteran's death, is found by the department to be disabled, meets the qualifications for nursing or residential level of care, and is a resident of the state of Iowa on the date of the application and immediately preceding the date the application is accepted.

[C97, §2606; S13, §2606; C24, 27, 31, 35, §3366; C39, §**3384.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.5]
84 Acts, ch 1277, §5
C93, §35D.5
2013 Acts, ch 36, §4; 2023 Acts, ch 19, §2178

35D.6 Certificate of eligibility. Repealed by 2020 Acts, ch 1055, §1.

35D.7 Contributing to own support.

1. Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension, compensation, or gratuity from the United States government, or income from any source of more than one hundred forty dollars per month, shall contribute to the member's own maintenance or support while a member of the home. The amount of the contribution and the method of collection shall be determined by the department, but the amount shall in no case exceed the actual cost of keeping and maintaining the person in the home.
2. Sums paid to and received by the department for the support of members of the home shall be considered appropriated receipts as defined in section 8.2 and credited to the Iowa veterans home account referred to in section 35D.18, subsection 3.
3. The department may allow any member of the home to render assistance in the care of the home and its grounds as the member's psychosocial and physical condition permit, as a phase of that member's rehabilitation program. The department shall compensate each member who furnishes assistance at rates approved by the commission.

1,3. [S13, §2602-a, 2606-a; C24, 27, 31, 35, §3377; C39, §**3384.14**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.14]

2. [S13, §2602-a; C24, 27, 31, 35, §3372; C39, §**3384.17**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.17]
84 Acts, ch 1277, §7
C85, §219.7
92 Acts, ch 1140, §26
C93, §35D.7
2013 Acts, ch 36, §6; 2023 Acts, ch 19, §2179; 2024 Acts, ch 1185, §112

35D.8 Conditional admittance. Repealed by 2013 Acts, ch 36, §14.

35D.9 County of residence upon discharge.

A member of the home does not acquire residency in the county in which the home is located unless the member is voluntarily or involuntarily discharged from the home and the member meets county of residence requirements. For purposes of this section, *"county of residence"* means the same as defined in section 331.190.

[C97, §2605; C24, 27, 31, 35, §3370; C39, §**3384.13**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.13]
84 Acts, ch 1277, §9

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C85, §219.9
C93, §35D.9
2018 Acts, ch 1137, §20; 2024 Acts, ch 1161, §182, 184

35D.10 Payment to spouse.

Except as otherwise provided in chapter 249A and other provisions of this chapter, a member of the home who receives a pension or compensation and who has a spouse shall deposit with the department on receipt of the member's pension or compensation check one-half of its amount, which shall be sent by the eighth day of the month or at once if any such pension or compensation is received after the eighth day of the month to the spouse.

[S13, §2606-c; C24, 27, 31, 35, §3379, 3384; C39, §**3384.15**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.15]
84 Acts, ch 1277, §10
C85, §219.10
C93, §35D.10
2013 Acts, ch 36, §7; 2023 Acts, ch 19, §2180
Referred to in §35D.11

35D.11 Handling of pension money and other funds.

1. Pension money deposited with the department is not assignable for any purpose except as provided in section 35D.10, or in accordance with subsection 2 of this section.

2. The department, if authorized by a member of the home and pursuant to policies adopted by the commission, may act on behalf of that member in receiving, disbursing, and accounting for personal funds of the member received from any source. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

[S13, §2606-b; C24, 27, 31, 35, §3383; C39, §**3384.20**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.20]
84 Acts, ch 1277, §11
C85, §219.11
92 Acts, ch 1140, §28
C93, §35D.11
2013 Acts, ch 36, §8; 2023 Acts, ch 19, §2181

35D.12 Bank account for members' deposits.

1. *a.* The Iowa veterans home, for the convenience of its members, may maintain a commercial account with a federally insured bank for the individual personal deposits of its members. The account shall be known as the Iowa veterans home membership account. The department shall record each member's personal deposits individually and shall deposit the funds in the membership account, where the members' deposits shall be held in the aggregate.

b. The Iowa veterans home may withdraw moneys from the account maintained pursuant to this subsection to establish certificates of deposit for the benefit of all members. The department shall adopt rules pursuant to chapter 17A for the administration of this paragraph.

2. The department, if authorized by a member of the home and pursuant to policies adopted by the commission, may make withdrawals against that member's personal account to pay regular bills and other expenses incurred by the member. The authorization may be given by the member at any time and shall not be a condition of admission to the home.

84 Acts, ch 1277, §12
C85, §219.12
92 Acts, ch 1140, §29
C93, §35D.12
2013 Acts, ch 36, §9; 2023 Acts, ch 19, §2182

35D.13 Commandant. Repealed by 2023 Acts, ch 19, §2186.

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35D.14 Personnel — expenses — compensation. Repealed by 2023 Acts, ch 19, §2186.

35D.14A Volunteer record checks.

1. Persons who are potential volunteers or volunteers in the Iowa veterans home in a position having direct individual contact with patients or residents of the home shall be subject to criminal history and child and dependent adult abuse record checks in accordance with this section. The Iowa veterans home shall request that the department of public safety perform the criminal history check and the record check evaluation system of the department of health and human services perform child and dependent adult abuse record checks of the person in this state and may request these checks in other states.

2. *a.* If it is determined that a person has been convicted of a crime under a law of any state or has a record of founded child or dependent adult abuse, the person shall not participate as a volunteer with direct individual contact with patients or residents of the Iowa veterans home unless an evaluation has been performed by the record check evaluation system to determine whether the crime or founded child or dependent adult abuse warrants prohibition of the person's participation as a volunteer in the Iowa veterans home. The record check evaluation system shall perform such evaluation upon the request of the Iowa veterans home.

b. In an evaluation, the record check evaluation system shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved.

c. If the record check evaluation system performs an evaluation for the purposes of this section, the record check evaluation system has final authority in determining whether prohibition of the person's participation as a volunteer is warranted. The record check evaluation system may permit a person who is evaluated to participate as a volunteer if the person complies with the record check evaluation system's conditions relating to participation as a volunteer which may include completion of additional training.

2009 Acts, ch 93, §1; 2023 Acts, ch 19, §37

35D.15 Rules enforced — power to suspend and discharge members.

1. The commandant shall administer and enforce all rules adopted by the commission, including rules of discipline and, subject to these rules, may immediately suspend the membership of and discharge any person from the home for infraction of the rules when the department determines that the health, safety, or welfare of the residents of the home is in immediate danger and other reasonable alternatives have been exhausted. The suspension and discharge are temporary pending action by the commission. Judicial review of the action of the commission may be sought in accordance with chapter 17A.

2. *a.* The department shall, with the input and recommendation of the interdisciplinary resident care committee, involuntarily discharge a member for any of the following reasons:

(1) (a) The member has been diagnosed with a substance use disorder but continues to abuse alcohol or an illegal drug in violation of the member's conditional or provisional agreement entered into at the time of admission, and all of the following conditions are met:

(i) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(ii) The member has been notified of the member's commission of three offenses and has been given the opportunity to correct the behavior through either of the following options:

(A) Being given the opportunity to receive the appropriate level of treatment in accordance with best practices for standards of care.

(B) By having been placed on probation by the Iowa veterans home for a second offense.

(b) Notwithstanding the member's meeting the criteria for discharge under this subparagraph (1), if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the interdisciplinary resident care committee and the

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department may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged under this subparagraph (1) if the member's actions or behavior jeopardizes the life or safety of other members or staff.

(2) (a) The member refuses to utilize the resources available to address issues identified in the member's collaborative care plan, and all of the following conditions are met:

(i) The member has been provided sufficient notice of any changes in the member's collaborative care plan.

(ii) The member has been notified of the member's commission of three offenses and the member has been placed on probation by the Iowa veterans home for a second offense.

(b) Notwithstanding the member's meeting the criteria for discharge under this subparagraph (2), if the member has demonstrated progress toward the goals established in the member's collaborative care plan, the interdisciplinary resident care committee and the department may exercise discretion regarding the discharge. Notwithstanding any provision to the contrary, the member may be immediately discharged if the member's actions or behavior jeopardizes the life or safety of other members or staff.

(3) The member no longer requires a residential or nursing level of care, as determined by the interdisciplinary resident care committee.

(4) The member requires a level of licensed care not provided at the Iowa veterans home.

b. (1) If a member is discharged under this subsection, the discharge plan shall include placement in a suitable living situation which may include but is not limited to a transitional living program approved by the commission or a living program provided by the United States veterans administration.

(2) If a member is involuntarily discharged under this subsection, the department shall, to the greatest extent possible, ensure against the veteran being homeless and ensure that the domicile to which the veteran is discharged is fit and habitable and offers a safe and clean environment which is free from health hazards and provides appropriate heating, ventilation, and protection from the elements.

c. (1) An involuntary discharge of a member under this subsection shall be preceded by a written notice to the member. The notice shall state that unless the discharge is an immediate discharge due to the member's actions or behavior which jeopardizes the life or safety of other members or staff, the effective date of the discharge is thirty calendar days from the date of receipt of the discharge notice, and that the member has the right to appeal the discharge. If a member appeals such discharge, the member shall also be provided with the information relating to the appeals process as specified in this paragraph "*c*".

(2) If the member appeals the discharge under this subsection, the following provisions shall apply:

(a) The member shall file the appeal with the commission within five calendar days of receipt of the discharge notice.

(b) The commission shall render a decision on the appeal and notify the member of the decision, in writing, within ten calendar days of the filing of the appeal.

(c) If the member is not satisfied with the decision of the commission, the member may appeal the commission's decision by filing an appeal with the department of inspections, appeals, and licensing within five calendar days of being notified in writing of the commission's decision.

(d) The department of inspections, appeals, and licensing shall render a decision on the appeal of the commission's decision and notify the member of the decision, in writing, within fifteen calendar days of the filing of the appeal with the department.

(e) The maximum time period that shall elapse between receipt by the member of the discharge notice and actual discharge shall not exceed fifty-five days, which includes the thirty-day discharge notice period and any time during which any appeals to the commission or the department of inspections, appeals, and licensing are pending.

(3) If a member is not satisfied with the decision of the department of inspections, appeals, and licensing, the member may seek judicial review in accordance with chapter 17A. A member's discharge under this subsection shall be stayed while judicial review is pending.

d. Annually, by the fourth Monday of each session of the general assembly, the

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department shall submit a report to the veterans affairs committees of the senate and house of representatives specifying the number, circumstances, and placement of each member involuntarily discharged from the Iowa veterans home under this subsection during the previous calendar year.

e. The commission shall adopt rules to enforce this subsection.

f. Any involuntary discharge by the department under this subsection shall comply with the rules adopted by the commission under this subsection and by the department of inspections, appeals, and licensing pursuant to section 135C.14, subsection 8, paragraph "*f*".

g. For the purposes of this subsection:

(1) *"Collaborative care plan"* means the plan of care developed for a member by the interdisciplinary resident care committee.

(2) *"Interdisciplinary resident care committee"* means the member, a social worker, a registered nurse, a dietitian, a medical provider, and a recreation specialist who are involved in reviewing a member's assessment data and developing a collaborative care plan for the individual member. For an individual member who is also a patient, the interdisciplinary resident care committee shall also include a mental health treatment staff member.

[C39, §**3384.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.18]
84 Acts, ch 1277, §14; 92 Acts, ch 1140, §32
C93, §35D.15
2009 Acts, ch 62, §1; 2013 Acts, ch 36, §11, 12; 2023 Acts, ch 19, §1731 – 1733, 2183, 2184
Referred to in §135C.14

35D.16 Dispositions of active duty members charged with offense. Repealed by 2013 Acts, ch 36, §14.

35D.17 Report by department.

The department shall, biennially, make a full and detailed report to the governor, the commission, and the general assembly, showing the condition of the home, the number of members in the Iowa veterans home, the order and discipline enforced, and the needs of the home financially and otherwise, together with an itemized statement of all receipts and disbursements and any other matters of importance in the management and control of the Iowa veterans home.

[C39, §**3384.21;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §219.21]
84 Acts, ch 1277, §16; 92 Acts, ch 1140, §34
C93, §35D.17
2023 Acts, ch 19, §2185

35D.18 Net general fund appropriation — purpose.

1. The Iowa veterans home shall operate on the basis of a net appropriation from the general fund of the state. The appropriation amount shall be the net amount of state moneys projected to be needed for the Iowa veterans home for the fiscal year of the appropriation. The purpose of utilizing a net appropriation is to encourage the Iowa veterans home to operate with increased self-sufficiency, to improve quality and efficiency, and to support collaborative efforts among all providers of funding for the services available from the Iowa veterans home.

2. The net appropriation made to the Iowa veterans home may be used throughout the fiscal year in the manner necessary for purposes of cash flow management. The Iowa veterans home may temporarily draw more than the amount appropriated, provided the amount appropriated is not exceeded at the close of the fiscal year.

3. Revenues received that are attributed to the Iowa veterans home during a fiscal year shall be credited to the Iowa veterans home account and shall be considered appropriated receipts as defined in section 8.2, including but not limited to all of the following:

a. United States department of veterans affairs payments.

b. Medical assistance program revenue received under chapter 249A.

c. Federal Medicare program payments.

d. Other revenues generated from current, new, or expanded services that the Iowa veterans home is authorized to provide.

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4. Notwithstanding section 8.33, any balance in the Iowa veterans home annual appropriation or revenues that remains unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for specified purposes of the Iowa veterans home until the close of the succeeding fiscal year.

2005 Acts, ch 175, §57; 2008 Acts, ch 1187, §65, 97; 2009 Acts, ch 26, §6; 2013 Acts, ch 36, §13; 2024 Acts, ch 1185, §113, 114

Referred to in §35D.7

CHAPTER 36

EXPOSURE TO CHEMICALS — VETERANS

36.1 Definitions.
36.2 Chemical exposure report to department. Repealed by 2017 Acts, ch 59, §2.
36.3 Duties of the department. Repealed by 2017 Acts, ch 59, §2.
36.4 Confidentiality and liability. Repealed by 2017 Acts, ch 59, §2.
36.5 Attorney general powers.
36.6 Medical cooperative program. Repealed by 2017 Acts, ch 59, §2.
36.7 Federal program. Repealed by 2017 Acts, ch 59, §2.
36.8 Rules. Repealed by 2017 Acts, ch 59, §2.
36.9 Appropriations. Repealed by 2017 Acts, ch 59, §2.
36.10 Veterans' litigation awards.

36.1 Definitions.

As used in this chapter unless the context otherwise provides:

1. *"Agent Orange"* means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

2. *"Chemicals"* means chemical defoliants, herbicides, or other causative agents, including but not limited to Agent Orange.

3. *"Veteran"* means a person who was a resident of this state at the time of the person's induction into the armed forces of the United States or who is a resident of this state July 1, 1983, and served in Vietnam, Cambodia, or Laos during the Vietnam Conflict.

83 Acts, ch 141, §1
CS83, §139A.1
86 Acts, ch 1245, §1712; 92 Acts, ch 1140, §13
C93, §36.1
2005 Acts, ch 115, §20, 21, 40; 2007 Acts, ch 202, §8; 2017 Acts, ch 59, §1

36.2 Chemical exposure report to department. Repealed by 2017 Acts, ch 59, §2.

36.3 Duties of the department. Repealed by 2017 Acts, ch 59, §2.

36.4 Confidentiality and liability. Repealed by 2017 Acts, ch 59, §2.

36.5 Attorney general powers.

The attorney general may represent veterans who may have been injured because of contact with chemicals, in an action for release of information relating to exposure to such causative agents during military service and release of the veterans' medical records.

83 Acts, ch 141, §5
CS83, §139A.5
C93, §36.5

36.6 Medical cooperative program. Repealed by 2017 Acts, ch 59, §2.

36.7 Federal program. Repealed by 2017 Acts, ch 59, §2.

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36.8 Rules. Repealed by 2017 Acts, ch 59, §2.

36.9 Appropriations. Repealed by 2017 Acts, ch 59, §2.

36.10 Veterans' litigation awards.

1. For purposes of this section, *"Vietnam herbicide"* means a herbicide, defoliant, or other causative agent containing dioxin, including, but not limited to, Agent Orange, used in the Vietnam Conflict at any time between December 22, 1961, and May 7, 1975, inclusive.

2. *a.* Notwithstanding any other law of this state, proceeds received pursuant to a judgment in, or settlement of, a lawsuit against the manufacturer or distributor of a Vietnam herbicide for damages resulting from exposure to the herbicide shall not be considered as income or an asset for determining the eligibility for state or local government benefit or entitlement programs. The proceeds are not subject to recoupment for the receipt of governmental benefits or entitlements and liens, except liens for child support, are not enforceable against these sums for any reason.

b. This exclusion of litigation proceeds from benefit or entitlement program calculations are available only to disabled veterans or their beneficiaries, whether payment is received in a lump sum or payable in installments over a period of years.

89 Acts, ch 249, §1
CS89, §139A.11
C93, §36.10

CHAPTER 37

MEMORIAL HALLS AND MONUMENTS

Referred to in §11.1, 331.361, 331.427, 331.441, 331.461, 347.13, 347.23A, 347.24

37.1 Memorial buildings and monuments.
37.2 Petition.
37.3 Election.
37.4 Notice.
37.5 Reserved.
37.6 Bonds.
37.7 Reserved.
37.8 Cost of development, operation, and maintenance.
37.9 Commissioners appointed — vacancies — request for appropriation.
37.10 Qualification — appointment.
37.11 through 37.14 Reserved.
37.15 Ex officio voting member.
37.16 Disbursement of funds — purchasing regulations — reports.
37.17 Gifts and bequests.
37.18 Name — uses.
37.19 Reserved.
37.20 Funds, monuments, and memorials previously initiated.
37.21 Joint memorials.
37.22 Unexpended funds.
37.23 Contract to repay.
37.24 Investment of funds.
37.25 Accumulations.
37.26 General powers.
37.27 Nursing homes with memorial hospitals.
37.28 Anticipatory warrants.
37.29 Contents of warrants.
37.30 Registration — call.

37.1 Memorial buildings and monuments.

Memorial buildings and monuments designed to commemorate the service rendered by soldiers, sailors, and marines of the United States may be erected and equipped at public expense in the manner provided by this chapter by:

1. Any county which has not heretofore made an appropriation for such purpose under any prior law.

2. Any city operating under any form of government.

[C97, §435, 436; C24, 27, 31, 35, 39, §**483;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.1]

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37.2 Petition.

The petition for the erection and equipment of any such hall or monument shall request the submission of the proposition to a vote of the people and shall:

1. When it is proposed to erect the same at the expense of the county, be signed by ten percent of the registered voters thereof as shown by the election register used in the last preceding general election, or by a majority of the members of the Grand Army of the Republic, the Spanish-American War Veterans Association, Veterans of World War I, the American Legion, Disabled American Veterans of the World War, Veterans of Foreign Wars of the United States, Marine Corps League and American Veterans of World War II (AMVETS) of the county.

2. When it is proposed to erect the same at the expense of a city be subject to the provisions of section 362.4.

3. Set forth therein the purpose of the memorial proposed, as outlined in section 37.18.

[C97, §435; C24, 27, 31, 35, 39, §**484;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.2]

95 Acts, ch 67, §53

Referred to in §35A.12

37.3 Election.

Upon the filing of the requisite petition, the city council shall cause the proposition to be submitted at a regular election, or at a special election to be called if requested in the petition, in substantially the following form:

> Shall the city of ..... erect and equip (or purchase and equip) a memorial building (or erect a monument) as provided in chapter 37 of the Code for the purpose of ..... (set forth purpose of memorial as outlined in section 37.18) and issue bonds in the sum of ..... dollars to cover the expense of the building or monument (or levy a tax of ..... per thousand dollars of assessed value for a period of ..... years to defray the expense of the building or monument)?

[C24, 27, 31, 35, 39, §**485;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.3]

83 Acts, ch 123, §41, 209

37.4 Notice.

Notice of the election shall be given by publication in one newspaper published or having general circulation in the city as provided in section 362.3. The notice shall state the purpose of the memorial proposed as outlined in section 37.18.

[C97, §435; C24, 27, 31, 35, 39, §**486;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.4]

83 Acts, ch 123, §42, 209

37.5 Reserved.

37.6 Bonds.

Bonds issued by a county for the purposes of this chapter shall be issued under sections 331.441 through 331.449 relating to general county purpose bonds. Bonds issued by a city shall be issued under sections 384.24 through 384.36 relating to general corporate purpose bonds of a city.

[C24, 27, 31, 35, 39, §**488;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §37.6; 81 Acts, ch 117, §1004]

2018 Acts, ch 1026, §18

Referred to in §37.28

City bonds, chapter 384, subchapter III

37.7 Reserved.

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37.8 Cost of development, operation, and maintenance.

For the development, operation, and maintenance of a building or monument constructed, purchased, or donated under this chapter, a city may utilize taxes levied under section 384.1.

[C24, 27, 31, 35, 39, §**490;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §37.8; 81 Acts, ch 117, §1005]

83 Acts, ch 123, §43, 209; 2023 Acts, ch 71, §13, 19

2023 amendment applies to taxes and budgets for fiscal years beginning on or after July 1, 2024; 2023 Acts, ch 71, §19

37.9 Commissioners appointed — vacancies — request for appropriation.

1. When the proposition to erect a building or monument under this chapter has been carried by a majority vote, the board of supervisors or the city council, as the case may be, shall appoint a commission consisting of not less than five and not more than eleven members, in the manner and with the qualifications provided in this chapter, which shall have charge and supervision of the erection of the building or monument, and when erected, the management and control of the building or monument.

2. On or before January 15 of each year, a commission which manages and controls a county memorial hospital shall prepare and submit to the county auditor a request for an appropriation for the next fiscal year from the general fund for the operation and maintenance of the county memorial hospital. On or before January 20, the county auditor shall submit the request to the county board of supervisors. The board of supervisors may adjust the commission's request and may make an appropriation for the county memorial hospital as provided in section 331.427, subsection 3, paragraph "*b*". For the purposes of public notice, the commission is a certifying board and is subject to the requirements of sections 24.3 through 24.5, sections 24.9 through 24.12, and section 24.16.

3. The term of office of each member shall be three years, and any vacancies occurring in the membership shall be filled in the same manner as the original appointment.

4. Commencing with the commissioners appointed to take office after January 1, 1952, the terms of office of the commissioners shall be staggered so that all commissioners' terms will not end in the same year. Thereafter, the successors in each instance shall hold office for a term of three years or until a successor is appointed and qualified.

5. The commissioners having the management and control of a memorial hospital shall, within ten days after their appointment, qualify by taking the usual oath of office, but no bonds shall be required of them. The commissioners shall organize by electing a chairperson, secretary, and treasurer. The secretary shall immediately report to the county auditor and county treasurer the names of the chairperson, secretary, and treasurer of the commission. The commission shall meet as necessary to adequately oversee the operation of the hospital. A majority of the commission members shall constitute a quorum for the transaction of business. The secretary shall keep a complete record of its proceedings. The commissioners of a memorial hospital shall have all of the powers and duties necessary to manage, control, and govern the memorial hospital including but not limited to any applicable powers and duties granted boards of trustees under other provisions of the Code relating to hospitals, nursing homes, assisted or independent living services, and other ancillary services irrespective of the chapter of the Code under which such institutions are established, organized, operated, or maintained, unless such provisions conflict with this chapter.

6. Memorial hospital funds shall be received, disbursed, and accounted for in the same manner and by the same procedure as provided by section 347.12.

[C97, §436; C24, 27, 31, 35, 39, §**491;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.9]

86 Acts, ch 1200, §1; 89 Acts, ch 296, §9; 95 Acts, ch 114, §1; 99 Acts, ch 36, §1; 2000 Acts, ch 1154, §7; 2007 Acts, ch 21, §1; 2009 Acts, ch 110, §2

Referred to in §37.15, 37.21, 331.321

37.10 Qualification — appointment.

1. Each commissioner, except for a memorial hospital commissioner, shall be a veteran, as defined in section 35.1, and be a resident of the county in which the memorial hall or

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monument is located. Each commissioner for a memorial hospital shall be a resident of this state and reside within the memorial hospital's service area.

2. Each commission member shall be appointed by the mayor with approval of the council or by the chairperson of the county board of supervisors in the case of a county or joint memorial building or monument.

[C97, §436; C24, 27, 32, 35, 39, §**492;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.10]

89 Acts, ch 296, §10; 96 Acts, ch 1216, §28; 99 Acts, ch 36, §2; 99 Acts, ch 180, §13; 99 Acts, ch 208, §47; 2012 Acts, ch 1084, §1

Referred to in §331.321

37.11 through 37.14 Reserved.

37.15 Ex officio voting member.

If a memorial hall or building is a city hall, coliseum, or auditorium, the mayor of the city may be an ex officio voting member of the commission created in section 37.9.

[C24, 27, 31, 35, 39, §**497;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.15]

95 Acts, ch 114, §2

Referred to in §331.321

37.16 Disbursement of funds — purchasing regulations — reports.

All funds voted under the provisions of this chapter shall be disbursed by the county or city officers, only with the approval of the commission. However, the commission may adopt purchasing regulations to govern the purchase of specified goods and services without the prior approval of the commission. The purchasing regulations shall conform to generally accepted practices followed by public purchasing officers. The commission shall report to and make settlement with the board of supervisors or the city council, as the case may be, at the time and in the manner required of county and city officers.

[C97, §436; C24, 27, 31, 35, 39, §**498;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.16]

92 Acts, ch 1024, §1

37.17 Gifts and bequests.

Gifts and bequests to any county or city, or to the commission, for any of the purposes provided in this chapter, may be accepted and the property shall be used in accordance with the provisions of this chapter, and as may be expressly designated by the donor.

[C24, 27, 31, 35, 39, §**499;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.17]

37.18 Name — uses.

1. Any such memorial hall or building shall be given an appropriate name and shall be available so far as practical for the following purposes:

a. The special accommodations of soldiers, sailors, marines, nurses, and other persons who have been in the military or naval service of the United States.

b. For military headquarters, memorial rooms, library, assembly hall, gymnasium, natatorium, club room, and rest room.

c. County or city hall offices for any county or municipal purpose, community house, recreation center, memorial hospital, and municipal coliseum or auditorium.

d. Similar and appropriate purposes in general community and neighborhood uses, under the control and regulation of the custodians thereof.

e. Athletic contests, sport and entertainment spectaculars, expositions, meetings, conventions and all food and beverage services incident thereto.

2. The term *"memorial hall"* or *"memorial building"* as in this chapter provided shall also mean and include such parking grounds, ramps, buildings or facilities as the commission may build, acquire by purchase or lease or gift to be used for purposes not inconsistent with the uses as set out in this section.

[C24, 27, 31, 35, 39, §**500;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.18]

2008 Acts, ch 1032, §201

Referred to in §37.2, 37.3, 37.4

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37.19 Reserved.

37.20 Funds, monuments, and memorials previously initiated.

1. In any case of funds heretofore raised or in the process of being raised, by tax levy or other provision of law heretofore existing, for any of the purposes provided by this chapter, the board of supervisors or the city council, as the case may be, shall cause such funds to be used and applied to all intents and purposes for the acquisition of necessary ground and the purchase, erection, construction or reconstruction and equipment of such monument or memorial building in the same manner and to the same extent as if such funds had been raised for said purpose by a bond issue, as provided in this chapter, and all the provisions of this chapter shall apply to said funds.

2. All other provisions of this chapter shall apply to any monument or memorial heretofore constructed or hereafter constructed from funds raised under any provision of law heretofore existing.

3. In all cases covered by this section, the taking effect of this chapter shall fix the time for the selection and appointment of the commissioners to all intents and purposes the same as an election on the proposition to erect a memorial building or monument, as provided in this chapter.

[C24, 27, 31, 35, 39, §**502;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.20]
2017 Acts, ch 54, §76
Section enacted in 40 Ex GA, SF 19 (1924)

37.21 Joint memorials.

Any city may join with the county or township in which such city is located in the joint erection or purchase of memorial buildings or monuments and suitable ground and equipment therefor, and the maintenance thereof, providing the council of such city and the board of supervisors of such county or the township trustees can so agree, but in cases where commissioners have already been appointed under section 37.9, such agreement shall be between such commissioners, but if only one of such parties has appointed commissioners, then such agreement shall be between the commissioners already appointed and the council of such city or the board of supervisors of such county or the township trustees, as the case may be.

[C27, 31, 35, §502-b1; C39, §**502.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.21]
Referred to in §360.4

37.22 Unexpended funds.

Whenever in any county, funds have been raised by taxation for the purpose of erecting and maintaining memorial buildings or monuments, and said funds are under control of a commission as provided in this chapter, and said funds have remained unexpended for a period of five years or more, and when no unpaid obligation exists against said funds, the said commission, or a majority of the members thereof, may disburse said funds for the erection, purchase or improvement of one or more memorial buildings, monuments, parks, playgrounds, swimming pools, homes or club rooms for duly incorporated and acting posts or chapters of veterans' organizations operating under a United States congressional charter, in the county.

[C31, 35, §502-c1; C39, §**502.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.22]
Referred to in §37.24, 37.26

37.23 Contract to repay.

When such erection, purchase or improvement has been made, the commission shall take from the posts or chapters which are beneficiaries of such erection, purchase or improvement, the promissory obligation of such posts or chapters to repay the amount expended by the commission with or without annual interest, together with such security as the commission may require.

[C31, 35, §502-c2; C39, §**502.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.23]
Referred to in §37.26

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37.24 Investment of funds.

Funds not disbursed as provided in section 37.22 may be invested by said commission in such securities as are authorized by section 636.23.

[C31, 35, §502-c3; C39, §**502.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.24]

Referred to in §37.26

37.25 Accumulations.

All interest accumulations shall become part of the principal fund and all uninvested funds shall be kept on deposit with the county treasurer.

[C31, 35, §502-c4; C39, §**502.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.25]

Referred to in §37.26

37.26 General powers.

For the purpose of carrying out the provisions of sections 37.22 through 37.25, the commission shall have authority to receive and to convey title to real estate, to take mortgage or other security and to release or transfer the same.

[C31, 35, §502-c5; C39, §**502.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §37.26]

2021 Acts, ch 80, §18

37.27 Nursing homes with memorial hospitals.

If a memorial building has been constructed for the purpose of a hospital pursuant to this chapter, additions for hospital purposes, and nursing homes to be operated in conjunction with the hospital may be erected or acquired by following the procedure outlined in chapter 347 and by issuing general county purpose bonds in accordance with sections 331.441 through 331.449, with the commissioners acting in the same manner and fashion as the hospital trustees under chapter 347, and with the procedure in all other respects to be identical.

[C62, 66, 71, 73, 75, 77, 79, 81, S81, §37.27; 81 Acts, ch 117, §1006]

2021 Acts, ch 80, §19

37.28 Anticipatory warrants.

If the funds raised under this chapter are insufficient for any fiscal year to pay the principal and interest due in that year on bonds issued for hospital purposes under section 37.6 and to pay the expenses of the operation and maintenance of the hospital and any other hospital expenses authorized by this chapter for the fiscal year, the commission may issue anticipatory warrants drawn on the funds to be raised. The warrants shall be in denominations of one hundred, five hundred and one thousand dollars and shall draw interest at a rate not exceeding that permitted by chapter 74A. These warrants are not a general obligation of any political subdivision which owns the hospital.

[C79, 81, S81, §37.28; 81 Acts, ch 117, §1007; 82 Acts, ch 1104, §2]

83 Acts, ch 123, §44, 209

37.29 Contents of warrants.

All tax anticipatory warrants shall be signed by the chairperson of the commission and attested by the auditor of a political subdivision which owns the hospital with the auditor's official seal attached thereto, and dated as of the date of sale, and shall not be sold for less than par value. The warrants may be drawn and sold from time to time as the need for funds to carry out the purpose of this chapter arises.

[C79, 81, §37.29]

37.30 Registration — call.

All anticipatory warrants drawn under this chapter shall be numbered consecutively, be registered in the office of the treasurer of a political subdivision which owns the hospital and be subject to call in numerical order at any time when sufficient money derived from the tax

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levied is in the hands of the treasurer to retire any of the warrants together with accrued interest.

[C79, 81, S81, §37.30; 81 Acts, ch 117, §1008; 82 Acts, ch 1104, §3]
83 Acts, ch 123, §45, 209
Referred to in §331.552

CHAPTER 37A

VETERANS COMMEMORATIVE PROPERTY

Referred to in §35A.5

37A.1 Veterans commemorative property — penalty.

37A.1 Veterans commemorative property — penalty.

1. For purposes of this chapter, unless the context otherwise requires:

a. *"Department"* means the Iowa department of veterans affairs.

b. *"Veteran"* means a deceased person who served in the armed forces of the United States during a war in which the United States was engaged or served full-time in active duty in a force of an organized state militia, excluding service in the national guard when in an inactive status.

c. *"Veterans commemorative property"* means any memorial as defined in section 523I.102, including a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment, that identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division.

d. *"Veterans organization"* means the grand army of the republic, sons of union veterans of the civil war, sons of confederate veterans, veterans of foreign wars, disabled American veterans, united Spanish war veterans, the Jewish war veterans of the United States, inc., the Catholic war veterans, inc., American legion, American veterans of World War II, Italian American war veterans of the United States, inc., or other corporation or association of veterans.

2. A person who owns or controls property where any veterans commemorative property has been placed shall not sell, trade, or transfer any part of such veterans commemorative property unless the department authorizes the person to do so. The department may authorize the sale, trade, or transfer based upon the following criteria:

a. The veterans commemorative property is at reasonable risk of physically deteriorating so that it will become unrecognizable as identifying or commemorating the veteran or group of veterans originally identified or commemorated.

b. The veterans commemorative property is proposed to be sold, traded, or transferred to a suitable person that will preserve the current condition of the veterans commemorative property and place it in a suitable place that will commemorate the veteran or group of veterans.

c. The person needs to sell, trade, or transfer the veterans commemorative property to ensure that sufficient funds are available to suitably maintain the cemetery where the veterans commemorative property is placed, and the specific lot, plot, grave, burial place, niche, crypt, or other place of interment of such veteran or group of veterans.

d. The veterans commemorative property that is to be sold, traded, or transferred will be replaced at its original site by a fitting replacement commemorative property, monument, or marker that appropriately identifies and commemorates the veteran or group of veterans.

e. If the person reasonably believes that the veterans commemorative property to be sold, traded, or transferred was donated by a veterans organization, the veterans organization consents to the sale, trade, or transfer of the veterans commemorative property.

f. If the person is not the owner of the veterans commemorative property that is to be sold,

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traded, or transferred, the person is authorized by the owner of such veterans commemorative property, or by operation of law other than this section, to sell, trade, or transfer the veterans commemorative property and to retain and use the proceeds of the sale, trade, or transfer.

3. A person who engages in the sale, trade, or transfer of veterans commemorative property without the authorization of the department pursuant to this section is guilty of a simple misdemeanor.

4. The department may adopt rules in accordance with chapter 17A to administer this chapter.

2006 Acts, ch 1107, §2; 2008 Acts, ch 1067, §1

See also §35B.16A

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SUBTITLE 14

RESERVED

CHAPTERS 38 to 38D

RESERVED

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TITLE II

ELECTIONS AND OFFICIAL DUTIES

SUBTITLE 1

ELECTIONS

CHAPTER 39

ELECTIONS, ELECTORS, APPOINTMENTS, TERMS, AND OFFICERS

Referred to in §39A.1, 39A.2, 39A.6, 43.5, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1, 400.2

Chapter applicable to primary elections, §43.5

39.1	General election.	39.14	Reserved.
39.2	Special elections.	39.15	State senators.
39.3	Definitions.	39.16	Representatives.
39.4	Proclamation concerning revision of Constitution.	39.17	County officers.
		39.18	Board of supervisors.
39.5	Notice of bond election.	39.19	Reserved.
39.6	Notice of special election.	39.20	City officers.
39.7	Time of choosing officer.	39.21	Nonpartisan offices.
39.8	Term of office.	39.22	Township officers.
39.9	State officers — term.	39.23	Reserved.
39.10	United States senators.	39.24	School officers.
39.11	More than one office prohibited.	39.25	Gender not a disqualification.
39.12	Failure to vacate.	39.26	Candidate qualifications.
39.13	Conference boards — appointment — limitations.	39.27	Qualifications for public office.
		39.28	Actions — intervention.

39.1 General election.

The general election shall be held throughout the state on the first Tuesday after the first Monday in November of each even-numbered year.

[C51, §239; R60, §459; C73, §573; C97, §1057; S13, §1057-a; C24, 27, 31, 35, 39, §**504;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.1]

Iowa Constitution, Art. II, §7

39.2 Special elections.

1. *a.* All special elections which are authorized or required by law, unless the applicable law otherwise requires, shall be held on Tuesday. A special election shall not be held on the first, second, third, and fourth Tuesdays preceding and following the primary and the general elections or on the first, second, and third Tuesdays preceding and following a city or school election.

b. A special election shall not be held in conjunction with the primary election. A special election shall not be held in conjunction with a regularly scheduled or special city primary or city runoff election.

2. Except as otherwise provided in subsection 1, a special election may be held on the same day as a regularly scheduled election if the two elections are not in conflict within the meaning of section 47.6, subsection 2. A special election may be held on the same day as a regularly scheduled election with which it does so conflict if the commissioner who is responsible for conducting the elections concludes that to do so will cause no undue difficulties, except that a special election for a city, school district, or merged area shall not be scheduled to coincide with the general election.

3. *a.* When voting is to occur on the same day in any one precinct for two or more elections, they shall be considered one election for purposes of administration including but

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not limited to publishing notice of the election, preparation of the precinct election register and completion of tally sheets after the polling place has closed.

b. If a special election to fill a vacancy is held in conjunction with a regularly scheduled election, the filing deadlines for the special election shall coincide with the filing deadlines for the regularly scheduled election. An election to fill a vacancy in a city office cannot be held in conjunction with a general election if the city election procedures provide for a primary election.

4. Unless otherwise provided by law, special elections on public measures are limited to the following dates:

a. Except as provided in paragraph *"d"*, for a county, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a county, in an even-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November.

b. Except as provided in paragraph *"d"*, for a city, in an odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a city, in an even-numbered year, the first Tuesday in March or the second Tuesday in September.

c. Except as provided in paragraph *"d"*, for a school district or merged area, in the odd-numbered year, the first Tuesday in March, the second Tuesday in September, or the first Tuesday after the first Monday in November. For a school district or merged area, in the even-numbered year, the first Tuesday in March, or the second Tuesday in September.

d. For any political subdivision of this state, if the special election is in whole or in part for the question of issuing bonds or other indebtedness, the first Tuesday after the first Monday in November.

[C51, §237; R60, §460; C73, §574; C97, §1058; C24, 27, 31, 35, 39, §**505;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.2]

90 Acts, ch 1238, §1; 93 Acts, ch 143, §2; 98 Acts, ch 1123, §1; 2002 Acts, ch 1134, §1, 115; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1115, §24, 71; 2017 Acts, ch 110, §39; 2017 Acts, ch 155, §1, 9 – 12, 44; 2018 Acts, ch 1149, §2, 12; 2019 Acts, ch 148, §5, 33; 2021 Acts, ch 147, §1, 53, 54; 2023 Acts, ch 71, §116, 136; 2025 Acts, ch 123, §2

Referred to in §28E.16, 39.5, 47.6, 57.3, 75.1, 99F.7, 145A.7, 257.18, 257.29, 260C.28, 260C.39, 275.18, 275.23A, 275.25, 275.35, 275.36, 275.55, 277.2, 278.1, 279.39, 296.3, 297.11, 298.2, 298.9, 298.18, 298.21, 300.2, 330.17, 331.309, 331.442, 346.27, 347.14, 347.23, 347.23A, 357C.10, 357D.11, 357E.11, 357E.11A, 357F.11, 357G.11, 357I.12, 362.11, 368.19, 372.2, 372.9, 384.26, 392.6, 394.2, 423B.1, 423F.3, 423F.4

2023 amendment to subsection 4 applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

39.3 Definitions.

The definitions established by this section shall apply wherever the terms so defined appear in this chapter and in chapters 39A, 43, 44, 45, 47, 48A through 53, and 68A unless the context in which any such term is used clearly requires otherwise.

1. *"Absentee ballot"* means any ballot authorized by chapter 53.
2. *"City"* means a municipal corporation not including a county, township, school district, or any special purpose district or authority. When used in relation to land area, *"city"* includes only the land area within the city limits.
3. *"City election"* means any election held in a city for nomination or election of the officers thereof including a city primary or runoff election.
4. *"Commissioner"* means the county commissioner of elections as defined in section 47.2.
5. *"Election"* means a general election, primary election, city election, school election or special election.
6. *"Eligible elector"* means a person who possesses all of the qualifications necessary to entitle the person to be registered to vote, whether or not the person is in fact so registered.
7. *"General election"* means the biennial election for national or state officers, members of Congress and of the general assembly, county and township officers, and for the choice of other officers or the decision of questions as provided by law.
8. *"Infamous crime"* means a felony as defined in section 701.7, or an offense classified as a felony under federal law.
9. *"Primary election"* means that election by the members of various political parties for

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the purpose of placing in nomination candidates for public office held as required by chapter 43.

10. *"Public measure"* means any question authorized or required by law to be submitted to the voters at an election.

11. *"Registered voter"* means a person who is registered to vote pursuant to chapter 48A.

12. *"Registrar"* means the state registrar of voters designated by section 47.7.

13. *"Registration commission"* means the state voter registration commission established by section 47.8.

14. *"School election"* means that election held pursuant to section 277.1.

15. *"Special election"* means any other election held for any purpose authorized or required by law.

16. *"State commissioner"* means the state commissioner of elections as defined in section 47.1.

17. *"Written"* and *"in writing"* may include any mode of representing words or letters in general use. A signature, when required by law, must be made by the writing or markings of the person whose signature is required. If a person is unable due to a physical disability to make a written signature or mark, that person may substitute either of the following in lieu of a signature required by law:

a. The name of the person with a disability written by another upon the request and in the presence of the person with a disability.

b. A rubber stamp reproduction of the name or facsimile of the actual signature of the person with a disability when adopted by that person for all purposes requiring a signature and then only when affixed by that person or another upon the request and in the presence of the person with a disability.

[C97, §1089; C24, 27, 31, 35, 39, §**720;** C46, 50, 54, 58, 62, 66, 71, 73, §49.2; C75, 77, 79, 81, §39.3]

93 Acts, ch 143, §3; 94 Acts, ch 1169, §43, 65; 94 Acts, ch 1180, §1; 2002 Acts, ch 1071, §7; 2002 Acts, ch 1134, §2, 115

Referred to in §46.25, 48A.2, 48A.11, 53.18, 275.1, 335.8, 335.11, 362.2

39.4 Proclamation concerning revision of Constitution.

1. In the years in which the Constitution requires, or at other times when the general assembly by law provides for, a vote on the question of calling a convention and revising the Constitution, the governor shall at least sixty days before the general election issue a proclamation directing that at the general election there be proposed to the people the following question:

> Shall there be a convention to revise the Constitution, and propose amendment or amendments to same?

2. The question proposed pursuant to this section shall be considered a public measure for the purposes of sections 49.43 through 49.47.

[C97, §1061; SS15, §1061; C24, 27, 31, 35, 39, §**507;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.4]

2021 Acts, ch 147, §2, 54

Iowa Constitution, Art. X, §3

39.5 Notice of bond election.

In addition to any other notice related to the election required by law to be published, posted, or provided, if the election is subject to section 39.2, subsection 4, paragraph *"d"*, the commissioner shall not less than ten nor more than twenty days before the day of each election mail to each registered voter of the applicable jurisdiction a notice of the election that includes the full text of the public measure to be voted upon at the election.

2023 Acts, ch 71, §117, 136

Section applies July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

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39.6 Notice of special election.

A proclamation shall be issued before any election ordered by the governor, designating the office to be filled or the public question to be submitted at the election and designating the time at which such election shall be held; and the commissioner of each county in which such election is to be held shall give notice thereof, as provided in section 49.53.

[R60, §462, 464; C73, §577, 579; C97, §1061, 1063; SS15, §1061; C24, 27, 31, 35, 39, §**506, 509;** C46, 50, 54, 58, 62, 66, 71, 73, §39.3, 39.6; C75, 77, 79, 81, §39.6]

39.7 Time of choosing officer.

At the general election next preceding the expiration of the term of any officer, a successor shall be elected.

[R60, §461; C73, §575; C97, §1059; C24, 27, 31, 35, 39, §**510;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.7]

39.8 Term of office.

The term of office of all officers chosen at a general election for a full term shall commence on the first day of January following the election which is not a Sunday or legal holiday, except when otherwise provided by the Constitution or by statute; that of an officer chosen to fill a vacancy shall commence as soon as the officer has qualified therefor.

[R60, §462; C73, §576; C97, §1060; S13, §1060; C24, 27, 31, 35, 39, §**511;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.8]

Governor and lieutenant governor, Iowa Constitution, Art. IV, §15
Judges of supreme and district courts, Iowa Constitution, Art. V, §17

39.9 State officers — term.

The governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, and attorney general shall be elected for a term of four years at the general election held in the year 1974 and every four years thereafter.

[C51, §239; R60, §465, 466; C73, §580, 581; C97, §1064, 1065; S13, §1065; C24, 27, 31, 35, 39, §**512;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.9]

Referred to in §20.17, 43.6, 43.78, 68A.405A

39.10 United States senators.

Senators in the Congress of the United States shall be elected in the same manner in which state officers are elected.

[R60, §674; C73, §26; C97, §30; S13, §1087-c; C24, 27, 31, 35, 39, §**513;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.10]

Term of office, United States Constitution, Amendment 17
Vacancy in United States senate, see §69.13

39.11 More than one office prohibited.

1. Statewide elected officials and members of the general assembly shall not hold more than one elective office at a time. All other elected officials shall not hold more than one elective office at the same level of government at a time. This section does not apply to the following offices: county agricultural extension council or soil and water conservation district commission.

2. Notwithstanding subsection 1, an elected official may hold a second elective office if not more than thirty days remain in the term of the first office and the elected official did not seek reelection for the first office in the most recent election.

93 Acts, ch 143, §4; 2001 Acts, ch 158, §5; 2021 Acts, ch 147, §3, 54

Referred to in §39.12

39.12 Failure to vacate.

An elected official who has been elected to another elective office to which section 39.11 applies shall choose only one office in which to serve unless otherwise permitted pursuant to section 39.11, subsection 2. The official shall resign from all but one of the offices to which section 39.11 applies before the beginning of the term of the office to which the person was most recently elected unless otherwise permitted pursuant to section 39.11, subsection 2.

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Failure to submit the required resignation will result in a vacancy in the first elective office to which the person was elected.

93 Acts, ch 143, §5; 2021 Acts, ch 147, §4, 54

39.13 Conference boards — appointment — limitations.

1. Notwithstanding section 441.2, for the purposes of conducting the business of a conference board established pursuant to section 441.2, a person shall not serve in a voting unit of a conference board if such service would be incompatible with another office held by that person.

2. If a person is a member of more than one body whose members make up a voting unit on the conference board, that person shall waive the person's position on the conference board for all but one of the bodies the person represents. A waiver pursuant to this subsection does not cause the person to vacate any elective office.

2021 Acts, ch 12, §2, 73

39.14 Reserved.

39.15 State senators.

Senators in the general assembly shall be elected at the general election in the respective senatorial districts and shall hold office for the term of four years.

[C51, §239; R60, §471; C73, §588; C97, §1071; S13, §1071; C24, 27, 31, 35, 39, §**518;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.15]

39.16 Representatives.

Members of the house of representatives shall be elected at the general election in the respective representative districts and hold office for the term of two years.

[C51, §239; R60, §470; C73, §587; C97, §1070; S13, §1070; C24, 27, 31, 35, 39, §**519;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.16]

39.17 County officers.

1. There shall be elected in each county at the general election to be held in the year 1976 and every four years thereafter, an auditor and a sheriff, each to hold office for a term of four years.

2. There shall be elected in each county at the general election to be held in 1974 and each four years thereafter, a treasurer, a recorder, and a county attorney who shall each hold office for a term of four years.

[C51, §96, 239; R60, §224, 472, 473; C73, §589; C97, §1072; S13, §1072; C24, 27, 31, 35, 39, §**520;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.17]

83 Acts, ch 186, §10015, 10201; 2016 Acts, ch 1011, §9

Referred to in §43.6, 43.77, 49.37, 69.14A, 331.661, 331.752, 331.753

Combining duties of county officers; §331.323

39.18 Board of supervisors.

There shall be elected biennially in counties, members of the board of supervisors to succeed those whose terms of office will expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each supervisor shall be four years, except as otherwise provided by section 331.208 or 331.209.

[C51, §239; R60, §475; C73, §295, 591; C97, §411, 1074; S13, §1074; SS15, §411; C24, 27, 31, 35, 39, §**521;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §39.18; 81 Acts, ch 117, §1202]

87 Acts, ch 68, §1

39.19 Reserved.

39.20 City officers.

The times at which officers of cities shall be elected and their terms of office shall be as provided by or established pursuant to sections 376.1 and 376.2.

[C75, 77, 79, 81, §39.20]

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39.21 Nonpartisan offices.

There shall be elected at each general election, on a nonpartisan basis, the following officers:

1. County public hospital trustees as required by section 347.25.
2. Soil and water conservation district commissioners as required by section 161A.5.
3. County agricultural extension council members as provided in section 176A.6.
4. Township officers as provided in section 39.22, subsection 2.

[C77, 79, 81, §39.21]

87 Acts, ch 23, §2; 90 Acts, ch 1149, §8; 93 Acts, ch 48, §10; 2001 Acts, ch 158, §6; 2005 Acts, ch 152, §1

Referred to in §49.31

39.22 Township officers.

The offices of township trustee and township clerk shall be filled by appointment or election as follows:

1. *By appointment.*

a. The county board of supervisors may pass a resolution in favor of filling the offices of trustee and clerk within a township by appointment by the board, and may direct the county commissioner of elections to submit the question to the registered voters of the township at the next general election. In a township which does not include a city, the voters of the entire township are eligible to vote on the question. In a township which includes a city, only those voters who reside outside the corporate limits of a city are eligible to vote on the question. The resolution shall apply to all townships which have not approved a proposition to fill township offices by appointment. If the proposition to fill the township offices by appointment is approved by a majority of those voting on the question, the board shall fill the offices by appointment as the terms of office of the incumbent township officers expire.

b. The election of the trustees and clerk of a township may be restored after approval of the appointment process under this subsection by a resolution of the board of supervisors submitting the question to the registered voters who are eligible to vote for township officers of the township at the next general election. If the proposition to restore the election process is approved by a majority of those voting on the question, the election of the township officers shall commence with the next general election. A resolution submitting the question of restoring the election of township officers at the next general election shall be adopted by the board of supervisors upon receipt of a petition signed by eligible electors residing in the township equal in number to at least ten percent of the registered voters of a township. The initial terms of the trustees shall be determined by lot, one for two years, and two for four years. However, if a proposition to change the method of selecting township officers is adopted by the electorate, a resolution to change the method shall not be submitted to the electorate for four years.

2. *By election.* If the county board of supervisors does not have the power provided under subsection 1 to fill the offices of trustee and clerk within a township by appointment, then the offices of township trustee and township clerk shall be filled by election on a nonpartisan basis. Township trustees and the township clerk, in townships which do not include a city, shall be elected by the voters of the entire township. In townships which include a city, the officers shall be elected by the voters of the township who reside outside the corporate limits of the city, but a township officer may be a resident of the city.

a. Township officers. The election of township officers shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. A person seeking election as township officer shall file an affidavit of candidacy with the county commissioner of elections pursuant to section 45.3. A plurality is sufficient to elect the township officers.

b. Township trustees. Township trustees shall be elected biennially to succeed those whose terms of office expire on the first day of January following the election which is not a Sunday or legal holiday. The term of office of each elected township trustee is four years, except as provided in subsection 1 for initial terms following restoration of the election process.

c. Township clerk. At the general election held in the year 1990 and every four years

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thereafter, in each civil township one township clerk shall be elected who shall hold office for the term of four years.

[C27, 31, 35, §523-b1; C39, §**523.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.22]

85 Acts, ch 30, §1; 86 Acts, ch 1117, §1; 87 Acts, ch 68, §2; 88 Acts, ch 1119, §1; 88 Acts, ch 1134, §18, 19; 95 Acts, ch 67, §53; 2001 Acts, ch 56, §3; 2005 Acts, ch 152, §2, 3; 2007 Acts, ch 25, §1; 2008 Acts, ch 1032, §201

Referred to in §39.21

39.23 Reserved.

39.24 School officers.

Members of boards of directors of community and independent school districts, and boards of directors of merged areas shall be elected at the school election. Their terms of office shall be four years, except as otherwise provided by section 260C.11, 260C.13, 275.23A, 275.37, or 275.37A.

[C75, 77, 79, 81, §39.24]

83 Acts, ch 77, §1; 2008 Acts, ch 1115, §1, 21

School corporation board of directors, §274.7

39.25 Gender not a disqualification.

A person shall not be disqualified on account of the person's gender from holding any office created by the statutes of this state.

[C24, 27, 31, 35, 39, §**526;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §39.25]

2020 Acts, ch 1063, §21

39.26 Candidate qualifications.

Any person seeking election to an elective office under the laws of this state shall be an eligible elector at the time of any election at which the person's name appears on the ballot.

2002 Acts, ch 1134, §3, 115

39.27 Qualifications for public office.

Any person elected to an office under the laws of this state shall be an eligible elector. At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office. This section shall not apply to United States senators or representatives in Congress or to members of the general assembly.

2002 Acts, ch 1134, §4, 115

Referred to in §45.5

39.28 Actions — intervention.

1. A political party, as defined in section 43.2, or a nonparty political organization organized pursuant to chapter 44, may intervene in a proceeding under chapter 17A or an action filed in the district court, court of appeals, or supreme court to challenge a provision of this chapter and chapters 39A through 62 or a rule adopted to implement such a provision.

2. A political party, as defined in section 43.2, or a nonparty political organization organized pursuant to chapter 44, may petition the district court to modify or vacate an injunction against the enforcement of a provision of this chapter and chapters 39A through 62. A denial of a petition to modify or vacate an injunction is appealable as a matter of right as a final judgment.

2021 Acts, ch 147, §5, 54; 2022 Acts, ch 1032, §11

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CHAPTER 39A

ELECTION MISCONDUCT

Referred to in §13.11, 39.3, 39.28, 43.5, 47.1, 49.75, 49.88, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

See also definitions in §39.3

39A.1	Title and purpose — definitions.	39A.5	Election misconduct in the fourth degree.
39A.2	Election misconduct in the first degree.	39A.6	Technical infractions — notice.
39A.3	Election misconduct in the second degree.	39A.7	Election misconduct — investigation.
39A.4	Election misconduct in the third degree.	39A.8	Investigation of election officials — notification.

39A.1 Title and purpose — definitions.

1. This chapter may be cited and referred to as the *"Election Misconduct and Penalties Act"*.

2. The purpose of this chapter is to identify actions which threaten the integrity of the election process and to impose significant sanctions upon persons who intentionally commit those acts. It is the intent of the general assembly that offenses with the greatest potential to affect the election process be vigorously prosecuted and strong punishment meted out through the imposition of felony sanctions which, as a consequence, remove the voting rights of the offenders. Other offenses are still considered serious, but based on the factual context in which they arise, they may not rise to the level of offenses to which felony penalties attach. The general assembly also recognizes that instances may arise in which technical infractions of chapters 39 through 53 may occur which do not merit any level of criminal sanction. In such instances, administrative notice from the state or county commissioner of elections is sufficient. Mandates or proscriptions in chapters 39 through 53 which are not specifically included in this chapter shall be considered to be directive only, without criminal sanction.

3. For purposes of this chapter, *"election day"* includes any day on which voting takes place in person, including pursuant to section 53.10 or 53.11.

4. For the purposes of this chapter, *"election officials"* include the state commissioner, the county commissioner, employees of the state commissioner and county commissioner who are responsible for carrying out functions or duties under chapters 39 through 53, and precinct election officials appointed pursuant to sections 49.12, 49.14, 49.18, and 53.23.

2002 Acts, ch 1071, §1; 2026 Acts, ch 1073, §1
NEW subsection 3 and former subsection 3 renumbered as 4

39A.2 Election misconduct in the first degree.

1. A person commits the crime of election misconduct in the first degree if the person willfully commits any of the following acts:

a. Registration fraud.

(1) Produces, procures, submits, or accepts a voter registration application that is known by the person to be materially false, fictitious, forged, or fraudulent.

(2) Falsely swears to an oath required pursuant to section 48A.7A or 48A.11.

b. Vote fraud.

(1) Destroys, delivers, or handles an application for a ballot or an absentee ballot with the intent of interfering with the voter's right to vote.

(2) Produces, procures, submits, or accepts a ballot or an absentee ballot, or produces, procures, casts, accepts, or tabulates a ballot that is known by the person to be materially false, fictitious, forged, or fraudulent.

(3) Votes or attempts to vote more than once at the same election, or votes or attempts to vote at an election knowing oneself not to be qualified.

(4) Makes a false or untrue statement in an application for an absentee ballot or makes or signs a false certification or affidavit in connection with an absentee ballot.

(5) Otherwise deprives, defrauds, or attempts to deprive or defraud the citizens of this state of a fair and impartially conducted election process.

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c. Duress. Intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, a person to do or to refrain from doing any of the following:

(1) To register to vote, to vote, or to attempt to register to vote.

(2) To urge or aid a person to register to vote, to vote, or to attempt to register to vote.

(3) To sign a petition nominating a candidate for public office or a petition requesting an election for which a petition may legally be submitted.

(4) To exercise a right under chapters 39 through 53.

d. Bribery.

(1) Pays, offers to pay, or causes to be paid money or any other thing of value to a person to influence the person's vote.

(2) Pays, offers to pay, or causes to be paid money or any other thing of value to an election official conditioned on some act done or omitted to be done contrary to the person's official duty in relation to an election.

(3) Receives money or any other thing of value knowing that it was given in violation of subparagraph (1) or (2).

e. Conspiracy. Conspires with or acts as an accessory with another to commit an act in violation of paragraphs *"a"* through *"d"*.

f. Voting equipment tampering. Intentionally alters or damages any computer software or any physical part of voting equipment, automatic tabulating equipment, or any other part of a voting system.

g. Failure to perform duties. As an election official, fails to perform duties prescribed by chapters 39 through 53, except for section 48A.41, or fails to follow or implement guidance issued pursuant to section 47.1, or performs those duties and responsibilities in such a way as to hinder or disregard the object of the law.

2. Election misconduct in the first degree is a class "D" felony.

2002 Acts, ch 1071, §2; 2007 Acts, ch 35, §1, 7; 2008 Acts, ch 1115, §89, 90; 2009 Acts, ch 57, §3; 2021 Acts, ch 12, §3, 73; 2026 Acts, ch 1156, §25, 35

Referred to in §49.11, 802.2H

Subsection 1, paragraph a, subparagraph (2) amended

39A.3 Election misconduct in the second degree.

1. A person commits the crime of election misconduct in the second degree if the person willfully commits any of the following acts:

a. Interference with validity of election.

(1) Possesses an official ballot outside of the voting room unless the person is an election official or other person authorized by law to possess such a ballot.

(2) Makes or possesses a counterfeit of an official election ballot.

(3) Solicits or encourages a person to vote in an election knowing that person is not qualified to vote in the election.

(4) Files a challenge containing false information under section 48A.14 or 49.79.

(5) Falsely or fraudulently signs nomination papers on behalf of another person.

b. Actions by election official. As an election official:

(1) Refuses to register a person who is entitled to register to vote under chapter 48A.

(2) Accepts a fee from an applicant applying for registration.

(3) While the polls are open, opens a ballot received from a voter, except as permitted by law.

(4) Marks a ballot by folding or otherwise so as to be able to recognize it.

(5) Attempts to learn how a voter marked a ballot.

(6) Causes a voter to cast a vote contrary to the voter's intention.

(7) Changes a ballot, or in any way causes a vote to be recorded contrary to the intention of the person casting that vote.

(8) Allows a person to do any of the acts proscribed by subparagraphs (1) through (7).

(9) Fails to perform voter list maintenance in violation of section 48A.41.

c. Miscellaneous offenses. Uses voter registration information, including resale or redistribution of the voter registration list without written permission of the state registrar, for purposes other than those permitted by section 48A.39.

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2. Election misconduct in the second degree is an aggravated misdemeanor.

2002 Acts, ch 1071, §3; 2008 Acts, ch 1115, §83; 2019 Acts, ch 148, §6, 7, 33; 2021 Acts, ch 12, §4, 73

Referred to in §48A.41

39A.4 Election misconduct in the third degree.

1. A person commits the crime of election misconduct in the third degree if the person willfully commits any of the following acts:

a. Election day acts. Any of the following on election day:

(1) Loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of a polling place or within three hundred feet of an outside door of a building affording access to a room where the polls are held, or of an outside door of a building affording access to a hallway, corridor, stairway, or other means of reaching the room where the polls are held. This subparagraph does not apply to the posting of signs on private property not a polling place, except that the placement of a sign that is more than ninety square inches in size on a motor vehicle, trailer, or semitrailer, or its attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place is prohibited.

(2) Interrupting, hindering, or opposing a voter while in or approaching the polling place for the purpose of voting.

(3) As a voter, submitting a false statement as to the voter's ability to mark a ballot.

(4) Interfering or attempting to interfere with a voter when the voter is inside the enclosed voting space, or when the voter is marking a ballot.

(5) Endeavoring to induce a voter to show how the voter marks or has marked a ballot.

(6) Marking, or causing in any manner to be marked, on a ballot, any character for the purpose of identifying such ballot.

b. Actions by election official. As an election official:

(1) Serving as a member of a challenging committee or observer under section 49.104, subsection 1, paragraph *"b"*, *"e"*, or *"f"*, while serving as a precinct election official at the polls.

(2) Disclosing the manner in which a person's ballot has been voted to anyone except as ordered by a court.

(3) Failing to carry out a duty with regard to access under chapter 22 to a public record that relates to an election or voter registration.

(4) Furnishing a voter with a ballot other than the proper ballot to be used at an election.

(5) Making or consenting to a false entry on the list of voters or poll books.

(6) Placing or permitting another election official to place anything other than a ballot into a ballot box as provided in section 49.85, or permitting a person other than an election official to place anything into a ballot box.

(7) Taking or permitting to be taken out of a ballot box a ballot deposited in the ballot box, except in the manner prescribed by law.

(8) Destroying or altering a ballot that has been given to a voter.

(9) Permitting a person to vote in a manner prohibited by law.

(10) Refusing or rejecting the vote of a voter qualified to vote.

(11) Wrongfully acting or refusing to act for the purpose of avoiding an election, or of rendering invalid a ballot cast from a precinct or other voting district.

(12) Having been deputized to carry the poll books of an election to the place where they are to be canvassed, failing to deliver them to such place, safe, with seals unbroken, and within the time specified by law.

(13) Interferes with a person permitted at a polling place pursuant to section 49.104.

c. Miscellaneous offenses.

(1) As a party committee member or a primary election officer or public officer upon whom a duty is imposed by chapter 43 or by a statute applicable to chapter 43, neglecting to perform any such duty, or performing any such duty in such a way as to hinder the object of the statute, or by disclosing to anyone, except as may be ordered by a court, the manner in which a ballot may have been voted.

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(2) As a person who is designated pursuant to section 43.4 to report the results of a precinct caucus as it relates to the selection and reporting of delegates selected as part of the presidential nominating process or who is designated pursuant to section 43.4 to tabulate and report the number of persons attending the caucus favoring each presidential candidate, failing to perform those duties, falsifying the information, or omitting information required to be reported under section 43.4.

(3) Making a false answer under chapter 43 relative to a person's qualifications and party affiliations.

(4) Paying, offering to pay, or receiving compensation for voter registration assistance in violation of section 48A.25.

(5) As a candidate, making a promise to name or appoint another person to a position or to secure a position for another person in violation of section 49.120.

(6) Soliciting the use of influence from a candidate in violation of section 49.121.

(7) As a public official or employee, or a person acting under color of a public official or employee, knowingly requiring a public employee to act in connection with an absentee ballot in violation of section 53.7.

(8) As a person designated by the county commissioner of elections or by the voter casting an absentee ballot, failing to return an absentee ballot in violation of section 53.35A.

(9) As an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, serving as a member of a challenging committee or observer under section 49.104, subsection 1, paragraph *"b"*, *"e"*, or *"f"*, or section 53.23, subsection 4.

(10) Returning a voted absentee ballot by mail, to a ballot drop box, or in person, to the commissioner's office and the person returning the ballot is a person prohibited to collect and deliver a completed ballot pursuant to section 53.33.

(11) Making a false or untrue statement reporting that a voted absentee ballot was returned to the commissioner's office, by mail or in person, or to a ballot drop box, by a person prohibited to collect and deliver a completed ballot pursuant to section 53.33.

2. Election misconduct in the third degree is a serious misdemeanor.

2002 Acts, ch 1071, §4; 2004 Acts, ch 1083, §1, 37; 2007 Acts, ch 59, §20, 38; 2007 Acts, ch 215, §222; 2019 Acts, ch 148, §8, 33; 2021 Acts, ch 12, §5 – 8, 73; 2022 Acts, ch 1021, §180

Referred to in §49.92, 53.10, 53.11

39A.5 Election misconduct in the fourth degree.

1. A person commits the crime of election misconduct in the fourth degree if the person willfully commits any of the following acts:

a. Election day acts.

(1) As an employer, denying an employee the privilege conferred by section 49.109, or subjecting an employee to a penalty or reduction of wages because of the exercise of that privilege.

(2) Failing or refusing to comply with an order or command of an election official made pursuant to chapter 49 for which another penalty is not provided.

(3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section 53.23.

(4) Destroying, defacing, tearing down, or removing a list of candidates, card of instruction, or sample ballot posted as provided by law prior to the closing of the polls.

(5) Removing or destroying the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.

(6) Violating or attempting to violate any of the provisions or requirements of chapter 49 to which another penalty does not apply.

b. Miscellaneous offenses.

(1) As a public employee, acting in connection with an absentee ballot in violation of section 53.7.

(2) Violating any provision of chapter 53 for which another penalty is not provided.

(3) Violating any provision of chapter 48A for which another penalty is not provided.

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2. Election misconduct in the fourth degree is a simple misdemeanor.

2002 Acts, ch 1071, §5; 2007 Acts, ch 59, §21, 38; 2007 Acts, ch 190, §14; 2008 Acts, ch 1115, §84; 2010 Acts, ch 1060, §1; 2017 Acts, ch 110, §2

39A.6 Technical infractions — notice.

1. If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of chapters 39 through 53, the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures.

2. If the state commissioner sends a notice of such a technical infraction to a county commissioner, the state commissioner may require a written explanation of the occurrence, and measures that the person took to redress the issues contained within the notice.

3. *a.* Upon issuance of a technical infraction to a county commissioner, the state commissioner shall also impose a fine not to exceed ten thousand dollars to be deposited in the general fund.

b. A county commissioner shall pay a fine issued pursuant to this section or file an appeal pursuant to chapter 17A within sixty days. A county commissioner who fails to pay a fine that was not dismissed pursuant to chapter 17A shall be suspended from office for a period not to exceed two years pursuant to sections 66.7 and 66.8.

c. If a county commissioner is suspended pursuant to paragraph *"b"*, the state commissioner shall direct the deputy of the county commissioner to oversee the functions of the office until the suspension is revoked or the office is vacated and a successor is elected. The state commissioner may direct the state commissioner's staff to assist in the performance of the duties of the county commissioner.

4. Upon issuing a technical infraction, the state commissioner shall immediately inform the attorney general if the apparent violation constitutes or may constitute election misconduct under this chapter.

2002 Acts, ch 1071, §6; 2019 Acts, ch 148, §9, 33; 2021 Acts, ch 12, §9, 10, 73; 2023 Acts, ch 19, §2061, 2073

Referred to in §49.2, 66.1A, 331.756(75)

39A.7 Election misconduct — investigation.

1. The county sheriff, or other law enforcement agency with jurisdiction, shall investigate allegations of election misconduct reported to the attorney general. Election misconduct by an election official shall also be investigated for prosecution under chapter 721.

2. Upon the completion of an investigation required by this section, the county sheriff, or other law enforcement agency with jurisdiction, shall submit the results of the investigation, including the report from the law enforcement agency, to the attorney general and the state commissioner, and the attorney general shall explain whether the attorney general will pursue charges. Any information that is requested by or in the possession of the state commissioner pursuant to this chapter remains a confidential record pursuant to section 22.7, subsection 5.

2021 Acts, ch 12, §11, 73; 2023 Acts, ch 19, §2062, 2073; 2025 Acts, ch 123, §48

39A.8 Investigation of election officials — notification.

A law enforcement agency or other entity of the state or a political subdivision of the state that conducts an investigation of an election, the actions of election officials, or election misconduct shall immediately notify the state commissioner, except that the governor shall immediately be notified of an investigation of the state commissioner.

2026 Acts, ch 1073, §2

NEW section

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CHAPTER 40

CONGRESSIONAL DISTRICTS

Referred to in §39.28, 39A.1, 39A.2, 39A.6, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

40.1 Congressional districts.

40.1 Congressional districts.

The state of Iowa is hereby organized and divided into four congressional districts, which shall be composed, respectively, of the following counties:

1. The first district shall consist of the counties of Cedar, Clinton, Des Moines, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Lee, Louisa, Mahaska, Marion, Muscatine, Scott, Van Buren, Warren, and Washington.

2. The second district shall consist of the counties of Allamakee, Benton, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Dubuque, Fayette, Floyd, Grundy, Hardin, Howard, Linn, Mitchell, Poweshiek, Tama, Winneshiek, and Worth.

3. The third district shall consist of the counties of Adair, Adams, Appanoose, Cass, Clarke, Dallas, Davis, Decatur, Greene, Guthrie, Lucas, Madison, Monroe, Montgomery, Page, Polk, Ringgold, Taylor, Union, Wapello, and Wayne.

4. The fourth district shall consist of the counties of Audubon, Boone, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Franklin, Fremont, Hamilton, Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Marshall, Mills, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Sac, Shelby, Sioux, Story, Webster, Winnebago, Woodbury, and Wright.

[C27, 31, 35, §526-a1; C39, §**526.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §40.1; 81 Acts 2d Ex, ch 1, §1]

91 Acts, ch 223, §1; 2001 Acts, 1st Ex, ch 1, §1, 6; 2011 Acts, ch 76, §1, 6; 2021 Acts, 2nd Ex, ch 2, §1, 6

Constitutional provision, Iowa Constitution, Art. III, §37

Membership beginning in 2023; vacancies prior to 2023; see 2021 Acts, 2nd Ex, ch 2, §3, 4

CHAPTER 41

STATE SENATORIAL AND REPRESENTATIVE DISTRICTS

Referred to in §39.28, 39A.1, 39A.2, 39A.6, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

41.1 Representative districts. 41.2 Senate districts.

41.1 Representative districts.

The state of Iowa is hereby divided into one hundred representative districts as follows:

1. The first representative district in Woodbury county shall consist of that portion of Sioux City bounded by a line commencing at the point the boundary of the state of Iowa intersects the north boundary of Woodbury county, and proceeding east along the boundary of Woodbury county to Talbot road, and proceeding southerly along Talbot road to Plum Creek road, and proceeding easterly along Plum Creek road to Broken Kettle road, and proceeding southerly along Broken Kettle road to West Clifton avenue, and proceeding easterly along West Clifton avenue to Stone Park boulevard, and proceeding easterly along Stone Park boulevard to Hamilton boulevard, and proceeding northerly along Hamilton boulevard to Perry creek, and proceeding southerly along Perry creek to Thirty-fourth street and its extension, and proceeding easterly along Thirty-fourth street and its extension to Jones street, and proceeding southerly along Jones street to Twenty-ninth street, and proceeding easterly along Twenty-ninth street to Court street, and proceeding southerly along Court street to Twenty-eighth street, and proceeding easterly along Twenty-eighth street to Court street, and proceeding southerly along Court street to Twenty-fourth street, and proceeding easterly along Twenty-fourth street to Floyd boulevard, and proceeding

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southerly along Floyd boulevard to Nineteenth street, and proceeding easterly along Nineteenth street to Union Pacific Railroad, and proceeding southerly along Union Pacific Railroad to the extension of Thirteenth street, and proceeding westerly along the extension of Thirteenth street to Floyd boulevard, and proceeding northerly along Floyd boulevard to Fourteenth street, and proceeding westerly along Fourteenth street to Court street, and proceeding southerly along Court street to Twelfth street, and proceeding westerly along Twelfth street to Jackson street, and proceeding northerly along Jackson street to Thirteenth street, and proceeding westerly along Thirteenth street to Nebraska street, and proceeding southerly along Nebraska street to Twelfth street, and proceeding westerly along Twelfth street to Grandview boulevard, and proceeding southerly along Grandview boulevard to Eleventh street, and proceeding westerly along Eleventh street to Summit street, and proceeding southerly along Summit street to Bluff street, and proceeding southerly along Bluff street to Wesley parkway, and proceeding southerly along Wesley parkway to the boundary of the state of Iowa, and proceeding first westerly, then in a clockwise manner along the boundary of the state of Iowa to the point of origin.

2. The second representative district in Woodbury county shall consist of:

a. The city of Lawton.

b. Banner and Concord townships.

c. That portion of the city of Sioux City bounded by a line commencing at the point the northern boundary of Woodbury county intersects Talbot road, and proceeding easterly along the boundary of Woodbury county until it intersects the eastern boundary of the corporate limits of the city of Sioux City, and proceeding southerly along the corporate limits of the city of Sioux City to Stone avenue, and proceeding westerly along Stone avenue to Morningside avenue, and proceeding southerly along Morningside avenue to Peters avenue, and proceeding westerly along Peters avenue to South Paxton street, and proceeding northerly along South Paxton street to Stone avenue, and proceeding westerly along Stone avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Jay avenue, and proceeding easterly along Jay avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Leech avenue, and proceeding westerly along Leech avenue to Alice street South, and proceeding northerly along Alice street South to Correctionville road, and proceeding westerly along Correctionville road to South Westcott street, and proceeding southerly along South Westcott street to East Gordon drive, and proceeding westerly along East Gordon drive to Gordon drive, and proceeding westerly along Gordon drive to South Court street, and proceeding southerly along South Court street to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to Wesley parkway, and proceeding northerly along Wesley parkway to Bluff street, and proceeding northerly along Bluff street to Summit street, and proceeding northerly along Summit street to Eleventh street, and proceeding easterly along Eleventh street to Grandview boulevard, and proceeding northerly along Grandview boulevard to Twelfth street, and proceeding easterly along Twelfth street to Nebraska street, and proceeding northerly along Nebraska street to Thirteenth street, and proceeding easterly along Thirteenth street to Jackson street, and proceeding southerly along Jackson street to Twelfth street, and proceeding easterly along Twelfth street to Court street, and proceeding northerly along Court street to Fourteenth street, and proceeding easterly along Fourteenth street to Floyd boulevard, and proceeding southerly along Floyd boulevard to the extension of Thirteenth street, and proceeding easterly along the extension of Thirteenth street to Union Pacific Railroad, and proceeding northerly along Union Pacific Railroad to Nineteenth street, and proceeding westerly along Nineteenth street to Floyd boulevard, and proceeding northerly along Floyd boulevard to Twenty-fourth street, and proceeding westerly along Twenty-fourth street to Court street, and proceeding northerly along Court street to Twenty-eighth street, and proceeding westerly along Twenty-eighth street to Court street, and proceeding northerly along Court street to Twenty-ninth street, and proceeding westerly along Twenty-ninth street to Jones street, and proceeding northerly along Jones street to Thirty-fourth street, and proceeding westerly along Thirty-fourth street and its extension to Perry creek, and proceeding westerly along Perry creek to Hamilton boulevard, and proceeding southerly along Hamilton boulevard to Stone Park boulevard,

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and proceeding westerly along Stone Park boulevard to West Clifton avenue, and proceeding westerly along West Clifton avenue to Broken Kettle road, and proceeding northerly along Broken Kettle road to Plum Creek road, and proceeding westerly along Plum Creek road to Talbot road, and proceeding northerly along Talbot road to the point of origin.

3. The third representative district shall consist of:

a. In Plymouth county, America, Elgin, Fredonia, Grant, Johnson, Portland, Preston, Sioux, Washington, and Westfield townships, and that portion of Meadow township lying outside the corporate limits of the city of Remsen.

b. In Sioux county, Buncombe, Center, Eagle, East Orange, Floyd, Garfield, Holland, Logan, Nassau, Reading, Sherman, and Washington townships, and that portion of West Branch township lying outside the corporate limits of the city of Sioux Center.

4. The fourth representative district shall consist of:

a. Lyon county.

b. In Sioux county:

(1) The city of Sioux Center.

(2) Capel, Grant, Lincoln, Lynn, Plato, Rock, Settlers, Sheridan, Sioux, and Welcome townships.

5. The fifth representative district shall consist of:

a. O'Brien county.

b. Osceola county.

c. In Buena Vista county, Elk, Maple Valley, Nokomis, and Scott townships.

d. In Cherokee county, Afton, Cedar, Cherokee, Diamond, Liberty, Pilot, Pitcher, Silver, and Spring townships.

6. The sixth representative district shall consist of:

a. In Buena Vista county:

(1) The cities of Sioux Rapids and Storm Lake.

(2) Barnes, Brooke, Coon, Fairfield, Grant, Hayes, Lee, Lincoln, Newell, Poland, Providence, and Washington townships.

b. In Clay county:

(1) The city of Spencer.

(2) Clay, Douglas, Garfield, Gillett Grove, Herdland, Lincoln, Logan, Peterson, and Riverton townships, and that portion of Lone Tree township lying outside the corporate limits of the city of Everly.

7. The seventh representative district shall consist of:

a. Calhoun county.

b. Pocahontas county.

c. Sac county.

d. In Webster county, Clay, Dayton, Deer Creek, Fulton, Gowrie, Jackson, Johnson, Lost Grove, and Roland townships.

8. The eighth representative district in Webster county shall consist of:

a. The city of Fort Dodge.

b. Badger, Burnside, Colfax, Cooper, Douglas, Elkhorn, Hardin, Newark, Otho, Pleasant Valley, Sumner, Washington, Webster, and Yell townships.

9. The ninth representative district shall consist of:

a. Emmet county.

b. Winnebago county.

c. In Kossuth county:

(1) The cities of Algona and Lone Rock.

(2) Buffalo, Burt, Eagle, German, Grant, Greenwood, Harrison, Hebron, Irvington, Ledyard, Lincoln, Lu Verne, Plum Creek, Portland, Prairie, Ramsey, Seneca, Sherman, Springfield, Swea, and Wesley townships.

10. The tenth representative district shall consist of:

a. Dickinson county.

b. Palo Alto county.

c. In Clay county:

(1) The city of Everly.

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(2) Freeman, Lake, Meadow, Sioux, Summit, and Waterford townships.

d. In Kossuth county, Cresco, Garfield, Lotts Creek, Riverdale, Union, and Whittemore townships, and that portion of Fenton township lying outside the corporate limits of the city of Lone Rock.

11. The eleventh representative district shall consist of:

a. Audubon county.

b. Carroll county.

c. In Pottawattamie county, Knox and Pleasant townships.

d. In Shelby county, Center, Clay, Douglas, Fairview, Jackson, Monroe, Polk, and Shelby townships.

12. The twelfth representative district shall consist of:

a. Crawford county.

b. Ida county.

c. In Shelby county:

(1) The city of Harlan.

(2) Cass, Greeley, Grove, Jefferson, Lincoln, Union, Washington, and Westphalia townships.

13. The thirteenth representative district shall consist of:

a. Monona county.

b. In Cherokee county, Amherst, Grand Meadow, Marcus, Rock, Sheridan, Tilden, and Willow townships.

c. In Plymouth county:

(1) The cities of Remsen and Sioux City.

(2) Elkhorn, Garfield, Hancock, Henry, Hungerford, Liberty, Lincoln, Marion, Perry, Plymouth, Remsen, Stanton, and Union townships.

d. In Woodbury county, Arlington, Grange, Grant, Kedron, Lakeport, Liston, Little Sioux, Miller, Morgan, Moville, Oto, Rock, Rutland, Sloan, Union, West Fork, Willow, and Wolf Creek townships, and that portion of Floyd township lying outside the corporate limits of the city of Lawton.

14. The fourteenth representative district in Woodbury county shall consist of:

a. Liberty township and that portion of Woodbury township lying outside the corporate limits of the city of Sioux City.

b. That portion of the city of Sioux City bounded by a line commencing at the point the southern corporate limits of the city of Sioux City intersects with the boundary of the state of Iowa, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Sioux City to Stone avenue, and proceeding westerly along Stone avenue to Morningside avenue, and proceeding southerly along Morningside avenue to Peters avenue, and proceeding westerly along Peters avenue to South Paxton street, and proceeding northerly along South Paxton street to Stone avenue, and proceeding westerly along Stone avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Jay avenue, and proceeding easterly along Jay avenue to South Cecelia street, and proceeding northerly along South Cecelia street to Leech avenue, and proceeding westerly along Leech avenue to Alice street South, and proceeding northerly along Alice street South to Correctionville road, and proceeding westerly along Correctionville road to South Westcott street, and proceeding southerly along South Westcott street to East Gordon drive, and proceeding westerly along East Gordon drive to Gordon drive, and proceeding westerly along Gordon drive to South Court street, and proceeding southerly along South Court street and its extension to the intersection of the boundary of the state of Iowa and the corporate limits of the city of Sioux City, and proceeding southerly along the corporate limits of the city of Sioux City to the point of origin.

15. The fifteenth representative district shall consist of:

a. Harrison county.

b. In Pottawattamie county:

(1) The city of McClelland.

(2) Boomer, Crescent, Hazel Dell, Norwalk, and Rockford townships, that portion of Neola township lying outside the corporate limits of the city of Neola, and those portions of

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Garner, Lake, and Lewis townships lying outside the corporate limits of the city of Council Bluffs.

(3) That portion of the city of Council Bluffs not contained in the nineteenth and twentieth representative districts.

16. The sixteenth representative district shall consist of:

a. Fremont county.

b. Mills county.

c. In Pottawattamie county:

(1) The city of Neola.

(2) Belknap, Carson, Center, Grove, James, Keg Creek, Layton, Lincoln, Macedonia, Minden, Silver Creek, Valley, Washington, Waveland, Wright, and York townships, and that portion of Hardin township lying outside the corporate limits of the city of McClelland.

17. The seventeenth representative district shall consist of:

a. Adams county.

b. Ringgold county.

c. Taylor county.

d. In Page county:

(1) The city of Clarinda.

(2) Amity, Buchanan, East River, Harlan, and Nebraska townships, and that portion of Colfax township lying outside the corporate limits of the city of Coin.

e. In Union county:

(1) The city of Creston.

(2) Douglas, Grant, Highland, Platte, Sand Creek, Spaulding, and Union townships.

18. The eighteenth representative district shall consist of:

a. Cass county.

b. Montgomery county.

c. In Page county:

(1) The city of Coin.

(2) Douglas, Fremont, Grant, Lincoln, Morton, Pierce, Tarkio, Valley, and Washington townships, and that portion of Nodaway township lying outside the corporate limits of the city of Clarinda.

19. The nineteenth representative district in Pottawattamie county shall consist of that portion of the city of Council Bluffs bounded by a line commencing at the point the corporate limits of the city of Council Bluffs and the boundary of the state of Iowa intersects Interstate 480, and proceeding easterly along Interstate 480 to U.S. highway 6, and proceeding easterly along U.S. highway 6 to West Broadway, and proceeding easterly along West Broadway to South Twenty-fourth street, and proceeding southerly along South Twenty-fourth street to Ninth avenue, and proceeding easterly along Ninth avenue to South Seventeenth street, and proceeding southerly along South Seventeenth street to Sixteenth avenue, and proceeding easterly along Sixteenth avenue to Indian creek, and proceeding southerly along Indian creek to Twenty-third avenue, and proceeding easterly along Twenty-third avenue to South Thirteenth street, and proceeding northerly along South Thirteenth street to Twenty-first avenue, and proceeding easterly along Twenty-first avenue to South Eleventh street, and proceeding northerly along South Eleventh street to Twentieth avenue, and proceeding easterly along Twentieth avenue to South Seventh street, and proceeding northerly along South Seventh street to Sixteenth avenue, and proceeding easterly along Sixteenth avenue to Harry Langdon boulevard, and proceeding southerly along Harry Langdon boulevard to Tostevin street, and proceeding northerly along Tostevin street to West Graham avenue, and proceeding easterly along West Graham avenue to Fairmount avenue, and proceeding northerly along Fairmount avenue to Fifteenth avenue, and proceeding westerly along Fifteenth avenue to High street, and proceeding northerly along High street to Ninth avenue, and proceeding westerly along Ninth avenue to South Third street, and proceeding northerly along South Third street to Fifth avenue, and proceeding easterly along Fifth avenue to Glen avenue, and proceeding northerly along Glen avenue to Pomona street, and proceeding easterly along Pomona street to Park avenue, and proceeding northerly along Park avenue to West Pierce street, and proceeding easterly along West Pierce street

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to South First street, and proceeding northerly along South First street to East Broadway, and proceeding easterly along East Broadway to Union street, and proceeding southerly along Union street to East Pierce street, and proceeding northerly along East Pierce street to Frank street, and proceeding westerly along Frank street to East Broadway, and proceeding northerly along East Broadway to Ridge street, and proceeding northerly along Ridge street to North Broadway, and proceeding northerly along North Broadway to West Oak street, and proceeding westerly along West Oak street to East Washington avenue, and proceeding northerly along East Washington avenue to Norton avenue, and proceeding easterly along Norton avenue to Creek Frontage street, and proceeding southerly along Creek Frontage street to Hunter avenue, and proceeding easterly along Hunter avenue to North Broadway, and proceeding northerly along North Broadway to the corporate limits of the city of Council Bluffs, and proceeding first east, then in a clockwise manner along the corporate limits of the city of Council Bluffs to nonvisible boundary (TLID:652017148), and proceeding westerly along nonvisible boundary (TLID:652017148) to Iowa Interstate Railroad, and proceeding southerly along Iowa Interstate Railroad to the corporate limits of the city of Council Bluffs, and proceeding easterly along the corporate limits of the city of Council Bluffs to Greenview road, and proceeding easterly along Greenview road to the corporate limits of the city of Council Bluffs, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Council Bluffs to the point of origin.

20. The twentieth representative district in Pottawattamie county shall consist of:

a. The city of Carter Lake.

b. That portion of the city of Council Bluffs bounded by a line commencing at the point the corporate limits of the city of Council Bluffs and the boundary of the state of Iowa intersects Interstate 480, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Council Bluffs until it intersects North Broadway, and proceeding southerly along North Broadway to Hunter avenue, and proceeding westerly along Hunter avenue to Creek Frontage street, and proceeding northerly along Creek Frontage street to Norton avenue, and proceeding westerly along Norton avenue to East Washington avenue, and proceeding southerly along East Washington avenue to West Oak street, and proceeding easterly along West Oak street to North Broadway, and proceeding southerly along North Broadway to Ridge street, and proceeding southerly along Ridge street to East Broadway, and proceeding southerly along East Broadway to Frank street, and proceeding easterly along Frank street to East Pierce street, and proceeding southerly along East Pierce street to Union street, and proceeding northerly along Union street to East Broadway, and proceeding westerly along East Broadway to South First street, and proceeding southerly along South First street to West Pierce street, and proceeding westerly along West Pierce street to Park avenue, and proceeding southerly along Park avenue to Pomona street, and proceeding westerly along Pomona street to Glen avenue, and proceeding southerly along Glen avenue to Fifth avenue, and proceeding westerly along Fifth avenue to South Third street, and proceeding southerly along South Third street to Ninth avenue, and proceeding easterly along Ninth avenue to High street, and proceeding southerly along High street to Fifteenth avenue, and proceeding easterly along Fifteenth avenue to Fairmount avenue, and proceeding southerly along Fairmount avenue to West Graham avenue, and proceeding westerly along West Graham avenue to Tostevin street, and proceeding southerly along Tostevin street to Harry Langdon boulevard, and proceeding northerly along Harry Langdon boulevard to Sixteenth avenue, and proceeding westerly along Sixteenth avenue to South Seventh street, and proceeding southerly along South Seventh street to Twentieth avenue, and proceeding westerly along Twentieth avenue to South Eleventh street, and proceeding southerly along South Eleventh street to Twenty-first avenue, and proceeding westerly along Twenty-first avenue to South Thirteenth street, and proceeding southerly along South Thirteenth street to Twenty-third avenue, and proceeding westerly along Twenty-third avenue to Indian creek, and proceeding northerly along Indian creek to Sixteenth avenue, and proceeding westerly along Sixteenth avenue to South Seventeenth street, and proceeding northerly along South Seventeenth street to Ninth avenue, and proceeding westerly along Ninth avenue to South Twenty-fourth street, and proceeding northerly along South Twenty-fourth street to West Broadway, and proceeding

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westerly along West Broadway to U.S. highway 6, and proceeding westerly along U.S. highway 6 to Interstate 480, and proceeding westerly along Interstate 480 to the point of origin.

21. The twenty-first representative district shall consist of:

a. In Marion county, Franklin, Knoxville, and Union townships.

b. In Warren county:

(1) The city of Indianola.

(2) Belmont, Liberty, Otter, Union, White Breast, and White Oak townships.

22. The twenty-second representative district in Warren county shall consist of Allen, Greenfield, Jackson, Jefferson, Lincoln, Linn, Palmyra, Richland, Squaw, and Virginia townships.

23. The twenty-third representative district shall consist of:

a. Adair county.

b. Madison county.

c. In Clarke county, Doyle, Madison, and Troy townships.

d. In Dallas county:

(1) The city of De Soto.

(2) Union township, and those portions of Adams and Colfax townships lying outside the corporate limits of the city of Adel.

e. In Union county, Dodge, Jones, Lincoln, New Hope, and Pleasant townships.

24. The twenty-fourth representative district shall consist of:

a. Decatur county.

b. Lucas county.

c. Wayne county.

d. In Appanoose county, Independence and Johns townships, and that portion of Lincoln township lying outside the corporate limits of the city of Numa.

e. In Clarke county:

(1) The city of Osceola.

(2) Franklin, Fremont, Green Bay, Jackson, Knox, Liberty, Osceola, Ward, and Washington townships.

25. The twenty-fifth representative district in Wapello county shall consist of:

a. The city of Ottumwa.

b. Agency, Center, Competine, Dahlonega, Green, Keokuk, Pleasant, and Washington townships.

26. The twenty-sixth district shall consist of:

a. Davis county.

b. Monroe county.

c. In Appanoose county:

(1) The cities of Centerville and Numa.

(2) Bellair, Caldwell, Chariton, Douglas, Franklin, Pleasant, Sharon, Taylor, Udell, Union, Vermillion, Walnut, Washington, and Wells townships.

d. In Wapello county, Adams, Cass, Columbia, Highland, and Polk townships, and that portion of Richland township lying outside the corporate limits of the city of Ottumwa.

27. The twenty-seventh representative district in Dallas county shall consist of:

a. The cities of Clive and Waukee.

b. Those portions of Boone, Van Meter, and Walnut townships not contained in the twenty-eighth and forty-sixth representative districts.

28. The twenty-eighth representative district in Dallas county shall consist of:

a. The city of Adel.

b. That portion of Adel township lying outside the corporate limits of the cities of Dallas Center and Waukee.

c. That portion of Van Meter township lying outside the corporate limits of the cities of De Soto and Waukee.

d. That portion of Boone township bounded by a line commencing at the point the western boundary of Boone township intersects Madison county, and proceeding north along the boundary of Boone township to the corporate limits of the city of Waukee, and

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proceeding east, then northerly, along the corporate limits of the city of West Des Moines to the point Interstate 80 intersects with the corporate limits of the city of Waukee, and proceeding easterly, then in a counterclockwise manner along the corporate limits of the city of Waukee to the northern boundary of Boone township, and proceeding east along the boundary of Boone township to Jordan Creek parkway, and proceeding southerly along Jordan Creek parkway to Ashworth road, and proceeding easterly along Ashworth road to the east boundary of Boone township, and proceeding south, then in a clockwise manner along the boundary of Boone township to the point of origin.

29. The twenty-ninth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of the Des Moines river and Court avenue, and proceeding easterly along East Court avenue to East Seventh street, and proceeding southerly along East Seventh street to Union Pacific Railroad, and proceeding easterly along Union Pacific Railroad to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to East Twenty-sixth street and its extension, and proceeding northerly along East Twenty-sixth street and its extension to Logan avenue, and proceeding westerly along Logan avenue to East Twenty-fifth street, and proceeding northerly along East Twenty-fifth street to East University avenue, and proceeding easterly along East University avenue to the corporate limits of the city of Des Moines, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Des Moines to the boundary of Warren county, and proceeding west along the boundary of Warren county to U.S. highway 69, and proceeding westerly along U.S. highway 69 to Southeast Fourteenth street, and proceeding northerly along Southeast Fourteenth street to East Army Post road, and proceeding westerly along East Army Post road to Southeast Fifth street, and proceeding northerly along Southeast Fifth street to East Bell avenue, and proceeding easterly along East Bell avenue to Southeast Fourteenth street, and proceeding northerly along Southeast Fourteenth street to the Des Moines river, and proceeding westerly along the Des Moines river to the point of origin.

30. The thirtieth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the west boundary of the corporate limits of the city of West Des Moines intersect the boundary of Warren county, and proceeding northerly along the corporate limits of the city of West Des Moines to Park avenue, and proceeding easterly along Park avenue to Fleur drive, and proceeding southerly along Fleur drive to Watrous avenue, and proceeding east along Watrous avenue to Southwest Ninth street, and proceeding northerly along Southwest Ninth street to Olinda avenue, and proceeding easterly along Olinda avenue to South Union street, and proceeding northerly along South Union street to Hartford avenue, and proceeding easterly along Hartford avenue to Southeast Fifth street, and proceeding north along Southeast Fifth street to East Livingston avenue, and proceeding east along East Livingston avenue to Southeast Sixth street, and proceeding north along Southeast Sixth street to the Des Moines river, and proceeding easterly along the Des Moines river to Southeast Fourteenth street, and proceeding southerly along Southeast Fourteenth street to East Bell avenue, and proceeding westerly along East Bell avenue to Southeast Fifth street, and proceeding southerly along Southeast Fifth street to East Army Post road, and proceeding easterly along East Army Post road to Southeast Fourteenth street, and proceeding southerly along Southeast Fourteenth street to U.S. highway 69, and proceeding southerly along U.S. highway 69 to the boundary of Warren county, and proceeding westerly along the boundary of Warren county to the point of origin.

31. The thirty-first representative district shall consist of:

a. In Dallas county, that portion of West Des Moines not contained in the twenty-eighth representative district.

b. In Polk county, that portion of Polk county bounded by a line commencing at a point of intersection of the boundary of Madison county and Polk county, and proceeding northerly along the boundary of Polk county to the corporate limits of the city of Clive, and proceeding east along the corporate limits of the city of Clive to Valley West drive, and proceeding southerly along Valley West drive to Interstate 235, and proceeding westerly along Interstate 235 to Fiftieth street, and proceeding southerly along Fiftieth street to

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Ashworth road, and proceeding easterly along Ashworth road to Thirty-ninth street, and proceeding southerly along Thirty-ninth street to E P True parkway, and proceeding easterly along E P True parkway to Valley West drive, and proceeding northerly along Valley West drive to Giles street, and proceeding easterly along Giles street to Twenty-eighth street, and proceeding northerly along Twenty-eighth street to Meadow lane, and proceeding easterly along Meadow lane to Twenty-seventh street, and proceeding northerly along Twenty-seventh street to Vine street, and proceeding easterly along Vine street to Grand avenue, and proceeding easterly along Grand avenue to Eighth street, and proceeding southerly along Eighth street to Railroad avenue, and proceeding easterly along Railroad avenue to the corporate limits of the city of West Des Moines, and proceeding southerly along the corporate limits of the city of West Des Moines to the boundary of Polk county, and proceeding westerly along the boundary of Polk county to the point of origin.

32. The thirty-second representative district in Polk county shall consist of the cities of Clive and Windsor Heights and that portion of the city of West Des Moines not contained in the thirty-first representative district.

33. The thirty-third representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of Fifth avenue and the corporate limits of the city of Des Moines, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Des Moines to East Fourteenth street, and proceeding southerly along East Fourteenth street to Guthrie avenue, and proceeding easterly along Guthrie avenue to Dixon street, and proceeding northerly along Dixon street to East Hull avenue, and proceeding easterly along East Hull avenue to East Twenty-ninth street, and proceeding southerly along East Twenty-ninth street to Easton boulevard, and proceeding easterly along Easton boulevard to East Thirty-third street, and proceeding southerly along East Thirty-third street to East University avenue, and proceeding westerly along East University avenue to East Twenty-fifth street, and proceeding southerly along East Twenty-fifth street to Logan avenue, and proceeding easterly along Logan avenue to East Twenty-sixth street and its extension, and proceeding southerly along East Twenty-sixth street and its extension to Iowa Interstate Railroad, and proceeding westerly along Iowa Interstate Railroad to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to East Seventh street, and proceeding northerly along East Seventh street to East Court avenue, and proceeding westerly along East Court avenue to Court avenue, and proceeding westerly along Court avenue to the Des Moines river, and proceeding northerly along the Des Moines river to Second avenue, and proceeding northerly along Second avenue to Euclid avenue, and proceeding westerly along Euclid avenue to Fifth avenue, and proceeding northerly along Fifth avenue to the point of origin.

34. The thirty-fourth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of Hickman road and Beaver avenue, and proceeding easterly along Hickman road to Thirtieth street, and proceeding northerly along Thirtieth street to Euclid avenue, proceeding easterly along Euclid avenue to Post street, and proceeding easterly along Post street to Martin Luther King parkway, and proceeding northerly along Martin Luther King parkway to Euclid avenue, and proceeding easterly along Euclid avenue to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Des Moines, and proceeding easterly along the corporate limits of the city of Des Moines to Fifth avenue, and proceeding southerly along Fifth avenue to Euclid avenue, and proceeding easterly along Euclid avenue to Second avenue, and proceeding southerly along Second avenue to the Des Moines river, and proceeding southerly along the Des Moines river to Interstate 235, and proceeding westerly along Interstate 235 to Forty-second street, and proceeding northerly along Forty-second street to University avenue, and proceeding easterly along University avenue to Forty-first street, and proceeding northerly along Forty-first street to Beaver avenue, and proceeding northerly along Beaver avenue to the point of origin.

35. The thirty-fifth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of the north corporate limits of the city of Windsor Heights and the west corporate limits of the city of Des Moines, and proceeding east, then south, along the corporate limits of the city of

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Des Moines to Interstate 235, and proceeding easterly along Interstate 235 to Forty-second street, and proceeding northerly along Forty-second street to University avenue, and proceeding easterly along University avenue to Forty-first street, and proceeding northerly along Forty-first street to Beaver avenue, and proceeding northerly along Beaver avenue to Hickman road, and proceeding easterly along Hickman road to Thirtieth street, and proceeding northerly along Thirtieth street to Euclid avenue, and proceeding easterly along Euclid avenue to Post street, and proceeding easterly along Post street to Martin Luther King parkway, and proceeding northerly along Martin Luther King parkway to Euclid avenue, and proceeding easterly along Martin Luther King parkway to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Des Moines, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the point of origin.

36. The thirty-sixth representative district in Polk county shall consist of that portion of the city of Des Moines bounded by a line commencing at the point of intersection of the west boundary of the corporate limits of the city of Des Moines and Interstate 235, and proceeding easterly along Interstate 235 to the Des Moines river, and proceeding southerly along the Des Moines river to Southeast Sixth street, and proceeding southerly along Southeast Sixth street to East Livingston avenue, and proceeding westerly along East Livingston avenue to Southeast Fifth street, and proceeding south along Southeast Fifth street to Hartford avenue, and proceeding westerly along Hartford avenue to South Union street, and proceeding southerly along South Union street to Olinda avenue, and proceeding westerly along Olinda avenue to Southwest Ninth street, and proceeding southerly along Southwest Ninth street to Watrous avenue, and proceeding westerly along Watrous avenue to Fleur drive, and proceeding northerly along Fleur drive to Park avenue, and proceeding westerly along Park avenue to the corporate limits of the city of Des Moines, and proceeding northerly along the corporate limits of the city of Des Moines to the point of origin.

37. The thirty-seventh representative district shall consist of:

a. In Jasper county:

(1) The city of Prairie City.

(2) Des Moines, Elk Creek, and Fairview townships, and that portion of Buena Vista township lying outside the corporate limits of the city of Newton.

b. In Mahaska county, Black Oak, Garfield, Jefferson, Richland, Scott, and West Des Moines townships, and that portion of East Des Moines township lying outside the corporate limits of the city of Eddyville.

c. In Marion county, Clay, Dallas, Indiana, Lake Prairie, Liberty, Pleasant Grove, Red Rock, Summit, and Washington townships.

38. The thirty-eighth representative district in Jasper county shall consist of Clear Creek, Hickory Grove, Independence, Kellogg, Lynn Grove, Malaka, Mariposa, Newton, Palo Alto, Poweshiek, Richland, Rock Creek, Sherman, and Washington townships, and that portion of Mound Prairie township lying outside the corporate limits of the city of Prairie City.

39. The thirty-ninth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point of intersection of East Fourteenth street and Guthrie avenue, and proceeding northerly along East Fourteenth street to the corporate limits of the city of Des Moines, and proceeding easterly along the corporate limits of the city of Des Moines to the point of intersection of East Thirty-eighth street and the boundary of Lee township, and proceeding south, then in a clockwise manner along the boundary of Lee township to the corporate limits of the city of Des Moines, and proceeding south, then in a clockwise manner along the corporate limits of the city of Des Moines to the boundary of Clay township, and proceeding north to the corporate limits of the city of Altoona, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Altoona to the corporate limits of the city of Pleasant Hill, and proceeding east, then in a clockwise manner along the corporate limits of the city of Pleasant Hill to East University avenue, and proceeding westerly along East University avenue to East Thirty-third street, and proceeding northerly along East Thirty-third street to Easton boulevard, and proceeding westerly along Easton boulevard to East Twenty-ninth street, and proceeding northerly along East Twenty-ninth street to East Hull avenue, and proceeding westerly along

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East Hull avenue to Dixon street, and proceeding southerly along Dixon street to Guthrie avenue, and proceeding westerly along Guthrie avenue to the point of origin.

40. The fortieth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the corporate limits of the city of Des Moines intersect Northeast Eighth street, and proceeding northerly along Northeast Eighth street to Northeast Forty-fourth avenue, and proceeding westerly along Northeast Forty-fourth avenue to Northeast Seventh street, and proceeding northerly along Northeast Seventh street to Northeast Forty-seventh place, and proceeding westerly along Northeast Forty-seventh place to Northeast Third street, and proceeding northerly along Northeast Third street to Northeast Forty-eighth place, and proceeding westerly along Northeast Forty-eighth place and its extension to Northwest Second street, and proceeding northerly along Northwest Second street to the boundary of Crocker township, and proceeding east along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding north, then in a clockwise manner along the corporate limits of the city of Ankeny to Southwest Ankeny road, and proceeding northerly along Southwest Ankeny road to Southwest Twin Gates drive, and proceeding northerly along Southwest Twin Gates drive to Southwest Ankeny road, and proceeding easterly along Southwest Ankeny road to Southwest Snyder boulevard, and proceeding northerly along Southwest Snyder boulevard to Southwest Oralabor road, and proceeding easterly along Southwest Oralabor road to Southeast Oralabor road, and proceeding easterly along Southeast Oralabor road to Northeast Seventy-eighth avenue, and proceeding easterly along Northeast Seventy-eighth avenue to Northeast Nineteenth lane, and proceeding southerly along Northeast Nineteenth lane to the corporate limits of the city of Ankeny, and proceeding south, then in a counterclockwise manner along the corporate limits of the city of Ankeny to the boundary of Saylor township, and proceeding east along the boundary of Saylor township to the corporate limits of the city of Ankeny, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Ankeny to the boundary of Douglas township, and proceeding east along the boundary of Douglas township to the intersection of Northeast Sixty-fourth street and the corporate limits of the city of Bondurant, and proceeding south, and in a counterclockwise manner along the corporate limits of the city of Bondurant to the north boundary of Clay township, and proceeding east, then in a clockwise manner along the boundary of Clay township to the corporate limits of the city of Pleasant Hill, and proceeding north, then in a counterclockwise manner along the corporate limits of the city of Pleasant Hill to the corporate limits of the city of Altoona, and proceeding west, then in a clockwise manner along the corporate limits of the city of Altoona to the boundary of Delaware township, and proceeding south along the boundary of Delaware township to the corporate limits of the city of Des Moines, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the west boundary of Lee township, and proceeding north, then in a counterclockwise manner along the boundary of Lee township to the corporate limits of the city of Des Moines, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Des Moines to the point of origin.

41. The forty-first representative district in Polk county shall consist of that portion of the city of Ankeny and Crocker township bounded by a line commencing at the point the northern boundary of the corporate limits of the city of Ankeny intersect the southern boundary of Lincoln township, and proceeding east along the boundary of Lincoln township until it intersects the corporate limits of the city of Ankeny, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Ankeny to East First street, and proceeding westerly along East First street to Northeast Twenty-second street, and proceeding southerly along Northeast Twenty-second street to Southeast Peterson drive, and proceeding westerly along Southeast Peterson drive to Southeast Trilein drive, and proceeding southerly along Southeast Trilein drive to Southeast Magazine road, and proceeding westerly along Southeast Magazine road to South Ankeny boulevard, and proceeding northerly along South Ankeny boulevard to Southwest Ordnance road, and proceeding northerly along Southwest Ordnance road to Southwest Railroad avenue, and proceeding northerly along Southwest Railroad avenue to Southwest Walnut street, and

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proceeding northerly along Southwest Walnut street to High Trestle trail, and proceeding northerly along High Trestle trail to Southwest Cherry street, and proceeding northerly along Southwest Cherry street to Northwest Ash drive, and proceeding northerly along Northwest Ash drive to Northeast Sixth street, and proceeding northerly along Northeast Sixth street to Northwest Ninth street, and proceeding easterly along Northwest Ninth street to Northwest Logan street, and proceeding northerly along Northwest Logan street to Northwest Briargate drive, and proceeding northerly along Northwest Briargate drive to Northwest Eighteenth street, and proceeding westerly along Northwest Eighteenth street to Northwest Greenwood street, and proceeding southerly along Northwest Greenwood street to Northwest Fifth street, and proceeding westerly along Northwest Fifth street to Northwest Sixteenth street, and proceeding northerly along Northwest Sixteenth street to Northwest Eighteenth street, and proceeding westerly along Northwest Eighteenth street to Northwest Twenty-sixth street, and proceeding southerly along Northwest Twenty-sixth street to Northwest Fifth street, and proceeding westerly along Northwest Fifth street to Northwest Jackson drive, and proceeding northerly along Northwest Jackson drive to Northwest Eighth street, and proceeding westerly along Northwest Eighth street to Northwest Ninety-eighth avenue, and proceeding westerly along Northwest Ninety-eighth avenue to the corporate limits of the city of Ankeny, and proceeding northerly along the corporate limits of the city of Ankeny to the point of origin.

42. The forty-second representative district in Polk county shall consist of that portion of the city of Ankeny and Crocker township bounded by a line commencing at the point the corporate limits of the city of Ankeny intersects Northwest Ninety-eighth avenue, and proceeding easterly along Northwest Ninety-eighth avenue to Northwest Eighth street, and proceeding easterly along Northwest Eighth street to Northwest Jackson drive, and proceeding southerly along Northwest Jackson drive to Northwest Fifth street, and proceeding easterly along Northwest Fifth street to Northwest Twenty-sixth street, and proceeding northerly along Northwest Twenty-sixth street to Northwest Eighteenth street, and proceeding easterly along Northwest Eighteenth street to Northwest Sixteenth street, and proceeding southerly along Northwest Sixteenth street to Northwest Fifth street, and proceeding easterly along Northwest Fifth street to Northwest Greenwood street, and proceeding northerly along Northwest Greenwood street to Northwest Eighteenth street, and proceeding easterly along Northwest Eighteenth street to Northwest Briargate drive, and proceeding southerly along Northwest Briargate drive to Northwest Logan street, and proceeding southerly along Northwest Logan street to Northwest Ninth street, and proceeding westerly along Northwest Ninth street to Northeast Sixth street, and proceeding southerly along Northeast Sixth street to Northwest Ash drive, and proceeding southerly along Northwest Ash drive to Southwest Cherry street, and proceeding southerly along Southwest Cherry street to High Trestle trail, and proceeding southerly along High Trestle trail to Southwest Walnut street, and proceeding southerly along Southwest Walnut street to Southwest Railroad avenue, and proceeding southerly along Southwest Railroad avenue to Southwest Ordnance road, and proceeding southerly along Southwest Ordnance road to South Ankeny boulevard, and proceeding southerly along South Ankeny boulevard to Southeast Magazine road, and proceeding easterly along Southeast Magazine road to Southeast Trilein drive, and proceeding northerly along Southeast Trilein drive to Southeast Peterson drive, and proceeding easterly along Southeast Peterson drive to Northeast Twenty-second street, and proceeding northerly along Northeast Twenty-second street to East First street, and proceeding easterly along East First street to the corporate limits of the city of Ankeny, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Ankeny to the southern boundary of Crocker township, and proceeding west along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding northerly along the corporate limits of the city of Ankeny to Northeast Nineteenth lane, and proceeding northerly along Northeast Nineteenth lane to Northeast Seventy-eighth avenue, and proceeding westerly along Northeast Seventy-eighth avenue to Southeast Oralabor road, and proceeding westerly along Southeast Oralabor road to Southwest Oralabor road, and proceeding westerly along Southwest Oralabor road to Southwest Snyder boulevard, and proceeding southerly along Southwest Snyder boulevard

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to Southwest Ankeny road, and proceeding westerly along Southwest Ankeny road to Southwest Twin Gates drive, and proceeding westerly along Southwest Twin Gates drive to Southwest Ankeny road, and proceeding southerly along Southwest Ankeny road to the corporate limits of the city of Ankeny, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Ankeny to the point of origin.

43. The forty-third representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the west boundary of the corporate limits of the city of Johnston intersects the north boundary of the corporate limits of the city of Urbandale, and proceeding easterly along the corporate limits of the city of Urbandale to Northwest Eighty-sixth street, and proceeding southerly along Northwest Eighty-sixth street to Meredith drive, and proceeding easterly along Meredith drive to Seventy-fifth street, and proceeding southerly along Seventy-fifth street to Aurora avenue, and proceeding easterly along Aurora avenue to Seventy-second street and its extension, and proceeding northerly along Seventy-second street and its extension to Northwest Seventy-second street, and proceeding northerly along Northwest Seventy-second street to the corporate limits of the city of Johnston, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Johnston to the middle channel of the Des Moines river, and proceeding southerly along the middle channel of the Des Moines river to the corporate limits of the city of Des Moines, and proceeding easterly along the corporate limits of the city of Des Moines to Northeast Eighth street, and proceeding northerly along Northeast Eighth street to Northeast Forty-fourth avenue, and proceeding westerly along Northeast Forty-fourth avenue to Northeast Seventh street, and proceeding northerly along Northeast Seventh street to Northeast Forty-seventh place, and proceeding westerly along Northeast Forty-seventh place to Northeast Third street, and proceeding northerly along Northeast Third street to Northeast Forty-eighth place, and proceeding westerly along Northeast Forty-eighth place to Northwest Forty-eighth place, and proceeding westerly along Northwest Forty-eighth place and its extension to Northwest Second street, and proceeding northerly along Northwest Second street to the boundary of Crocker township, and proceeding east along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding north, then in a clockwise manner along the corporate limits of the city of Ankeny to Rock creek, and proceeding northerly along Rock creek to Northwest Eighty-fourth avenue, and proceeding westerly along Northwest Eighty-fourth avenue to Northwest Horseshoe road, and proceeding west, then south, along Northwest Horseshoe road to Northwest Thirty-seventh street, and proceeding southerly along Northwest Thirty-seventh street to Northwest Fisher lane, and proceeding south along Northwest Fisher lane to the boundary of Saylor township, and proceeding west along the boundary of Saylor township to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Johnston, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Johnston to the corporate limits of the city of Grimes, and proceeding southerly along the corporate limits of the city of Grimes to the point of origin.

44. The forty-fourth representative district in Polk county shall consist of that portion of Polk county bounded by a line commencing at the point the north boundary of the corporate limits of the city of Urbandale intersects the boundary of Polk county, and proceeding easterly along the corporate limits of the city of Urbandale to Northwest Eighty-sixth street, and proceeding southerly along Northwest Eighty-sixth street to Meredith drive, and proceeding easterly along Meredith drive to Seventy-fifth street, and proceeding southerly along Seventy-fifth street to Aurora avenue, and proceeding easterly along Aurora avenue to Seventy-second street and its extension, and proceeding northerly along Seventy-second street and its extension to Northwest Seventy-second street, and proceeding northerly along Northwest Seventy-second street to the corporate limits of the city of Johnston, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Johnston to the middle channel of the Des Moines river, and proceeding southerly along the middle channel of the Des Moines river to the corporate limits of the city of Des Moines, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city

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of Des Moines to the corporate limits of the city of Urbandale, and proceeding south, then in a clockwise manner along the corporate limits of the city of Urbandale to the point of origin.

45. The forty-fifth representative district shall consist of that portion of Polk county bounded by a line commencing at the point the north boundary of the corporate limits of the city of Grimes intersects the west boundary of Polk county, and proceeding north, then in a clockwise manner along the boundary of Polk county to the corporate limits of the city of Des Moines, and proceeding north along the corporate limits of the city of Des Moines to the corporate limits of the city of Pleasant Hill, and proceeding easterly, then in a counterclockwise manner along the corporate limits of the city of Pleasant Hill to the boundary of Clay township, and proceeding east, then in a counterclockwise manner along the boundary of Clay township to the corporate limits of the city of Bondurant, and proceeding west, then in a clockwise manner along the corporate limits of the city of Bondurant to the boundary of Douglas township, and proceeding west along the boundary of Douglas township to the corporate limits of the city of Ankeny, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Ankeny to the north boundary of Crocker township, and proceeding west along the boundary of Crocker township to the corporate limits of the city of Ankeny, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Ankeny to Northwest Eighty-fourth avenue, and proceeding south along the corporate limits of the city of Ankeny to Rock creek and proceeding northerly along Rock creek to Northwest Eighty-fourth avenue, and proceeding westerly along Northwest Eighty-fourth avenue to Northwest Horseshoe road, and proceeding west, then south, along Northwest Horseshoe road to Northwest Thirty-seventh street, and proceeding southerly along Northwest Thirty-seventh street to Northwest Fisher lane, and proceeding south along Northwest Fisher lane to the boundary of Saylor township, and proceeding west along the boundary of Saylor township to the Des Moines river, and proceeding northerly along the Des Moines river to the corporate limits of the city of Johnston, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Johnston to the corporate limits of the city of Grimes, and proceeding westerly along the corporate limits of the city of Grimes to the point of origin.

46. The forty-sixth representative district shall consist of:

a. In Dallas county:

(1) The cities of Grimes and Urbandale.

(2) Beaver, Des Moines, and Grant townships.

(3) Those portions of Walnut township bounded by a line commencing at the point the north boundary of Walnut township intersects the west boundary of the corporate limits of the city of Grimes, and proceeding south, then in a counterclockwise manner along the corporate limits of the city of Grimes until it intersects the east boundary of Dallas county, and proceeding south along the boundary of Dallas county to the corporate limits of the city of Urbandale, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Urbandale to the corporate limits of the city of Waukee, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Waukee to the west boundary of Walnut township, and proceeding north, then in a clockwise manner along the boundary of Walnut township to the point of origin.

b. In Polk county, the city of Grimes and those portions of Jefferson and Webster townships bounded by a line commencing at the point the west boundary of Polk county intersects the north boundary of the corporate limits of the city of Grimes, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Grimes to the west boundary of Polk county, and proceeding north along the boundary of Polk county to the point of origin.

47. The forty-seventh representative district shall consist of:

a. Greene county.

b. Guthrie county.

c. In Dallas county:

(1) The city of Dallas Center.

(2) Dallas, Lincoln, Linn, Spring Valley, Sugar Grove, and Washington townships.

48. The forty-eighth representative district shall consist of:

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a. Boone county.

b. In Story county:

(1) The cities of Sheldahl and Slater.

(2) That portion of Washington township lying outside the corporate limits of the city of Kelley and not contained in the forty-ninth and fiftieth representative districts.

(3) That portion of the city of Ames not contained in the forty-ninth and fiftieth representative districts.

49. The forty-ninth representative district in Story county shall consist of:

a. Those portions of Washington township and the city of Ames bounded by a line commencing at the point of intersection of South Dakota avenue and the corporate limits of the city of Ames, proceeding northerly along South Dakota avenue to Mortensen road, and proceeding easterly along Mortensen road to Coconino road, and proceeding southerly along Coconino road to Maricopa drive, and proceeding easterly along Maricopa drive to Walton drive, and proceeding northerly, then westerly, along Walton drive to Seagrave boulevard, and proceeding northerly along Seagrave boulevard to Mortensen road, and proceeding easterly along Mortensen road to State avenue, and proceeding northerly along State avenue to Lincoln way, and proceeding easterly along Lincoln way to Sheldon avenue, and proceeding northerly along Sheldon avenue to Union drive, and proceeding easterly along Union drive to Bissell road, and proceeding northerly along Bissell road to Pammel drive, and proceeding easterly along Pammel drive to Stange road, and proceeding northerly along Stange road to Thirteenth street, and proceeding easterly along Thirteenth street to Grand avenue, and proceeding northerly along Grand avenue to Twenty-fourth street, and proceeding easterly along Twenty-fourth street to Jensen avenue, and proceeding northerly along Jensen avenue to Luther drive, and proceeding northerly along Luther drive to Twenty-eighth street, and proceeding westerly along Twenty-eighth street to Grand avenue, and proceeding northerly along Grand avenue to the corporate limits of the city of Ames, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Ames to U.S. highway 30, and proceeding westerly along U.S. highway 30 to Creekside drive and its extension, and proceeding northerly along Creekside drive and its extension to South Sixteenth street, and proceeding westerly along South Sixteenth street to University boulevard, and proceeding southwesterly along University boulevard to Five Hundred Thirtieth avenue, and proceeding southerly along Five Hundred Thirtieth avenue to the corporate limits of the city of Ames, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Ames to the point of origin.

b. That portion of Grant township not contained in the twentieth representative district.

50. The fiftieth representative district in Story county shall consist of those portions of Franklin and Washington townships and the city of Ames bounded by a line commencing at the point of intersection of South Dakota avenue and the corporate limits of the city of Ames, and proceeding westerly along the corporate limits of the city of Ames to the boundary of Story county, and proceeding north along the boundary of Story county to the boundary of Franklin township, and proceeding east along the boundary of Franklin township to the corporate limits of the city of Ames, and proceeding north, then in a clockwise manner along the corporate limits of the city of Ames to Grand avenue, and proceeding southerly along Grand avenue to Twenty-eighth street, and proceeding easterly along Twenty-eighth street to Luther drive, and proceeding southerly along Luther drive to Jensen avenue, and proceeding southerly along Jensen avenue to Twenty-fourth street, and proceeding westerly along Twenty-fourth street to Grand avenue, and proceeding southerly along Grand avenue to Thirteenth street, and proceeding westerly along Thirteenth street to Stange road, and proceeding southerly along Stange road to Pammel drive, and proceeding westerly along Pammel drive to Bissell road, and proceeding southerly along Bissell road to Union drive, and proceeding westerly along Union drive to Sheldon avenue, and proceeding southerly along Sheldon avenue to Lincoln way, and proceeding westerly along Lincoln way to State avenue, and proceeding southerly along State avenue to Mortensen road, and proceeding westerly along Mortensen road to Seagrave boulevard, and proceeding southerly along Seagrave boulevard to Walton drive, and proceeding easterly, then southerly, along Walton drive to Maricopa drive, and proceeding westerly along Maricopa drive to Coconino road,

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and proceeding northerly along Coconino road to Mortensen road, and proceeding westerly along Mortensen road to South Dakota avenue, and proceeding southerly along South Dakota avenue to the point of origin.

51. The fifty-first representative district shall consist of:

a. In Marshall county, Bangor, Eden, Liberty, Liscomb, Logan, Marietta, Minerva, State Center, Vienna, and Washington townships, and those portions of Marion and Taylor townships lying outside the corporate limits of the city of Marshalltown.

b. In Story county:

(1) The cities of Kelley and Nevada.

(2) Collins, Indian Creek, Lincoln, Nevada, New Albany, Richland, Sherman, Union, and Warren townships, that portion of Milford township lying outside the corporate limits of the city of Ames, and that portion of Palestine township lying outside the corporate limits of the cities of Sheldahl and Slater.

(3) That portion of Franklin township lying outside the corporate limits of the city of Ames and not contained in the fiftieth representative district.

(4) That portion of Grant township and the city of Nevada bounded by a line commencing at the point of intersection of the west boundary of Richland township and the corporate limits of the city of Nevada, and proceeding east, then in a clockwise manner along the corporate limits of the city of Nevada to the north boundary of Grant township, and proceeding east along the boundary of Grant township to the point of origin.

52. The fifty-second representative district in Marshall county shall consist of:

a. The city of Marshalltown.

b. Greencastle and Jefferson townships, and those portions of Le Grand and Timber Creek townships lying outside the corporate limits of the city of Marshalltown.

53. The fifty-third representative district shall consist of:

a. Poweshiek county.

b. In Tama county, Carlton, Carroll, Columbia, Crystal, Grant, Highland, Howard, Indian Village, Lincoln, Oneida, Otter Creek, Richland, Salt Creek, Spring Creek, Tama, Toledo, and York townships.

54. The fifty-fourth representative district shall consist of:

a. Grundy county.

b. Hardin county.

c. In Black Hawk county, Cedar Falls, Lincoln, Union, and Washington townships, and that portion of Black Hawk township lying outside the corporate limits of the city of Hudson.

55. The fifty-fifth representative district shall consist of:

a. Franklin county.

b. Hamilton county.

c. In Story county, Howard and Lafayette townships.

d. In Wright county, Blaine, Vernon, Wall Lake, and Woolstock townships, and that portion of Lincoln township lying outside the corporate limits of the city of Clarion.

56. The fifty-sixth representative district shall consist of:

a. Hancock county.

b. Humboldt county.

c. In Wright county:

(1) The city of Clarion.

(2) Belmond, Boone, Dayton, Eagle Grove, Grant, Iowa, Lake, Liberty, Norway, Pleasant, and Troy townships.

57. The fifty-seventh representative district shall consist of:

a. Butler county.

b. In Bremer county:

(1) The city of Waverly.

(2) Jackson, Jefferson, Lafayette, Polk, and Washington townships.

58. The fifty-eighth representative district shall consist of:

a. Chickasaw county.

b. In Bremer county:

(1) The city of Sumner.

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(2) Dayton, Douglas, Franklin, Frederika, Fremont, Le Roy, Maxfield, Sumner No. 2, and Warren townships.

c. In Floyd county:

(1) The city of Charles City.

(2) Cedar, Floyd, Niles, Pleasant Grove, Riverton, Rudd, Scott, St. Charles, Ulster, and Union townships.

59. The fifty-ninth representative district in Cerro Gordo county shall consist of:

a. The city of Mason City.

b. Bath, Dougherty, Falls, Geneseo, Lime Creek, Mason, Mount Vernon, Owen, and Portland townships, and that portion of Pleasant Valley township lying outside the corporate limits of the city of Thornton.

60. The sixtieth representative district shall consist of:

a. Mitchell county.

b. Worth county.

c. In Cerro Gordo county:

(1) The cities of Clear Lake and Thornton.

(2) Clear Lake, Grant, Grimes, Lake, Lincoln, and Union townships.

d. In Floyd county, Rock Grove and Rockford townships.

61. The sixty-first representative district in Black Hawk county shall consist of that portion of the city of Waterloo bounded by a line commencing at the point of intersection of the corporate limits of the city of Waterloo and Huntington road, and proceeding easterly along Huntington road to Wren road, and proceeding northerly along Wren road to Downing avenue, and proceeding easterly along Downing avenue to Doreen avenue, and proceeding northerly along Doreen avenue to Sager avenue, and proceeding westerly along Sager avenue to Linbud lane, and proceeding northerly along Linbud lane to Alabar avenue, and proceeding easterly along Alabar avenue to the extension of Falls avenue, and proceeding northerly along the extension of Falls avenue to University avenue, and proceeding easterly along University avenue to Ansborough avenue, and proceeding southerly along Ansborough avenue to Black Hawk creek, and proceeding easterly along Black Hawk creek to Fletcher avenue, and proceeding southerly along Fletcher avenue to Campbell avenue, and proceeding easterly along Campbell avenue to West Fourth street, and proceeding northeasterly along West Fourth street to Allen street, and proceeding southeasterly along Allen street to West Seventh street, and proceeding easterly along West Seventh street to Leavitt street, and proceeding southeasterly along Leavitt street to West Ninth street, and proceeding southerly along West Ninth street to East Mitchell avenue, and proceeding easterly along East Mitchell avenue to Ohio street, and proceeding northerly along Ohio street to Byron avenue, and proceeding westerly along Byron avenue to Ohio street, and proceeding northerly along Ohio street to Washington street, and proceeding westerly along Washington street to Williston avenue, and proceeding easterly along Williston avenue to West Eighteenth street, and proceeding northeasterly along West Eighteenth street to Vinton street, and proceeding northerly along Vinton street to Franklin street, and proceeding easterly along Franklin street to Nevada street, and proceeding northerly along Nevada street to Independence avenue, and proceeding westerly along Independence avenue to Steely street, and proceeding northerly along Steely street to Alta Vista avenue, and proceeding easterly along Alta Vista avenue to Idaho street, and proceeding southerly along Idaho street to Independence avenue, and proceeding easterly along Independence avenue to the corporate limits of the city of Waterloo, and proceeding south, then in a clockwise manner along the corporate limits of the city of Waterloo to Ansborough avenue, and proceeding northerly along Ansborough avenue to Ridgemont road, and proceeding westerly along Ridgemont road to Inverness road, and proceeding northwesterly along Inverness road to Doral drive, and proceeding northerly along Doral drive to West Fourth street, and proceeding northeasterly along West Fourth street to West Ridgeway avenue, and proceeding westerly along West Ridgeway avenue to Black Hawk creek, and proceeding northerly along Black Hawk creek to the corporate limits of the city of Waterloo, and proceeding east, then in a clockwise manner along the corporate limits of the city of Waterloo to the point of origin.

62. The sixty-second representative district in Black Hawk county shall consist of that

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portion of the city of Waterloo bounded by a line commencing at the point of intersection of the corporate limits of the city of Waterloo and Huntington road, and proceeding easterly along Huntington road to Wren road, and proceeding northerly along Wren road to Downing avenue, and proceeding easterly along Downing avenue to Doreen avenue, and proceeding northerly along Doreen avenue to Sager avenue, and proceeding westerly along Sager avenue to Linbud lane, and proceeding northerly along Linbud lane to Alabar avenue, and proceeding easterly along Alabar avenue to the extension of Falls avenue, and proceeding northerly along the extension of Falls avenue to University avenue, and proceeding easterly along University avenue to Ansborough avenue, and proceeding southerly along Ansborough avenue to Black Hawk creek, and proceeding easterly along Black Hawk creek to Fletcher avenue, and proceeding southerly along Fletcher avenue to Campbell avenue, and proceeding easterly along Campbell avenue to West Fourth street, and proceeding northeasterly along West Fourth street to Allen street, and proceeding southeasterly along Allen street to West Seventh street, and proceeding easterly along West Seventh street to Leavitt street, and proceeding southeasterly along Leavitt street to West Ninth street, and proceeding southerly along West Ninth street to East Mitchell avenue, and proceeding easterly along East Mitchell avenue to Ohio street, and proceeding northerly along Ohio street to Byron avenue, and proceeding westerly along Byron avenue to Ohio street, and proceeding northerly along Ohio street to Washington street, and proceeding westerly along Washington street to Williston avenue, and proceeding easterly along Williston avenue to West Eighteenth street, and proceeding northeasterly along West Eighteenth street to Vinton street, and proceeding northerly along Vinton street to Franklin street, and proceeding easterly along Franklin street to Nevada street, and proceeding northerly along Nevada street to Independence avenue, and proceeding westerly along Independence avenue to Steely street, and proceeding northerly along Steely street to Alta Vista avenue, and proceeding easterly along Alta Vista avenue to Idaho street, and proceeding southerly along Idaho street to Independence avenue, and proceeding easterly along Independence avenue to the corporate limits of the city of Waterloo, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Waterloo to the point of origin.

63. The sixty-third representative district shall consist of:

a. Howard county.

b. Winneshiek county.

c. In Fayette county, Auburn, Clermont, Dover, and Eden townships.

64. The sixty-fourth representative district shall consist of:

a. Allamakee county.

b. Clayton county.

c. In Dubuque county, that portion of Concord township lying outside the corporate limits of the city of Rickardsville.

65. The sixty-fifth representative district in Dubuque county shall consist of:

a. The cities of Asbury, Rickardsville, and Sherrill.

b. Center, Dodge, Iowa, Jefferson, Liberty, Mosalem, New Wine, Prairie Creek, Taylor, Vernon, and Washington townships, and that portion of Whitewater township lying outside the corporate limits of the city of Cascade.

c. That portion of Dubuque township not contained in the seventy-second representative district and that portion of Table Mound township not contained in the seventy-first and seventy-second representative districts.

66. The sixty-sixth representative district shall consist of:

a. Jones county.

b. In Jackson county, Bellevue, Brandon, Butler, Fairfield, Farmers Creek, Iowa, Jackson, Otter Creek, Perry, Prairie Springs, Richland, Tete Des Morts, Union, Van Buren, and Washington townships.

67. The sixty-seventh representative district shall consist of:

a. Delaware county.

b. In Buchanan county:

(1) The cities of Independence and Winthrop.

(2) Cono, Fremont, Homer, Jefferson, Liberty, Middlefield, Newton, and Sumner

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townships, and that portion of Westburg township lying outside the corporate limits of the city of Jesup.

(3) Those portions of Byron and Washington townships not contained in the sixty-eighth representative district.

c. In Dubuque county, the city of Cascade and Cascade township.

68. The sixty-eighth representative district shall consist of:

a. In Black Hawk county:

(1) Barclay, Bennington, Fox, Lester, and Mount Vernon townships, and that portion of East Waterloo township lying outside the corporate limits of the city of Elk Run Heights.

(2) That portion of Poyner township bounded by a line commencing at the point of intersection of the north corporate limits of the city of Elk Run Heights and the west boundary of Poyner township, and proceeding north, then in a clockwise manner along the boundary of Poyner township to Indian Creek road, and proceeding westerly along Indian Creek road to Gilbertville road, and proceeding northwesterly along Gilbertville road to the corporate limits of the city of Elk Run Heights, and proceeding east, then in a counterclockwise manner along the corporate limits of the city of Elk Run Heights to the point of origin.

b. In Buchanan county:

(1) Buffalo, Fairbank, Hazleton, Madison, and Perry townships.

(2) That portion of Byron township bounded by a line commencing at the point of intersection of the west corporate limits of the city of Winthrop and the boundary of Byron township, and proceeding west, then in a clockwise manner along the boundary of Byron township to the north corporate limits of the city of Winthrop, and proceeding west, then in a counterclockwise manner along the corporate limits of the city of Winthrop to the point of origin.

(3) That portion of Washington township bounded by a line commencing at the point of intersection of the east boundary of Westburg township and the boundary of Washington township, and proceeding east along the boundary of Washington township to the corporate limits of the city of Independence, and proceeding north, then in a clockwise manner along the corporate limits of the city of Independence to the boundary of Washington township, and proceeding east, then in a counterclockwise manner along the boundary of Washington township to the point of origin.

c. That portion of Fayette county not contained in the sixty-third representative district.

69. The sixty-ninth representative district in Clinton county shall consist of:

a. The city of Clinton.

b. Camanche, Center, Deep Creek, Elk River, and Hampshire townships.

70. The seventieth representative district shall consist of:

a. In Clinton county, Bloomfield, Brookfield, De Witt, Eden, Grant, Liberty, Olive, Orange, Sharon, Spring Rock, Washington, Waterford, and Welton townships.

b. In Jackson county, Maquoketa, Monmouth, and South Fork townships.

c. In Scott county, Butler, Princeton, and Winfield townships, that portion of Allens Grove township lying outside the corporate limits of the city of Dixon, and that portion of Le Claire township lying outside the corporate limits of the city of Le Claire.

71. The seventy-first representative district in Dubuque county shall consist of that portion of Table Mound township and the city of Dubuque bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the south boundary of the corporate limits of the city of Dubuque, and proceeding westerly along the corporate limits of the city of Dubuque to the east boundary of Table Mound township, and proceeding south along the boundary of Table Mound township to the point of intersection of U.S. Highway 52 and the corporate limits of the city of Dubuque, and proceeding east, then in a clockwise manner along the corporate limits of the city of Dubuque to the north boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the point of intersection of Miners lane and the boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the corporate limits of the city of Dubuque, and proceeding north, then in a clockwise manner along the corporate limits of the city of Dubuque to nonvisible boundary (TLID:16921417), and proceeding north

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along nonvisible boundary (TLID:16921417) to Dodge street, and proceeding easterly along Dodge street to John F. Kennedy road, and proceeding northerly along John F. Kennedy road to University avenue, and proceeding easterly along University avenue to Catfish Creek North branch, and proceeding northerly along Catfish Creek North branch to Van Buren avenue, and proceeding easterly along Van Buren avenue to Drexel avenue, and proceeding northerly along Drexel avenue to Pennsylvania avenue, and proceeding westerly along Pennsylvania avenue to Bristol drive, and proceeding northerly along Bristol drive to St. Anne drive, and proceeding easterly along St. Anne drive to Flora Park road, and proceeding northerly along Flora Park road to Wilbricht lane, and proceeding easterly along Wilbricht lane to Asbury road, and proceeding easterly along Asbury road to Rosedale avenue, and proceeding easterly along Rosedale avenue to North Grandview avenue, and proceeding northerly along North Grandview avenue to West Thirty-second street, and proceeding easterly along West Thirty-second street to East Thirty-second street, and proceeding easterly along East Thirty-second street to Heritage trail, and proceeding northerly along Heritage trail to Louella lane and its extension, and proceeding easterly along Louella lane and its extension to Peru road, and proceeding northeasterly along Peru road to Sheridan road, and proceeding easterly along Sheridan road to Davis street, and proceeding easterly along Davis street to Windsor avenue, and proceeding southerly along Windsor avenue to Lawther street, and proceeding westerly along Lawther street to Balke street, and proceeding southerly along Balke street to Strauss street, and proceeding westerly along Strauss street to Brunswick street, and proceeding southerly along Brunswick street to Queen street, and proceeding easterly, then southerly, along Queen street to Clinton street, and proceeding westerly along Clinton street to nonvisible boundary (TLID:16910879), and proceeding southerly along nonvisible boundary (TLID:16910879) to Marquette place, and proceeding southerly along Marquette place to Queen street, and proceeding southerly along Queen street to East Twenty-fourth street, and proceeding westerly along East Twenty-fourth street to Central avenue, and proceeding southerly along Central avenue to East Eighteenth street, and proceeding easterly along East Eighteenth street to an abandoned railroad, and proceeding southerly along an abandoned railroad to East Sixteenth street, and proceeding easterly along East Sixteenth street to U.S. highway 61, and proceeding easterly along U.S. highway 61 to the corporate limits of the city of Dubuque, and proceeding southerly along the corporate limits of the city of Dubuque to the point of origin.

72. The seventy-second representative district in Dubuque county shall consist of:

a. That portion of Peru township lying outside the corporate limits of the city of Sherrill.

b. That portion of Dubuque county commencing at the point of intersection of Miners lane and the north boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the corporate limits of the city of Dubuque, and proceeding north, then in a clockwise manner along the corporate limits of the city of Dubuque to nonvisible boundary (TLID:16921417), and proceeding north along nonvisible boundary (TLID:16921417) to Dodge street, and proceeding easterly along Dodge street to John F. Kennedy road, and proceeding northerly along John F. Kennedy road to University avenue, and proceeding easterly along University avenue to Catfish Creek North branch, and proceeding northerly along Catfish Creek North branch to Van Buren avenue, and proceeding easterly along Van Buren avenue to Drexel avenue, and proceeding northerly along Drexel avenue to Pennsylvania avenue, and proceeding westerly along Pennsylvania avenue to Bristol drive, and proceeding northerly along Bristol drive to St. Anne drive, and proceeding easterly along St. Anne drive to Flora Park road, and proceeding northerly along Flora Park road to Wilbricht lane, and proceeding easterly along Wilbricht lane to Asbury road, and proceeding easterly along Asbury road to Rosedale avenue, and proceeding easterly along Rosedale avenue to North Grandview avenue, and proceeding northerly along North Grandview avenue to West Thirty-second street, and proceeding easterly along West Thirty-second street to East Thirty-second street, and proceeding easterly along East Thirty-second street to Heritage trail, and proceeding northerly along Heritage trail to Louella lane and its extension, and proceeding easterly along Louella lane and its extension to Peru road, and proceeding northeasterly along Peru road to Sheridan road, and proceeding easterly along Sheridan road to Davis street, and proceeding easterly along Davis street to

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Windsor avenue, and proceeding southerly along Windsor avenue to Lawther street, and proceeding westerly along Lawther street to Balke street, and proceeding southerly along Balke street to Strauss street, and proceeding westerly along Strauss street to Brunswick street, and proceeding southerly along Brunswick street to Queen street, and proceeding easterly, then southerly, along Queen street to Clinton street, and proceeding westerly along Clinton street to nonvisible boundary (TLID:16910879), and proceeding southerly along nonvisible boundary (TLID:16910879) to Marquette place, and proceeding southerly along Marquette place to Queen street, and proceeding southerly along Queen street to East Twenty-fourth street, and proceeding westerly along East Twenty-fourth street to Central avenue, and proceeding southerly along Central avenue to East Eighteenth street, and proceeding easterly along East Eighteenth street to an abandoned railroad, and proceeding southerly along an abandoned railroad to East Sixteenth street, and proceeding easterly along East Sixteenth street to U.S. highway 61, and proceeding easterly along U.S. highway 61 to the boundary of the state of Iowa, and proceeding northerly along the boundary of the state of Iowa to the south boundary of Peru township, and proceeding west along the boundary of Peru township to the west boundary of Dubuque township, and proceeding south along the boundary of Dubuque township to the corporate limits of the city of Asbury, and proceeding east, then in a clockwise manner along the corporate limits of the city of Asbury to the corporate limits of the city of Dubuque, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city of Dubuque to the point of intersection of Humke road and the boundary of Dubuque township, and proceeding south along the boundary of Dubuque township to the corporate limits of the city of Dubuque, and proceeding south, then in a counterclockwise manner along the corporate limits of the city of Dubuque to the north boundary of Table Mound township, and proceeding east along the boundary of Table Mound township to the point of origin.

73. The seventy-third representative district in Linn county shall consist of that portion of the city of Marion and Marion township bounded by a line commencing at the point of intersection of Grant Wood trail and the west boundary of the corporate limits of the city of Marion, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Marion to U.S. highway 151, and proceeding southerly along U.S. highway 151 to the boundary of Marion township, and proceeding westerly along the boundary of Marion township to the corporate limits of the city of Cedar Rapids, and proceeding northerly, then in a counterclockwise manner along the corporate limits of the city of Cedar Rapids to the corporate limits of the city of Marion, and proceeding easterly along the corporate limits of the city of Marion to First avenue, and proceeding westerly along First avenue to Twenty-seventh street, and proceeding northerly along Twenty-seventh street to Third avenue, and proceeding westerly along Third avenue to Twenty-sixth street, and proceeding northerly along Twenty-sixth street to Fifth avenue, and proceeding easterly along Fifth avenue to Thirty-first street, and proceeding northerly along Thirty-first street to Seventh avenue, and proceeding westerly along Seventh avenue to Eighteenth street, and proceeding northerly along Eighteenth street to Eleventh avenue, and proceeding easterly along Eleventh avenue to Washington drive, and proceeding northerly along Washington drive to Park avenue, and proceeding westerly along Park avenue to Lincoln drive, and proceeding southerly along Lincoln drive to Thirteenth avenue, and proceeding westerly along Thirteenth avenue to Seventh street, and proceeding southerly along Seventh street to Central avenue, and proceeding westerly along Central avenue to Alburnett road, and proceeding westerly along Alburnett road to Indian Creek, and proceeding westerly along Indian Creek to West Eighth avenue, and proceeding westerly along West Eighth avenue to Lindale drive, and proceeding southerly along Lindale drive to Grant Wood trail, and proceeding westerly along Grant Wood trail to the point of origin.

74. The seventy-fourth representative district in Linn county shall consist of that portion of Linn county bounded by a line commencing at the point of intersection of Oakland road Northeast and Elmhurst drive Northeast, and proceeding northerly along Oakland road Northeast to Old Marion road Northeast, and proceeding easterly along Old Marion road Northeast to Forty-second street Northeast, and proceeding westerly along Forty-second street Northeast to Council street Northeast, and proceeding northerly along Council street

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Northeast to the point of intersection of the corporate limits of the city of Robins and the corporate limits of the city of Cedar Rapids, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to Grant Wood trail, and proceeding easterly along Grant Wood trail to Lindale drive, and proceeding northerly along Lindale drive to West Eighth avenue, and proceeding easterly along West Eighth avenue to Indian Creek, and proceeding northerly along Indian Creek to Alburnett road, and proceeding easterly along Alburnett road to Central avenue, and proceeding easterly along Central avenue to Seventh street, and proceeding northerly along Seventh street to Thirteenth avenue, and proceeding easterly along Thirteenth avenue to Lincoln drive, and proceeding northerly along Lincoln drive to Park avenue, and proceeding easterly along Park avenue to Washington drive, and proceeding southerly along Washington drive to Eleventh avenue, and proceeding westerly along Eleventh avenue to Eighteenth street, and proceeding southerly along Eighteenth street to Seventh avenue, and proceeding easterly along Seventh avenue to Thirty-first street, and proceeding southerly along Thirty-first street to Fifth avenue, and proceeding westerly along Fifth avenue to Twenty-sixth street, and proceeding southerly along Twenty-sixth street to Third avenue, and proceeding easterly along Third avenue to Twenty-seventh street, and proceeding southerly along Twenty-seventh street to First avenue, and proceeding easterly along First avenue to the corporate limits of the city of Marion, and proceeding south and in a clockwise manner along the corporate limits of the city of Marion to the corporate limits of the city of Cedar Rapids, and proceeding southerly along the corporate limits of the city of Cedar Rapids to Cottage Grove avenue Southeast, and proceeding westerly along Cottage Grove avenue Southeast to Forest drive Southeast, and proceeding northerly along Forest drive Southeast to Thompson drive Southeast, and proceeding westerly along Thompson drive Southeast to First avenue Northeast, and proceeding northerly along First avenue Northeast to Twenty-ninth street Northeast, and proceeding westerly along Twenty-ninth street Northeast to Eastern avenue Northeast, and proceeding southerly along Eastern avenue Northeast to Prairie drive Northeast, and proceeding westerly along Prairie drive Northeast to Robinwood lane Northeast, and proceeding westerly along Robinwood lane Northeast to Elmhurst drive Northeast, and proceeding westerly along Elmhurst drive Northeast to the point of origin.

75. The seventy-fifth representative district in Black Hawk county shall consist of that portion of the city of Cedar Falls bounded by a line commencing at the point of intersection of the corporate limits of the city of Cedar Falls and University avenue, and proceeding west, then in a clockwise manner along the corporate limits of the city of Cedar Falls to East Greenhill road, and proceeding westerly along East Greenhill road to South Main street, and proceeding northerly along South Main street to Oregon road, and proceeding easterly along Oregon road to Dallas drive, and proceeding northerly along Dallas drive to Utah road, and proceeding easterly along Utah road to Tucson drive, and proceeding northerly along Tucson drive to Idaho road, and proceeding easterly along Idaho road to Boulder drive, and proceeding northerly along Boulder drive to University avenue, and proceeding westerly along University avenue to Grove street, and proceeding northerly along Grove street to East Seerley boulevard, and proceeding westerly along East Seerley boulevard to West Seerley boulevard, and proceeding westerly along West Seerley boulevard to College street, and proceeding southerly along College street to University avenue, and proceeding westerly along University avenue to the point of origin.

76. The seventy-sixth representative district shall consist of:

a. In Benton county, Bruce, Cedar, and Monroe townships.

b. In Black Hawk county:

(1) The cities of Evansdale, Elk Run Heights, and Hudson.

(2) That portion of the city of Cedar Falls not contained in the seventy-fifth representative district and that portion of the city of Waterloo not contained in the sixty-first and sixty-second representative districts.

(3) Big Creek, Cedar, Eagle, Orange, and Spring Creek townships, and that portion of Poyner township not contained in the sixty-eighth representative district.

c. In Tama county, Buckingham, Clark, Geneseo, and Perry townships.

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77. The seventy-seventh representative district in Linn county shall consist of that portion of:

a. Those portions of College township lying outside the corporate limits of the city of Ely.

b. That portion of the city of Cedar Rapids bounded by a line commencing at the point of intersection of the north boundary of Fairfax township, the south boundary of Clinton township, and the corporate limits of the city of Cedar Rapids, and proceeding east, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to Sixteenth avenue Southwest, and proceeding easterly along Sixteenth avenue Southwest to Eighteenth street Southwest, and proceeding northerly along Eighteenth street Southwest to First avenue Northwest, and proceeding easterly along First avenue Northwest to Twelfth street Southwest, and proceeding southerly along Twelfth street Southwest to Third avenue Southwest, and proceeding easterly along Third avenue Southwest to Union Pacific Railroad, and proceeding northerly along Union Pacific Railroad to First avenue Northwest, and proceeding easterly along First avenue Northwest to Sixth street Southwest, and proceeding southerly along Sixth street Southwest to Wilson avenue Southwest, and proceeding easterly along Wilson avenue Southwest to Second street Southwest, and proceeding northerly along Second street Southwest to Nineteenth avenue Southwest, and proceeding easterly along Nineteenth avenue Southwest to Bowling street Southwest, and proceeding southerly along Bowling street Southwest to Wilson avenue drive Southwest, and proceeding easterly along Wilson avenue drive Southwest to C street Southwest, and proceeding southerly along C street Southwest to Union Pacific Railroad, and proceeding easterly along Union Pacific Railroad to the Cedar river, and proceeding southerly, then easterly along the Cedar river to the corporate limits of the city of Cedar Rapids, and proceeding northerly along the corporate limits of the city of Cedar Rapids to the boundary of Putnam township, and proceeding southerly along the boundary of Putnam township to the corporate limits of the city of Cedar Rapids, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the point of origin.

78. The seventy-eighth representative district in Linn county shall consist of those portions of Bertram township and the city of Cedar Rapids bounded by a line commencing at the point of intersection of Union Pacific Railroad and First avenue Northwest, and proceeding northerly along Union Pacific Railroad to Chicago Central and Pacific Railroad, and proceeding easterly along Chicago Central and Pacific Railroad to Union Pacific Railroad, and proceeding southerly along Union Pacific Railroad to Interstate 380, and proceeding northerly along Interstate 380 to F avenue Northeast and its extension, and proceeding easterly along F avenue Northeast and its extension to Oakland road Northeast, and proceeding northerly along Oakland road Northeast to Elmhurst drive Northeast, and proceeding easterly along Elmhurst drive Northeast to Robinwood lane Northeast, and proceeding easterly along Robinwood lane Northeast to Prairie drive Northeast, and proceeding southerly along Prairie drive Northeast to Eastern avenue Northeast, and proceeding northerly along Eastern avenue Northeast to Twenty-ninth street Northeast, and proceeding easterly along Twenty-ninth street Northeast to First avenue Northeast, and proceeding southerly along First avenue Northeast to Thompson drive Southeast, and proceeding easterly along Thompson drive Southeast to Forest drive Southeast, and proceeding southerly along Forest drive Southeast to Cottage Grove avenue Southeast, and proceeding easterly along Cottage Grove avenue Southeast to the corporate limits of the city of Cedar Rapids, and proceeding southerly, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the Cedar river, and proceeding westerly along the Cedar river to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to C street Southwest, and proceeding northerly along C street Southwest to Wilson avenue drive Southwest, and proceeding westerly along Wilson avenue drive Southwest to Bowling street Southwest, and proceeding northerly along Bowling street Southwest to Nineteenth avenue Southwest, and proceeding westerly along Nineteenth avenue Southwest to Second street Southwest, and proceeding southerly along Second street Southwest to Wilson avenue Southwest, and proceeding westerly along Wilson avenue Southwest to Sixth street Southwest, and proceeding northerly along Sixth street Southwest to First avenue Northwest, and proceeding westerly along First avenue Northwest to the point of origin.

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79. The seventy-ninth representative district in Linn county shall consist of that portion of the city of Cedar Rapids bounded by a line commencing at the point of intersection of Stoney Point road Southwest and Sixteenth avenue Southwest, and proceeding west along Sixteenth avenue Southwest to the corporate limits of the city of Cedar Rapids, and proceeding west, then in a clockwise manner along the corporate limits of the city of Cedar Rapids to the Cedar river, and proceeding easterly along the Cedar river to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to Third avenue Southwest, and proceeding westerly along Third avenue Southwest to Twelfth street Southwest, and proceeding northerly along Twelfth street Southwest to First avenue Northwest, and proceeding westerly along First avenue Northwest to Eighteenth street Southwest, and proceeding southerly along Eighteenth street Southwest to Sixteenth avenue Southwest, and proceeding westerly along Sixteenth avenue Southwest to the point of origin.

80. The eightieth representative district in Linn county shall consist of that portion of Linn county bounded by a line commencing at the point of intersection of the Cedar river, Clinton township, and the corporate limits of the city of Cedar Rapids, and proceeding northerly and in a clockwise manner along the corporate limits of the city of Cedar Rapids to the corporate limits of the city of Hiawatha, and proceeding northerly along the corporate limits of the city of Hiawatha to the corporate limits of the city of Robins, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Robins to the corporate limits of the city of Cedar Rapids, and proceeding southerly along the corporate limits of the city of Cedar Rapids to Council street Northeast, and proceeding southerly along Council street Northeast to Forty-second street Northeast, and proceeding easterly along Forty-second street Northeast to Old Marion road Northeast, and proceeding westerly along Old Marion road Northeast to Oakland road Northeast, and proceeding southerly along Oakland road Northeast to F avenue Northeast, and proceeding westerly along F avenue Northeast and its extension to Interstate 380, and proceeding southerly along Interstate 380 to Union Pacific Railroad, and proceeding northerly along Union Pacific Railroad to Chicago Central and Pacific Railroad, and proceeding westerly along Chicago Central and Pacific Railroad to Union Pacific Railroad, and proceeding westerly along Union Pacific Railroad to the Cedar river, and proceeding northerly and easterly along the Cedar river to the point of origin.

81. The eighty-first representative district in Scott county shall consist of that portion of the city of Davenport and Blue Grass township bounded by a line commencing at the point of intersection of Interstate 80 and the west boundary of the corporate limits of the city of Davenport, and proceeding north, then in a clockwise manner along the corporate limits of the city of Davenport to Jersey Ridge road, and proceeding southerly along Jersey Ridge road to East Forty-sixth street, and proceeding westerly along East Forty-sixth street to Eastern avenue, and proceeding northerly along Eastern avenue to East Fifty-third street, and proceeding westerly along East Fifty-third street to West Fifty-third street, and proceeding westerly along West Fifty-third street to Appomattox road, and proceeding northerly along Appomattox road to West Fifty-eighth street, and proceeding westerly along West Fifty-eighth street to Vine street, and proceeding southerly along Vine street to West Fifty-seventh street, and proceeding westerly along West Fifty-seventh street to North Marquette street, and proceeding southerly along North Marquette street to West Fifty-third street, and proceeding westerly along West Fifty-third street to Northwest boulevard, and proceeding southerly along Northwest boulevard to West Kimberly road, and proceeding westerly along West Kimberly road to North Marquette street, and proceeding southerly along North Marquette street to West Thirty-eighth street, and proceeding westerly along West Thirty-eighth street to North Division street, and proceeding southerly along North Division street to West Central Park avenue, and proceeding westerly along West Central Park avenue to North Michigan avenue, and proceeding southerly along North Michigan avenue to West Lombard street, and proceeding easterly along West Lombard street to North Clark street, and proceeding southerly along North Clark street to Waverly road, and proceeding westerly along Waverly road to West Locust street, and proceeding westerly along West Locust street to One Hundred Sixtieth street, and proceeding westerly along One Hundred Sixtieth street to the corporate limits of the city of Davenport, and proceeding

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west, then in a clockwise manner along the corporate limits of the city of Davenport to the point of origin.

82. The eighty-second representative district shall consist of:

a. Cedar county.

b. In Muscatine county, Fulton, Montpelier, and Wapsinonoc townships, and that portion of Moscow township lying outside the corporate limits of the city of Wilton.

c. In Scott county:

(1) The cities of Blue Grass and Dixon.

(2) Cleona, Hickory Grove, and Liberty townships, and that portion of Blue Grass township not contained in the eighty-first and ninety-eighth representative districts.

83. The eighty-third representative district in Linn county shall consist of:

a. The city of Ely.

b. Boulder, Brown, Buffalo, Fayette, Franklin, Jackson, Linn, Maine, Otter Creek, Putnam, and Washington townships.

c. That portion of Bertram township not contained in the seventy-eighth representative district.

d. That portion of Marion township lying outside the corporate limits of the city of Marion, not contained in the seventy-third representative district, or not contained in the seventy-fourth representative district.

e. That portion of Monroe township not contained in the eightieth representative district.

84. The eighty-fourth representative district shall consist of:

a. That portion of Benton county not contained in the seventy-sixth representative district.

b. In Linn county, Clinton, Fairfax, Grant, and Spring Grove townships.

85. The eighty-fifth representative district in Johnson county shall consist of:

a. Cedar, Newport, and Graham townships, that portion of Penn township lying outside the corporate limits of the cities of Coralville and North Liberty, and that portion of East Lucas township not contained in the eighty-ninth representative district.

b. Those portions of Clear Creek and Madison townships and the city of North Liberty bounded by a line commencing at the point of intersection of the north boundary of the corporate limits of the city of North Liberty and the west boundary of Penn township, and proceeding east, then in a clockwise manner along the corporate limits of the city of North Liberty to the point of origin.

c. That portion of the city of Solon and Big Grove township bounded by a line commencing at the point of intersection of the east boundary of Big Grove township and the south corporate limits of the city of Solon, and proceeding northwesterly, then in a clockwise manner along the corporate limits of the city of Solon to the point of origin.

d. That portion of the city of Iowa City bounded by a line commencing at the point of intersection of the corporate limits of the city of Iowa City and Prairie du Chien road Northeast, and proceeding southerly along Prairie du Chien road Northeast to Prairie du Chien road, and proceeding southerly along Prairie du Chien road to North Dodge street, and proceeding westerly along North Dodge street to North Governor street, and proceeding northerly along North Governor street to Kimball road, and proceeding westerly along Kimball road to North Dubuque street, and proceeding northerly along North Dubuque street to Foster road, and proceeding westerly along Foster road to Walker circle, and proceeding westerly along Walker circle to nonvisible boundary (TLID:637336821), and proceeding northerly along nonvisible boundary (TLID:637336821) to nonvisible boundary (TLID:615683239), and proceeding westerly along nonvisible boundary (TLID:615683239) to the corporate limits of the city of Iowa City, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Iowa City to the point of origin.

86. The eighty-sixth representative district in Johnson county shall consist of those portions of the city of Coralville and Iowa City bounded by a line commencing at the point of intersection of the corporate limits of the cities of North Liberty, Tiffin, and Coralville, and proceeding east, then in a clockwise manner along the corporate limits of the city of Coralville to nonvisible boundary (TLID:615683239), and proceeding easterly along nonvisible boundary (TLID:615683239) to nonvisible boundary (TLID:637336821), and proceeding southerly along nonvisible boundary (TLID:637336821) to Walker circle, and

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proceeding easterly along Walker circle to Foster road, and proceeding easterly along Foster road to North Dubuque street, and proceeding southerly along North Dubuque street to East Park road, and proceeding westerly along East Park road to the Iowa river, and proceeding southerly along the Iowa river to Newton road, and proceeding westerly along Newton road to South Riverside drive, and proceeding northerly along South Riverside drive to Second street, and proceeding northerly along Second street to First avenue, and proceeding southerly along First avenue to Mormon Trek boulevard, and proceeding westerly along Mormon Trek boulevard to Hawkeye Park road, and proceeding westerly, then southerly, along Hawkeye Park road to Melrose avenue, and proceeding easterly along Melrose avenue to Westwinds drive, and proceeding southerly along Westwinds drive to Roberts road, and proceeding easterly along Roberts road to Bartelt road, and proceeding easterly along Bartelt road to Mormon Trek boulevard, and proceeding southerly along Mormon Trek boulevard to nonvisible boundary (TLID:646425840), and proceeding southerly along nonvisible boundary (TLID:646425840) to the corporate limits of the city of Iowa City, and proceeding westerly, then in a clockwise manner along the corporate limits of the city of Iowa City to the corporate limits of the city of Coralville, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Coralville to the point of origin.

87. The eighty-seventh representative district shall consist of:

a. Van Buren county.

b. In Henry county:

(1) The city of Mount Pleasant.

(2) Center, Salem, and Tippecanoe townships.

c. In Jefferson county:

(1) The city of Fairfield.

(2) Cedar, Center, Des Moines, Liberty, and Round Prairie townships.

88. The eighty-eighth representative district shall consist of:

a. Keokuk county.

b. In Jefferson county, Black Hawk, Buchanan, Lockridge, Locust Grove, Penn, Polk, and Walnut townships.

c. In Mahaska county:

(1) The city of Oskaloosa.

(2) Adams, Cedar, Harrison, Lincoln, Madison, Monroe, Pleasant Grove, Prairie, Spring Creek, Union, and White Oak townships.

89. The eighty-ninth representative district in Johnson county shall consist of that portion of Johnson county bounded by a line commencing at the point of intersection of the boundaries of Scott township, Pleasant Valley township, and East Lucas township, and proceeding west along the boundary of East Lucas township to the boundary of West Lucas township, and proceeding northerly along the boundary of West Lucas township to the corporate limits of the city of Iowa City, and proceeding west, then in a clockwise manner along the corporate limits of the city of Iowa City to nonvisible boundary (TLID:646425840), and proceeding northerly along nonvisible boundary (TLID:646425840) to Mormon Trek boulevard, and proceeding northerly along Mormon Trek boulevard to Bartelt road, and proceeding westerly along Bartelt road to Roberts road, and proceeding westerly along Roberts road to Westwinds drive, and proceeding northerly along Westwinds drive to Melrose avenue, and proceeding westerly along Melrose avenue to Hawkeye Park road, and proceeding northerly, then easterly, along Hawkeye Park road to Mormon Trek boulevard, and proceeding northerly along Mormon Trek boulevard to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to nonvisible boundary (TLID:646428155), and proceeding westerly along nonvisible boundary (TLID:646428155) to the corporate limits of the city of University Heights, and proceeding southeasterly along the corporate limits of the city of University Heights to nonvisible boundary (TLID:646428160), and proceeding easterly along nonvisible boundary (TLID:646428160) to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to the Iowa river, and proceeding northerly along the Iowa river to West Burlington street, and proceeding easterly along West Burlington street to East Burlington street, and proceeding easterly along East Burlington street to South Linn street, and proceeding northerly along South Linn street

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to East College street, and proceeding easterly along East College street to South Van Buren street, and proceeding southerly along South Van Buren street to East Burlington street, and proceeding easterly along East Burlington street to South Dodge street, and proceeding southerly along South Dodge street to Bowery street, and proceeding easterly along Bowery street to South Governor street, and proceeding northerly along South Governor street to East Burlington street, and proceeding easterly along East Burlington street to Muscatine avenue, and proceeding southeasterly along Muscatine avenue to Fourth avenue, and proceeding southerly along Fourth avenue to F street, and proceeding westerly along F street to Fifth avenue, and proceeding southerly along Fifth avenue to I street, and proceeding easterly along I street to Third avenue, and proceeding southerly along Third avenue to J street, and proceeding easterly along J street to Second avenue, and proceeding southerly along Second avenue and its extension to Iowa Interstate Railroad, and proceeding southeasterly along Iowa Interstate Railroad to South Scott boulevard, and proceeding northerly along South Scott boulevard to the corporate limits of the city of Iowa City, and proceeding southeasterly, then in a clockwise manner along the corporate limits of the city of Iowa City to the east boundary of East Lucas township, and proceeding south along the boundary of East Lucas township to the point of origin.

90. The ninetieth representative district in Johnson county shall consist of that portion of the city of Iowa City and Scott township bounded by a line commencing at the point of intersection of the corporate limits of the city of Iowa City and Iowa Interstate Railroad, and proceeding southeasterly along Iowa Interstate Railroad to nonvisible boundary (TLID:646428155), and proceeding westerly along nonvisible boundary (TLID:646428155) to the corporate limits of the city of University Heights, and proceeding southeasterly along the corporate limits of the city of University Heights to nonvisible boundary (TLID:646428160), and proceeding easterly along nonvisible boundary (TLID:646428160) to Iowa Interstate Railroad, and proceeding easterly along Iowa Interstate Railroad to the Iowa river, and proceeding northerly along the Iowa river to West Burlington street, and proceeding easterly along West Burlington street to East Burlington street, and proceeding easterly along East Burlington street to South Linn street, and proceeding northerly along South Linn street to East College street, and proceeding easterly along East College street to South Van Buren street, and proceeding southerly along South Van Buren street to East Burlington street, and proceeding easterly along East Burlington street to South Dodge street, and proceeding southerly along South Dodge street to Bowery street, and proceeding easterly along Bowery street to South Governor street, and proceeding northerly along South Governor street to East Burlington street, and proceeding easterly along East Burlington street to Muscatine avenue, and proceeding southeasterly along Muscatine avenue to Fourth avenue, and proceeding southerly along Fourth avenue to F street, and proceeding westerly along F street to Fifth avenue, and proceeding southerly along Fifth avenue to I street, and proceeding easterly along I street to Third avenue, and proceeding southerly along Third avenue to J street, and proceeding easterly along J street to Second avenue, and proceeding southerly along Second avenue and its extension to Iowa Interstate Railroad, and proceeding southeasterly along Iowa Interstate Railroad to South Scott boulevard, and proceeding northerly along South Scott boulevard to the corporate limits of the city of Iowa City, and proceeding north, then in a counterclockwise manner along the corporate limits of the city of Iowa City to Prairie du Chien road Northeast, and proceeding southerly along Prairie du Chien road Northeast to Prairie du Chien road, and proceeding southerly along Prairie du Chien road to North Dodge street, and proceeding westerly along North Dodge street to North Governor street, and proceeding northerly along North Governor street to Kimball road, and proceeding westerly along Kimball road to North Dubuque street, and proceeding southerly along North Dubuque street to East Park road, and proceeding westerly along East Park road to the Iowa river, and proceeding southerly along the Iowa river to Newton road, and proceeding westerly along Newton road to South Riverside drive, and proceeding northerly along South Riverside drive to Second street, and proceeding westerly along Second street to the corporate limits of the city of Iowa City, and proceeding westerly, then in a counterclockwise manner along the corporate limits of the city of Iowa City to the point of origin.

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91. The ninety-first representative district shall consist of:

a. Iowa county.

b. In Johnson county:

(1) Hardin, Jefferson, Monroe, Oxford, and Washington townships.

(2) That portion of Big Grove township not contained in the eighty-fifth representative district.

(3) That portion of Clear Creek township lying outside the corporate limits of the city of Coralville and not contained in the eighty-fifth representative district.

(4) That portion of Madison township and the city of North Liberty not contained in the eighty-fifth representative district.

92. The ninety-second representative district shall consist of:

a. Washington county.

b. In Johnson county:

(1) Fremont, Liberty, Lincoln, Pleasant Valley, and Sharon townships, that portion of Union township lying outside the corporate limits of the city of Coralville, and that portion of West Lucas township lying outside the corporate limits of the cities of Coralville and University Heights.

(2) That portion of Scott township not contained in the ninetieth representative district.

93. The ninety-third representative district in Scott county shall consist of:

a. Pleasant Valley township.

b. That portion of the city of Le Claire and Le Claire township bounded by a line commencing at the point of intersection of the boundary of Pleasant Valley township and the north boundary of the corporate limits of the city of Le Claire, and proceeding easterly, then in a clockwise manner along the corporate limits of the city of Le Claire to the boundary of the state of Iowa, and proceeding southerly along the boundary of the state of Iowa to the boundary of Pleasant Valley township, and proceeding north along the boundary of Pleasant Valley township to the point of origin.

c. Those portions of the cities of Bettendorf, Riverdale, and Panorama Park, bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and Thirty-first street, and proceeding northerly along Thirty-first street to State street, and proceeding westerly along State street to Twenty-eighth street, and proceeding northerly along Twenty-eighth street to Ten Plus street, and proceeding northerly along Ten Plus street to Twenty-eighth and one-half street, and proceeding northerly along Twenty-eighth and one-half street to Central avenue, and proceeding westerly along Central avenue to Twenty-third street, and proceeding northerly along Twenty-third street to Middle road, and proceeding westerly along Middle road to Eighteenth street, and proceeding northerly along Eighteenth street to Brookside drive, and proceeding westerly along Brookside drive to Parkdale drive, and proceeding northerly along Parkdale drive to Brunswick drive, and proceeding northerly along Brunswick drive to Queens drive, and proceeding easterly along Queens drive to Stone Haven drive, and proceeding northerly along Stone Haven drive to Crow Creek road, and proceeding westerly along Crow Creek road to the intersection of the corporate limits of the city of Davenport and the corporate limits of the city of Bettendorf, and proceeding northerly, then in a clockwise manner along the corporate limits of the city of Bettendorf to the boundary of the state of Iowa, and proceeding southerly along the boundary of the state of Iowa to the point of origin.

94. The ninety-fourth representative district in Scott county shall consist of:

a. Lincoln and Sheridan townships.

b. That portion of the cities of Bettendorf and Davenport bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the west boundary of the corporate limits of the city of Bettendorf, and proceeding northerly along the corporate limits of the city of Bettendorf to Duck creek, and proceeding westerly along Duck creek to Spring street and its extension, and proceeding northerly along Spring street and its extension to East Kimberly road, and proceeding westerly along East Kimberly road to Eastern avenue, and proceeding northerly along Eastern avenue to East Forty-sixth street, and proceeding easterly along East Forty-sixth street to Jersey Ridge road, and proceeding northerly along Jersey Ridge road to the corporate limits of the city of Davenport, and proceeding east,

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and in clockwise manner along the corporate limits of the city of Davenport to Crow Creek road, and proceeding easterly along Crow Creek road to Stone Haven drive, and proceeding southerly along Stone Haven drive to Queens drive, and proceeding westerly along Queens drive to Brunswick drive, and proceeding southerly along Brunswick drive to Parkdale drive, and proceeding southerly along Parkdale drive to Brookside drive, and proceeding easterly along Brookside drive to Eighteenth street, and proceeding southerly along Eighteenth street to Middle road, and proceeding easterly along Middle road to Twenty-third street, and proceeding southerly along Twenty-third street to Central avenue, and proceeding easterly along Central avenue to Twenty-eighth and one-half street, and proceeding southerly along Twenty-eighth and one-half street to Ten Plus street, and proceeding southerly along Ten Plus street to Twenty-eighth street, and proceeding southerly along Twenty-eighth street to State street, and proceeding easterly along State street to Thirty-first street, and proceeding southerly along Thirty-first street to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to the point of origin.

95. The ninety-fifth representative district shall consist of:

a. Louisa county.

b. In Des Moines county:

(1) The cities of Middletown and Mediapolis.

(2) Benton, Flint River, Franklin, Huron, Jackson, Pleasant Grove, Tama, Washington, and Yellow Springs townships.

c. In Henry county, Baltimore, Canaan, Jackson, Jefferson, Marion, New London, Scott, Trenton, and Wayne townships.

d. In Muscatine county:

(1) Cedar, Goshen, Lake, Orono, and Pike townships, and that portion of Seventy-Six township lying outside the corporate limits of the city of Muscatine.

(2) That portion of Fruitland township bounded by a line commencing at the point of intersection of the south corporate limits of the city of Muscatine and the east boundary of Fruitland township, and proceeding southerly, then in a clockwise manner along the boundary of Fruitland township to the corporate limits of the city of Muscatine, and proceeding easterly, then in a counterclockwise manner along the corporate limits of the city of Muscatine to the point of origin.

96. The ninety-sixth representative district in Muscatine county shall consist of:

a. The cities of Muscatine and Wilton.

b. Bloomington, Sweetland, and Wilton townships, and that portion of Fruitland township not contained in the ninety-fifth representative district.

97. The ninety-seventh district in Scott county contains that portion of the city of Davenport bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the Arsenal bridge, and proceeding northerly along the Arsenal bridge to Leclaire street, and proceeding northerly along Leclaire street to Iowa street, and proceeding northerly along Iowa street to East Sixth street, and proceeding westerly along East Sixth street to West Sixth street, and proceeding westerly along West Sixth street to North Gaines street, and proceeding northerly along North Gaines street to West Eleventh street, and proceeding westerly along West Eleventh street to Warren street, and proceeding southerly along Warren street to West Tenth street, and proceeding westerly along West Tenth street to Vine street, and proceeding northerly along Vine street to West Twelfth street, and proceeding westerly along West Twelfth street to Washington street, and proceeding northerly along Washington street to West Fifteenth street, and proceeding easterly along West Fifteenth street to North Marquette street, and proceeding northerly along North Marquette street to West Fifteenth street, and proceeding easterly along West Fifteenth street to Warren street, and proceeding northerly along Warren street to West Rusholme street, and proceeding easterly along West Rusholme street to North Harrison street, and proceeding northerly along North Harrison street to West Central Park avenue, and proceeding westerly along West Central Park avenue to North Marquette street, and proceeding northerly along North Marquette street to West Garfield street, and proceeding westerly along West Garfield street to North Division street, and proceeding northerly along North Division street to West Thirty-eighth street, and proceeding easterly along West Thirty-eighth street to North

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Marquette street, and proceeding northerly along North Marquette street to West Kimberly road, and proceeding easterly along West Kimberly road to Northwest boulevard, and proceeding westerly along Northwest boulevard to West Fifty-third street, and proceeding easterly along West Fifty-third street to North Marquette street, and proceeding northerly along North Marquette street to West Fifty-seventh street, and proceeding easterly along West Fifty-seventh street to Vine street, and proceeding northerly along Vine street to West Fifty-eighth street, and proceeding easterly along West Fifty-eighth street to Appomattox road, and proceeding southerly along Appomattox road to West Fifty-third street, and proceeding easterly along West Fifty-third street to East Fifty-third street, and proceeding easterly along East Fifty-third street to Eastern avenue, and proceeding southerly along Eastern avenue to East Kimberly road, and proceeding easterly along East Kimberly road to Spring street, and proceeding southerly along Spring street and its extension to Duck creek, and proceeding easterly along Duck creek to the corporate limits of the city of Davenport, and proceeding southerly along the corporate limits of the city of Davenport to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to the point of origin.

98. The ninety-eighth representative district in Scott county shall consist of:

a. That portion of Buffalo township lying outside the corporate limits of the city of Blue Grass.

b. That portion of Blue Grass township and the city of Davenport bounded by a line commencing at the point of intersection of the boundary of the state of Iowa and the west corporate limits of the city of Davenport, and proceeding northerly along the corporate limits of the city of Davenport to One Hundred Sixtieth street, and proceeding easterly along One Hundred Sixtieth street to West Locust street, and proceeding easterly along West Locust street to Waverly road, and proceeding southerly along Waverly road to North Clark street, and proceeding northerly along North Clark street to West Lombard street, and proceeding westerly along West Lombard street to North Michigan avenue, and proceeding northerly along North Michigan avenue to West Central Park avenue, and proceeding easterly along West Central Park avenue to North Division street, and proceeding northerly along North Division street to West Garfield street, and proceeding easterly along West Garfield street to North Marquette street, and proceeding southerly along North Marquette street to West Central Park avenue, and proceeding easterly along West Central Park avenue to North Harrison street, and proceeding southerly along North Harrison street to West Rusholme street, and proceeding westerly along West Rusholme street to Warren street, and proceeding southerly along Warren street to West Fifteenth street, and proceeding westerly along West Fifteenth street to North Marquette street, and proceeding southerly along North Marquette street to West Fifteenth street, and proceeding westerly along West Fifteenth street to Washington street, and proceeding southerly along Washington street to West Twelfth street, and proceeding easterly along West Twelfth street to Vine street, and proceeding southerly along Vine street to West Tenth street, and proceeding easterly along West Tenth street to Warren street, and proceeding northerly along Warren street to West Eleventh street, and proceeding easterly along West Eleventh street to North Gaines street, and proceeding southerly along North Gaines street to West Sixth street, and proceeding easterly along West Sixth street to East Sixth street, and proceeding easterly along East Sixth street to Iowa street, and proceeding southerly along Iowa street to Leclaire street, and proceeding southerly along Leclaire street to the Arsenal bridge, and proceeding southerly along the Arsenal bridge to the boundary of the state of Iowa, and proceeding westerly along the boundary of the state of Iowa to the point of origin.

99. The ninety-ninth representative district shall consist of:

a. In Des Moines county:

(1) The cities of Burlington, Danville, and West Burlington.

(2) Concordia, Danville, and Union townships.

b. In Lee county, Denmark, Green Bay, and Pleasant Ridge townships.

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100. The one-hundredth representative district in Lee county shall consist of that portion of Lee county not contained in the ninety-ninth representative district.

[C27, 31, 35, §526-b1, -b2; C39, §**526.3, 526.4;** C46, 50, 54, 58, 62, §42.1, 42.2; C66, §41.3; C71, §41.4; C73, 75, 77, 79, 81, §41.1; 81 Acts, 2d Ex, ch 1, §2]

86 Acts, ch 1238, §3; 91 Acts, ch 223, §2; 92 Acts, ch 1163, §10, 11; 2001 Acts, 1st Ex, ch 1, §2, 6; 2002 Acts, ch 1175, §79; 2011 Acts, ch 76, §2, 6; 2021 Acts, 2nd Ex, ch 2, §2, 6; 2022 Acts, ch 1032, §12; 2023 Acts, ch 66, §9

Referred to in §41.2
References based on boundaries delineated and described in the Census 2020 TIGER data files; see 2021 Acts, 2nd Ex, ch 2, §5
Membership beginning in 2023; vacancies prior to 2023; see 2021 Acts, 2nd Ex, ch 2, §3, 4

41.2 Senate districts.

The state of Iowa is hereby divided into fifty senatorial districts, each composed of two of the representative districts established by section 41.1, as follows:

1. The first senatorial district shall consist of the first and second representative districts.
2. The second senatorial district shall consist of the third and fourth representative districts.
3. The third senatorial district shall consist of the fifth and sixth representative districts.
4. The fourth senatorial district shall consist of the seventh and eighth representative districts.
5. The fifth senatorial district shall consist of the ninth and tenth representative districts.
6. The sixth senatorial district shall consist of the eleventh and twelfth representative districts.
7. The seventh senatorial district shall consist of the thirteenth and fourteenth representative districts.
8. The eighth senatorial district shall consist of the fifteenth and sixteenth representative districts.
9. The ninth senatorial district shall consist of the seventeenth and eighteenth representative districts.
10. The tenth senatorial district shall consist of the nineteenth and twentieth representative districts.
11. The eleventh senatorial district shall consist of the twenty-first and twenty-second representative districts.
12. The twelfth senatorial district shall consist of the twenty-third and twenty-fourth representative districts.
13. The thirteenth senatorial district shall consist of the twenty-fifth and twenty-sixth representative districts.
14. The fourteenth senatorial district shall consist of the twenty-seventh and twenty-eighth representative districts.
15. The fifteenth senatorial district shall consist of the twenty-ninth and thirtieth representative districts.
16. The sixteenth senatorial district shall consist of the thirty-first and thirty-second representative districts.
17. The seventeenth senatorial district shall consist of the thirty-third and thirty-fourth representative districts.
18. The eighteenth senatorial district shall consist of the thirty-fifth and thirty-sixth representative districts.
19. The nineteenth senatorial district shall consist of the thirty-seventh and thirty-eighth representative districts.
20. The twentieth senatorial district shall consist of the thirty-ninth and fortieth representative districts.
21. The twenty-first senatorial district shall consist of the forty-first and forty-second representative districts.
22. The twenty-second senatorial district shall consist of the forty-third and forty-fourth representative districts.
23. The twenty-third senatorial district shall consist of the forty-fifth and forty-sixth representative districts.

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24. The twenty-fourth senatorial district shall consist of the forty-seventh and forty-eighth representative districts.

25. The twenty-fifth senatorial district shall consist of the forty-ninth and fiftieth representative districts.

26. The twenty-sixth senatorial district shall consist of the fifty-first and fifty-second representative districts.

27. The twenty-seventh senatorial district shall consist of the fifty-third and fifty-fourth representative districts.

28. The twenty-eighth senatorial district shall consist of the fifty-fifth and fifty-sixth representative districts.

29. The twenty-ninth senatorial district shall consist of the fifty-seventh and fifty-eighth representative districts.

30. The thirtieth senatorial district shall consist of the fifty-ninth and sixtieth representative districts.

31. The thirty-first senatorial district shall consist of the sixty-first and sixty-second representative districts.

32. The thirty-second senatorial district shall consist of the sixty-third and sixty-fourth representative districts.

33. The thirty-third senatorial district shall consist of the sixty-fifth and sixty-sixth representative districts.

34. The thirty-fourth senatorial district shall consist of the sixty-seventh and sixty-eighth representative districts.

35. The thirty-fifth senatorial district shall consist of the sixty-ninth and seventieth representative districts.

36. The thirty-sixth senatorial district shall consist of the seventy-first and seventy-second representative districts.

37. The thirty-seventh senatorial district shall consist of the seventy-third and seventy-fourth representative districts.

38. The thirty-eighth senatorial district shall consist of the seventy-fifth and seventy-sixth representative districts.

39. The thirty-ninth senatorial district shall consist of the seventy-seventh and seventy-eighth representative districts.

40. The fortieth senatorial district shall consist of the seventy-ninth and eightieth representative districts.

41. The forty-first senatorial district shall consist of the eighty-first and eighty-second representative districts.

42. The forty-second senatorial district shall consist of the eighty-third and eighty-fourth representative districts.

43. The forty-third senatorial district shall consist of the eighty-fifth and eighty-sixth representative districts.

44. The forty-fourth senatorial district shall consist of the eighty-seventh and eighty-eighth representative districts.

45. The forty-fifth senatorial district shall consist of the eighty-ninth and ninetieth representative districts.

46. The forty-sixth senatorial district shall consist of the ninety-first and ninety-second representative districts.

47. The forty-seventh senatorial district shall consist of the ninety-third and ninety-fourth representative districts.

48. The forty-eighth senatorial district shall consist of the ninety-fifth and ninety-sixth representative districts.

49. The forty-ninth senatorial district shall consist of the ninety-seventh and ninety-eighth representative districts.

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50. The fiftieth senatorial district shall consist of the ninety-ninth and one hundredth representative districts.

[C27, 31, 35, §526-a2; C39, §**526.2;** C46, 50, 54, 58, 62, §41.1; C66, §41.2; C71, §41.5; C73, 75, 77, 79, 81, §41.2]

Membership beginning in 2023 and effect on incumbent senators; vacancies prior to 2023; see 2021 Acts, 2nd Ex, ch 2, §3, 4

CHAPTER 42

REDISTRICTING GENERAL ASSEMBLY AND CONGRESSIONAL DISTRICTS

Referred to in §2A.4, 39.28, 39A.1, 39A.2, 39A.6, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

42.1	Definitions.	42.5	Temporary redistricting advisory commission.
42.2	Preparations for redistricting.	42.6	Duties of commission.
42.3	Timetable for preparation of plan.	42.7	Repealed by 80 Acts, ch 1021, §7.
42.4	Redistricting standards.		

42.1 Definitions.

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

1. *"Chief election officer"* means the state commissioner of elections as defined by section 47.1.

2. *"Commission"* means the temporary redistricting advisory commission established pursuant to this chapter.

3. *"Federal census"* means the decennial census required by federal law to be conducted by the United States bureau of the census in every year ending in zero.

4. *"Four selecting authorities"* means:

a. The majority floor leader of the state senate.

b. The minority floor leader of the state senate.

c. The majority floor leader of the state house of representatives.

d. The minority floor leader of the state house of representatives.

5. *"Partisan public office"* means:

a. An elective or appointive office in the executive or legislative branch or in an independent establishment of the federal government.

b. An elective office in the executive or legislative branch of the government of this state, or an office which is filled by appointment and is exempt from the merit system under section 8A.412.

c. An office of a county, city or other political subdivision of this state which is filled by an election process involving nomination and election of candidates on a partisan basis.

6. *"Plan"* means a plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this chapter.

7. *"Political party office"* means an elective office in the national or state organization of a political party, as defined by section 43.2.

8. *"Relative"* means an individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

[C81, §42.1]

2003 Acts, ch 145, §151

42.2 Preparations for redistricting.

1. The legislative services agency shall acquire appropriate information, review and evaluate available facilities, and develop programs and procedures in preparation for drawing congressional and legislative redistricting plans on the basis of each federal census.

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Funds shall be expended for the purchase or lease of equipment and materials only with prior approval of the legislative council.

2. By December 31 of each year ending in zero, the legislative services agency shall obtain from the United States bureau of the census information regarding geographic and political units in this state for which federal census population data has been gathered and will be tabulated. The legislative services agency shall use the data so obtained to:

a. Prepare necessary descriptions of geographic and political units for which census data will be reported, and which are suitable for use as components of legislative districts.

b. Prepare maps of counties, cities and other geographic units within the state, which may be used to illustrate the locations of legislative district boundaries proposed in plans drawn in accordance with section 42.4.

3. As soon as possible after January 1 of each year ending in one, the legislative services agency shall obtain from the United States bureau of the census the population data needed for legislative districting which the census bureau is required to provide this state under United States Pub. L. No. 94-171, and shall use that data to assign a population figure based upon certified federal census data to each geographic or political unit described pursuant to subsection 2, paragraph "*a*". Upon completing that task, the legislative services agency shall begin the preparation of congressional and legislative districting plans as required by section 42.3.

4. Upon each delivery by the legislative services agency to the general assembly of a bill embodying a plan, pursuant to section 42.3, the legislative services agency shall at the earliest feasible time make available to the public the following information:

a. Copies of the bill delivered by the legislative services agency to the general assembly.

b. Maps illustrating the plan.

c. A summary of the standards prescribed by section 42.4 for development of the plan.

d. A statement of the population of each district included in the plan, and the relative deviation of each district population from the ideal district population.

[C81, §42.2]

2003 Acts, ch 35, §44, 49; 2006 Acts, ch 1010, §33; 2007 Acts, ch 78, §1

42.3 Timetable for preparation of plan.

1. *a.* Not later than April 1 of each year ending in one, the legislative services agency shall deliver to the secretary of the senate and the chief clerk of the house of representatives identical bills embodying a plan of legislative and congressional districting prepared in accordance with section 42.4. It is the intent of this chapter that the general assembly shall bring the bill to a vote in either the senate or the house of representatives expeditiously, but not less than three days after the report of the commission required by section 42.6 is received and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the legislative services agency under this subsection fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall at once, but in no event later than seven days after the date the bill failed to be approved, transmit to the legislative services agency information which the senate or house may direct by resolution regarding reasons why the plan was not approved.

b. However, if the population data for legislative districting which the United States census bureau is required to provide this state under Pub. L. No. 94-171 and, if used by the legislative services agency, the corresponding topologically integrated geographic encoding and referencing data file for that population data are not available to the legislative services agency on or before February 15 of the year ending in one, the dates set forth in paragraph "*a*" shall be extended by a number of days equal to the number of days after February 15 of the year ending in one that the federal census population data and the topologically integrated geographic encoding and referencing data file for legislative districting become available.

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2. If the bill embodying the plan submitted by the legislative services agency under subsection 1 fails to be enacted, the legislative services agency shall prepare a bill embodying a second plan of legislative and congressional districting. The bill shall be prepared in accordance with section 42.4, and, insofar as it is possible to do so within the requirements of section 42.4, with the reasons cited by the senate or house of representatives by resolution, or the governor by veto message, for the failure to approve the plan. If a second plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than thirty-five days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 1, or the date the governor vetoes or fails to approve the bill. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote not less than seven days after the bill is submitted and made available to the members of the general assembly, under a procedure or rule permitting no amendments except those of a purely corrective nature. It is further the intent of this chapter that if the bill is approved by the first house in which it is considered, it shall expeditiously be brought to a vote in the second house under a similar procedure or rule. If the bill embodying the plan submitted by the legislative services agency under this subsection fails to be approved by a constitutional majority in either the senate or the house of representatives, the secretary of the senate or the chief clerk of the house, as the case may be, shall transmit to the legislative services agency in the same manner as described in subsection 1, information which the senate or house may direct by resolution regarding reasons why the plan was not approved.

3. If the bill embodying the plan submitted by the legislative services agency under subsection 2 fails to be enacted, the same procedure as prescribed by subsection 2 shall be followed. If a third plan is required under this subsection, the bill embodying it shall be delivered to the secretary of the senate and the chief clerk of the house of representatives not later than thirty-five days after the date of the vote by which the senate or the house of representatives fails to approve the bill submitted under subsection 2, or the date the governor vetoes or fails to approve the bill. The legislative services agency shall submit a bill under this subsection sufficiently in advance of September 1 of the year ending in one to permit the general assembly to consider the plan prior to that date. If it is necessary to submit a bill under this subsection, the bill shall be brought to a vote within the same time period after its delivery to the secretary of the senate and the chief clerk of the house of representatives as is prescribed for the bill submitted under subsection 2, but shall be subject to amendment in the same manner as other bills.

[C81, §42.3]

94 Acts, ch 1179, §1, 2; 2003 Acts, ch 35, §44, 49; 2006 Acts, ch 1010, §34; 2007 Acts, ch 78, §2 – 5; 2009 Acts, ch 133, §11, 12

Referred to in §42.2, 42.6

42.4 Redistricting standards.

1. Legislative and congressional districts shall be established on the basis of population.

a. Senatorial and representative districts, respectively, shall each have a population as nearly equal as practicable to the ideal population for such districts, determined by dividing the number of districts to be established into the population of the state reported in the federal decennial census. Senatorial districts and representative districts shall not vary in population from the respective ideal district populations except as necessary to comply with one of the other standards enumerated in this section. In no case shall the quotient, obtained by dividing the total of the absolute values of the deviations of all district populations from the applicable ideal district population by the number of districts established, exceed one percent of the applicable ideal district population. No senatorial district shall have a population which exceeds that of any other senatorial district by more than five percent, and no representative district shall have a population which exceeds that of any other representative district by more than five percent.

b. Congressional districts shall each have a population as nearly equal as practicable to the ideal district population, derived as prescribed in paragraph *"a"* of this subsection. No congressional district shall have a population which varies by more than one percent from

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the applicable ideal district population, except as necessary to comply with Article III, section 37 of the Constitution of the State of Iowa.

c. If a challenge is filed with the supreme court alleging excessive population variance among districts established in a plan adopted by the general assembly, the general assembly has the burden of justifying any variance in excess of one percent between the population of a district and the applicable ideal district population.

2. To the extent consistent with subsection 1, district boundaries shall coincide with the boundaries of political subdivisions of the state. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous, but this statement does not apply to a legislative district boundary drawn along a county line which passes through a city that lies in more than one county.

3. Districts shall be composed of convenient contiguous territory. Areas which meet only at the points of adjoining corners are not contiguous.

4. Districts shall be reasonably compact in form, to the extent consistent with the standards established by subsections 1, 2, and 3. In general, reasonably compact districts are those which are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent permitted by natural or political boundaries. If it is necessary to compare the relative compactness of two or more districts, or of two or more alternative districting plans, the tests prescribed by paragraphs *"a"* and *"b"* shall be used.

a. Length-width compactness. The compactness of a district is greatest when the length of the district and the width of the district are equal. The measure of a district's compactness is the absolute value of the difference between the length and the width of the district. In general, the length-width compactness of a district is calculated by measuring the distance from the northernmost point or portion of the boundary of a district to the southernmost point or portion of the boundary of the same district and the distance from the westernmost point or portion of the boundary of the district to the easternmost point or portion of the boundary of the same district. The absolute values computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

b. Perimeter compactness. The compactness of a district is greatest when the distance needed to traverse the perimeter boundary of a district is as short as possible. The total perimeter distance computed for individual districts under this paragraph may be cumulated for all districts in a plan in order to compare the overall compactness of two or more alternative districting plans for the state, or for a portion of the state.

5. No district shall be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or for the purpose of augmenting or diluting the voting strength of a language or racial minority group. In establishing districts, no use shall be made of any of the following data:

a. Addresses of incumbent legislators or members of Congress.

b. Political affiliations of registered voters.

c. Previous election results.

d. Demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

6. In order to minimize electoral confusion and to facilitate communication within state legislative districts, each plan drawn under this section shall provide that each representative district is wholly included within a single senatorial district and that, so far as possible, each representative and each senatorial district shall be included within a single congressional district. However, the standards established by subsections 1 through 5 shall take precedence where a conflict arises between these standards and the requirement, so far as possible, of including a senatorial or representative district within a single congressional district.

7. Each bill embodying a plan drawn under this section shall provide that any vacancy in the general assembly which takes office in the year ending in one, occurring at a time which makes it necessary to fill the vacancy at a special election held pursuant to section 69.14, shall be filled from the same district which elected the senator or representative whose seat is vacant.

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8. Each bill embodying a plan drawn under this section shall include provisions for election of senators to the general assemblies which take office in the years ending in three and five, which shall be in conformity with Article III, section 6, of the Constitution of the State of Iowa. With respect to any plan drawn for consideration in a year ending in one, those provisions shall be substantially as follows:

a. Each senatorial district in the plan which is not a holdover senatorial district shall elect a senator in the year ending in two for a four-year term commencing in January of the year ending in three. If an incumbent senator who was elected to a four-year term which commenced in January of the year ending in one, or was subsequently elected to fill a vacancy in such a term, is residing in a senatorial district in the plan which is not a holdover senatorial district on the first Wednesday in February of the year ending in two, that senator's term of office shall be terminated on January 1 of the year ending in three.

b. Each holdover senatorial district in the plan shall elect a senator in the year ending in four for a four-year term commencing in January of the year ending in five.

(1) If one and only one incumbent state senator is residing in a holdover senatorial district in the plan on the first Wednesday in February of the year ending in two, and that senator meets all of the following requirements, the senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three:

(a) The senator was elected to a four-year term which commenced in January of the year ending in one or was subsequently elected to fill a vacancy in such a term.

(b) The senatorial district in the plan which includes the place of residence of the state senator on the date of the senator's last election to the senate is the same as the holdover senatorial district in which the senator resides on the first Wednesday in February of the year ending in two, or is contiguous to such holdover senatorial district. Areas which meet only at the points of adjoining corners are not contiguous.

(2) Each holdover senatorial district to which subparagraph (1) is not applicable shall elect a senator in the year ending in two for a two-year term commencing in January of the year ending in three. However, if more than one incumbent state senator is residing in a holdover senatorial district on the first Wednesday in February of the year ending in two, and, on or before the third Wednesday in February of the year ending in two, all but one of the incumbent senators resigns from office effective no later than January of the year ending in three, the remaining incumbent senator shall represent the district in the senate for the general assembly commencing in January of the year ending in three. A copy of each resignation must be filed in the office of the secretary of state no later than 5:00 p.m. on the third Wednesday in February of the year ending in two.

c. For purposes of this subsection:

(1) *"Holdover senatorial district"* means a senatorial district in the plan which is numbered with an even or odd number in the same manner as senatorial districts, which were required to elect a senator in the year ending in zero, were numbered.

(2) *"Incumbent state senator"* means a state senator who holds the office of state senator on the first Wednesday in February of the year ending in two, and whose declared residence on that day is within the district from which the senator was last elected.

d. The secretary of state shall prescribe a form to be completed by all senators to declare their residences as of the first Wednesday in February of the year ending in two. The form shall be filed with the secretary of state no later than 5:00 p.m. on the first Wednesday in February of the year ending in two.

[C81, §42.4]

90 Acts, ch 1244, §1; 94 Acts, ch 1042, §1; 94 Acts, ch 1179, §3; 2006 Acts, ch 1010, §35, 36; 2007 Acts, ch 78, §6, 7; 2008 Acts, ch 1032, §8; 2012 Acts, ch 1021, §36, 141, 143

Referred to in §42.2, 42.3, 42.6, 68B.32A, 331.209, 331.210A

42.5 Temporary redistricting advisory commission.

1. Not later than February 15 of each year ending in one, a five member temporary redistricting advisory commission shall be established as provided by this section. The commission's only functions shall be those prescribed by section 42.6.

a. Each of the four selecting authorities shall certify to the chief election officer the

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authority's appointment of a person to serve on the commission. The certifications may be made at any time after the majority and minority floor leaders have been selected for the general assembly which takes office in the year ending in one, even though that general assembly's term of office has not actually begun.

b. Within thirty days after the four selecting authorities have certified their respective appointments to the commission, but in no event later than February 15 of the year ending in one, the four commission members so appointed shall select, by a vote of at least three members, and certify to the chief election officer the fifth commission member, who shall serve as chairperson.

c. A vacancy on the commission shall be filled by the initial selecting authority within fifteen days after the vacancy occurs.

d. Members of the commission shall receive a per diem as specified in section 7E.6, travel expenses at the rate provided by section 70A.9, and reimbursement for other necessary expenses incurred in performing their duties under this section and section 42.6. The per diem and expenses shall be paid from funds appropriated by section 2.12.

2. No person shall be appointed to the commission who:

a. Is not an eligible elector of the state at the time of selection.

b. Holds partisan public office or political party office.

c. Is a relative of or is employed by a member of the general assembly or of the United States Congress, or is employed directly by the general assembly or by the United States Congress.

[C81, §42.5]

90 Acts, ch 1256, §23

42.6 Duties of commission.

The functions of the commission shall be as follows:

1. If, in preparation of plans as required by this chapter, the legislative services agency is confronted with the necessity to make any decision for which no clearly applicable guideline is provided by section 42.4, the legislative services agency may submit a written request for direction to the commission.

2. Prior to delivering any plan and the bill embodying that plan to the secretary of the senate and the chief clerk of the house of representatives in accordance with section 42.3, the legislative services agency shall provide to persons outside the legislative services agency staff only such information regarding the plan as may be required by policies agreed upon by the commission. This subsection does not apply to population data furnished to the legislative services agency by the United States bureau of the census.

3. Upon the delivery by the legislative services agency to the general assembly of a bill embodying an initial plan, as required by section 42.3, subsection 1, the commission shall:

a. As expeditiously as reasonably possible, schedule and conduct at least three public hearings, in different geographic regions of the state, on the plan embodied in the bill delivered by the legislative services agency to the general assembly.

b. Following the hearings, promptly prepare and submit to the secretary of the senate and the chief clerk of the house a report summarizing information and testimony received by the commission in the course of the hearings. The commission's report shall include any comments and conclusions which its members deem appropriate on the information and testimony received at the hearings, or otherwise presented to the commission. The report shall be submitted no later than fourteen days after the date the bill embodying an initial plan of congressional and legislative redistricting is delivered to the general assembly.

[C81, §42.6]

2003 Acts, ch 35, §44, 49; 2007 Acts, ch 78, §8, 9

Referred to in §42.3, 42.5

42.7 Repealed by 80 Acts, ch 1021, §7.

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CHAPTER 43

PARTISAN NOMINATIONS — PRIMARY ELECTION

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.4, 39A.6, 44.1, 47.1, 48A.5, 50.1A, 52.28, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

See also definitions in §39.3
Criminal offenses, see chapter 39A

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43.1 Primary election construed.

The primary election required by this chapter shall be construed to be an election by the members of various political parties for the purpose of placing in nomination candidates for public office.

[S13, §1087-a2; C24, 27, 31, 35, 39, §**527;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.1]

43.2 Definitions.

1. As used in this chapter, unless the context otherwise requires:

a. "Book", *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

b. "Political party" shall mean a party which, at the last three preceding general elections, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at those elections. It shall be the responsibility of the state commissioner to determine whether any organization claiming to be a political party qualifies as such under this paragraph.

2. A political organization which is not a "political party" within the meaning of subsection 1, paragraph *"b"*, may nominate candidates and have the names of such candidates placed upon the official ballot by proceeding under chapters 44 and 45.

[S13, §1087-a3; C24, 27, 31, 35, 39, §**528;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.2]

2000 Acts, ch 1148, §1; 2017 Acts, ch 29, §28; 2018 Acts, ch 1041, §10; 2023 Acts, ch 66, §10; 2025 Acts, ch 123, §27

Referred to in §39.28, 42.1, 44.18, 48A.11, 48A.24, 49.58, 50.50, 53.2, 53.23, 53.33, 68A.102, 99B.1, 421.1A

43.3 Offices affected by primary.

Candidates of all political parties for all offices which are filled at a regular biennial election by direct vote of the people shall be nominated at a primary election at the time and in the manner directed in this chapter.

[S13, §1087-a1; C24, 27, 31, 35, 39, §**529;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.3]

2021 Acts, ch 80, §20

43.4 Political party precinct caucuses.

1. Delegates to county conventions of political parties and party committee members shall be elected at precinct caucuses held not later than the fourth Monday in February of each even-numbered year. The date shall be at least eight days earlier than the scheduled date for any meeting, caucus, or primary which constitutes the first determining stage of the presidential nominating process in any other state, territory, or any other group which has the authority to select delegates in the presidential nomination. The state central committees

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of the political parties shall set the date for their caucuses. The county chairperson of each political party shall issue the call for the caucuses. The county chairperson shall file with the commissioner the meeting place of each precinct caucus at least seven days prior to the date of holding the caucus.

2. There shall be selected among those present at a precinct caucus a chairperson and a secretary who shall within seven days certify to the county central committee the names of those elected as party committee members and delegates to the county convention.

3. When the rules of a political party require the selection and reporting of delegates selected as part of the presidential nominating process, or the rules of a political party require the tabulation and reporting of the number of persons attending the caucus favoring each presidential candidate, it is the duty of a person designated as provided by the rules of that political party to report the results of the precinct caucus as directed by the state central committee of that political party. When the person designated to report the results of the precinct caucus reports the results, representatives of each candidate, if they so choose, may accompany the person as the results are being reported to assure that an accurate report of the proceedings is reported. If ballots are used at the precinct caucus, representatives of each candidate or other persons attending the precinct caucus may observe the tabulation of the results of the balloting. If the state central committee of a political party chooses to select its delegates as a part of the presidential nominating process at political party precinct caucuses on the date provided in subsection 1, the precinct caucuses shall take place in person among the participants physically present at the location of each precinct caucus.

4. Within sixty days after the date of the caucus the county central committee shall certify to the county commissioner the names of those elected as party committee members and delegates to the county convention. The commissioner shall retain precinct caucus records for twenty-two months. In addition, within fourteen days after the date of the precinct caucus, the chairperson of the county central committee shall deliver to the county commissioner all completed voter registration forms received at the caucus.

5. The central committee of each political party shall notify the delegates and committee members so elected and certified of their election and of the time and place of holding the county convention. Such conventions shall be held either preceding or following the primary election but no later than ten days following the primary election and shall be held on the same day throughout the state.

[S13, §1087-a1; C24, 27, 31, 35, 39, §**530;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.4]

83 Acts, ch 138, §1; 88 Acts, ch 1001, §1; 89 Acts, ch 136, §2; 2009 Acts, ch 57, §4; 2010 Acts, ch 1033, §1; 2016 Acts, ch 1011, §121; 2023 Acts, ch 165, §2

Referred to in §39A.4, 43.90
Failure to report, criminal penalty, §39A.4

43.5 Applicable statutes.

The provisions of chapters 39, 39A, 47, 48A, 49, 50, 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far as applicable, to all primary elections, except as otherwise provided in this chapter.

[S13, §1087-a1; C24, 27, 31, 35, 39, §**531;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.5]

94 Acts, ch 1169, §44; 2009 Acts, ch 57, §5; 2010 Acts, ch 1060, §2; 2018 Acts, ch 1026, §19

43.6 Nomination of United States senators, state and county officers.

Candidates for the office of senator in the Congress of the United States, the offices listed in section 39.9, county supervisor, and the offices listed in section 39.17 shall be nominated in the year preceding the expiration of the term of office of the incumbent.

1. When a vacancy occurs in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general and section 69.13 requires that the vacancy be filled for the balance of the unexpired term at a general election, candidates for the office shall be nominated in the preceding primary election if the vacancy occurs eighty-nine or more days before the date of that primary election. If the vacancy occurs less than one hundred four days before the date of that primary election, the state commissioner shall accept nomination papers for that office

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only until 5:00 p.m. on the seventy-fourth day before the primary election, the provisions of section 43.11 notwithstanding. If the vacancy occurs later than eighty-nine days before the date of that primary election, but not less than eighty-one days before the date of the general election, the nominations shall be made in the manner prescribed by this chapter for filling vacancies in nominations for offices to be voted for at the general election.

2. When a vacancy occurs in the office of county supervisor or any of the offices listed in section 39.17 and more than seventy days remain in the term of office following the next general election, the office shall be filled for the balance of the unexpired term at that general election unless the vacancy has been filled by a special election called more than seventy-three days before the primary election. If the vacancy occurs more than seventy-three days before the primary election, political party candidates for that office at the next general election shall be nominated at the primary election. If an appointment to fill the vacancy in office is made in accordance with section 69.14A, subsection 1, paragraph *"a"*, eighty-eight or more days before the primary election and a petition requesting a special election has not been received within fourteen days after the appointment is made, candidates for the office shall be nominated at the primary election.

[R60, §674; C73, §26; C97, §30; S13, §1087-c; C24, 27, 31, 35, 39, §**532;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.6]

89 Acts, ch 136, §3; 94 Acts, ch 1180, §2; 97 Acts, ch 170, §2; 2007 Acts, ch 59, §2, 19; 2017 Acts, ch 110, §65; 2025 Acts, ch 15, §4, 9

Vacancies filled, §69.8(1, 2, 3, 4)

43.7 Time of holding.

The primary election by all political parties shall be held at the usual voting places of the several precincts on the first Tuesday after the first Monday in June in each even-numbered year.

[S13, §1087-a4; C24, 27, 31, 35, 39, §**533;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.7]

43.8 State commissioner to furnish blanks.

The state commissioner shall, at state expense, furnish blank nomination papers, in the form provided in this chapter, to any eligible elector who desires to petition for the nomination of any candidate, or to any person who intends to be a candidate, for any office for which nomination papers are required to be filed in the state commissioner's office.

[S13, §1087-a11; C24, 27, 31, 35, 39, §**534;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.8; 81 Acts, ch 34, §1]

Referred to in §43.9

43.9 Commissioner to furnish blanks.

The commissioner shall, at county expense, perform the duty specified in section 43.8, as to all offices for which nomination papers are required to be filed in the commissioner's office.

[S13, §1087-a11; C24, 27, 31, 35, 39, §**535;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.9]

43.10 Blanks furnished by others.

Blank nomination papers which are in form substantially as provided by this chapter may be used even though not furnished by the state commissioner or commissioner.

[C24, 27, 31, 35, 39, §**536;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.10]

43.11 Filing of nomination papers.

Nomination papers in behalf of a candidate shall be filed:

1. For an elective county office, in the office of the county commissioner not earlier than ninety-two days nor later than 5:00 p.m. on the seventy-fourth day before the day fixed for holding the primary election.

2. For United States senator, for an elective state office, for representative in Congress, and for member of the general assembly, in the office of the state commissioner not earlier

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than ninety-nine days nor later than 5:00 p.m. on the eighty-first day before the day fixed for holding the primary election.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**537;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.11]

88 Acts, ch 1119, §2; 89 Acts, ch 136, §4; 2021 Acts, ch 147, §6, 54

Referred to in §43.6, 43.13, 43.77

43.12 Noting time of filing.

The officer receiving nomination papers for filing shall endorse thereon the day, and time of day, of filing.

[C24, 27, 31, 35, 39, §**538;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.12]

43.13 Failure to file nomination papers.

The name of a candidate for any office named in section 43.11 shall not be printed on the official primary ballot of the candidate's party unless nomination papers are filed as provided in section 43.11 except as otherwise permitted by section 43.23.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**539;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.13]

2021 Acts, ch 80, §21

43.14 Form of nomination papers.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and in substantially the form prescribed by the state commissioner of elections. They shall include or provide spaces for the following information:

a. A statement identifying the signers of the petition as eligible electors of the appropriate county or legislative district and of the state.

b. The name of the candidate nominated by the petition.

c. For nomination petitions for candidates for the general assembly, a statement that the residence of the candidate is within the appropriate legislative district, or if that is not true, that the candidate will reside there within sixty days before the election. For other offices, a statement of the name of the county where the candidate resides.

d. The political party with which the candidate is a registered voter.

e. The office sought by the candidate, including the district number, if any.

f. The date of the primary election for which the candidate is nominated.

2. *a.* Signatures on a petition page shall be counted only if the information required in subsection 1 is written or printed at the top of the page.

b. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside.

c. A signature line shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the boundaries of the district.

d. A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

3. The person examining the petition shall mark any deficiencies on the petition and affidavit. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination petition shall be rejected and shall be returned to the candidate.

4. The nomination papers shall be rejected if the affidavit lacks any of the following:

a. The candidate's name.

b. The name of the office sought, including the district, if any.

c. The political party name.

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d. The signature of the candidate.

e. The signature of a notary public under chapter 9B or other officer empowered to witness oaths.

f. Any other information required by section 43.18.

5. The candidate may replace a deficient affidavit with a corrected affidavit only if the replacement affidavit is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**540;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.14]

91 Acts, ch 129, §1; 94 Acts, ch 1180, §3; 2002 Acts, ch 1134, §5, 115; 2007 Acts, ch 59, §3, 19; 2012 Acts, ch 1050, §34, 60; 2019 Acts, ch 148, §10 – 12, 33; 2020 Acts, ch 1098, §1

Referred to in §43.24
Similar provision, see §45.5
Oaths, see chapter 63A

43.15 Requirements in signing.

The following requirements shall be observed in the signing and preparation of nomination blanks:

1. A signer may sign nomination papers for more than one candidate for the same office, and the signature is not invalid solely because the signer signed nomination papers for one or more other candidates for the office.

2. Each signer shall add the signer's residential address, with street and number, if any, and the date of signing.

3. All signers, for all nominations, of each separate part of a nomination paper, shall reside in the same county, representative or senatorial district for members of the general assembly. In counties where the supervisors are elected from districts, signers of nomination petitions for supervisor candidates shall reside in the supervisor district the candidate seeks to represent.

4. When more than one sheet is used, the sheets shall be neatly arranged and securely fastened together before filing, and shall be considered one nomination petition.

5. Only one candidate shall be petitioned for or nominated in the same nomination paper.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**541;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.15]

89 Acts, ch 136, §5, 6; 2002 Acts, ch 1134, §6, 115; 2019 Acts, ch 148, §13, 33

43.16 Filed nomination papers — returns and additions not allowed — withdrawal.

1. After a nomination paper has been filed, it shall not be returned to the person who has filed the paper, nor shall any signature or other information be added to the nomination paper.

2. *a.* A person who has filed nomination petitions with the state commissioner may withdraw as a candidate not later than the seventy-sixth day before the primary election by notifying the state commissioner in writing.

b. A person who has filed nomination papers with the commissioner may withdraw as a candidate not later than the sixty-ninth day before the primary election by notifying the commissioner in writing.

3. The name of a candidate who has withdrawn or died on or before the final day to withdraw as a candidate for that office shall be omitted from the certificate furnished by the state commissioner under section 43.22 and omitted from the primary election ballot.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**542;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.16]

86 Acts, ch 1224, §1; 89 Acts, ch 136, §7; 2015 Acts, ch 30, §31; 2021 Acts, ch 147, §7, 54

Withdrawal of nominated candidates, §43.76

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43.17 Preclusion of partisan nomination.

A person shall not file nomination papers under this chapter on behalf of a candidate if nomination papers have been filed pursuant to section 44.4 on behalf of the candidate for the same office and election year.

2021 Acts, ch 12, §12, 73

43.18 Affidavit of candidacy.

Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be in the form prescribed by the secretary of state and shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.
4. The political party with which the candidate is registered to vote.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is nominated and elected the candidate will qualify by taking the oath of office.
7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 68A.102, subsection 5. This subsection shall not apply to candidates for federal office.
8. A statement that the candidate is aware of the prohibition in section 43.20 against being a candidate for more than one office appearing on the primary election ballot.
9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States. This subsection does not apply to candidates for federal office. The state commissioner shall prescribe a separate affidavit of candidacy for candidates for federal office.
10. A statement that the candidate is aware that by filing this affidavit, the candidate is ineligible to appear on the same ballot for the same office other than as a candidate for the political party indicated on the affidavit.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**544;** C46, 50, 54, 58, 62, 66, 71, 73, §43.18; C75, §43.18, 56.5(4); C77, 79, 81, §43.18; 81 Acts, ch 35, §16]

90 Acts, ch 1238, §2; 91 Acts, ch 129, §2, 3; 94 Acts, ch 1023, §77; 94 Acts, ch 1180, §4; 98 Acts, ch 1052, §1; 2025 Acts, ch 123, §3, 35

Referred to in §43.14, 43.19, 43.24, 420.130

43.19 Manner of filing affidavit.

The affidavit provided in section 43.18 shall be filed with the nomination papers when such papers are required; otherwise alone.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**545;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.19]

43.20 Signatures required — more than one office prohibited.

1. Nomination papers shall be signed by eligible electors as provided in section 45.1.
2. No candidate for public office shall cause nomination papers to remain filed in the office of the state commissioner or the commissioner on the last day for filing nomination papers, for more than one office to be filled at the primary election.
3. Any candidate for public office, to be voted for at a primary election, who has filed nomination papers for more than one office shall, not later than the final date for filing, notify the state commissioner or the commissioner by affidavit, for which office the person elects to be a candidate, which in no case shall be more than one. In the event no such election is made by such date by the candidate, the state commissioner shall not certify the person's

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name to be placed on the ballot for any office nor shall the commissioner place the person's name on the ballot in any county.

[S13, §1087-a10; C24, 27, 31, 35, 39, §**546;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.20]

88 Acts, ch 1119, §3, 4; 2018 Acts, ch 1026, §20; 2019 Acts, ch 59, §20; 2021 Acts, ch 12, §13, 14, 73, 74; 2022 Acts, ch 1004, §1, 4

Referred to in §43.18

43.21 Township office. Repealed by 2005 Acts, ch 152, §10.

43.22 Nominations certified.

The state commissioner shall, at least sixty-nine days before a primary election, or as soon as practicable if an objection under section 43.24 is pending, furnish to the commissioner of each county a certificate under the state commissioner's hand and seal, which certificate shall show:

1. The name and post office address of each person for whom a nomination paper has been filed in the state commissioner's office, and for whom the voters of said county have the right to vote at said election.
2. The office for which such person is a candidate.
3. The political party from which such person seeks a nomination.

[S13, §1087-a12; C24, 27, 31, 35, 39, §**548;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.22]

89 Acts, ch 136, §9; 2019 Acts, ch 148, §14, 33

Referred to in §43.16, 43.23

43.23 Death or withdrawal of primary candidate.

1. If a person who has filed nomination papers with the state commissioner as a candidate in a primary election dies or withdraws up to the seventy-sixth day before the primary election, the appropriate convention or central committee of that person's political party may designate one primary election candidate for the nomination that person was seeking, if the designation is submitted to the state commissioner in writing by 5:00 p.m. on the seventy-first day before the date of the primary election and no other person has filed as a candidate for the nomination in that election. The name of any candidate so submitted shall be included in the appropriate certificate or certificates furnished by the state commissioner under section 43.22.

2. If a person who has filed nomination papers with the commissioner as a candidate in a primary election dies or withdraws up to the sixty-ninth day before the primary election, the appropriate convention or central committee of that person's political party may designate one primary election candidate for the nomination that person was seeking, if the designation is submitted to the commissioner in writing by 5:00 p.m. on the sixty-fourth day before the primary election. The name of any candidate so submitted shall be placed on the appropriate ballot or ballots by the commissioner.

[C66, 71, 73, 75, §43.59(1); C77, 79, 81, §43.23]

86 Acts, ch 1224, §2; 89 Acts, ch 136, §10; 2021 Acts, ch 147, §8, 54

Referred to in §43.13, 43.24

43.24 Objections to nomination petitions or certificates of nomination.

1. *Written objections required.* Nomination petitions or certificates of nomination filed under this chapter which are apparently in conformity with the law are valid unless objection is made in writing.

a. Objections to the legal sufficiency of a nomination petition or certificate of nomination filed or issued under this chapter or to the eligibility of a candidate may be filed in writing by any person who would have the right to vote for the candidate for the office in question. Objections relating to incorrect or incomplete information for information that is required under section 43.14 or 43.18 shall be sustained.

b. Objections shall be filed with the officer with whom the nomination petition or certificate of nomination was filed, and within the following time:

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(1) Those filed with the state commissioner, not less than seventy-four days before the date of the election, or for certificates of nomination filed under section 43.23, not less than seventy days before the date of the election.

(2) Those filed with the commissioner, not less than sixty-seven days before the date of the election, or for certificates of nomination filed under section 43.23, not less than sixty-three days before the date of the election.

(3) Objections to nominations to fill vacancies at a special election held under section 69.14, under which the forty-day notice of election provision applies, shall be filed with the state commissioner not less than fifteen days prior to the date set for the special election. If the forty-day notice provision does not apply, objections to nominations to fill vacancies at a special election held under section 69.14 may be filed any time prior to the date set for the special election.

(4) Those filed with the city clerk under this chapter, at least thirty-six days before the city primary election.

2. *Notice of objections.*

a. When objections have been filed, notice shall be mailed within seventy-two hours by certified mail to the candidate affected, addressed to the candidate's place of residence as stated in the candidate's affidavit of candidacy or in the certificate of nomination, stating that objections have been made, the nature of the objections, and the time and place the objections will be considered.

b. If an objection is filed to a nomination to fill a vacancy at a special election held under section 69.14, under which the forty-day notice of election provision of section 69.14 does not apply, notice of the objection shall be made to the candidate by the state commissioner as soon as practicable. Under this paragraph, failure to notify a candidate of an objection to the candidate's nomination prior to the date set for the special election does not invalidate the hearing conducted under subsection 3. The hearing to an objection shall proceed as quickly as possible to expedite the special election.

3. *Hearing.*

a. Objections filed with the state commissioner shall be considered by the secretary of state, auditor of state, and attorney general. However, if the objection is to the nomination petition, certificate of nomination, or eligibility of one or more of those officers, those officers shall be replaced, respectively, by the treasurer of state, secretary of agriculture, and lieutenant governor for the hearing.

b. Objections filed with the commissioner shall be considered by three elected county officers whose eligibility is not in question. The chairperson of the board of supervisors shall appoint the three elected officers unless the chairperson is ineligible, in which case, the appointments shall be made by the county auditor. In either case, a majority vote shall decide the issue.

c. Objections filed with the city clerk shall be considered by the mayor and clerk and one member of the council chosen by the council by ballot, and a majority decision shall be final; but if the objection is to the certificate of nomination of either of those city officials, that official shall not pass upon said objection, but that official's place shall be filled by a member of the council against whom no objection exists, chosen as above.

84 Acts, ch 1291, §1; 86 Acts, ch 1155, §1; 89 Acts, ch 136, §11; 2002 Acts, ch 1134, §7, 115; 2008 Acts, ch 1032, §201; 2019 Acts, ch 148, §15, 33; 2021 Acts, ch 147, §9, 10, 54

Referred to in §43.22, 43.115

43.25 Correction of errors.

The commissioner shall correct any errors or omissions in the names of candidates and any other errors brought to the commissioner's knowledge before the printing of the ballots.

[S13, §1087-a12; C24, 27, 31, 35, 39, §**552;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.25]

43.26 Ballot — form. Repealed by 2009 Acts, ch 57, §96. See §43.31.

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43.27 Printing of ballots.

The text printed on ballots of each political party shall be in black ink, on separate sheets of paper, uniform in quality, texture, and size, with the name of the political party printed at the head of the ballots, which ballots shall be prepared by the commissioner in the same manner as for the general election, except as provided in this chapter. The commissioner may print the ballots for each political party using a different color for each party. If colored paper is used, all of the ballots for each separate party shall be uniform in color.

[S13, §1087-a13; C24, 27, 31, 35, 39, §**554;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.27]

2002 Acts, ch 1134, §8, 115; 2016 Acts, ch 1121, §3; 2017 Acts, ch 54, §16

Referred to in §43.31

43.28 Names of candidates — arrangement.

The names of all candidates for offices shall be arranged and printed upon the primary election ballots under the direction of the commissioner. If there are more candidates for nomination by a political party to an office than the number of persons to be elected to that office at the general election, the names of the candidates of that party for that nomination shall be rotated on the primary election ballot by the commissioner in the manner prescribed by section 49.31.

[S13, §1087-a13; C24, 27, 31, 35, 39, §**556, 557;** C46, 50, §43.28, 43.29; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.28]

Referred to in §43.31

43.29 Form of name on ballot.

The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

89 Acts, ch 136, §12

Referred to in §43.31

43.30 Sample ballots.

1. The commissioner shall prepare sample ballots for each political party. The sample ballots shall be clearly marked as sample ballots and shall be delivered to the precinct election officials for posting in the polling place pursuant to section 49.71, subsection 2.

2. The commissioner shall make sample ballots available to the public upon request. The sample ballots shall be clearly marked as sample ballots. A reasonable fee may be charged for printing costs if a person requests multiple copies of sample ballots. The commissioner shall not distribute sample ballots except as provided in this subsection.

[S13, §1087-a15; C24, 27, 31, 35, 39, §**558;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.30]

89 Acts, ch 136, §13; 2010 Acts, ch 1033, §2, 56; 2019 Acts, ch 148, §34

Referred to in §43.31, 49.49

43.31 Form of official ballot — implementation by rule.

The state commissioner shall adopt rules in accordance with chapter 17A to implement sections 43.27 through 43.30, section 43.36, sections 49.30 through 49.33, sections 49.36 through 49.41, section 49.57, and any other provision of the law prescribing the form of the official ballot.

2009 Acts, ch 57, §6; 2010 Acts, ch 1061, §7

43.32 through 43.35 Reserved.

43.36 Australian ballot.

The Australian ballot system as now used in this state, except as herein modified, shall be used at said primary election. The endorsement of the precinct election officials and the

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facsimile or likeness of the county seal shall appear upon the ballots as provided for general elections.

[S13, §1087-a6; C24, 27, 31, 35, 39, §**564;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.36]

2019 Acts, ch 148, §35; 2021 Acts, ch 147, §11, 54

Referred to in §43.31
Australian ballot system, chapter 49
Endorsement by precinct election officials, §49.82
Facsimile or likeness of county seal, §49.57

43.37 Number of votes permitted per office.

The elector shall be permitted to vote for no more candidates for any office than there are persons to be elected to the office. If an elector votes for more persons for any office than the number permitted, the elector's ballot shall not be counted for that office.

88 Acts, ch 1119, §6

43.38 Voter confined to party ticket.

The elector shall be allowed to vote for candidates for nomination on the ballot of the party with which the elector is registered as affiliated, and shall receive no other ballot. The voter shall mark and return the ballot in the manner provided in section 49.84.

[S13, §1087-a6; C24, 27, 31, 35, 39, §**566;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.38]

2010 Acts, ch 1033, §3, 56

43.39 Ballot for another party's candidate.

If any primary elector writes upon the elector's ticket the name of any person who is a candidate for the same office upon some other party ticket than that upon which the candidate's name shall be so written, such ballot shall be so counted for such person only as a candidate of the party upon whose ballot the candidate's name is written, and shall in no case be counted for such person as a candidate upon any other ticket.

[S13, §1087-a6; C24, 27, 31, 35, 39, §**567;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.39]

2010 Acts, ch 1033, §4, 56

43.40 Reserved.

43.41 Change or declaration of party affiliation before primary.

Any registered voter who desires to change or declare a political party affiliation may, before the close of registration for the primary election, file a written declaration stating the change of party affiliation with the county commissioner of registration who shall enter a notation of such change on the registration records.

[S13, §1087-a8; C24, 27, 31, 35, 39, §**569;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.41]

94 Acts, ch 1169, §64

43.42 Change or declaration of party affiliation at polls.

1. Any registered voter may change or declare a party affiliation at the polls on election day and shall be entitled to vote at any primary election. Each voter doing so shall indicate the voter's change or declaration of party affiliation on the voter's declaration of eligibility affidavit.

2. Each change or declaration of a registered voter's party affiliation so received shall be reported by the precinct election officials to the county commissioner of registration who shall enter a notation of the change on the registration records.

[S13, §1087-a8, -a9; C24, 27, 31, 35, 39, §**570, 572;** C46, 50, 54, 58, 62, 66, 71, 73, §43.42; C75, §43.42, 43.44; C77, 79, 81, §43.42]

91 Acts, ch 129, §4; 92 Acts, ch 1163, §12; 94 Acts, ch 1169, §64; 2018 Acts, ch 1041, §127

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43.43 Voter's declaration of eligibility.

Each person voting at a primary election shall sign a declaration of eligibility which shall be in substantially the following form:

> I do solemnly swear or affirm that I am a resident of the ..... precinct, ... ward or township, city of ....., county of ....., Iowa.
>
> I am a registered voter. I have not voted and will not vote in any other precinct in this election.
>
> I am affiliated with the ..... party. If my current voter registration record indicates another party affiliation or no party affiliation, I swear or affirm that I have in good faith changed my previously declared party affiliation, or declared my party affiliation, and now desire to be a member of the party indicated above.
>
> .....
> Signature of voter
> .....
> Address
> (.....).....
> Telephone (optional)
>
> Approved:
> .....
> Election board member
>
> .....
> Date

91 Acts, ch 129, §5; 94 Acts, ch 1169, §64; 2010 Acts, ch 1033, §5

43.44 Reserved.

43.45 Canvass of votes.

1. Upon the closing of the polls the precinct election officials shall immediately publicly canvass the vote. The canvass shall be conducted using the procedures established in this section which are appropriate for the voting system used in the precinct.

2. In precincts where optical scan voting systems are used and ballots are counted in the precinct, precinct election officials shall do all of the following:

a. Close and secure the ballot reader to prevent the insertion of additional ballots.

b. Print the results for the precinct.

c. Open the ballot container. Secure all ballots counted by the vote-tabulating device. Sort the remaining ballots by party. Tally all write-in votes and any other ballots not yet counted. Record the results in the tally list.

d. Put all ballots in an envelope or other package and seal it. All members of the board shall sign their names across the seal of the envelope. The seal shall be placed so that the envelope or package cannot be opened without breaking the seal.

3. Notwithstanding any requirement to the contrary in subsection 1 and subsection 2, paragraph "*c*", the commissioner of a county using digital ballot counting technology may direct the precinct election officials to tally and record write-in votes at the precincts after the closing of the polls or may direct the precinct election officials to print the write-in report containing digital images of write-in votes for delivery to the special precinct board to tally and record the write-in votes on any day following election day and prior to the canvass by the board of supervisors under section 43.49. For the purposes of this subsection "*digital ballot*

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counting technology" is technology in which digital images of write-in votes are printed by the precinct election officials at the polling place after the close of voting.

[S13, §1087-a17; C24, 27, 31, 35, 39, §**573;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.45]

87 Acts, ch 221, §2; 89 Acts, ch 136, §14; 2002 Acts, ch 1134, §9, 115; 2003 Acts, ch 44, §21, 22; 2007 Acts, ch 190, §15, 16; 2009 Acts, ch 57, §7; 2010 Acts, ch 1033, §6, 56; 2015 Acts, ch 85, §1; 2015 Acts, ch 138, §13, 161, 162

43.46 Delivering returns.

The precinct election officials shall deliver all election supplies, by noon of the day after the close of the polls, to the commissioner who shall carefully preserve them and deliver the returns in the condition in which received except as is otherwise required by sections 50.20 through 50.22, to the county board of supervisors.

[S13, §1087-a17; C24, 27, 31, 35, 39, §**574;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.46]

2010 Acts, ch 1033, §7; 2021 Acts, ch 80, §22

Referred to in §43.47

43.47 Messenger sent for returns.

If the returns from any precinct are not delivered as provided in section 43.46, the commissioner shall forthwith send a messenger for the missing returns, and the messenger shall be paid as provided by section 50.47 for such services.

[S13, §1087-a17; C24, 27, 31, 35, 39, §**575;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.47]

43.48 Precinct counts publicly available.

The commissioner shall make available to the public the precinct counts produced by the voting equipment.

[S13, §1087-a17; C24, 27, 31, 35, 39, §**576;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.48]

89 Acts, ch 136, §15; 2002 Acts, ch 1134, §10, 115; 2007 Acts, ch 190, §17

43.49 Canvass by county board.

1. On the Tuesday following the primary election, the board of supervisors shall meet, open, and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating the following:

a. The number of ballots cast in the county in each precinct by each political party, separately, for each office.

b. The name of each person voted for and the number of votes given to each person for each different office.

c. The votes of all write-in candidates who each received less than five percent of the votes cast for an office reported collectively under the heading "scattering".

2. If the day designated by this section for the canvass is a public holiday, the provisions of section 4.1, subsection 34, shall apply.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**577;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.49]

90 Acts, ch 1238, §3; 95 Acts, ch 189, §1; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1033, §8, 9, 56; 2025 Acts, ch 122, §1

Referred to in §43.45, 43.50, 43.67, 50.48, 331.383

43.50 Signing and filing of abstract.

The members of the board shall sign and certify to the correctness of the abstracts made under section 43.49, and file the abstracts with the commissioner.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**578;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.50]

2023 Acts, ch 66, §11

Referred to in §331.383

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43.51 Finality of canvass.

Such canvass and certificate shall be final as to all candidates for nomination to any elective county office or office of a subdivision of a county.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**579;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.51]

Referred to in §331.383

43.52 Nominees for county office.

1. *a.* The nominee of each political party for any office to be filled by the voters of the entire county, or for the office of county supervisor elected from a district within the county, shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office, and that person shall appear as the party's candidate for the office on the general election ballot.

b. If no candidate receives thirty-five percent or more of the votes cast by voters of the candidate's party for the office sought, the primary is inconclusive and the nomination shall be made as provided by section 43.78, subsection 1, paragraphs *"d"* and *"e"*.

2. When two or more nominees are required, as in the case of at-large elections, the nominees shall likewise be the required number of persons who receive the greatest number of votes cast in the primary election by the voters of the nominating party, but no candidate is nominated who fails to receive thirty-five percent of the number of votes found by dividing the number of votes cast by voters of the candidate's party for the office in question by the number of persons to be elected to that office. If the primary is inconclusive under this subsection, the necessary number of nominations shall be made as provided by section 43.78, subsection 1, paragraphs *"d"* and *"e"*.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**580;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.52]

2017 Acts, ch 54, §76

Referred to in §43.53, 43.66, 43.67, 43.77

43.53 Nominees for subdivision office — write-in candidates.

The nominee of each political party for any office to be filled by the voters of any political subdivision within the county shall be the person receiving the highest number of votes cast in the primary election by the voters of that party for the office. That person shall appear as the party's candidate for the office on the general election ballot. A person whose name is not printed on the official primary ballot shall not be declared nominated as a candidate for such office in the general election unless that person receives at least five votes. Nomination of a candidate for the office of county supervisor elected from a district within the county shall be governed by section 43.52 and not by this section.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**581;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.53]

95 Acts, ch 189, §2; 2005 Acts, ch 152, §5

Referred to in §43.54, 43.77, 43.116

43.54 Right to place on ballot.

Each candidate nominated pursuant to section 43.53 is entitled to have the candidate's name printed on the official ballot to be voted for at the general election if the candidate files an affidavit in the form required by section 43.67 not later than 5:00 p.m. on the seventh day following the completion of the canvass.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**582;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.54]

89 Acts, ch 136, §16

43.55 Nominee certified.

The board of supervisors shall separately prepare and certify a list of the candidates of each party so nominated. It shall deliver to the chairperson of each party central committee for the county a copy of the list of candidates nominated by that party; and shall also certify and deliver to the chairperson a list of the offices to be filled by the voters of the county for which

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no candidate of that party was nominated, together with the names of all of the candidates for each of these offices who were voted for at the primary election and the number of votes received by each of such candidates.

[S13, §1087-a19; C24, 27, 31, 35, 39, §**583;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.55]

Referred to in §331.383

43.56 Primary election recount provisions.

Recounts of votes for primary elections shall be conducted following the procedure outlined in section 50.48. However, if a recount is requested for an office for which no candidate has received the required thirty-five percent to be nominated, the recount board shall consist of the following persons:

1. One person chosen by the candidate requesting the recount, who shall be named in the request.
2. One person chosen by the candidate who received the highest number of votes for the nomination being recounted. However, if the candidate who requested the recount received more votes than anyone else for the nomination, the candidate who received the second highest number of votes shall designate this person to serve on the recount board.
3. A third person mutually agreeable to the board members designated by the candidates.

89 Acts, ch 136, §17; 2008 Acts, ch 1032, §201; 2025 Acts, ch 122, §2

43.57 and 43.58 Reserved.

43.59 Number of voters certified.

The commissioner shall certify to the state commissioner the total number of people who voted in the primary election in each political party.

93 Acts, ch 143, §6

43.60 Abstracts to state commissioner.

The county board of supervisors shall also make a separate abstract of the canvass as to the following offices and certify and forthwith forward the abstract to the state commissioner:

1. United States senator.
2. All state offices.
3. United States representative.
4. Senators and representatives in the general assembly.

[S13, §1087-a20; C24, 27, 31, 35, 39, §**588;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.60]

2023 Acts, ch 66, §12

Referred to in §43.61, 50.48, 331.383

43.61 Returns filed and abstracts preserved.

When the canvass is concluded, the board shall deliver the original returns to the commissioner, who shall file the same and preserve each of the abstracts mentioned in section 43.60, pursuant to section 50.19.

[SS15, §1087-a21; C24, 27, 31, 35, 39, §**589;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.61]

2010 Acts, ch 1033, §10, 56

Referred to in §331.383

43.62 Publication of proceedings.

The published proceedings of the board of supervisors relative to the canvass shall be confined to a brief statement of:

1. The names of the candidates nominated by the electors of the county or subdivision thereof and the offices for which they are so nominated.
2. The offices for which no nomination was made by a political party participating in the

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primary, because of the failure of the candidate to receive the legally required number of votes cast by the party for such office.

[SS15, §1087-a21; C24, 27, 31, 35, 39, §**590;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.62]

Referred to in §331.383

43.63 Canvass by state board.

1. Upon receipt of the abstracts of votes from the counties, the secretary of state shall immediately open the envelopes and canvass the results for all offices. The secretary of state shall invite to attend the canvass one representative from each political party which, at the last three preceding general elections, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at those elections, as determined by the secretary of state. The secretary of state shall notify the chairperson of each political party of the time of the canvass. However, the presence of a representative from a political party is not necessary for the canvass to proceed.

2. Not later than the twenty-seventh day after the primary election, the secretary of state shall present to the state board of canvassers abstracts showing the number of ballots cast by each political party for each office and a summary of the results for each office, showing the votes cast in each county. The state board of canvassers shall review the results compiled by the secretary of state and, if the results are accurately tabulated, the state board shall approve the canvass.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**591;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.63]

95 Acts, ch 189, §3; 2019 Acts, ch 24, §104; 2025 Acts, ch 123, §28

Referred to in §43.67, 50.48

43.64 State canvass conclusive.

The canvass and certificates by the state board of canvassers shall be final as to all candidates named therein.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**592;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.64]

43.65 Who nominated.

The candidate of each political party for nomination for each office to be filled by the voters of the entire state, and for each seat in the United States house of representatives, the Iowa house of representatives and each seat in the Iowa senate which is to be filled, who receives the highest number of votes cast by the voters of that party for that nomination shall be the candidate of that party for that office in the general election. However, if there are more than two candidates for any nomination and none of the candidates receives thirty-five percent or more of the votes cast by voters of that party for that nomination, the primary is inconclusive and the nomination shall be made as provided by section 43.78, subsection 1, paragraph "*a*", "*b*" or "*c*", whichever is appropriate.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**593;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.65]

Referred to in §43.66, 43.67, 43.77

43.66 Write-in candidates.

The fact that the candidate who receives the highest number of votes cast for any party's nomination for an office to which section 43.52 or 43.65 is applicable is a person whose name was not printed on the official primary election ballot shall not affect the validity of the person's nomination as a candidate for that office in the general election. However, if there is no candidate on the official primary ballot of a political party for nomination to a particular office, a write-in candidate may obtain the party's nomination to that office in the primary if the candidate receives a number of votes equal to at least thirty-five percent of the total vote cast for all of that party's candidates for that office in the last preceding primary election for which the party had candidates on the ballot for that office. If there have been no candidates from a political party for a seat in the general assembly since the most recent

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redistricting of the general assembly, a write-in candidate shall be considered nominated who receives a number of votes equal to at least thirty-five percent of the total votes cast, at the last preceding primary election in the precincts which currently constitute the general assembly district, for all of that party's candidates for representative in the Congress of the United States or who receives at least one hundred votes, whichever number is greater. When two or more nominees are required, the division procedure prescribed in section 43.52 shall be applied to establish the minimum number of write-in votes necessary for nomination. If the primary is inconclusive, the necessary nominations shall be made in accordance with section 43.78, subsection 1.

[S13, §1087-a25, -a26; C24, 27, 31, 35, 39, §**594, 625, 643;** C46, 50, 54, 58, 62, 66, 71, 73, §43.66, 43.98, 43.106; C75, 77, 79, 81, §43.66; 81 Acts, ch 34, §2]

43.67 Nominee's right to place on ballot.

1. Each candidate nominated pursuant to section 43.52 or 43.65 is entitled to have the candidate's name printed on the official ballot to be voted at the general election without other certificate unless the candidate was nominated by write-in votes. Immediately after the completion of the canvass held under section 43.49, the county auditor shall notify each person who was nominated by write-in votes for a county office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. Immediately after the completion of the canvass held under section 43.63, the secretary of state shall notify each person who was nominated by write-in votes for a state or federal office that the person is required to file an affidavit of candidacy if the person wishes to be a candidate for that office at the general election. If the affidavit is not filed by 5:00 p.m. on the seventh day after the completion of the canvass, that person's name shall not be placed upon the official general election ballot. The affidavit shall be signed by the candidate, notarized, and filed with the county auditor or the secretary of state, whichever is applicable.

2. The affidavit shall be in the form prescribed by the secretary of state. The affidavit shall include the following information:

a. The candidate's name in the form the candidate wants it to appear on the ballot.

b. The candidate's home address.

c. The name of the county in which the candidate resides.

d. The political party by which the candidate was nominated.

e. The office sought by the candidate, and the district the candidate seeks to represent, if any.

f. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.

g. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 68A.102, subsection 5. This subsection shall not apply to candidates for federal office.

h. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council and soil and water conservation district commission.

i. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States. This paragraph does not apply to candidates for federal office. The state commissioner shall prescribe a separate affidavit of candidacy for candidates for federal office.

j. A statement that the candidate is aware that by filing this affidavit, the candidate is

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ineligible to appear on the same ballot for the same office other than as a candidate for the political party indicated on the affidavit.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**595;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.67]

86 Acts, ch 1224, §3; 89 Acts, ch 136, §18; 90 Acts, ch 1238, §4; 91 Acts, ch 129, §6; 94 Acts, ch 1180, §6; 96 Acts, ch 1034, §2; 98 Acts, ch 1052, §2; 2001 Acts, ch 158, §7; 2005 Acts, ch 152, §6; 2008 Acts, ch 1032, §201; 2025 Acts, ch 123, §4, 36

Referred to in §43.54, 43.88

43.68 Certified list of nominees.

The state board of canvassers shall prepare and certify separate lists of the candidates nominated by each party, as shown by the state canvass, and deliver to the chairperson of each party central committee for the state a copy of the list of candidates nominated by the party which said chairperson represents.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**596;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.68]

43.69 Certificates in case of failure to nominate.

Said state board shall, at once after completing its canvass, prepare separate certificates for each political party as to each office for which no candidate was nominated by such party. Such certificates shall show the names of the several candidates for each of these offices who were voted for at the primary election and the number of votes received by each of said candidates. These certificates shall be sent to the respective chairpersons of the state central committee of each political party.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**597, 598;** C46, 50, 54, 58, 62, 66, 71, 73, §43.69; C75, §43.69, 43.70; C77, 79, 81, §43.69]

43.70 Reserved.

43.71 Messenger sent for abstracts.

If returns of abstracts have not been received by the state canvassing board from all the counties by the time fixed for the state canvass, the state commissioner shall immediately send a messenger after the missing abstracts, and the board may adjourn from time to time until the abstracts are received.

[S13, §1087-a22; C24, 27, 31, 35, 39, §**599;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.71]

43.72 State returns filed and preserved.

When the canvass is concluded, the board shall deliver the original abstract returns to the state commissioner, who shall file the returns in the state commissioner's office and preserve the abstracts of the canvass of the state board and certificates attached thereto. The commissioner may preserve the abstracts and certificates attached thereto in an electronic format.

[S13, §1087-a23; C24, 27, 31, 35, 39, §**600;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.72]

2010 Acts, ch 1033, §11, 56

43.73 State commissioner to certify nominees.

1. Not less than sixty-four days before the general election the state commissioner shall certify to each commissioner, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to the state commissioner by the proper persons when any person has been nominated by a convention or by a party committee, or by petition, the office to which the person is nominated, and the order in which federal and state offices, judges, constitutional amendments, and state public measures shall appear on the official ballot.

2. The state commissioner shall similarly certify to the appropriate commissioner or

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commissioners at the earliest practicable time the names of nominees for a special election, called under section 69.14, submitted to the state commissioner pursuant to section 43.78, subsection 4.

[C97, §1105; S13, §1087-a23; SS15, §1105; C24, 27, 31, 35, 39, §**601, 602;** C46, 50, 54, 58, 62, 66, 71, 73, §43.73; C75, §43.73, 43.74; C77, 79, 81, §43.73]

89 Acts, ch 136, §19; 97 Acts, ch 170, §3; 2017 Acts, ch 110, §66

Referred to in §49.37, 49.41

43.74 Reserved.

43.75 Tie vote.

1. In case of a tie vote resulting in no nomination for any office, except for senator or representative in the general assembly, the tie shall forthwith be determined by lot by the board of canvassers.

2. In case of a tie vote resulting in no nomination for a senator or representative in the general assembly, the party precinct committee members whose precincts lie within the senatorial or representative district involved shall select the winning candidate from among the candidates having received the equal and highest number of votes. The state party chairperson shall convene or reconvene such party precinct committee members as appropriate. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

[S13, §1087-a24; C24, 27, 31, 35, 39, §**603;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.75]

2023 Acts, ch 165, §1

43.76 Withdrawal of nominated candidates.

1. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the state commissioner may withdraw as a nominee for that office on or before, but not later than, the eighty-first day before the date of the general election by so notifying the state commissioner in writing.

2. A candidate nominated in a primary election for any office for which nomination papers are required to be filed with the commissioner may withdraw as a nominee for that office on or before, but not later than, the seventy-fourth day before the date of the general election by so notifying the commissioner in writing.

[C66, 71, 73, 75, §43.59(2); C77, 79, 81, §43.76]

89 Acts, ch 136, §20; 2017 Acts, ch 110, §67

Referred to in §43.77

43.77 What constitutes a ballot vacancy.

A vacancy on the general election ballot exists when any political party lacks a candidate for an office to be filled at the general election because:

1. Either no person filed under section 43.11 as a candidate for the party's nomination for that office in the primary election, or all persons who filed under section 43.11 as candidates for the party's nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office, or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.

2. The primary election was inconclusive as to that office because no candidate for the party's nomination for that office received the number of votes required by section 43.52, 43.53, or 43.65, whichever is applicable.

3. The person nominated in the primary election as the party's candidate for that office subsequently withdrew as permitted by section 43.76, was found to lack the requisite qualifications for the office, or died, at a time not later than the eighty-first day before the date of the general election in the case of an office for which nomination papers must be filed with the state commissioner and not later than the seventy-fourth day before the date

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of the general election in the case of an office for which nomination papers must be filed with the county commissioner.

4. A vacancy has occurred in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general, under the circumstances described in section 69.13, less than eighty-nine days before the primary election and not less than eighty-nine days before the general election.

5. A vacancy has occurred in the office of county supervisor or in any of the offices listed in section 39.17, the term of office has more than seventy days remaining after the date of the next general election, and one of the following circumstances applies:

a. The vacancy occurred during the period beginning seventy-three days before the primary election and ending on the date of the primary election and no special election was called to fill the vacancy.

b. The vacancy occurred after the date of the primary election and more than seventy-three days before the general election.

[S13, §1087-a24 – 1087-a27; C24, 27, 31, 35, 39, §**611, 624, 628, 633, 636, 637;** C46, 50, 54, 58, 62, 66, 71, 73, §43.84, 43.97, 43.101, 43.106, 43.109, 43.110; C75, §43.84, 43.97, 43.101, 43.109, 43.110; C77, 79, 81, §43.77]

89 Acts, ch 136, §21; 94 Acts, ch 1180, §7, 8; 2009 Acts, ch 57, §8; 2017 Acts, ch 110, §68; 2020 Acts, ch 1062, §16; 2020 Acts, ch 1063, §22

43.78 Filling ballot vacancies — withdrawal.

1. A vacancy on the general election ballot may be filled by the political party in whose ticket the vacancy exists, as follows:

a. For senator in the Congress of the United States or any office listed in section 39.9, by the party's state convention, which may be reconvened by the state party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held. However, a vacancy so occurring with respect to the offices of secretary of state, auditor of state, treasurer of state or secretary of agriculture may be filled by the party's state central committee in lieu of reconvening the state convention.

b. For representative in the Congress of the United States, by the party's congressional district convention, which may be convened or reconvened as appropriate by the state party chairperson.

c. For senator or representative in the general assembly, by the party precinct committee members whose precincts lie within the senatorial or representative district involved, who shall be convened or reconvened as appropriate by the state party chairperson. The party's state constitution or bylaws may allow the voting strength of each precinct represented at such a convention to be made proportionate to the vote cast for the party's candidate for the office in question in the respective precincts at the last general election for that office.

d. For any office to be filled by the voters of an entire county, by the party's county convention, which may be reconvened by the county party chairperson if the vacancy occurs after the convention has been held or too late to be filled at the time it is held.

e. For the office of county supervisor elected by the voters of a district within the county, by the delegates to the party's county convention who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson.

f. For any other partisan office filled by the voters of a subdivision of a county, by those members of the party's county central committee who represent the precincts lying within that district, who shall be convened or reconvened as appropriate by the county party chairperson. However, this paragraph shall not apply to partisan city offices in special charter cities for which candidates are nominated under this chapter, but such ballot vacancies shall be filled as provided by section 43.116.

2. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "*a*", "*b*", or "*c*", shall be submitted in writing to the state commissioner not later than 5:00 p.m. on the seventy-sixth day before the date of the general election.

3. The name of any candidate designated to fill a vacancy on the general election ballot in accordance with subsection 1, paragraph "*d*", "*e*", or "*f*", shall be submitted in writing to the

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commissioner not later than 5:00 p.m. on the sixty-ninth day before the date of the general election.

4. Political party candidates for a vacant seat in the United States house of representatives, the board of supervisors, the elected county offices, or the general assembly which is to be filled at a special election called pursuant to section 69.14 or 69.14A shall be nominated in the manner provided by subsection 1 of this section for filling a vacancy on the general election ballot for the same office. The name of a candidate so nominated shall be submitted in writing to the appropriate commissioner, as required by section 43.88, at the earliest practicable time.

5. Any candidate nominated to fill a vacancy in accordance with this section may withdraw the candidate's nomination by a written request filed as follows:

a. In the office of the state commissioner, at least seventy-four days before the date of the election.

b. In the office of the appropriate commissioner, at least sixty-four days before the date of the election.

c. In the office of the state commissioner, in case of a special election to fill vacancies in Congress or the general assembly, not more than:

(1) Twenty days after the date on which the governor issues the call for a special election to be held on at least forty days' notice.

(2) Five days after the date on which the governor issues the call for a special election to be held on at least ten but less than forty days' notice.

d. In the office of the appropriate commissioner or the state commissioner, as applicable, in case of a special election to fill vacancies, at least twenty-five days before the day of election.

[S13, §1087-a24 – 1087-a27; C24, 27, 31, 35, 39, §**604 – 607, 608, 609, 611, 614, 624, 633, 636, 637;** C46, 50, 54, 58, 62, 66, 71, 73, §43.76 – 43.79, 43.81, 43.82, 43.84, 43.87, 43.97, 43.101, 43.106, 43.109, 43.110; C75, §43.76 – 43.79, 43.81, 43.82, 43.84, 43.87, 43.97, 43.101, 43.109, 43.110; C77, 79, 81, §43.78]

89 Acts, ch 136, §22; 89 Acts, ch 215, §1; 90 Acts, ch 1238, §5; 2017 Acts, ch 110, §69; 2017 Acts, ch 120, §1; 2018 Acts, ch 1026, §21; 2021 Acts, ch 147, §12, 54

Referred to in §43.52, 43.65, 43.66, 43.73, 49.58, 331.254

43.79 Death of candidate after time for withdrawal.

The death of a candidate nominated as provided by law for any office to be filled at a general election, during the period beginning on the eighty-first day before the general election, in the case of any candidate whose nomination papers were filed with the state commissioner, or beginning on the seventy-fourth day before the general election, in the case of any candidate whose nomination papers were filed with the commissioner, and ending at the time the polls close on the day of the general election shall not operate to remove the deceased candidate's name from the general election ballot. If the deceased candidate was seeking the office of senator or representative in the Congress of the United States, governor, attorney general, senator or representative in the general assembly or county supervisor, section 49.58 shall control. If the deceased candidate was seeking any other office, and as a result of the candidate's death a vacancy is subsequently found to exist, the vacancy shall be filled as provided by chapter 69.

[S13, §1087-a24a; C24, 27, 31, 35, 39, §**607;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.79]

89 Acts, ch 136, §23; 97 Acts, ch 170, §4; 2017 Acts, ch 110, §70; 2021 Acts, ch 147, §13, 54

43.80 Vacancies in nominations of presidential electors. Repealed by 2021 Acts, ch 147, §52, 54.

43.81 and 43.82 Reserved.

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43.83 Vacancies in office of United States representative.

A candidate to be voted on at a special election occasioned by a vacancy in the office of United States representative, shall be nominated by a convention duly called by the district central committee not less than twenty-five days prior to the date set for the special election.

[S13, §1087-a24; C24, 27, 31, 35, 39, §**610;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.83]

43.84 Reserved.

43.85 County convention reconvened.

When a nomination is directed to be made by a district convention composed of more than one county, and the county convention in any county of the district has adjourned without selecting delegates to such convention, the county convention shall be reconvened for the purpose of making such selection.

[C24, 27, 31, 35, 39, §**612;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.85]

43.86 and 43.87 Reserved.

43.88 Certification of nominations.

1. Nominations made by state, district, and county conventions, shall, under the name, place of residence, and post office address of the nominee, and the office to which nominated, and the name of the political party making the nomination, be forthwith certified to the proper officer by the chairperson and secretary of the convention, or by the committee, as the case may be, and if such certificate is received in time, the names of such nominees shall be printed on the official ballot the same as if the nomination had been made in the primary election.

2. Nominations made to fill vacancies at a special election shall be certified to the proper official not less than twenty-five days prior to the date set for the special election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the nomination shall be certified not less than fourteen days before the date of the special election.

3. Nominations certified to the proper official under this section shall be accompanied by an affidavit executed by the nominee in substantially the form required by section 43.67.

[S13, §1087-a24; C24, 27, 31, 35, 39, §**615;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.88; 81 Acts, ch 34, §3]

95 Acts, ch 189, §4; 97 Acts, ch 170, §5; 2017 Acts, ch 54, §76

Referred to in §43.78

43.89 Reserved.

43.90 Delegates.

The county convention shall be composed of delegates elected at the last preceding precinct caucus. Delegates shall be persons who are or will by the date of the next general election become eligible electors and who are residents of the precinct. The number of delegates from each voting precinct shall be determined by a ratio adopted by the respective party county central committees, and a statement designating the number from each voting precinct in the county shall be filed by such committee not later than the time the list of precinct caucus meeting places required by section 43.4 is filed in the office of the commissioner. If the required statement is not filed, the commissioner shall fix the number of delegates from each voting precinct.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**617;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.90]

43.91 Voter at caucus — qualifications.

1. Any person voting at a precinct caucus must be a person who is or will by the date of the next general election become an eligible elector, who has not already participated in the caucus of any political party within the same year, and who is a resident of the precinct. A

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list of the names and addresses of each person to whom a ballot was delivered or who was allowed to vote in each precinct caucus shall be prepared by the caucus chairperson and secretary who shall certify such list to the commissioner at the same time as the names of those elected as delegates and party committee members are so certified.

2. Notwithstanding subsection 1, the state central committee of each political party may set rules for participation in or voting at a precinct caucus, including but not limited to voter registration requirements.

[C66, 71, 73, 75, 77, 79, 81, §43.91]
2019 Acts, ch 148, §36; 2023 Acts, ch 165, §3

43.92 Date of caucus published.

The date, time, and place of each precinct caucus of a political party shall be published at least twice in at least one newspaper of general circulation in the precinct. The first publication shall be made not more than fifteen days nor less than seven days before the date of the caucus and the second shall be made not more than seven days before and not later than the date of the caucus. Such publication shall also state in substance that each voter affiliated with the specified political party may attend the precinct caucus. Publication in a news item or advertisement in such newspaper shall constitute publication for the purposes of this section. The cost of such publication, if any, shall be paid by the political party.

[C66, 71, 73, 75, 77, 79, 81, §43.92; 81 Acts, ch 34, §4]

43.93 Place of holding caucus.

Each precinct caucus shall be held in a building which is publicly owned or is suitable for and from time to time made available for holding public meetings wherever it is possible to do so. Upon the application of the county chairperson, the person having control of a building supported by taxation under the laws of this state shall make available the space necessary to conduct the caucus without charge during presidential election years and at a charge not greater than that made for its use by other groups during other years. When using public buildings, the county chairpersons shall cooperate to attempt the collocation of the caucuses.

[C77, 79, 81, §43.93]
86 Acts, ch 1224, §4

43.94 Term of office of delegates.

The term of office of delegates to the county convention shall begin on the day following their election at the precinct caucus, and shall continue for two years and until their successors are elected.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**621;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.94]

43.95 Calling convention to order.

When the delegates, or a majority thereof, or when delegates representing a majority of the precincts, thus elected, shall have assembled in the county convention, the convention shall be called to order by the chairperson of the county central committee, who shall present the certified list of delegates and members of the county central committee. If the convention is being held after the primary election, the chairperson shall also present a list of the offices for which no nomination was made at the primary election by reason of the failure of any candidate for any such office to receive the legally required number of votes cast by such party therefor.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**622;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.95]

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43.96 Proxies prohibited.

If any precinct shall not be fully represented the delegates present from such precinct shall cast the full vote thereof, if the rules of the convention, party bylaws or constitution so permit, and there shall be no proxies.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**623;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.96]

43.97 Duties performable by county convention.

The said county convention shall:

1. Make nominations to fill vacancies on the general election ballot as provided by law.
2. Transact such other business as required or permitted by the political party's state constitution or bylaws, or the rules of the convention.
3. Elect delegates to the next ensuing regular state convention and to all district conventions of that year upon such ratio of representation as may be determined by the party organization for the state, district or districts of the state, as the case may be. Delegates to district conventions need not be selected in the absence of any apparent reason therefor. Delegates shall be persons who are or will by the date of the next general election become eligible electors and who are residents of the county.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**624;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.97]

Votes required for nomination, §43.52, 43.53

43.98 Reserved.

43.99 Party committee persons.

Two members of the county central committee for each political party shall, at the precinct caucuses, be elected from each precinct. The term of office of a member shall begin at the time specified by the party's state constitution or bylaws and shall continue for two years and until a successor is elected and qualified, unless sooner removed by the county central committee for inattention to duty or incompetency. The party's state constitution or bylaws may permit the election of additional central committee members from each precinct in a number proportionate to the vote cast for the party's candidates for office in the respective precincts at preceding general elections.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**626;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.99]

43.100 Central committee — duties.

1. The county central committee shall elect the officers of the committee. Each member shall be given written notice at least five days in advance of the time and place of any meeting scheduled for the election of officers.
2. Every county central committee shall adopt a constitution and bylaws which shall govern the committee's operation. A copy of the constitution and bylaws so adopted shall be kept on file at the office of the commissioner for the county in which the central committee exists and at the office of the state commissioner. Amendments to a county central committee's constitution or bylaws shall upon adoption be filed in the same manner as the original documents.
3. Vacancies in such committee may be filled by majority vote of the committee, or at a precinct caucus called pursuant to the party's state constitution or bylaws.

[S13, §1087-a25; C24, 27, 31, 35, 39, §**627;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.100]

86 Acts, ch 1224, §5; 2017 Acts, ch 54, §76

Referred to in §68A.102

43.101 County central committee officers.

The county central committee shall elect a chair, co-chair, secretary, treasurer, and other officers as it may determine. The term of office of an officer begins at the time specified by the party's state constitution or bylaws and continues for two years and until the officer's

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successor is elected and qualified, unless the officer dies, resigns, or is sooner removed by the county central committee for inattention to duty or incompetency.

86 Acts, ch 1224, §6; 2020 Acts, ch 1062, §17

43.102 District conventions.

Each political party may hold a congressional district convention upon the call of the state party chairperson to:

1. Elect or nominate members of the party's state central committee.
2. Make nominations to fill vacancies on the general election ballot as provided by law.
3. Transact such other business as required or permitted by the party's state constitution or bylaws, or the rules of the convention.

[S13, §1087-a26; C24, 27, 31, 35, 39, §**628, 633;** C46, 50, 54, 58, 62, 66, 71, 73, §43.101, 43.106; C75, 77, 79, 81, §43.101]

C87, §43.102

Votes required for nomination, §43.65

43.103 Duty of county commissioner.

The commissioner, in case the district delegates for the commissioner's county have not been selected, shall deliver a copy of the call of the state party chairperson to the chairperson of the convention which selects said delegates.

[S13, §1087-a26; C24, 27, 31, 35, 39, §**630;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.103]

2020 Acts, ch 1063, §23

43.104 Organization of district convention.

The organization of a district convention and the procedure therein shall be substantially the same as in the state convention.

[S13, §1087-a26; C24, 27, 31, 35, 39, §**631;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.104]

43.105 and 43.106 Reserved.

43.107 State convention.

Each political party shall hold a state convention either preceding or following the primary election. The state central committee of each political party shall designate the time and place of the state convention, which shall transact such business as is required or permitted by the party's state constitution or bylaws or by the rules of the convention.

[S13, §1087-a27; C24, 27, 31, 35, 39, §**634;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.107]

Referred to in §43.111

43.108 Organization of state convention — proxies prohibited.

The convention shall be called to order by the chairperson of the state central committee, or that individual's designee, who shall present a list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county is not fully represented, the delegates present from that county shall cast the full vote of the county if the rules of the convention or party bylaws or constitution so allow, and there shall be no proxies.

[S13, §1087-a27; C24, 27, 31, 35, 39, §**635;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.108]

2021 Acts, ch 80, §23

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43.109 Nominations authorized.

The state convention may make nominations to fill vacancies on the general election ballot as provided by law.

[S13, §1087-a27; C24, 27, 31, 35, 39, §**636;** C46, 50, 54, 58, 62, 66, 71, 73, §43.109; C75, §43.109, 43.110; C77, 79, 81, §43.109]

Votes required for nomination, §43.65

43.110 Reserved.

43.111 State party platform, constitution, bylaws, and central committee.

1. *a.* The state convention held by each political party pursuant to section 43.107 shall adopt a state platform, adopt or amend a state party constitution, and bylaws if desired, and transact other business which may properly be brought before it. A copy of the constitution and any bylaws so adopted or amended shall be kept on file in the office of the state commissioner.

b. A state party constitution or bylaws shall not prohibit an elected official from serving on a state party central committee.

2. There shall be selected at or prior to each political party's state convention a state party central committee consisting of an equal number of members from each congressional district, which number shall be determined by the party constitution or bylaws, who shall be elected or nominated by the district convention or caucus.

3. *a.* The state central committee so selected may organize at pleasure for political work as is usual and customary with such committees, adopt bylaws, provide for the governing of party auxiliary bodies, and shall continue to act until succeeded by another central committee selected as required by this section. The receipts and disbursements of each political party's state party central committee shall be audited annually by a certified public accountant selected by the state party central committee and the audit report shall be filed with the state commissioner.

b. Each political party's state central committee shall elect a chairperson, co-chairperson or vice chairperson, treasurer, and secretary.

[S13, §1087-a27; C24, 27, 31, 35, 39, §**638;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.111]

2017 Acts, ch 54, §76; 2026 Acts, ch 1200, §41

Referred to in §48A.25, 68A.102

Subsections 1 and 3 amended

43.112 Nominations in certain cities.

1. This chapter shall, so far as applicable, govern the nominations of candidates by political parties for all offices to be filled by a direct vote of the people in cities acting under a special charter in 1973 and having a population of over fifty thousand, except all such cities as choose by special election to conduct nonpartisan city elections under the provisions of chapter 44, 45, or 376. An election on the question of conducting city elections in such a special charter city on a nonpartisan basis may be called by the city council on its own initiative, and shall be called by the council upon receipt of a petition of the voters which so requests and is presented in conformity with section 362.4, but a special election on that question shall be held concurrently with any election being held on the first Tuesday after the first Monday in November of any odd-numbered year.

2. Sections 43.114 through 43.118 shall apply only to cities to which this chapter is made applicable by this section.

[S13, §1087-a34; C24, 27, 31, 35, 39, §**639;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.112; 82 Acts, ch 1097, §1]

2020 Acts, ch 1063, §24

Referred to in §43.114, 43.115, 43.116, 43.117, 45.1, 376.3

43.113 Reserved.

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43.114 Time of holding special charter city primary.

In special charter cities holding a city primary election under the provisions of section 43.112, the primary shall be held on the first Tuesday in October of the year in which regular city elections are held.

[S13, §1087-a34; C24, 27, 31, 35, 39, §**641;** C46, 50, §43.114, 420.2; C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.114]

2002 Acts, ch 1134, §11, 115; 2022 Acts, ch 1032, §13

Referred to in §43.112, 43.115, 376.3

43.115 Nomination papers — number of signers.

1. All candidates for nominations to be made in primary elections held pursuant to section 43.112 shall file nomination papers with the city clerk no later than 5:00 p.m. forty days before the date of the election as established by section 43.114, except that candidates for precinct committee member shall file affidavits of candidacy as required by section 420.130. The number of eligible electors signing petitions required for printing the name of a candidate upon the official primary ballot shall be one hundred for an office to be filled by the voters of the entire city and twenty-five for an office to be filled by the voters of a subdivision of the city.

2. Notwithstanding any statute to the contrary, a candidate for precinct committee member may also file as a candidate for one additional office.

3. Objections to nomination petitions and certificates of nominations shall be filed and decided as provided in section 43.24.

[S13, §1087-a34; C24, 27, 31, 35, 39, §**642;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.115]

84 Acts, ch 1291, §2; 88 Acts, ch 1119, §7; 90 Acts, ch 1238, §6; 2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §11

Referred to in §43.112, 43.116, 376.3

43.116 Ballot vacancies in special charter city elections.

1. A vacancy on the ballot for an election at which city officers are to be chosen, and for which candidates have been nominated under this chapter, exists when any political party lacks a candidate for an office to be filled at that election because:

a. Either no person filed at the time required by section 43.115 as a candidate for the party's nomination for that office in the city primary election held under section 43.112, or all persons who did so subsequently withdrew as candidates, were found to lack the requisite requirements for the office, or died before the date of the city primary election, and no candidate received a number of write-in votes sufficient for nomination under section 43.53; or

b. The person nominated in the city primary election as the party's candidate for that office withdrew by giving written notice to that effect to the city clerk not later than 5:00 p.m. on the day of the canvass of that city primary election.

2. A ballot vacancy as defined by this section may be filled by the city central committee of the party on whose ticket the vacancy exists or, in the case of an officer elected by the voters of a district within the city, by those members of the committee who represent the precincts lying within that district. The name of a candidate so designated to fill such a ballot vacancy shall be submitted in writing to the city clerk not later than 5:00 p.m. on the seventh day following the city primary election.

3. If a special election is held to fill a vacancy in an elective city office, nominations by political parties shall be made following the provisions of subsection 2.

[C77, 79, 81, §43.116]

97 Acts, ch 170, §6; 2020 Acts, ch 1063, §25

Referred to in §43.78, 43.112, 376.3

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43.117 Plurality vote nominates and elects.

A plurality shall nominate the party candidate for all offices filled by elections authorized by section 43.112, and a plurality shall elect the precinct committee members.

[S13, §1087-a34; C24, 27, 31, 35, 39, §**644;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.117]

Referred to in §43.112, 376.3

43.118 Expense.

The entire expense of conducting the city primary election and preparation of election registers shall be audited by the city council and paid by the city.

[S13, §1087-a34; C24, 27, 31, 35, 39, §**645;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.118]

2002 Acts, ch 1134, §12, 115

Referred to in §43.112, 376.3

43.119 and 43.120 Repealed by 2002 Acts, ch 1071, §15. See §39A.2 – 39A.4.

43.121 Nominations by petition or nonparty organizations.

This chapter shall not be construed to prohibit nomination of candidates for office by petition, or by nonparty organizations, as provided in chapters 44 and 45, but no person so nominated shall be permitted to use the name, or any part thereof, of any political party authorized or entitled under this chapter to nominate a ticket by primary vote, or that has nominated a ticket by primary vote under this chapter.

[S13, §1087-a29; C24, 27, 31, 35, 39, §**648;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.121]

Referred to in §44.18

43.122 Reserved.

43.123 Nomination of lieutenant governor.

Notwithstanding this chapter and any other statute relating to the nomination of a person for the office of lieutenant governor, the nomination of a person for the office of lieutenant governor for the general election in the year 1990 and each four years thereafter shall be held at the state convention of the political party. The nomination of a person for the office of lieutenant governor by a nonparty political organization shall be the procedure specified in chapter 44.

88 Acts, ch 1121, §1; 89 Acts, ch 83, §15

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CHAPTER 44

NOMINATIONS BY NONPARTY POLITICAL ORGANIZATIONS

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 43.2, 43.112, 43.121, 43.123, 47.1, 48A.24, 99B.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 331.254, 357J.16, 360.1, 372.2, 376.1, 376.3, 376.6, 376.8, 420.137

See also definitions in §39.3

44.1 Nonparty political organizations.
44.2 Nominations certified.
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44.1 Nonparty political organizations.

1. Any convention or caucus of eligible electors representing a political organization which is not a political party as defined by law, may, for the state, or for any division or municipality thereof, or for any county, or for any subdivision thereof, for which such convention or caucus is held, make one nomination of a candidate for each office to be filled therein at the general election. However, in order to qualify for any nomination made for a statewide elective office by such a political organization there shall be in attendance at the convention or caucus where the nomination is made a minimum of five hundred eligible electors including at least one eligible elector from each of twenty-five counties. In order to qualify for any nomination to the office of United States representative there shall be in attendance at the convention or caucus where the nomination is made a minimum of two hundred eligible electors who are residents of the congressional district including at least one eligible elector from each of at least one-half of the counties of the congressional district. In order to qualify for any nomination to an office to be filled by the voters of a county or of a city there shall be in attendance at the convention or caucus where the nomination is made a minimum of twenty eligible electors who are residents of the county or city, as the case may be, including at least one eligible elector from at least one-half of the voting precincts in that county or city. In order to qualify for any nomination made for the general assembly there shall be in attendance at the convention or caucus where the nomination is made a minimum of twenty-five eligible electors who are residents of the representative district or fifty eligible electors who are residents of the senatorial district, as the case may be, with at least one eligible elector from one-half of the voting precincts in the district in each case. The names of all delegates in attendance at such convention or caucus and such fact shall be certified to the state commissioner together with the other certification requirements of this chapter.

2. A candidate who has been nominated under a political party under chapter 43 shall not be eligible for nomination under this chapter for the same office in the same election year.

[C97, §1098; C24, §649; C27, 31, 35, §655-a1; C39, §**655.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.1]

2021 Acts, ch 12, §15, 73, 74

Referred to in §44.2

Political party defined, §43.2

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44.2 Nominations certified.

Nominations made under section 44.1 shall be certified by the chairperson and secretary of the convention or caucus, who shall enter their place of residence opposite their signatures, and attach to said certificate their affidavit to the effect that the certificate is true.

[C97, §1099; C24, §650; C27, 31, 35, §655-a2; C39, §**655.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.2]

Referred to in §44.3

44.3 Certificate.

1. The certificate required by section 44.2 shall state the following information:

a. The name of each candidate nominated.

b. The office to which each candidate is nominated.

c. The name of the political organization making such nomination, expressed in not more than five words.

d. The place of residence of each nominee, with the street or number thereof, if any.

e. In case of presidential candidates, the names and addresses of presidential electors shall be stated, and the names of the candidates for president and vice president shall be added to the name of the organization.

f. The name and address of each member of the organization's executive or central committee.

g. The provisions, if any, made for filling vacancies in nominations.

h. The name and address of each delegate or voter in attendance at a convention or caucus where a nomination is made.

2. Each candidate nominated by the convention or caucus shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be in the form prescribed by the secretary of state. The affidavit shall include the following information:

a. The candidate's name in the form the candidate wants it to appear on the ballot.

b. The candidate's home address.

c. The name of the county in which the candidate resides.

d. The name of the political organization by which the candidate was nominated.

e. The office sought by the candidate, and the district the candidate seeks to represent, if any.

f. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.

g. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 68A.102, subsection 5. This subsection shall not apply to candidates for federal office.

h. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council and soil and water conservation district commission.

i. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States. This paragraph does not apply to candidates for federal office. The state commissioner shall prescribe a separate affidavit of candidacy for candidates for federal office.

j. A statement that the candidate is aware that by filing this affidavit, the candidate is ineligible to appear on the same ballot for the same office other than as a candidate for the nonparty political organization indicated on the affidavit.

[C97, §1099; C24, §650; C27, 31, 35, §655-a3; C39, §**655.03;** C46, 50, 54, 58, 62, 66, 71, 73, §44.3; C75, §44.3, 56.5(4); C77, 79, 81, §44.3; 81 Acts, ch 34, §5, ch 35, §17]

90 Acts, ch 1238, §7; 91 Acts, ch 129, §7; 94 Acts, ch 1023, §78; 94 Acts, ch 1180, §9; 98 Acts, ch 1052, §3; 2001 Acts, ch 158, §8; 2025 Acts, ch 123, §5, 37

Referred to in §44.6, 44.7, 44.8

Certificates in matter of vacancies, see §44.13

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44.4 Nominations and objections — time and place of filing.

1. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the state commissioner shall be filed in that office not more than ninety-nine days nor later than 5:00 p.m. on the first Tuesday after the first Monday in June in each even-numbered year. Nominations made for a special election called pursuant to section 69.14 shall be filed by 5:00 p.m. not less than twenty-five days before the date of an election called upon at least forty days' notice and not less than fourteen days before the date of an election called upon at least eighteen days' notice. Nominations made for a special election called pursuant to section 69.14A shall be filed by 5:00 p.m. not less than twenty-five days before the date of the election. Nominations made pursuant to this chapter and chapter 45 which are required to be filed in the office of the commissioner shall be filed in that office not more than ninety-two days nor later than 5:00 p.m. on the first Tuesday after the first Monday in June in each even-numbered year. Nominations made pursuant to this chapter or chapter 45 for city office shall be filed not more than seventy-two days nor later than 5:00 p.m. on the forty-seventh day before the city election with the county commissioner of elections responsible under section 47.2 for conducting elections held for the city, who shall process them as provided by law.

2. *a.* Objections to the legal sufficiency of a certificate of nomination or nomination petition or to the eligibility of a candidate may be filed by any person who would have the right to vote for a candidate for the office in question. The objections must be filed with the officer with whom the certificate or petition is filed and within the following time:

(1) Those filed with the state commissioner, not later than seven days after the first Tuesday after the first Monday in June in each even-numbered year.

(2) Those filed with the commissioner, not later than seven days after the first Tuesday after the first Monday in June in each even-numbered year, except as provided in subparagraph (3).

(3) Those filed with the commissioner for an elective city office, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before the regularly scheduled or special city election.

(4) In the case of nominations to fill vacancies occurring after the time when an original nomination for an office is required to be filed, objections shall be filed within three days after the filing of the certificate.

b. Objections shall be filed no later than 5:00 p.m. on the final date for filing.

[C97, §1103; C24, §654; C27, 31, 35, §655-a4; C39, §**655.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.4]

87 Acts, ch 221, §3; 88 Acts, ch 1119, §8; 88 Acts, ch 1246, §1; 89 Acts, ch 136, §24; 90 Acts, ch 1238, §8; 95 Acts, ch 189, §5; 97 Acts, ch 170, §7; 98 Acts, ch 1123, §2; 2002 Acts, ch 1134, §13, 115; 2008 Acts, ch 1032, §201; 2014 Acts, ch 1101, §1, 2; 2017 Acts, ch 110, §71; 2018 Acts, ch 1149, §3, 12; 2019 Acts, ch 148, §37; 2021 Acts, ch 147, §14, 54; 2025 Acts, ch 123, §31, 32

Referred to in §43.17, 331.237, 331.323, 376.4

44.5 Notice of objections.

When objections are filed, notice shall immediately be given to the affected candidate. The notice shall be addressed to the candidate's place of residence as given in the certificate of nomination, stating that objections have been made to the certificate. The notice shall include the time and place of the hearing at which the objections will be considered. The hearing shall be held not later than one week after the objection is filed.

[C97, §1103; C24, §654; C27, 31, 35, §655-a5; C39, §**655.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.5]

2009 Acts, ch 57, §9

Referred to in §376.4

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44.6 Hearing before state commissioner.

Objections filed with the state commissioner shall be considered by the secretary of state and auditor of state and attorney general, and a majority decision shall be final. However, if the objection is to the certificate of nomination of one or more of the above named officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the treasurer of state, the governor, and the secretary of agriculture. Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.

[C97, §1103; C24, §654; C27, 31, 35, §655-a6; C39, §**655.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.6]

2021 Acts, ch 147, §15, 54; 2022 Acts, ch 1021, §21

44.7 Hearing before commissioner.

Except as otherwise provided in section 44.8, objections filed with the commissioner shall be considered by the county auditor, county treasurer, and county attorney, and a majority decision shall be final. However, if the objection is to the certificate of nomination of one or more of the above named county officers, the officer or officers objected to shall not pass upon the objection, but their places shall be filled, respectively, by the chairperson of the board of supervisors, the sheriff, and the county recorder. Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.

[C97, §1103; C24, §654; C27, 31, 35, §655-a7; C39, §**655.07;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.7]

83 Acts, ch 186, §10016, 10201; 2014 Acts, ch 1101, §3; 2021 Acts, ch 147, §16, 54

Referred to in §44.8, 277.5, 331.306, 331.505, 331.552, 331.602, 331.756(13)

44.8 Petitions and school board candidates — hearing before commissioner.

1. Objections filed with the commissioner pursuant to section 277.5 or 362.4 for an elective city office shall be considered as provided in section 44.7, except as otherwise provided in this section.

2. The hearing shall be held within twenty-four hours of the receipt of the objection if a primary election must be held for the office sought by the candidate against whom the objection has been filed.

3. Objections relating to incorrect or incomplete information for information that is required under section 44.3 shall be sustained.

[C97, §1103; C24, §654; C27, 31, 35, §655-a8; C39, §**655.08;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.8]

88 Acts, ch 1119, §9; 2014 Acts, ch 1101, §4; 2021 Acts, ch 147, §17, 54; 2026 Acts, ch 1073, §9

Referred to in §44.7, 362.4, 376.4
Subsection 1 amended

44.9 Withdrawals.

Any candidate named under this chapter may withdraw the candidate's nomination by a written request filed as follows:

1. In the office of the state commissioner, at least eighty-one days before the date of the election.

2. In the office of the appropriate commissioner, at least seventy-four days before the date of the election, except as otherwise provided in subsection 3, 5, or 6.

3. In the office of the appropriate commissioner in case of a regularly scheduled school election, at least forty-two days before the day of election.

4. In the office of the state commissioner, in case of a special election to fill vacancies in Congress or the general assembly, not more than:

a. Twenty days after the date on which the governor issues the call for a special election to be held on at least forty days' notice.

b. Five days after the date on which the governor issues the call for a special election to be held on at least ten but less than forty days' notice.

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5. In the office of the appropriate commissioner in case of a special election to fill vacancies, at least twenty-five days before the day of election.

6. In the office of the appropriate commissioner, at least forty-two days before the regularly scheduled or special city election. However, for those cities that may be required to hold a primary election, at least sixty-three days before a regularly scheduled or special city election.

[C97, §1101; SS15, §1101; C24, §652; C27, 31, 35, §655-a9; C39, §**655.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.9]

87 Acts, ch 221, §4, 5; 89 Acts, ch 136, §25; 91 Acts, ch 129, §8; 98 Acts, ch 1123, §3; 2014 Acts, ch 1101, §5; 2017 Acts, ch 110, §72; 2018 Acts, ch 1026, §22; 2019 Acts, ch 59, §21; 2019 Acts, ch 148, §50; 2021 Acts, ch 147, §18, 54; 2025 Acts, ch 123, §33; 2026 Acts, ch 1073, §10

Referred to in §44.10, 44.11, 277.4, 376.4
Applicability to candidates nominated by petition, see §45.4
Subsections 2, 3, and 5 amended

44.10 Effect of withdrawal.

The name of a candidate who has withdrawn the candidate's nomination as provided in section 44.9 shall not be printed on the official ballot under that nomination.

[C97, §1101; SS15, §1101; C24, §652; C27, 31, 35, §655-a10; C39, §**655.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.10]

2021 Acts, ch 80, §24

44.11 Vacancies filled.

If a candidate named under this chapter withdraws or dies before the deadline established in section 44.9, declines a nomination, or if a certificate of nomination is held insufficient or inoperative by the officer with whom it is required to be filed, or in case any objection made to a certificate of nomination, or to the eligibility of any candidate named in the certificate, is sustained by the board appointed to determine such questions, the vacancy or vacancies may be filled by the convention, or caucus, or in such manner as such convention or caucus has previously provided. The vacancy or vacancies shall be filled not less than seventy-six days before the election in the case of nominations required to be filed with the state commissioner, not less than sixty-nine days before the election in the case of nominations required to be filed with the commissioner, not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for school elections, and not less than forty-two days before the election in the case of nominations required to be filed with the commissioner for city elections.

[C97, §1102; C24, §653; C27, 31, 35, §655-a11; C39, §**655.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.11]

89 Acts, ch 136, §26; 97 Acts, ch 170, §8; 2014 Acts, ch 1101, §6; 2017 Acts, ch 110, §73; 2017 Acts, ch 155, §14, 44; 2021 Acts, ch 147, §19, 54; 2025 Acts, ch 123, §34; 2026 Acts, ch 1073, §11

Referred to in §44.14, 44.17
Section amended

44.12 Insufficient time for convention.

If the time is insufficient for again holding such convention or caucus, or in case no such previous provisions have been made, such vacancy shall be filled by the regularly elected or appointed executive or central committee of the particular division or district representing the political organization holding such convention, or caucus.

[C97, §1102; C24, §653; C27, 31, 35, §655-a12; C39, §**655.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.12]

44.13 Certificates in matter of vacancies.

The certificates of nominations made to fill such vacancies shall state, in addition to the facts and candidate's affidavit required in an original certificate, the name of the original nominee, the date of death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and shall be signed and sworn to by the

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presiding officer and secretary of the convention, or caucus, or by the chairperson and secretary of the committee, as the case may be.

[C97, §1102; C24, §653; C27, 31, 35, §655-a13; C39, §**655.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.13; 81 Acts, ch 34, §6]

2020 Acts, ch 1063, §26

Referred to in §44.14
Original certificates, §44.3

44.14 Filing of certificates.

Certificates of nominations made to fill vacancies, as required by section 44.13, shall be filed with the officer designated and at the time required by section 44.11.

[C97, §1104; SS15, §1104; C24, §655; C27, 31, 35, §655-a14; C39, §**655.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.14]

44.15 Presumption of validity.

Certificates thus filed, and being apparently in conformity with law, shall be regarded as valid, unless objection in writing thereto shall be made, and, under proper regulations, shall be open to public inspection, and preserved by the receiving officer for not less than six months after the election is held.

[C97, §1104; SS15, §1104; C24, §655; C27, 31, 35, §655-a15; C39, §**655.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.15]

Applicability to candidates nominated by petition, see §45.4

44.16 Return of papers — additions not allowed.

After a nomination petition or certificate has been filed, it shall not be returned to the candidate or person who has filed the document, and no signature or other information shall be added to the nomination petition or certificate.

[C97, §1104; SS15, §1104; C24, §655; C27, 31, 35, §655-a16; C39, §**655.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §44.16]

93 Acts, ch 143, §7

44.17 Nominations by petition.

1. In lieu of holding a caucus or convention, a nonparty political organization may nominate by petition pursuant to chapter 45 not more than one candidate for any partisan office to be filled at the general election.

2. The nonparty political organization may also file with the appropriate commissioner a list of the names and addresses of the organization's central committee members, and the chairperson and secretary of the organization. The organization may also place on file a description of the method that the organization will follow to fill any vacancies resulting from the death, withdrawal, or disqualification of any of its candidates that were nominated by petition. If this information is filed before the close of the filing period for the general election, substitutions may be made pursuant to section 44.11.

97 Acts, ch 170, §9; 2019 Acts, ch 24, §104

Referred to in §54.5

44.18 Affiliation on voter registration form.

1. A nonparty political organization that nominated a candidate whose name appeared on the general election ballot for a federal office, for governor, or for any other statewide elective office in any of the preceding ten years may request registration of voters showing their affiliation with the nonparty political organization pursuant to this section.

2. The organization shall file the following documents with the state registrar of voters on or before December 1 of an even-numbered year:

a. A petition in the form prescribed by the registrar and signed by no fewer than eight hundred fifty eligible electors residing in at least five counties in the state. The petition shall include the official name of the organization; the organization's name as the organization requests it to appear on the voter registration form if different from the organization's official name; and the name, address, and telephone number of the contact person for

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the organization. Each person who signs the petition shall include the person's signature, printed name, residence address with house number, street name, city, and county, and the date the person signed the petition.

b. A copy of the nonparty political organization's articles of incorporation, bylaws, constitution, or other document relating to establishment of the organization. Such copy shall be certified as a true copy of the original by the custodian of the original document.

c. An application form prescribed by the state registrar of voters. The form shall include all of the following:

(1) The official name of the nonparty political organization.

(2) The name, address, and telephone number of the contact person for the organization who is responsible for the application.

(3) The signature of the chief executive officer of the organization approving the application.

(4) The organization's name as the organization requests it to appear on the voter registration form if different from the organization's official name.

3. The nonparty political organization's name and its name as listed on the voter registration form shall conform to the requirements of section 43.121. The registrar shall not invalidate the application solely because the registrar finds the official name of the organization or the name to be included on the voter registration form to be unacceptable. If the registrar finds the name to be unacceptable, the registrar shall contact the organization and provide assistance in identifying an appropriate official name for the organization and for identifying the organization on the voter registration form. A determination by the registrar that the official name or voter registration form name requested is acceptable for use within the voter registration system is final.

4. The registrar and the voter registration commission may require biennial filings to update contact information.

5. Beginning in January 2011, and each odd-numbered year thereafter, the registrar and the voter registration commission may review the number of voters registered as affiliated with a nonparty political organization. If the number of registrants, including both active and inactive voters, is fewer than one hundred fifty, the commission shall declare the organization to be dormant for purposes of voter registration and may revise the voter registration form and instructions and electronic voter registration system to remove the organization from the list of nonparty political organizations with which a voter may register as affiliated. However, a change shall not be made to the record of political affiliation of individual registrants unless the registrant requests the change.

6. If a political party, as defined in section 43.2, fails to receive a sufficient number of votes in a general election to retain status as a political party and the former political party organizes as a nonparty political organization, the organization may request registration of voters showing their affiliation with the organization. A change shall not be made to the record of political party affiliation of individual registrants unless the registrant requests the change.

2008 Acts, ch 1115, §72; 2022 Acts, ch 1032, §14

Referred to in §48A.11

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CHAPTER 45

NOMINATIONS BY PETITION

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 43.2, 43.112, 43.121, 44.4, 44.17, 47.1, 49.104, 53.23, 161A.5, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 303.49, 331.254, 347.25, 357H.6, 357J.16, 360.1, 372.2, 376.1, 376.3, 376.6, 376.8, 420.137

See also definitions in §39.3

45.1 Nominations by petition.
45.2 Adding name by petition.
45.3 Affidavit of candidacy.
45.4 Filing — presumption — withdrawals — objections.
45.5 Form of nomination papers.
45.6 Requirements in signing.

45.1 Nominations by petition.

1. Nominations for candidates for president and vice president, governor and lieutenant governor, and for United States senator may be made by nomination petitions signed by not less than three thousand five hundred eligible electors, including at least one hundred eligible electors each from at least nineteen counties of the state.

2. Nominations for candidates for statewide offices other than those listed in subsection 1 may be made by nomination petitions signed by not less than two thousand five hundred eligible electors, including at least seventy-seven eligible electors from not less than eighteen counties of the state.

3. Nominations for candidates for a representative in the United States house of representatives may be made by nomination petitions signed by not less than one thousand seven hundred twenty-six eligible electors who are residents of the congressional district, including at least forty-seven eligible electors each from at least one-half of the counties in the congressional district.

4. Nominations for candidates for the state senate may be made by nomination petitions signed by not less than one hundred eligible electors who are residents of the senate district.

5. Nominations for candidates for the state house of representatives may be made by nomination petitions signed by not less than fifty eligible electors who are residents of the representative district.

6. Nominations for candidates for offices filled by the voters of a whole county may be made by nomination petitions signed by eligible electors who are residents of the county as follows:

a. For a county with a population of fifteen thousand or fewer according to the most recent federal decennial census, nomination petitions shall include at least fifty signatures.

b. For a county with a population of greater than fifteen thousand but fewer than fifty thousand according to the most recent federal decennial census, nomination petitions shall include at least seventy-five signatures.

c. For a county with a population of fifty thousand or greater according to the most recent federal decennial census, nomination petitions shall include at least one hundred signatures.

7. Nominations for candidates for the office of county supervisor elected by the voters of a supervisor district may be made by nomination petitions signed by eligible electors who are residents of the supervisor district as follows:

a. For a supervisor district with a population of fifteen thousand or fewer according to the most recent federal decennial census, nomination petitions shall include at least twenty-one signatures.

b. For a supervisor district with a population of greater than fifteen thousand but no more than fifty thousand according to the most recent federal decennial census, nomination petitions shall include at least fifty signatures.

c. For a supervisor district with a population of greater than fifty thousand according to the most recent federal decennial census, nomination petitions shall include at least one hundred signatures.

8. *a.* Nomination papers for the offices of president and vice president shall include the names of the candidates for both offices on each page of the petition. A certificate listing the names of the candidates for presidential electors, one from each congressional district and

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two from the state at large, shall be filed in the state commissioner's office at the same time the nomination papers are filed.

b. Nomination papers for the offices of governor and lieutenant governor shall include the names of candidates for both offices on each page of the petition. Nomination papers for other statewide elected offices and all other offices shall include the name of the candidate on each page of the petition.

9. Nominations for candidates for elective offices in cities where the council has adopted nominations under this chapter may be submitted as follows:

a. Except as otherwise provided in subsection 10, in cities having a population of twenty-five thousand or greater according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than seventy-five eligible electors who are residents of the city or ward.

b. In cities having a population of seven thousand five hundred or greater, but less than twenty-five thousand, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than fifty eligible electors who are residents of the city or ward.

c. In cities having a population of two thousand five hundred or greater, but less than seven thousand five hundred, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than twenty-five eligible electors who are residents of the city or ward.

d. In cities having a population of less than two thousand five hundred, according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than ten eligible electors who are residents of the city or ward.

10. Nominations for candidates, other than partisan candidates, for elective offices in special charter cities subject to section 43.112 may be submitted as follows:

a. For the office of mayor and alderman at large, nominations may be made by nomination papers signed by seventy-five eligible electors residing in the city.

b. For the office of ward alderman, nominations may be made by nomination papers signed by seventy-five eligible electors residing in the ward.

[C97, §1100; C24, §651; C27, 31, 35, §655-a17; C39, §**655.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §45.1; 81 Acts, ch 34, §7]

86 Acts, ch 1224, §7; 88 Acts, ch 1119, §10, 11; 89 Acts, ch 136, §27; 93 Acts, ch 143, §8; 94 Acts, ch 1180, §10; 2007 Acts, ch 25, §2; 2008 Acts, ch 1032, §201; 2009 Acts, ch 57, §10; 2020 Acts, ch 1062, §18; 2021 Acts, ch 12, §16, 17, 73, 74; 2021 Acts, ch 147, §20, 54; 2021 Acts, ch 174, §31, 34, 37; 2022 Acts, ch 1004, §2 – 4; 2022 Acts, ch 1153, §5

Referred to in §43.20, 45.6

45.2 Adding name by petition.

The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office in the same election.

[C97, §1100; C24, §651; C27, 31, 35, §655-a18; C39, §**655.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §45.2]

Other methods, chapters 43, 44

45.3 Affidavit of candidacy.

Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the secretary of state and shall include the following information:

1. The candidate's name in the form the candidate wants it to appear on the ballot.
2. The candidate's home address.
3. The name of the county in which the candidate resides.
4. The name of the political organization by which the candidate was nominated, if any.
5. The office sought by the candidate, and the district the candidate seeks to represent, if any.
6. A declaration that if the candidate is elected the candidate will qualify by taking the oath of office.

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7. A statement that the candidate is aware that the candidate is required to organize a candidate's committee which shall file an organization statement and disclosure reports if the committee or the candidate receives contributions, makes expenditures, or incurs indebtedness in excess of the reporting threshold in section 68A.102, subsection 5. This subsection shall not apply to candidates for federal office.

8. A statement that the candidate is aware of the prohibition in section 49.41 against being a candidate for more than one office to be filled at the same election, except county agricultural extension council and soil and water conservation district commission.

9. A statement that the candidate is aware that the candidate is disqualified from holding office if the candidate has been convicted of a felony or other infamous crime and the candidate's rights have not been restored by the governor or by the president of the United States. This subsection does not apply to candidates for federal office. The state commissioner shall prescribe a separate affidavit of candidacy for candidates for federal office.

10. A statement that the candidate is aware that by filing this affidavit, the candidate is ineligible to appear on the same ballot for the same office other than as a candidate nominated by petition.

[C97, §1100; C24, §651; C27, 31, 35, §655-a19; C39, §**655.19;** C46, 50, 54, 58, 62, 66, 71, 73, §45.3; C75, §45.3, 56.5(4); C77, 79, 81, §45.3; 81 Acts, ch 35, §18]

87 Acts, ch 221, §6; 89 Acts, ch 136, §28; 90 Acts, ch 1238, §9; 91 Acts, ch 129, §9; 94 Acts, ch 1023, §79; 94 Acts, ch 1180, §11; 98 Acts, ch 1052, §4; 2001 Acts, ch 158, §9; 2002 Acts, ch 1134, §14, 115; 2025 Acts, ch 123, §6, 38

Referred to in §39.22, 49.41, 357.13, 358.9, 376.11

45.4 Filing — presumption — withdrawals — objections.

The time and place of filing nomination petitions, the presumption of validity thereof, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions, or to the eligibility of the candidate, shall be governed by the law relating to nominations by political organizations which are not political parties.

[C97, §1104; SS15, §1104; C24, §652, 654, 655; C27, 31, 35, §655-a20; C39, §**655.20;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §45.4]

Statutes applicable, chapter 44

45.5 Form of nomination papers.

1. Nomination papers shall include a petition and an affidavit of candidacy. All nomination petitions shall be eight and one-half by eleven inches in size and shall be in substantially the form prescribed by the state commissioner of elections. They shall provide spaces for the following information:

a. A statement identifying the signers of the petition as eligible electors of the appropriate ward, city, county, school district or school district director district, or legislative district and of the state of Iowa.

b. The name of the candidate nominated by the petition.

c. A statement that the candidate is or will be a resident of the appropriate ward, city, county, school district, or legislative or other district as required by section 39.27.

d. The office sought by the candidate, including the district number, if any.

e. The name and date of the election for which the candidate is nominated.

2. *a.* Signatures on a petition page shall be counted only if the information required in subsection 1 is written or printed at the top of the page.

b. Nomination papers on behalf of candidates for seats in the general assembly need only designate the number of the senatorial or representative district, as appropriate, and not the county or counties, in which the candidate and the petitioners reside.

c. A signature line in a nomination petition shall not be counted if the line lacks the signature of the eligible elector and the signer's residential address, with street and number, if any, and city. A signature line shall not be counted if an eligible elector supplies only a partial address or a post office box address, or if the signer's address is obviously outside the

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boundaries of the appropriate ward, city, school district or school district director district, legislative district, or other district.

d. A signature line shall not be counted if any of the required information is crossed out or redacted at the time the nomination papers are filed with the state commissioner or commissioner.

3. The pages of the petition shall be securely fastened together to form a single bundle. Nomination petitions that are not bound shall be returned without further examination. The state commissioner shall prescribe by rule the acceptable methods for binding nomination petitions.

4. The person examining the petition shall mark any deficiencies on the petition. Signed nomination petitions and the signed and notarized affidavit of candidacy shall not be altered to correct deficiencies noted during the examination. If the nomination petition lacks a sufficient number of acceptable signatures, the nomination papers shall be rejected and returned to the candidate.

5. The nomination papers shall be rejected if the affidavit lacks any of the following:

a. The candidate's name.

b. The name of the office sought, including the district, if any.

c. The signature of the candidate.

d. The signature of a notary public under chapter 9B or other officer empowered to witness oaths.

6. The candidate may replace a deficient affidavit with a corrected one only if the replacement is filed before the filing deadline. The candidate may resubmit a nomination petition that has been rejected by adding a sufficient number of pages or signatures to correct the deficiency. A nomination petition and affidavit filed to replace rejected nomination papers shall be filed together before the deadline for filing.

2002 Acts, ch 1134, §15, 115; 2003 Acts, ch 44, §23, 24; 2007 Acts, ch 59, §4, 19; 2012 Acts, ch 1050, §35, 60; 2019 Acts, ch 148, §16, 17, 33; 2020 Acts, ch 1098, §2

Referred to in §376.4
Similar provision, see §43.14
Oaths, see chapter 63A

45.6 Requirements in signing.

The following requirements shall be observed in the signing and preparation of nomination petitions:

1. A signer may sign nomination petitions for more than one candidate for the same office, and the signature is not invalid solely because the signer signed nomination petitions for one or more other candidates for the office.

2. Each signer shall add the signer's residential address, with street and number, if any, and city.

3. All signers, for all nominations, of each separate part of a nomination petition, shall reside in the appropriate ward, city, county, school district or school district director district, legislative district, or other district as required by section 45.1.

4. When more than one sheet is used, the sheets shall be neatly arranged and securely fastened together before filing, and shall be considered one nomination petition. Nomination petitions which are not securely fastened together shall be returned to the candidate or the candidate's designee without examination. The state commissioner shall prescribe by rule the acceptable methods for binding nomination petitions.

5. Only one candidate shall be petitioned for or nominated in the same nomination petition, except for the offices of governor and lieutenant governor, and president and vice president.

2002 Acts, ch 1134, §16, 115; 2007 Acts, ch 59, §5, 19; 2019 Acts, ch 148, §18, 33

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CHAPTER 46

NOMINATION AND ELECTION OF JUDGES

Referred to in §39.28, 39A.1, 39A.2, 39A.6, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1, 602.4101, 602.5102, 602.6201, 602.6304, 602.6806, 602.6808, 602.7103B, 602.11111, 633.20B

46.1 Appointment of state judicial nominating commissioners.
46.2 Election of state judicial nominating commissioners.
46.2A Special appointment of state judicial nominating commissioners and transition provisions. Repealed by its own terms; 2020 Acts, ch 1063, §28.
46.3 Appointment of district judicial nominating commissioners.
46.4 Election of district judicial nominating commissioners.
46.5 Vacancies.
46.5A Judicial nominating commission expenses.
46.6 Chairperson.
46.7 Eligibility to vote.
46.8 Certified list.
46.9 Conduct of elections.
46.9A Notice preceding nomination of elective nominating commissioners.
46.10 Nomination of elective judicial nominating commissioners.
46.11 Certification of commissioners.
46.12 Notification of vacancy and resignation.
46.13 Notice of meetings and application process.
46.14 Nomination.
46.14A Court of appeals — nominees.
46.15 Appointments to be from nominees.
46.15A Severability and judicial review.
46.16 Terms of judges.
46.17 Time of judicial election.
46.18 Eligibility of voters.
46.19 Election registers.
46.20 Declaration of candidacy.
46.21 Conduct of elections.
46.22 Voting.
46.23 General election and absent voter laws.
46.24 Results of election.
46.25 Eligible elector defined.

46.1 Appointment of state judicial nominating commissioners.

1. The governor shall appoint, subject to confirmation by the senate, nine eligible electors to the state judicial nominating commission.

2. The appointments made by the governor shall be staggered terms of six years each and shall begin and end in even-numbered years as provided in section 69.19. The terms of no more than three nor less than two of the commissioners shall expire within the same two-year period.

3. All commissioners shall be chosen without reference to political affiliation.

4. There shall be at least one commissioner appointed by the governor from each congressional district and there shall not be more than two commissioners appointed by the governor from a single congressional district unless each congressional district has at least two commissioners appointed by the governor.

5. A commissioner who has served a full six-year term on the state judicial nominating commission, whether the commissioner was appointed or elected, shall be ineligible to be appointed to a second six-year term.

6. No person may be appointed who holds an office of profit of the United States or of the state at the time of appointment.

[C66, 71, 73, 75, 77, 79, 81, §46.1]
87 Acts, ch 218, §1; 2019 Acts, ch 89, §46, 60; 2024 Acts, ch 1004, §8
Confirmation, see §2.32

46.2 Election of state judicial nominating commissioners.

1. The resident members of the bar of each congressional district shall elect two eligible electors to the state judicial nominating commission.

2. The commissioners elected by the bar shall serve staggered terms of six years each and shall be elected in the month of January for terms commencing July 1 of odd-numbered years. The terms of no more than three of the commissioners shall expire within the same two-year period.

3. All of the commissioners elected by the bar shall be chosen without reference to political affiliation.

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4. A commissioner who has served a full six-year term on the state judicial nominating commission, whether the commissioner was appointed or elected, shall be ineligible to be elected to a second six-year term.

5. No person may be elected who holds an office of profit of the United States or of the state at the time of election.

[C66, 71, 73, 75, 77, 79, 81, §46.2]

87 Acts, ch 218, §2; 2019 Acts, ch 89, §47, 60; 2024 Acts, ch 1004, §9

46.2A Special appointment of state judicial nominating commissioners and transition provisions. Repealed by its own terms; 2020 Acts, ch 1063, §28.

46.3 Appointment of district judicial nominating commissioners.

1. The governor shall appoint five eligible electors of each judicial election district to the district judicial nominating commission.

2. The appointments made by the governor shall be to staggered terms of six years each and shall be made in the month of January for terms commencing February 1 of even-numbered years.

3. Beginning with terms commencing February 1, 2012, there shall not be more than one appointed commissioner from a county within a judicial election district unless each county within the judicial election district has an appointed or elected commissioner or the number of appointed commissioners exceeds the number of counties within the judicial election district. This subsection shall not be used to remove an appointed commissioner from office prior to the expiration of the commissioner's term.

[C66, 71, 73, 75, 77, 79, 81, §46.3]

87 Acts, ch 218, §3; 2011 Acts, ch 78, §1; 2024 Acts, ch 1004, §10

Referred to in §602.11111

46.4 Election of district judicial nominating commissioners.

The resident members of the bar of each judicial election district shall elect five eligible electors of the district to the district judicial nominating commission. Commissioners shall be elected to staggered terms of six years each. The elections shall be held in the month of January for terms commencing February 1 of even-numbered years.

[C66, 71, 73, 75, 77, 79, 81, §46.4]

87 Acts, ch 218, §4; 2024 Acts, ch 1004, §11

46.5 Vacancies.

1. When a vacancy occurs in the office of an appointive judicial nominating commissioner, the chairperson of the particular commission shall promptly notify the governor in writing of such fact or the governor may take note of such a vacancy. Vacancies in the office of an appointive judicial nominating commissioner shall be filled by appointment by the governor, consistent with eligibility requirements. The term of state judicial nominating commissioners so appointed shall commence upon their appointment pending confirmation by the senate at the then session of the general assembly or at its next session if it is not then in session. The term of district judicial nominating commissioners so appointed shall commence upon their appointment.

2. An appointive commissioner shall be deemed to have submitted a resignation if the commissioner fails to attend a meeting of the commission that is properly noticed under section 46.13 and at which the commission conducts interviews or selects nominees for judicial office. The governor, in the governor's discretion, may accept or reject the resignation. If the governor accepts the resignation, the governor shall notify the commissioner and the chairperson of the commission in writing and shall then make another appointment.

3. Vacancies in the office of elective judicial nominating commissioner shall be filled consistent with eligibility requirements by a special election within the judicial election district or congressional district where the vacancy occurs unless the term has less than ninety days remaining, in which case the office shall remain vacant. The special election

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shall be completed within ninety days of the vacancy arising and shall be conducted as provided in sections 46.9, 46.9A, and 46.10.

4. If a vacancy occurs in the office of chairperson of the state judicial nominating commission, the members of the commission shall elect a new chairperson as provided in section 46.6. If a vacancy occurs in the office of chairperson of a district judicial nominating commission or in the absence of the chairperson, the members of the particular commission shall elect a temporary chairperson from their own number.

5. Notwithstanding section 69.1A, appointed and elected commissioners on the state and district judicial nominating commissions shall not hold over until their successor is appointed or elected and qualified.

6. All judicial nominating commissioners, including those elected by the bar, shall be subject to removal by the executive council in the same manner as appointive state officers under section 66.26. When the status of a judicial nominating commissioner is in question, the governor shall be the officer responsible for deciding whether a vacancy exists under section 69.2.

[C66, 71, 73, 75, 77, 79, 81, §46.5]

83 Acts, ch 186, §10017, 10201; 87 Acts, ch 218, §5; 2009 Acts, ch 179, §164, 171; 2019 Acts, ch 89, §49, 60; 2020 Acts, ch 1063, §29

Referred to in §602.11111
Confirmation, see §2.32

46.5A Judicial nominating commission expenses.

Members of the state judicial nominating commission and the district judicial nominating commissions are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties as commissioners for each day spent attending commission meetings or training sessions called by the chairperson. Expenses shall be paid from funds appropriated to the judicial branch for this purpose.

88 Acts, ch 1094, §1; 98 Acts, ch 1047, §13

46.6 Chairperson.

1. The commissioners of the state judicial nominating commission shall elect a chairperson from their own number. The chairperson shall serve a two-year term that expires on April 30 of even-numbered years. A commissioner may be reelected for a second or third term as chairperson. If a chairperson of a judicial nominating commission desires to be relieved of the duties of chairperson while retaining the status of commissioner, the chairperson shall notify the governor and the other commissioners of the commission. At the next meeting of the commission, the commissioners shall elect a new chairperson for the remainder of the two-year term.

2. The judge of longest service in the district shall serve as the chair of a particular district judicial nominating commission. If the judges of longest service in the district are of equal service, the eldest of such judges shall be chairperson of the particular judicial nominating commission.

[C66, 71, 73, 75, 77, 79, 81, §46.6]

2016 Acts, ch 1011, §10; 2019 Acts, ch 89, §50, 60

Referred to in §46.5

46.7 Eligibility to vote.

To be eligible to vote in elections of judicial nominating commissioners, a member of the bar must be eligible to practice and must be a resident of the state of Iowa and of the appropriate congressional district or judicial election district at the time the member votes in the election. The member's residency shall be determined by the home address shown on the member's most recent electronic or paper submission to the commission on continuing education and

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the client security commission or on the member's bar admission records. A judge who has been admitted to the bar of the state of Iowa shall be considered a member of the bar.

[C66, 71, 73, 75, 77, 79, 81, §46.7]

83 Acts, ch 186, §10018, 10201; 86 Acts, ch 1119, §1; 92 Acts, ch 1116, §1; 2009 Acts, ch 179, §165, 171; 2019 Acts, ch 89, §51, 60

Referred to in §602.6504

46.8 Certified list.

1. The state court administrator shall maintain a certified list of the names, addresses, electronic mail addresses, and years of admission of members of the bar who are eligible to vote for state and district judicial nominating commissioners.

2. Upon request, the state court administrator shall provide the certified list in electronic form and without charge to any properly qualified nominee for state or district judicial nominating commissioner.

[C66, 71, 73, 75, 77, 79, 81, §46.8]

83 Acts, ch 186, §10019, 10201; 86 Acts, ch 1119, §2; 2009 Acts, ch 179, §166, 171; 2019 Acts, ch 89, §52, 60

Referred to in §602.6504, 602.8102(14)

46.9 Conduct of elections.

1. When an election of judicial nominating commissioners is to be held, the state court administrator shall administer the voting. The state court administrator may administer the voting by electronic notification and voting or by paper ballot mailed to each eligible attorney. The state court administrator shall mail paper ballots to eligible attorneys or electronically notify and enable eligible attorneys to vote.

2. The state court administrator shall provide a voting period of at least twenty-one days from when the electronic voting notification is sent or the paper ballots are mailed during which eligible attorneys may vote electronically or submit a paper ballot.

3. In an election to elect a single commissioner, each eligible attorney may cast a single vote, and the qualified eligible elector receiving the most votes shall be elected.

4. In an election to elect two commissioners, each eligible attorney may cast one vote for two separate commissioners, and the qualified eligible electors receiving the most and second-most votes shall each be elected.

5. The election results, including the number of votes cast for each elector and the total number of the members of the bar eligible to vote in each election, shall be made publicly available on the judicial branch internet site and shall be reported to the governor and to the general assembly within ten days after the conclusion of the election.

[C66, 71, 73, 75, 77, 79, 81, §46.9]

83 Acts, ch 186, §10020, 10201; 2000 Acts, ch 1058, §58; 2009 Acts, ch 179, §167, 171; 2019 Acts, ch 89, §53, 60; 2024 Acts, ch 1004, §12

Referred to in §46.5

46.9A Notice preceding nomination of elective nominating commissioners.

At least sixty days prior to the expiration of the term of an elective state or district judicial nominating commissioner or the expiration of the period within which a special election must be held, the state court administrator shall provide notice of the current or upcoming vacancy and the nomination and election process by making the notice publicly available on the judicial branch internet site, issuing a press release, and electronically notifying members of the bar. The election shall not commence until at least thirty days after the issuance of the notice required by this section.

87 Acts, ch 218, §6; 2009 Acts, ch 179, §168, 171; 2019 Acts, ch 89, §54, 60

Referred to in §46.5

46.10 Nomination of elective judicial nominating commissioners.

1. In order to have an eligible elector's name printed on the ballot for state or district judicial nominating commissioner, the eligible elector must file in the office of the state court administrator at least thirty days prior to expiration of the period within which the election

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must be held a nominating petition signed by at least ten eligible electors of the congressional district in case of a candidate for state judicial nominating commissioner, or at least ten eligible electors of the judicial district in case of a candidate for district judicial nominating commissioner.

2. Ballots or electronic voting forms for state and district judicial nominating commissioners shall contain blank lines equal to the number of such commissioners to be elected, where names may be written in. Any electronic voting form must permit a voter to write in the name of any eligible elector.

[C66, 71, 73, 75, 77, 79, 81, §46.10]
2009 Acts, ch 179, §169, 171; 2019 Acts, ch 89, §55, 60
Referred to in §46.5

46.11 Certification of commissioners.

Upon making an appointment, the governor shall promptly certify the names and addresses of judicial nominating commissioners to the state commissioner of elections. Upon the completion of an election, the state court administrator shall certify the names and addresses of the elected judicial nominating commissioners to the state commissioner of elections and the governor.

[C66, 71, 73, 75, 77, 79, 81, §46.11]
2009 Acts, ch 179, §170, 171; 2019 Acts, ch 89, §56, 60

46.12 Notification of vacancy and resignation.

1. When a vacancy occurs or will occur within one hundred twenty days in the supreme court, the court of appeals, or district court, the state commissioner of elections shall forthwith so notify the governor. The governor shall call a meeting of the proper judicial nominating commission within ten days after such notice; if the governor fails to do so, the chief justice shall call such meeting.

2. When a judge of the supreme court, court of appeals, or district court resigns, the judge shall submit a copy of the resignation to the state commissioner of elections at the time the judge submits the resignation to the governor; and when a judge of the supreme court, court of appeals, or district court dies, the clerk of district court of the county of the judge's residence shall in writing forthwith notify the state commissioner of elections of such fact.

[C66, 71, 73, 75, 77, 79, 81, §46.12]
89 Acts, ch 18, §1; 2003 Acts, ch 151, §1, 64; 2019 Acts, ch 89, §57, 60
Referred to in §602.2301, 602.8102(4)

46.13 Notice of meetings and application process.

1. The governor or chairperson of each judicial nominating commission shall give the members of the commission at least five days' written notice by mail or electronic mail of the time and place of every meeting, except as to members who execute written waivers of notice at or before the meeting or unless the commission at its next previous meeting designated the time and place of the meeting.

2. Each commission, with the technical support of the judicial branch, shall publish all of the following on the judicial branch internet site:

a. Notice that the commission is accepting applications for judge or justice along with a copy of the application form at least two weeks before applications are required to be submitted to the commission.

b. Copies of nonconfidential application materials submitted by applicants.

c. The schedule of applicant interviews before the commission.

d. The list of nominees submitted by the commission to the governor and the chief justice.

3. Commissioners shall be permitted to conduct individual interviews with applicants in advance of the commission's meetings to choose the nominees.

4. The state judicial nominating commission shall adopt uniform rules for the state and district judicial nominating commissions that shall be consistent with this chapter and shall provide for a uniform and fair process for the commissions to consider applicants and select nominees. The state judicial nominating commission shall provide for a public comment period of at least thirty days on its proposed uniform rules prior to adopting the rules and

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shall adopt the rules on or before November 8, 2019. Such rules shall be made publicly available on the judicial branch internet site.

[C66, 71, 73, 75, 77, 79, 81, §46.13]

2019 Acts, ch 89, §58, 60

Referred to in §46.5

46.14 Nomination.

1. Each judicial nominating commission shall carefully consider the individuals available for judge, and within sixty days after receiving notice of a vacancy shall certify to the governor and the chief justice the proper number of nominees, in alphabetical order. Such nominees shall be chosen by the affirmative vote of a majority of the full statutory number of commissioners upon the basis of their qualifications and without regard to political affiliation. Nominees shall be members of the bar of Iowa, shall be residents of the state or district of the court or a county contiguous with the district to which they are nominated, and shall be of such age that they will be able to serve an initial and one regular term of office to which they are nominated before reaching the age of seventy-eight years. Absence of a commissioner or vacancy upon the commission shall not invalidate a nomination. The chairperson of the commission shall promptly certify the names of the nominees, in alphabetical order, to the governor and the chief justice by sending by electronic mail the certification to the governor and chief justice or the governor's and chief justice's designees on the day of the nomination.

2. A commissioner shall not be eligible for nomination by the commission during the term for which the commissioner was elected or appointed to that commission. A commissioner shall not be eligible to vote for the nomination of a family member, current law partner, or current business partner. For purposes of this subsection, *"family member"* means a spouse, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, father, mother, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

[C66, 71, 73, 75, 77, 79, 81, §46.14]

89 Acts, ch 212, §1; 2003 Acts, ch 151, §2; 2022 Acts, ch 1033, §1; 2025 Acts, ch 101, §7, 15

Vacancies in courts and number of nominees, Iowa Constitution, Art. V, §15

2025 amendment to subsection 1 applies to judicial officers retiring on or after July 1, 2025; 2025 Acts, ch 101, §15

46.14A Court of appeals — nominees.

Vacancies in the court of appeals shall be filled by appointment by the governor from a list of nominees submitted by the state judicial nominating commission. Five nominees shall be submitted for each vacancy. Nominees to the court of appeals shall have the qualifications prescribed for nominees to the supreme court.

2007 Acts, ch 86, §1; 2022 Acts, ch 1033, §2

46.15 Appointments to be from nominees.

1. All appointments to the supreme court and court of appeals shall be made from the nominees of the state judicial nominating commission, and all appointments to the district court shall be made from the nominees of the district judicial nominating commission.

2. If the governor fails to make an appointment within thirty days after a list of nominees has been submitted, the appointment shall be made from the list of nominees by the chief justice of the supreme court.

[C66, 71, 73, 75, 77, 79, 81, §46.15]

83 Acts, ch 186, §10021, 10201; 2007 Acts, ch 86, §2

Vacancies in courts and number of nominees, Iowa Constitution, Art. V, §15

46.15A Severability and judicial review.

1. If any provision or clause of this chapter or any application of this chapter to any person or circumstances is held invalid, such invalidity shall not affect other provisions, clauses, or applications of this chapter which can be given effect without the invalid provision or

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application, and to this end the provisions and clauses of this chapter are declared to be severable.

2. Notwithstanding any provision of law to the contrary, if any provision of this chapter is preliminarily enjoined, no judicial nominating commission shall meet to nominate persons to serve as a judge or justice while the preliminary injunction is in effect or while any appeal of the preliminary injunction or a related permanent injunction is pending unless the injunction is subsequently stayed or otherwise lifted.

2019 Acts, ch 89, §59, 60

46.16 Terms of judges.

1. Subject to sections 602.1610 and 602.1612 and to removal for cause:

a. The initial term of office of judges of the supreme court, court of appeals, and district court shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year; and

b. The regular term of office of judges of the supreme court retained at a judicial election shall be eight years, and of judges of the court of appeals and district court so retained shall be six years, from the expiration of their initial or previous regular term as the case may be.

2. Subject to removal for cause, the initial term of office of a district associate judge shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year, and the regular term of office of a district associate judge retained at a judicial election shall be six years from the expiration of the initial or previous regular term, as the case may be.

3. Subject to removal for cause, the initial term of office of a full-time associate juvenile judge or a full-time associate probate judge shall be for one year after appointment and until January 1 following the next judicial election after expiration of such year, and the regular term of office of a full-time associate juvenile judge or a full-time associate probate judge retained at a judicial election shall be six years from the expiration of the initial or previous regular term, as the case may be.

[C66, 71, §46.16; C73, 75, 77, 79, §46.16, 602.29; C81, §46.16]

83 Acts, ch 186, §10022, 10201; 99 Acts, ch 93, §1, 15; 2003 Acts, ch 151, §3, 65; 2008 Acts, ch 1031, §22

Referred to in §602.6305, 602.7103C, 633.20C

46.17 Time of judicial election.

Judicial elections shall be held at the time of the general election.

[C66, 71, 73, 75, 77, 79, 81, §46.17]

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

46.18 Eligibility of voters.

Electors entitled to vote at the general election shall be entitled to vote at the judicial election. All voting procedures provided by chapter 53 for absent voting by armed forces in general elections shall be applicable to judicial elections.

[C66, 71, 73, 75, 77, 79, 81, §46.18]

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

46.19 Election registers.

The election registers used for the general election shall also constitute the election registers for the judicial election.

[C66, 71, 73, 75, 77, 79, 81, §46.19]

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

46.20 Declaration of candidacy.

At least one hundred four days before the judicial election preceding expiration of the initial or regular term of office, a judge of the supreme court, court of appeals, or district court including district associate judges, full-time associate juvenile judges, or full-time associate probate judges, or a clerk of the district court who is required to stand for retention under section 602.1216 may file a declaration of candidacy with the state commissioner of elections

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to stand for retention or rejection at that election. If a judge or clerk fails to file the declaration, the office shall be vacant at the end of the term. District associate judges, full-time associate juvenile judges, and full-time associate probate judges filing the declaration shall stand for retention in the judicial election district of their residence.

[C66, 71, 73, 75, 77, 79, 81, §46.20]

83 Acts, ch 186, §10023, 10201; 89 Acts, ch 136, §29; 99 Acts, ch 93, §2

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

46.21 Conduct of elections.

At least sixty-four days before each judicial election, the state commissioner of elections shall certify to the county commissioner of elections of each county a list of the judges of the supreme court, court of appeals, and district court including district associate judges, full-time associate juvenile judges, and full-time associate probate judges, and clerks of the district court to be voted on in each county at that election. The county commissioner of elections shall place the names upon the ballot in the order in which they appear in the certificate. The state commissioner of elections shall rotate the names in the certificate by county. The names of all judges and clerks to be voted on shall be placed upon one ballot, which shall be in substantially the following form:

STATE OF IOWA
JUDICIAL BALLOT
(Date)

VOTE ON ALL NAMES BY PLACING AN X IN THE APPROPRIATE BOX AFTER EACH NAME.

SUPREME COURT

Shall the following judges of the supreme court be retained in office?

CANDIDATE'S NAME YES ☐ NO ☐
CANDIDATE'S NAME YES ☐ NO ☐

COURT OF APPEALS

Shall the following judges of the court of appeals be retained in office?

CANDIDATE'S NAME YES ☐ NO ☐
CANDIDATE'S NAME YES ☐ NO ☐

DISTRICT COURT

Shall the following judge, associate judge, associate juvenile judge, or associate probate judge of the district court be retained in office?

CANDIDATE'S NAME YES ☐ NO ☐

Shall the following clerk of the district court be retained in office?

CANDIDATE'S NAME YES ☐ NO ☐

[C66, 71, 73, 75, 77, 79, 81, §46.21]

83 Acts, ch 186, §10024, 10201; 89 Acts, ch 136, §30; 99 Acts, ch 93, §3; 2004 Acts, ch 1083, §2, 37; 2017 Acts, ch 110, §74

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

46.22 Voting.

Voting at judicial elections shall be by separate paper ballot or optical scan ballot in the space provided for public measures. If separate paper ballots are used, the election judges shall offer a ballot to each voter. If optical scan ballots are used, either a separate ballot or a distinct heading may be used to distinguish the judicial ballot. Separate ballot boxes for the general election ballots and the judicial election ballots are not required. The general election ballot and the judicial election ballot may be voted in the same voting booth.

[C66, 71, 73, 75, 77, 79, 81, §46.22]

90 Acts, ch 1238, §10; 2007 Acts, ch 190, §18; 2009 Acts, ch 57, §11

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

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46.23 General election and absent voter laws.

So far as applicable, general election and absent voter laws shall apply to judicial elections. An application for an absent voter ballot for a general election shall also constitute an application for an absent voter ballot for a judicial election to be held at the same time, and the ballots shall be mailed or delivered to the voter together. The sealed envelope transmitted by the absent voter to the county commissioner of elections containing the absent voter general election ballot may also contain the judicial election ballot.

[C66, 71, 73, 75, 77, 79, 81, §46.23]

Referred to in §602.1216, 602.6305, 602.7103C, 633.20C

46.24 Results of election.

1. A judge of the supreme court, court of appeals, or district court including a district associate judge, full-time associate juvenile judge, or full-time associate probate judge, or a clerk of the district court must receive more affirmative than negative votes to be retained in office. When the poll is closed, the election judges shall publicly canvass the vote forthwith. The board of supervisors shall canvass the returns on the Tuesday after the election, and shall promptly certify the number of affirmative and negative votes on each judge or clerk to the state commissioner of elections.

2. The state board of canvassers shall, at the time of canvassing the vote cast at a general election, open and canvass all of the returns for the judicial election. Each judge of the supreme court, court of appeals, or district court including a district associate judge, full-time associate juvenile judge, or full-time associate probate judge, or a clerk of the district court who has received more affirmative than negative votes shall receive from the state board of canvassers an appropriate certificate so stating.

[C66, 71, 73, 75, 77, 79, 81, §46.24]

83 Acts, ch 186, §10025, 10201; 90 Acts, ch 1238, §11; 99 Acts, ch 93, §4; 2000 Acts, ch 1154, §8; 2025 Acts, ch 122, §3

Referred to in §331.383, 602.1216, 602.6305, 602.7103C, 633.20C

46.25 Eligible elector defined.

As used in this chapter, the term *"eligible elector"* has the meaning assigned that term by section 39.3.

[C75, 77, 79, 81, §46.25]

CHAPTER 47

ELECTION COMMISSIONERS

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 43.5, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 331.505, 357J.16, 360.1, 372.2, 376.1

Chapter applicable to primary elections, §43.5
See also definitions in §39.3

47.1 State commissioner of elections.
47.2 County commissioner of elections.
47.3 Election expenses.
47.4 Election filing deadlines.
47.5 Purchasing by competitive bidding.
47.6 Election dates — conflicts — public measures.
47.7 State registrar of voters.
47.8 Voter registration commission — composition — duties.
47.9 Voting machine reimbursement fund. Repealed by 2008 Acts, ch 1176, §8, 10.
47.10 Optical scan voting system fund.
47.11 Electronic poll book and polling place technology program — revolving loan fund.

47.1 State commissioner of elections.

1. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction

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of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform the duties assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules pursuant to chapter 17A to carry out this section. The state commissioner of elections may issue guidance and directives that are not subject to the rulemaking process to clarify election laws and rules.

2. *a.* The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner's decision to alter any conduct for an election using emergency powers must be approved by the legislative council. If the legislative council does not approve the secretary of state's use of emergency powers to conduct an election, the legislative council may choose to present and approve its own election procedures or choose to take no further action. The state commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

b. If an emergency exists in all precincts of a county, the number of polling places shall not be reduced by more than thirty-five percent. The polling places allowed to open shall be equitably distributed in the county based on the ratio of regular polling places located in unincorporated areas in the county to regular polling places in incorporated areas in the county.

3. The secretary of state is designated the chief state election official and is responsible for coordination of state responsibilities under the federal National Voter Registration Act of 1993.

4. The state commissioner shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

5. The state commissioner shall adopt rules pursuant to chapter 17A, for the implementation of uniform and nondiscriminatory administrative complaint procedures for resolution of grievances relating to violations of Tit. III of Pub. L. No. 107-252. In complaint proceedings in which all of the respondents are local election officials, the presiding officer shall be the state commissioner of elections. In complaint proceedings in which one of the respondents is the state commissioner of elections, the presiding officer shall be a panel consisting of all members of the state voter registration commission appointed pursuant to section 47.8, except the state commissioner of elections or the state commissioner's designee.

6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of chapters 39 through 53. This examination shall include but not be limited to assessments conducted or authorized by private or government entities to evaluate a county's security readiness for elections-related technology or physical facilities. The state commissioner shall adopt rules pursuant to chapter 17A to require a commissioner to provide written explanations related to examinations conducted pursuant to this subsection. Any information that is requested by or in the possession of the state commissioner pursuant to this chapter shall not lose its confidential status pursuant to section 22.7.

7. The state commissioner may share information a county provides to an appropriate government agency to safeguard against cybersecurity or physical threats. A county commissioner of elections shall notify the state commissioner when the county commissioner's office is involved in physical or cybersecurity assessments performed by a federal or state agency or other entity.

8. The state commissioner may adopt rules pursuant to chapter 17A to create minimum security protocols applicable to county commissioners of elections and vendors utilized by the state commissioner and county commissioners of elections. If a county fails to adhere to these protocols, the state commissioner may limit access to the statewide voter registration

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system. If a vendor fails to adhere to these protocols, the state commissioner may limit access to election infrastructure.

[C71, §49A.6; C73, 75, 77, 79, 81, §47.1; 81 Acts, ch 34, §8]

91 Acts, ch 129, §10; 93 Acts, ch 143, §9; 94 Acts, ch 1169, §45; 2004 Acts, ch 1083, §3, 37; 2010 Acts, ch 1061, §180; 2017 Acts, ch 110, §40; 2019 Acts, ch 148, §19, 20, 33; 2020 Acts, ch 1098, §3; 2021 Acts, ch 12, §18, 73; 2025 Acts, ch 123, §7

Referred to in §39.3, 39A.2, 42.1, 47.2, 47.8, 50.48

47.2 County commissioner of elections.

1. The county auditor of each county is designated as the county commissioner of elections in each county. The county commissioner of elections shall conduct voter registration pursuant to chapter 48A and conduct all elections within the county. The county commissioner of elections does not possess home rule powers with respect to the exercise of powers or duties related to the conduct of elections prescribed by statute or rule, or guidance or directives issued pursuant to section 47.1.

2. *a.* When an election is to be held as required by law or is called by a political subdivision of the state and the political subdivision is located in more than one county, the county commissioner of elections of each of those counties shall conduct that election within the commissioner's county. However, the commissioner for the county having the greatest taxable base within the political subdivision shall serve as the controlling commissioner for the election. The controlling commissioner shall receive all nomination papers and public measures for the political subdivision. By the forty-first day prior to the election, the controlling commissioner shall certify the names of candidates and the text and summary of any public measure being submitted to the electorate to all county commissioners of elections required to conduct elections for the political subdivision. The county commissioners of elections of the other counties in which the political subdivision is located shall cooperate with the controlling commissioner.

b. Notwithstanding paragraph "*a*", for a city primary election, city runoff election, or a special election for a city, school district, or merged area, if a political subdivision is located in more than one county, the county commissioner of elections of a county not having the greatest taxable base within the political subdivision may designate that the controlling commissioner of the political subdivision shall conduct that election if fewer than one hundred twenty-five registered voters of the political subdivision are located within such county commissioner's county. If the controlling commissioner is so designated, section 50.24, subsections 4 and 5, shall not apply. For the purposes of this paragraph, the number of registered voters shall be the number of registered voters in the political subdivision of a county not having the greatest taxable base on May 1 immediately preceding the first day of the filing period for candidates for the election. If May 1 falls on a day when the county commissioner's office is closed for business, the county commissioner shall use the number of registered voters on the next day that the county commissioner's office is open for business to determine the number of registered voters.

3. The commissioner may designate as a deputy county commissioner of elections any officer of a political subdivision who is required by law to accept nomination papers filed by candidates for office in that political subdivision, and when so designated that person shall assist the commissioner in administering elections conducted by the commissioner for that subdivision. The designation of a person as a deputy commissioner of elections pursuant to this section, once made, shall continue in effect until the designation is withdrawn by the commissioner.

4. The commissioner shall assign each local public measure a letter for identification purposes. The public measure on the ballot shall be identified by the letter.

a. The county commissioner who is responsible under subsection 2 for conducting the elections held for a political subdivision which lies in more than one county shall assign the letter to the public measure.

b. The county commissioners of elections of the other counties in which the political subdivision is located shall not assign the same letter to a local public measure on the ballot in their counties during the same election.

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5. The office of county auditor or county commissioner of elections in each county shall be open for at least eight hours on the Saturday preceding a general election, primary election, or special election called by the governor for the purpose of receiving absentee ballots and conducting other official business relating to the election.

6. On the final date for filing nomination papers in the commissioner's office the office shall be open until the time for receiving nomination papers has passed.

7. The county commissioner of elections shall, to maintain election security, do all of the following:

a. When the county commissioner believes that a cybersecurity incident or data breach has occurred, the county commissioner shall immediately inform the state commissioner of elections.

b. If the county commissioner has no reason to believe that a cybersecurity incident or data breach has occurred, the county commissioner shall certify that fact to the state commissioner on an annual basis.

8. The county commissioner shall not participate in an absentee ballot drive or collection effort in cooperation with a candidate, candidate's committee, political party, or nonparty political organization. However, when a county commissioner is a candidate for election, such a county commissioner may participate in an absentee ballot drive or collection effort, but shall not aid any other candidate, candidate's committee, political party, or nonparty political organization.

[C73, 75, 77, 79, 81, §47.2; 81 Acts, ch 34, §9]

84 Acts, ch 1291, §3; 89 Acts, ch 136, §31; 94 Acts, ch 1169, §46; 2008 Acts, ch 1032, §201; 2017 Acts, ch 155, §15, 44; 2019 Acts, ch 148, §21, 33, 38, 39; 2021 Acts, ch 12, §19, 73; 2025 Acts, ch 123, §8

Referred to in §39.3, 44.4, 48A.2, 50.11, 50.24, 52.25, 68A.102, 260C.15, 260C.22, 260C.28, 277.20, 331.661, 331.753, 376.4, 376.6, 376.7, 376.9

47.3 Election expenses.

1. The costs of conducting a special election called by the governor, the general election, and the primary election held prior to the general election shall be paid by the county.

2. The cost of conducting other elections shall be paid by the political subdivision for which the election is held. The costs shall include but not be limited to the printing of the ballots and the election register, publication of notices, printing of declaration of eligibility affidavits, compensation for precinct election boards, canvass materials, and the preparation and installation of voting equipment. The county commissioner of elections shall certify to the county board of supervisors a statement of cost for an election. The cost shall be assessed by the county board of supervisors against the political subdivision for which the election was held.

3. *a.* Costs of registration and administrative and clerical costs shall not be charged as a part of the election costs.

b. If automatic tabulating equipment is used in any election, the county commissioner of elections shall not charge any political subdivision of the state a rental fee for the use of any automatic tabulating equipment.

4. The cost of maintenance of voter registration records and of preparation of election registers and any other voter registration lists required by the commissioner in the discharge of the duties of that office shall be paid by the county. Administrative and clerical costs incurred by the registrar in discharging the duties of that office shall be paid by the state.

[C97, §1129; S13, §1129, 2754; SS15, §1087-a5; C24, §560, 835, 4203; C27, §560, 718-b18, 4203; C31, 35, §560, 718-b18, 4216-c15; C39, §**560, 718.18, 4216.15;** C46, 50, 54, 58, 62, 66, 71, §43.32, 48.18, 49.118, 277.15; C73, §43.32, 47.3, 277.15; C75, 77, 79, 81, §47.3]

2009 Acts, ch 57, §12; 2022 Acts, ch 1032, §15

Referred to in §275.26, 331.383

Compensation of precinct election board members, see §49.20

47.4 Election filing deadlines.

If the deadline for a filing pertaining to an election falls on a day that the state or county commissioner's office is closed for business, the deadline shall be extended to the next day

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that the office of state commissioner or county commissioner is open for business to receive the filing.

97 Acts, ch 170, §10; 2024 Acts, ch 1146, §1

47.5 Purchasing by competitive bidding.

1. Except for legal services and printing of ballots, the commissioner shall take bids for goods and services which are needed in connection with registration of voters or preparation for or administration of elections and which will be performed or provided by persons who are not employees of the commissioner under the following circumstances:

a. In any case where it is proposed to purchase data processing services. The commissioner shall give the registrar written notice in advance on each occasion when it is proposed to have data processing services, necessary in connection with the administration of elections, performed by any person other than the registrar or an employee of the county. Such notice shall be made at least thirty days prior to publication of the specifications.

b. In all other cases, where the cost of the goods or services to be purchased will exceed one thousand dollars.

2. When it is proposed to purchase any goods or services, other than data processing services, in connection with administration of elections, the commissioner shall publish notice to bidders, including specifications regarding the goods or services to be purchased or a description of the nature and object of the services to be retained, in a newspaper of general circulation in the county not less than fifteen days before the final date for submission of bids. When competitive bidding procedures are used, the purchase of goods or services shall be made from the lowest responsible bidder which meets the specifications or description of the services needed or the commissioner may reject all bids and readvertise. In determining the lowest responsible bidder, various factors may be considered, including but not limited to the past performance of the bidder relative to quality of product or service, the past experience of the purchaser in relation to the product or service, the relative quality of products or services, the proposed terms of delivery and the best interest of the county.

3. The procedure for purchasing data processing services in connection with administration of elections is the same as prescribed in subsection 2, except that the required copy of the bid specifications shall be filed with the registrar rather than the state commissioner. The specifications for data processing contracts relative to voter registration records shall be specified by the registration commission. The registrar shall, not later than the final date for submission of bids, inform the commissioner in writing whether the department of administrative services data processing facilities are currently capable of furnishing the services the county proposes to purchase, and if so the cost to the county of so obtaining the services as determined in accordance with the standard charges adopted by the registration commission. The commissioner, with approval of the board of supervisors, may reject all bids and enter into an arrangement with the registrar for the services to be furnished by the state. The commissioner may recommend and the board of supervisors may approve purchasing the needed services from the lowest responsible bidder; however, if the needed services could be obtained through the registrar at a lower cost, the board shall publish notice twice in a newspaper of general circulation in the county of its intent to accept such bid and of the difference in the amount of the bid and the cost of purchasing the needed services from the department of administrative services data processing facilities through the registrar. Each contract for the furnishing of data processing services necessary in connection with the administration of elections, by any person other than the registrar or an employee of the county, shall be executed with the contractor by the board of supervisors of the county purchasing the services, but only after the contract has been reviewed and approved by the registration commission. The contract shall be of not more than one year's duration. Each county exercising the option to purchase such data processing services from a provider other than the registrar shall provide the registrar, at the county's expense, original and updated voter registration lists in a form and at times prescribed by rules adopted by the registration commission.

4. Any election or registration data or records which may be in the possession of a contractor shall remain the property of the commissioner. Contracts with a private person

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relating to the maintenance and use of voter registration data, which were properly entered into in compliance with this section and with all other laws relating to bidding on such contracts, shall remain in force only until the most recently negotiated termination date of that contract. A new contract with the same provider may be entered into in accordance with subsection 3.

[C75, 77, 79, 81, §47.5]

86 Acts, ch 1245, §312; 95 Acts, ch 103, §1, 2; 97 Acts, ch 170, §11, 12; 2003 Acts, ch 145, §286

47.6 Election dates — conflicts — public measures.

1. *a.* (1) The governing body of a political subdivision which has authorized a special election to which section 39.2, subsections 1, 2, and 3, are applicable shall by written notice inform the commissioner who will be responsible for conducting the election of the proposed date of the special election.

(a) If a public measure will appear on the ballot at the special election, the governing body shall submit the complete text of the public measure to the commissioner with the notice of the proposed date of the special election.

(b) If the proposed date of the special election coincides with the date of a regularly scheduled election or previously scheduled special election, the notice shall be given no later than 5:00 p.m. on the last day on which nomination papers may be filed with the commissioner for the regularly scheduled election or previously scheduled special election, but in no case shall notice be less than thirty-two days before the election. Otherwise, the notice shall be given at least forty-six days in advance of the date of the proposed special election.

(2) Upon receiving the notice, the commissioner shall promptly give written approval of the proposed date unless it appears that the special election, if held on that date, would conflict with a regular election or with another special election previously scheduled for that date.

b. A public measure shall not be withdrawn from the ballot at any election if the public measure was placed on the ballot by a petition, or if the election is a special election called specifically for the purpose of deciding one or more public measures for a single political subdivision. However, a public measure which was submitted to the county commissioner of elections by the governing body of a political subdivision may be withdrawn by the governing body which submitted the public measure if the public measure was to be placed on the ballot of a regularly scheduled election. The notice of withdrawal must be made by resolution of the governing body and must be filed with the commissioner no later than the last day upon which a candidate may withdraw from the ballot.

2. For the purpose of this section, a conflict between two elections exists only when some but not all of the registered voters of any precinct would be entitled to vote in one of the elections and all of the registered voters of the same precinct would be entitled to vote in the other election. Nothing in this subsection shall deny a commissioner discretionary authority to approve holding a special election on the same date as another election, even though the two elections may be defined as being in conflict, if the commissioner concludes that to do so will cause no undue difficulties.

3. *a.* A city council, county board of supervisors, school district board of directors, or merged area board of directors that has authorized a public measure to be submitted to the voters at a special election held pursuant to section 39.2, subsection 4, shall file the full text of the public measure with the commissioner no later than 5:00 p.m. on the forty-sixth day before the election.

b. If there are vacancies in county offices to be filled at the special election, candidates shall file their nomination papers with the commissioner not later than 5:00 p.m. on the forty-sixth day before the election.

c. If there are vacancies in city offices to be filled at the special election, candidates shall file their nomination papers with the city clerk not later than 5:00 p.m. on the forty-seventh day before the election. The city clerk shall deliver the nomination papers to the commissioner not later than 5:00 p.m. on the forty-sixth day before the election.

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Candidates for city offices in cities in which a primary election may be necessary shall file their nomination papers with the city clerk not later than 5:00 p.m. on the fifty-fourth day before the election. The city clerk shall deliver the nomination papers to the commissioner not later than 5:00 p.m. on the fifty-third day before the election.

[C77, 79, 81, §47.6]

89 Acts, ch 136, §32; 90 Acts, ch 1238, §12; 93 Acts, ch 143, §10; 95 Acts, ch 67, §53; 97 Acts, ch 170, §13; 2008 Acts, ch 1032, §145; 2008 Acts, ch 1115, §25, 26, 71; 2009 Acts, ch 57, §13; 2010 Acts, ch 1033, §12, 56; 2017 Acts, ch 155, §16, 44

Referred to in §39.2, 275.25, 372.9

47.7 State registrar of voters.

1. The state commissioner of elections is designated the state registrar of voters, and shall regulate the preparation, preservation, and maintenance of voter registration records, the preparation of precinct election registers for all elections administered by the commissioner of any county, and the preparation of other data on voter registration and participation in elections which is requested and purchased at actual cost of preparation and production by a political party or any resident of this state. The registrar shall maintain a log, which is a public record, showing all lists and reports which have been requested or generated or which are capable of being generated by existing programs of the data processing services of the registrar. In the execution of the duties provided by this chapter, the state registrar of voters shall provide the maximum public access to the electoral process permitted by law.

2. *a.* The state registrar of voters shall implement in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, interactive computerized statewide voter registration file defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state and assigns a unique identifier to each legally registered voter in the state. The state voter registration system shall be coordinated with other agency databases within the state, including but not limited to state department of transportation driver's license records, judicial records of convicted felons and persons declared incompetent to vote, and department of health and human services records of deceased persons.

b. A county shall not establish or maintain a voter registration system separate from the state voter registration system. Each county shall provide to the state registrar the names, voter registration information, and voting history of each registered voter in the county in the form required by the state registrar.

c. A state or local election official may obtain immediate electronic access to the information contained in the computerized voter registration file. All voter registration information obtained by a local election official shall be electronically entered into the computerized voter registration file on an expedited basis at the time the information is provided to the local election official. The state registrar shall provide such support as may be required to enable local election officials to electronically enter the information into the computerized voter registration file on an expedited basis. The list generated from the computerized file shall serve as the official voter registration list for the conduct of all elections for federal office in the state.

d. The state registrar shall prescribe by rule the procedures for access to the state voter registration file, including all of the following:

(1) Access protocols for adding, changing, or deleting information from the state voter registration file.

(2) Training requirements for all state voter registration file users.

(3) Technology safeguards, including county information technology network requirements, necessary to access the state voter registration file.

(4) Breach incident response requirements and protocols on all matters related to elections.

e. The state registrar may rescind access to the statewide voter registration file from a user who is not in compliance with the prescribed rules.

f. The state registrar shall, in the first quarter of each calendar year, conduct a verification of all voters in the statewide voter registration file, which shall include cross-referencing the

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records in the statewide voter registration file with similar records maintained by other states. The state registrar of voters shall cancel the registration of a voter found to be ineligible pursuant to section 48A.30. The state registrar shall submit a report to the general assembly by April 30 of each year regarding the number of voter registrations canceled pursuant to this paragraph. The state registrar shall also publish this report on the internet site of the state registrar.

g. The state registrar may contract with a third-party vendor, including state and federal government agencies and private entities, to develop or provide a program to allow the state registrar to verify the status of records in the statewide voter registration file and identify ineligible voters on an ongoing basis.

h. The state registrar may adopt rules pursuant to chapter 17A for the use of federal and other state agency sources of information. The state registrar and county commissioners of elections may use those sources of information for voter registration file maintenance.

i. The department of transportation shall transmit to the state registrar a list of each person seventeen years of age or older in the state who has submitted documentation indicating that the person is not a citizen of the United States.

[C77, 79, 81, §47.7; 81 Acts, ch 34, §10]

83 Acts, ch 176, §1, 10; 86 Acts, ch 1245, §313; 94 Acts, ch 1169, §47; 98 Acts, ch 1217, §34; 2004 Acts, ch 1083, §4, 37; 2006 Acts, ch 1003, §1, 2; 2019 Acts, ch 148, §22, 23, 33; 2021 Acts, ch 12, §20, 21, 73; 2023 Acts, ch 19, §38; 2023 Acts, ch 165, §4; 2025 Acts, ch 123, §39

Referred to in §39.3, 48A.10A

47.8 Voter registration commission — composition — duties.

1. A state voter registration commission is established which shall meet as necessary to make and review policy, adopt rules, and establish procedures to be followed by the registrar in discharging the duties of that office, and to promote interagency cooperation and planning.

a. The commission shall consist of the state commissioner of elections or the state commissioner's designee, the state chairpersons of the two political parties whose candidates for president of the United States or governor, as the case may be, received the greatest and next greatest number of votes in the most recent general election, or their respective designees, and a county commissioner of registration appointed by the president of the Iowa state association of county auditors, or an employee of the commissioner.

b. The commission membership shall be balanced by political party affiliation pursuant to section 4A.12. Members shall serve without additional salary or reimbursement.

c. The state commissioner of elections, or the state commissioner's designee, shall serve as chairperson of the state voter registration commission.

2. The registration commission shall prescribe the forms required for voter registration by rules promulgated pursuant to chapter 17A.

3. *a.* The registrar shall provide staff services to the commission and shall make available to it all information relative to the activities of the registrar's office in connection with voter registration policy which may be requested by any commission member. The registrar shall also provide to the commission at no charge statistical reports for planning and analyzing voter registration services in the state.

b. The commission may authorize the registrar to employ such additional staff personnel as it deems necessary to permit the duties of the registrar's office to be adequately and promptly discharged. Such personnel shall be employed pursuant to chapter 8A, subchapter IV.

4. The registration commission shall annually adopt a set of standard charges to be made for the services the registrar is required to offer to the several commissioners, and for furnishing of voter registration records which are requested by persons other than the registrar, the state commissioner or any commissioner pursuant to section 48A.38. These charges shall be sufficient to reimburse the state for the actual cost of furnishing such services or information, and shall be specified by unit wherever possible. The standard charges shall be adopted by the commission by January 15 of each calendar year.

5. In complaint proceedings held pursuant to section 47.1 in which one of the respondents is the state commissioner of elections, the presiding officer shall be a panel consisting of

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all members of the state voter registration commission, except the state commissioner of elections or the state commissioner's designee.

[C77, 79, 81, §47.8]

93 Acts, ch 143, §11; 94 Acts, ch 1169, §48; 95 Acts, ch 189, §6, 7; 2003 Acts, ch 145, §152; 2004 Acts, ch 1083, §5, 37; 2008 Acts, ch 1032, §146; 2024 Acts, ch 1170, §88

Referred to in §39.3, 47.1

47.9 Voting machine reimbursement fund. Repealed by 2008 Acts, ch 1176, §8, 10.

47.10 Optical scan voting system fund.

An optical scan voting system fund is established in the office of the treasurer of state under the control of the secretary of state. Moneys in the fund are appropriated to the office of the secretary of state for purchase and distribution of optical scan voting system equipment to counties to assist county compliance with section 52.2. The secretary of state, in consultation with the department of administrative services, shall establish a procedure for purchasing and distributing the equipment.

2008 Acts, ch 1176, §1, 10; 2011 Acts, ch 34, §168

47.11 Electronic poll book and polling place technology program — revolving loan fund.

1. An electronic poll book and polling place technology program is created and an electronic poll book and polling place technology revolving loan fund is created in the state treasury under the control of the state commissioner. The program and revolving loan fund shall be administered by the state commissioner and the revolving loan fund shall include moneys allocated from the state commissioner's budget and any other moneys obtained or accepted by the state commissioner for deposit in the revolving loan fund.

2. *a.* The state commissioner may loan moneys in the revolving loan fund to county commissioners for the purchase or update of electronic poll book and polling place technology.

b. Moneys loaned under this subsection shall be used, in accordance with section 49.28, to furnish electronic poll books to election precincts for the purpose of modernizing polling places throughout the state.

c. The state commissioner may spend an amount not to exceed thirty percent of the moneys in the revolving loan fund at the beginning of a fiscal year to administer polling place technology to ensure compliance with state standards of technological security and the protection of personally identifiable information.

3. A loan made under this section shall bear no interest.

4. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revolving loan fund shall be credited to the revolving loan fund. Notwithstanding section 8.33, moneys in the revolving loan fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert to any other fund but shall remain available in the revolving loan fund for the purposes designated.

5. The state commissioner shall adopt rules pursuant to chapter 17A to administer this section.

2017 Acts, ch 110, §37

CHAPTER 48

RESERVED

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CHAPTER 48A

VOTER REGISTRATION

Referred to in §9E.6, 39.3, 39.28, 39A.1, 39A.2, 39A.3, 39A.5, 39A.6, 43.5, 47.1, 47.2, 49.75, 53.38, 53.53, 232C.4, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 331.424, 331.505, 331.557A, 357J.16, 360.1, 368.1, 372.2, 376.1

Chapter applicable to primary elections, §43.5
See also definitions in §39.3
Criminal offenses, see chapter 39A

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SUBCHAPTER I

GENERAL PROVISIONS

48A.1 Statement of intent.

It is the intent of the general assembly to facilitate the registration of eligible residents of this state through the widespread availability of voter registration services. This chapter and other statutes relating to voter registration are to be liberally construed toward this end.

94 Acts, ch 1169, §1

48A.2 Definitions.

The definitions established by this section and section 39.3 shall apply wherever the terms so defined appear in this chapter, unless the context in which any such term is used clearly requires otherwise.

1. *"Commissioner of registration"* means the county commissioner of elections as defined in section 47.2.

2. *"Document"* means, for purposes of satisfying proof of residence under this chapter, information that is inscribed on a tangible medium or that is stored in an electronic record and is retrievable in perceivable form.

3. *"Homeless person"* means a person who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is one of the following:

a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations.

b. An institution that provides a temporary residence for persons intended to be institutionalized.

c. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

4. *"Person who is incompetent to vote"* means a person with an intellectual disability who has been found to lack the mental capacity to vote in a proceeding held pursuant to section 633.552.

5. *"Unauthorized alien"* means a person who is unlawfully present in the United States under the federal Immigration and Nationality Act, 8 U.S.C. §1101 et seq., as modified by applicable federal statutes, rules, and regulations.

6. *"Voter registration agency"* means an agency designated to conduct voter registration under section 48A.19. Offices of the office of driver services of the state department of transportation are not voter registration agencies.

7. *"Voter identification card"* means a card issued pursuant to section 48A.10A.

8. *"Voter registration form"* means an application to register to vote which must be completed by or on behalf of any person registering to vote. The voter registration form may also be used to make changes to an existing voter registration record.

9. *"Voter registration list"* means a compilation of voter registration records produced, upon request, from the electronic voter registration file or by viewing, upon request, the original, completed voter registration applications and forms.

94 Acts, ch 1169, §2; 96 Acts, ch 1129, §14; 98 Acts, ch 1185, §1; 2002 Acts, ch 1134, §17, 115; 2007 Acts, ch 59, §39, 43; 2009 Acts, ch 57, §14; 2012 Acts, ch 1019, §5; 2013 Acts, ch 130, §16, 35; 2017 Acts, ch 110, §12, 35, 36; 2018 Acts, ch 1149, §4, 12; 2019 Acts, ch 57, §1, 43, 44; 2026 Acts, ch 1156, §26, 35

Referred to in §321.1, 602.8102(15)

NEW subsection 5 and former subsections 5 – 8 renumbered as 6 – 9

48A.3 Commissioner of registration.

The county commissioner of elections is designated the commissioner of registration for the county, and may appoint deputies and assistants, subject to the approval of the county board of supervisors, necessary to carry out the commissioner's responsibilities under this chapter and under rules of the state voter registration commission and the state registrar of voters.

94 Acts, ch 1169, §3

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48A.4 Qualification of officers.

Before undertaking any voter registration duties, each voter registration officer, deputy, or assistant in whatever capacity, or clerk in the office of commissioner shall take an oath in the form prescribed by the state commissioner of elections.

94 Acts, ch 1169, §4

SUBCHAPTER II

QUALIFICATIONS TO REGISTER TO VOTE

48A.5 Voter qualifications.

1. An eligible elector wishing to vote in elections in Iowa shall register to vote as required by this chapter.

2. To be qualified to register to vote an eligible elector shall:

a. Be a citizen of the United States.

b. Be an Iowa resident. A person's residence, for voting purposes only, is the place which the person declares is the person's home with the intent to remain there permanently or for a definite, or indefinite or indeterminable length of time. A person who is homeless or has no established residence may declare residence in a precinct by describing on the voter registration form a place to which the person often returns.

c. (1) Be at least eighteen years of age. However, for purposes of voting in the primary election, an eligible elector shall be at least eighteen years of age on the date of the respective general election or city election. Completed registration forms shall be accepted from registrants who are at least seventeen years of age. For an election other than a primary election, the registration shall not be effective until the registrant reaches the age of eighteen. The commissioner of registration shall ensure that the birth date shown on the registration form is at least seventeen years earlier than the date the registration is processed.

(2) A registrant who is at least seventeen years of age and who will be eighteen by the date of a pending election is a registered voter for the pending election for purposes of chapter 53. For purposes of voting in a primary election under chapter 43, a registrant who will be at least eighteen years of age by the date of the respective general election or city election is a registered voter for the pending primary election.

d. Not claim the right to vote in more than one place. A registrant shall be presumed to revoke any earlier claim of residence for voter registration purposes.

3. If a person who meets the requirements set forth in subsection 2 moves to a new residence, either in Iowa or outside Iowa, and does not meet the voter requirements at the person's new residence, the person may vote at the person's former precinct in Iowa until the person meets the voter requirements of the person's new residence. However, a person who has moved to a new residence and fails to register to vote at the person's new residence after becoming eligible to do so shall not be entitled to vote at the person's former precinct in Iowa.

4. A citizen of the United States who lives outside of the United States has the right to register and vote as if the person were a resident of a precinct in Iowa if the citizen was an eligible elector of Iowa immediately before leaving the United States. A citizen who was not old enough to register to vote before leaving the United States but who met all of the other requirements for voter registration at that time also has the right to register and vote as if the person were a resident of a precinct in Iowa. This right applies even though while living outside the United States the citizen does not have a residence or other address in the precinct, and the citizen has not determined whether to return to Iowa. To qualify to vote in Iowa a United States citizen living outside the United States shall:

a. Comply with all applicable requirements of sections 53.37 through 53.53 relating to absentee ballots for members of the armed forces and other citizens living outside the United States.

b. Not maintain a residence, shall not be registered to vote, and shall not vote in any other state, territory, or possession of the United States.

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c. Possess a valid passport or identity card and registration issued under authority of the United States secretary of state, or, if the citizen does not possess a valid passport or card of identity or registration, an alternative form of identification consistent with the provisions of applicable federal and state requirements.

5. If a United States citizen living outside the United States meets the requirements for voting, except for residence, has never lived in the United States, and has a parent who meets the definition of a member of the armed forces of the United States under section 53.37, the citizen is eligible to register to vote and vote at the same voting residence claimed by the citizen's parent.

6. The deadlines for voter registration shall not apply to a person who has been discharged from military service within thirty days preceding the date of an election. The person shall present to the precinct election official a copy of the person's discharge papers. The person shall complete a voter registration form and give it to the official before being permitted to vote.

94 Acts, ch 1169, §5; 2007 Acts, ch 59, §40, 43; 2010 Acts, ch 1033, §13, 56; 2017 Acts, ch 110, §55, 64; 2021 Acts, ch 80, §25

Referred to in §53.37
Iowa Constitution, Art. II, §1

48A.5A Determination of residence.

Residence shall be determined in accordance with the following principles:

1. The residence of a person is in the precinct where the person's home or dwelling is located.

2. A residence for purposes of this chapter cannot be established in a commercial or industrial building that is not normally used for residential purposes unless the building is used as a primary nighttime residence.

3. A person does not lose residence if the person leaves the person's home to reside temporarily in another state or precinct.

4. If a person goes to another state or precinct and files an affidavit of residence in that state or precinct for election purposes, the person loses residence in the former state or precinct, unless the person moved to the other state after that state's deadline for registering to vote in a particular election.

5. A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of this section, may choose either location as the student's residence for voter registration and voting purposes.

6. If an active member of the United States armed forces, as defined by section 53.37, has previously resided at a location that meets the requirements of this section, that person may claim either that previous residence or the person's current residence as the person's residence for voter registration and voting purposes.

7. Notwithstanding subsections 1 through 6, the residence of a homeless person is in the precinct where the homeless person usually sleeps. Residence requirements shall be construed liberally to provide homeless persons with the opportunity to register to vote and to vote.

8. A person's declaration of residency for voter registration and voting purposes is presumed to be valid unless a preponderance of evidence indicates that another location should be considered the person's voting residence under the provisions of this chapter.

94 Acts, ch 1169, §6

48A.6 Disqualified persons.

The following persons are disqualified from registering to vote and from voting:

1. A person who has been convicted of a felony as defined in section 701.7, or convicted of an offense classified as a felony under federal law. If the person's rights are later restored by the governor, or by the president of the United States, the person may register to vote.

2. A person who is incompetent to vote. Certification by the clerk of the district court that any such person has been found no longer incompetent by a court shall qualify such person to again be an elector, subject to the other provisions of this chapter.

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3. A person who is an unauthorized alien.

94 Acts, ch 1169, §7; 98 Acts, ch 1185, §2; 2002 Acts, ch 1134, §18, 115; 2026 Acts, ch 1156, §27, 35

Referred to in §53.37
Iowa Constitution, Art. II, §5
Proceedings regarding competency, see §229.27, 633.552
Restoration of rights by governor, see chapter 914
NEW subsection 3

48A.7 Registration in person.

An eligible elector may register to vote by appearing personally and completing a voter registration form at the office of the commissioner in the county in which the person resides, at a motor vehicle driver's license station, including any county treasurer's office that is participating in county issuance of driver's licenses under chapter 321M, or at any voter registration agency. A separate registration form shall be signed by each individual registrant.

94 Acts, ch 1169, §8; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §12, 26

48A.7A Election day and in-person absentee registration.

1. *a.* A person who is eligible to register to vote and to vote may register on election day by appearing in person at the polling place for the precinct in which the individual resides and completing a voter registration application, making written oath, and providing proof of identity and residence.

b. (1) For purposes of this section, a person may establish identity and residence by presenting to the appropriate precinct election official a current and valid Iowa driver's license or Iowa nonoperator's identification card or by presenting any of the following current and valid forms of identification if such identification contains the person's photograph and a valid expiration date:

(a) An out-of-state driver's license or nonoperator's identification card.
(b) A United States passport.
(c) A United States military or veterans identification card.
(d) An identification card issued by an employer.
(e) A student identification card issued by an Iowa high school or an Iowa postsecondary educational institution.
(f) A tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, if the tribal identification card or other tribal enrollment document is signed before the card or document is presented to the election official.

(2) If the photographic identification presented does not contain the person's current address in the precinct, the person shall also present one of the following documents that shows the person's name and current address in the precinct, and the document must be dated, or describe terms of residency current to, within forty-five days prior to presentation:

(a) Residential lease.
(b) Property tax statement.
(c) Utility bill.
(d) Bank statement.
(e) Paycheck.
(f) Government check.
(g) Other government document.

c. In lieu of paragraph "*b*", a person wishing to vote may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. Before signing an oath under this paragraph, the attesting registered voter shall present to the precinct election official proof of the voter's identity, as described in section 49.78, subsection 2 or 3. The registered voter's oath shall attest to the stated identity of the person wishing to vote and that the person is a current resident of the precinct. The oath must be signed by the attesting registered voter in the presence of the appropriate precinct election official. A registered voter who has signed an oath on election day attesting to a person's identity and residency as provided in this paragraph is prohibited from signing any further oaths as provided in this paragraph on that day.

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2. The oath required in subsection 1, paragraph *"a"*, and in paragraph *"c"*, if applicable, shall be attached to the voter registration application.

3. At any time before election day, and after the deadline for registration in section 48A.9, a person who appears in person at the commissioner's office or at a satellite absentee voting station or whose ballot is delivered to a health care facility pursuant to section 53.22 may register to vote and vote an absentee ballot by following the procedure in this section for registering to vote on election day. A person who wishes to vote in person at the polling place on election day and who has not registered to vote before the deadline for registering in section 48A.9, is required to register to vote at the polling place on election day following the procedure in this section. However, the person may complete the voter registration application at the commissioner's office and, after the commissioner has reviewed the completed application, may present the application to the appropriate precinct election official along with proof of identity and residency.

4. *a.* The form of the written oath required of the person registering under this section shall read as follows:

I, ... (name of registrant), do solemnly swear or affirm all of the following:

I am a resident of the ..... precinct, ... ward or township, city of ....., county of ....., Iowa.

I am the person named above.

I live at the address listed below.

I do not claim the right to vote anywhere else.

I have not voted and will not vote in any other precinct in this election.

I understand that any false statement in this oath is a class "D" felony punishable by no more than five years in confinement and a fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

.....
Signature of Registrant

.....
Address

.....
Telephone (optional to provide)

Subscribed and sworn before me on ..... (date).

.....
Signature of Precinct Election Official

b. The form of the written oath required of a person attesting to the identity and residency of the registrant shall read as follows:

I, ... (name of registered voter), do solemnly swear or affirm all of the following:

I am a preregistered voter in this precinct or I registered to vote in this precinct today, and a registered voter did not sign an oath on my behalf. I have not signed an oath attesting to the identity and residence of any other person in this election.

I am a resident of the ..... precinct, ... ward or township, city of ....., county of ....., Iowa.

I reside at ..... (street address) in ..... (city or township).

I personally know ..... (name of registrant), and I personally know that ..... (name of registrant) is a resident of the ..... precinct, ... ward or township, city of ....., county of ....., Iowa.

I understand that any false statement in this oath is a class "D" felony punishable by no more than five years in confinement and a

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fine of at least seven hundred fifty dollars but not more than seven thousand five hundred dollars.

.....
Signature of Registered Voter

Subscribed and sworn before me on ..... (date).

.....
Signature of Precinct Election Official

5. *a.* If a person registers to vote under this section at a polling place that has access to an electronic poll book, the precinct election official shall verify against a database maintained by the state commissioner that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person has had the person's voting rights restored. If the precinct election official determines that the person has not been convicted of a felony or has been convicted of a felony but the person's voting rights have been restored, the precinct election official shall furnish a ballot to the voter. If the database indicates that the person has been convicted of a felony and that the person's voting rights have not been restored, the precinct election official shall challenge the person under section 49.79.

b. If a person registers to vote under this section at a polling place that does not have access to an electronic poll book, the person shall be permitted to cast a provisional ballot under section 49.81, and the absentee and special voters precinct board, appointed pursuant to section 53.23, shall verify against a database maintained by the state commissioner that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person's voting rights have been restored. If information in the database indicates that the person has not been convicted of a felony or, if the person has been convicted of a felony, the person's voting rights have been restored, the voter's provisional ballot shall be counted. If the database indicates that the person has been convicted of a felony and the person's voting rights have not been restored, the voter's provisional ballot shall be rejected.

2007 Acts, ch 35, §2, 7; 2007 Acts, ch 215, §242; 2008 Acts, ch 1115, §73 – 75; 2017 Acts, ch 29, §29; 2017 Acts, ch 110, §13 – 16, 35, 36; 2018 Acts, ch 1149, §6, 12; 2018 Acts, ch 1172, §92

Referred to in §39A.2, 48A.9, 48A.14, 48A.25A, 48A.26, 48A.26A, 49.11, 49.77, 49.78, 49.79, 53.2

48A.8 Registration by mail.

1. An eligible elector may request that a voter registration form be mailed to the elector. The completed form may be mailed or delivered by the registrant or the registrant's designee to the commissioner in the county where the person resides or to the state commissioner of elections for a program participant, as provided in section 9E.6. A separate voter registration form shall be signed by each individual registrant.

2. An eligible elector who registers by mail and who has not previously voted in an election for federal office in the county of registration shall be required to provide identification documents when voting for the first time in the county, unless the registrant provided on the registration form the registrant's Iowa driver's license number, or the registrant's Iowa nonoperator's identification card number, or the last four numerals of the registrant's social security number and the driver's license, nonoperator's identification, or partial social security number matches an existing state or federal identification record with the same number, name, and date of birth. If the registrant under this subsection votes in person at the polls, or by absentee ballot at the commissioner's office or at a satellite voting station, the registrant shall provide a current and valid photo identification card and shall present, as proof of residence, to the appropriate election official one of the following current documents that shows the name and address of the registrant:

a. Residential lease.
b. Property tax statement.
c. Utility bill.
d. Bank statement.
e. Paycheck.
f. Government check.
g. Other government document.

3. If the registrant under subsection 2 votes an absentee ballot by mail, the registrant

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shall provide a photocopy of one of the documents listed in subsection 2 when returning the absentee ballot.

4. A registrant under subsection 2 who is required to present identification when casting a ballot in person shall be permitted to vote a provisional ballot if the voter does not provide the required identification documents. If a voter who is required to present identification when casting a ballot votes an absentee ballot by mail, the ballot returned by the voter shall be considered a provisional ballot pursuant to sections 49.81 and 53.31.

94 Acts, ch 1169, §9; 2004 Acts, ch 1083, §6, 37; 2009 Acts, ch 57, §15; 2015 Acts, ch 96, §9, 17; 2017 Acts, ch 110, §17, 35, 36

Referred to in §9E.6, 48A.25A, 48A.37, 49.77, 49.81, 53.38

48A.9 Voter registration deadlines.

1. Registration closes at 5:00 p.m. fifteen days before each election. An eligible elector may register during the time registration is closed in the elector's precinct but the registration shall not become effective until registration opens again in the elector's precinct, except as otherwise provided in section 48A.7A.

2. The commissioner's office shall be open from 8:00 a.m. until at least 5:00 p.m. on the day registration closes before each regularly scheduled election.

3. A registration form submitted by mail shall be considered on time if it is postmarked no later than the fifteenth day before the election, even if it is received by the commissioner after the deadline, or if the registration form is received by the commissioner no later than 5:00 p.m. on the last day to register to vote for an election, even if it is postmarked after the fifteenth day before the election.

4. Registration forms submitted to voter registration agencies, to motor vehicle driver's license stations, and to county treasurer's offices participating in county issuance of driver's licenses under chapter 321M shall be considered on time if they are received no later than 11:59 p.m. on the day registration closes for that election. Offices or agencies other than the county commissioner's office are not required to be open for voter registration purposes at times other than their usual office hours.

94 Acts, ch 1169, §10; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §13, 26; 2002 Acts, ch 1134, §19, 115; 2007 Acts, ch 35, §3, 7; 2014 Acts, ch 1101, §12, 32; 2019 Acts, ch 148, §24, 33; 2021 Acts, ch 12, §22, 73; 2024 Acts, ch 1146, §2

Referred to in §48A.7A, 48A.24, 48A.26, 53.2

48A.10 Registration required.

If a registered voter moves to a different county, the person shall submit a completed voter registration form to the commissioner in order to be qualified to vote in that county. An otherwise eligible elector whose right to vote has been restored pursuant to chapter 914 or who has been found not to be a person who is incompetent to vote may register to vote.

94 Acts, ch 1169, §11; 98 Acts, ch 1185, §3; 2002 Acts, ch 1134, §20, 115

48A.10A Voter identification cards — verification of voter registration information.

1. The state registrar shall compare lists of persons who are registered to vote with the department of transportation's driver's license files, nonoperator's identification card files, and noncitizen identification files, and shall, on an initial basis, issue a voter identification card to each active, registered voter whose name does not appear in the department of transportation's files. The voter identification card shall include the name of the registered voter, a signature line above which the registered voter shall sign the voter identification card, the registered voter's identification number assigned to the voter pursuant to section 47.7, subsection 2, an additional four-digit personal identification number assigned by the state commissioner, and the times during which polling places will be open on election days.

2. The commissioner shall issue voter identification cards on an ongoing basis as prescribed by the state registrar. The commissioner shall, as a part of the voter acknowledgment process required under sections 48A.26 and 48A.26A, issue a voter identification card to a registered voter under this subsection at the time of registration or update to registration if the registered voter's name does not appear in the department of transportation's driver's license, nonoperator's identification card, or noncitizen

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identification files. A registered voter whose name appears in the department of transportation's driver's license, nonoperator's identification card, or noncitizen identification files shall not be issued a voter identification card pursuant to this section.

3. A person issued a voter identification card under this section shall not be charged any fee for the issuance or delivery of the voter identification card.

4. Implementation of this section shall be contingent upon appropriations by the general assembly in sufficient amounts to meet the requirements of this section.

5. The state registrar shall adopt rules pursuant to chapter 17A to implement this section.

2017 Acts, ch 110, §18, 35, 36; 2021 Acts, ch 12, §23, 73; 2025 Acts, ch 123, §40

Referred to in §22.7(73), 48A.2, 49.78, 53.2, 53.10

SUBCHAPTER III

FORMS AND PROCEDURES FOR VOTER REGISTRATION

48A.11 Voter registration form.

1. Each voter registration form shall provide space for the registrant to provide the following information:

a. The county where the registrant resides.

b. The registrant's name, including first name and any family forename or surname.

c. The address at which the registrant resides and claims as the registrant's residence for voting purposes.

d. The registrant's mailing address if it is different from the residence address.

e. Iowa driver's license number if the registrant has a current and valid Iowa driver's license, Iowa nonoperator's identification card if the registrant has a current and valid Iowa nonoperator's identification card, or the last four numerals of the registrant's social security number. If the registrant does not have an Iowa driver's license number, an Iowa nonoperator's identification card number, or a social security number, the form shall provide space for a number to be assigned as provided in subsection 8.

f. Date of birth, including month, date, and year.

g. Sex.

h. Residential telephone number (optional to provide).

i. Political party affiliation as defined in section 43.2 or nonparty political organization affiliation if approved for inclusion on the form pursuant to section 44.18.

j. The name and address appearing on the registrant's previous voter registration.

k. A space for a registrant who is homeless or who has no established residence to provide such information as may be necessary to describe a place to which the person often returns.

l. A statement that lists each eligibility requirement, contains an attestation that the registrant meets all of the requirements, and requires the signature of the registrant under penalty of perjury.

m. A space for the registrant's signature and the date signed.

2. The voter registration form shall include, in print that is identical to the attestation portion of the form, the following:

a. Each voter eligibility requirement.

b. The penalty provided by law for submission of a false voter registration form, which shall be the penalty for perjury as provided by section 902.9, subsection 1, paragraph "*e*".

3. *a.* The following questions and statement regarding eligibility shall be included on forms that may be used for registration by mail:

[1] Are you a citizen of the United States of America?
[2] Will you be eighteen years of age on or before election day?
[3] If you checked "no" in response to either of these questions, do not complete this form.

b. The forms shall also include information noting that, for purposes of voting in a primary

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election, a person may complete the form if the person is a citizen of the United States of America and will be at least eighteen years of age on the date of the general election.

4. Voter registration forms used by voter registration agencies under section 48A.19 shall include the following statements:

a. If a person declines to register to vote, the fact that the person has declined to register will remain confidential and will be used only for voter registration purposes.

b. If a person does register to vote, the office at which the registrant submits a voter registration form will remain confidential and the information will be used only for voter registration purposes.

5. Voter registration forms may be on paper or electronic media.

6. All forms for voter registration shall be prescribed by the state voter registration commission.

7. A person who has been designated to have power of attorney by a registrant does not have authority to sign a voter registration form, except as otherwise provided in section 39.3, subsection 17.

8. A voter registration application lacking the registrant's name, sex, date of birth, residence address or description, or signature shall not be processed. A voter registration application lacking the registrant's Iowa driver's license number, Iowa nonoperator's identification card number, or the last four digits of the registrant's social security number shall not be processed. A registrant whose registration is not processed pursuant to this subsection shall be notified pursuant to section 48A.26, subsection 3. A registrant who does not have an Iowa driver's license number, an Iowa nonoperator's identification number, or a social security number and who notifies the registrar of such shall be assigned a unique identifying number that shall serve to identify the registrant for voter registration purposes.

9. Each voter registration form shall include the following oath:

> By submitting this form, I do solemnly swear and affirm that I am qualified to register to vote under the Constitution and laws of the State of Iowa, and that all information provided in my voter registration application is true. I have carefully reviewed the instructions for completing the Iowa voter registration application, and I further swear or affirm that I am a United States citizen. I understand that if I have provided false information on my voter registration application that I could be subject to criminal penalties for perjury and that I may be fined, imprisoned, or, if not a United States citizen, deported from or refused entry into the United States.

94 Acts, ch 1169, §12; 2002 Acts, ch 1134, §21, 115; 2004 Acts, ch 1083, §7 – 12, 37; 2004 Acts, ch 1175, §355; 2005 Acts, ch 19, §18; 2007 Acts, ch 59, §41, 43; 2008 Acts, ch 1115, §76, 77; 2013 Acts, ch 30, §235; 2017 Acts, ch 110, §56, 64; 2019 Acts, ch 24, §8; 2026 Acts, ch 1156, §28, 35

Referred to in §39A.2, 48A.26, 48A.37, 53.2

NEW subsection 9

48A.12 Federal mail voter registration form.

1. The mail voter registration form prescribed by the federal election assistance commission shall be accepted for voter registration in Iowa if all required information is provided, if it is signed by the registrant, and if the form is timely received.

2. The state commissioner of elections shall make the federal mail voter registration forms available for distribution to governmental and private entities, with particular emphasis on making them available to organized voter registration entities and programs.

94 Acts, ch 1169, §13; 2008 Acts, ch 1115, §78

48A.13 Electronic signatures on voter registration records.

Electronic signatures shall be accepted. However, before the use of electronic signatures is accepted on voter registration forms, the state voter registration commission shall

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prescribe by rule the technological requirements for guaranteeing the security and integrity of electronic signatures.

94 Acts, ch 1169, §14

48A.14 Challenges of voter registrations.

1. The registration of a registered voter may be challenged by another registered voter of the same county subject to the conditions and limitations of this section. A challenge shall be a statement in writing to the commissioner alleging one or more of the following reasons the challenged registrant's registration should not have been accepted or should be canceled:

a. The challenged registrant is not a citizen of the United States.

b. The challenged registrant is less than seventeen years of age.

c. The challenged registrant is not a resident at the address where the registrant is registered.

d. The challenged registrant has falsified information on the registrant's registration form.

e. The challenged registrant has been convicted of a felony, and the registrant's voting rights have not been restored.

f. The challenged registrant has been adjudged by a court of law to be a person who is incompetent to vote and no subsequent proceeding has reversed that finding.

2. A challenge shall not contain allegations against more than one registered voter.

3. A challenge shall contain a statement signed by the challenger in substantially the following form:

> I am a registered voter in (name of county) County, Iowa. I swear or affirm that information contained on this challenge is true. I understand that knowingly filing a challenge containing false information is an aggravated misdemeanor.

4. A challenge may be filed at any time. A challenge filed less than seventy days before a regularly scheduled election shall not be processed until after the pending election unless the challenge is filed within twenty days of the commissioner's receipt of the challenged registrant's registration form or notice of change to an existing registration. A challenge filed against a person registering to vote pursuant to section 48A.7A is considered a challenge to a person offering to vote and must be filed under section 49.79.

5. A challenger may withdraw a challenge at any time before the hearing held pursuant to section 48A.16 by notifying the commissioner in writing of the withdrawal.

94 Acts, ch 1169, §15; 95 Acts, ch 67, §7; 98 Acts, ch 1185, §4; 2002 Acts, ch 1134, §22, 115; 2008 Acts, ch 1115, §85; 2017 Acts, ch 110, §57, 64

Referred to in §9E.6, 39A.3, 48A.15

48A.15 Commissioner's action upon receipt of challenge or withdrawal.

1. A challenge is valid if it meets the criteria in section 48A.14, subsections 1, 2, and 3.

2. Upon receipt of a challenge which is not valid, the commissioner shall notify the challenger of the reason the challenge is not valid, and shall take no further action regarding the challenge.

3. Upon receipt of a valid challenge, the commissioner shall, within five working days, notify the challenged registrant and the challenger of the date, time, and place of a hearing on the matter of the challenge, to be held not less than twenty nor more than thirty days from the commissioner's receipt of the challenge. The notice of a hearing shall include a copy of the challenge, and shall advise the challenged registrant that the registrant may personally appear at the hearing, or may submit to the commissioner before the hearing evidence, documentation, or statements refuting the challenge.

4. The notice prescribed by subsection 3 shall be sent by first class forwardable mail to the challenged registrant at the registrant's most recent mailing address according to the registration records.

5. If the challenge is withdrawn, the commissioner shall immediately notify the challenged registrant of the withdrawal, and shall cancel the scheduled hearing.

6. If the challenged registrant notifies the commissioner that the challenged registrant

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wishes to appear in person but is unable to do so on the date scheduled, the commissioner may reschedule the hearing.

94 Acts, ch 1169, §16

48A.16 Hearing on challenge — appeal.

1. At the time and place fixed for the hearing, the commissioner shall accept evidence on the challenge from the challenger and the challenged registrant, or from any person appearing on behalf of either, and review any documents or statements pertaining to the challenge received before the hearing. On the basis of the evidence submitted, the commissioner shall either reject the challenge or cancel the registration of the challenged registrant. Either the challenged registrant or the challenger may appeal the commissioner's decision to the district court in the commissioner's county, and the decision of the court shall be final.

2. If a challenged registrant does not personally appear at the hearing and the challenged registrant's registration is canceled, the commissioner shall immediately notify the challenged registrant of the cancellation by first class forwardable mail sent to the challenged registrant's most recent mailing address according to the registration records.

94 Acts, ch 1169, §17

Referred to in §48A.14

SUBCHAPTER IV

PLACES TO REGISTER

48A.17 Registration at commissioner's office.

A person who meets the qualifications to vote may appear in person at the office of the county commissioner of registration and apply to register to vote.

94 Acts, ch 1169, §18

Referred to in §53.17

48A.18 Voter registration at motor vehicle driver's license stations.

1. Each state motor vehicle driver's license application, including any renewal application or application for a nonoperator's identification card, submitted to the office of driver services of the state department of transportation shall serve as an application for voter registration unless the applicant declines to register to vote. A completed voter registration form submitted to the office of driver services of the state department of transportation shall be considered to update any previous voter registration by the registrant.

2. A change of address form submitted to the office of driver services of the state department of transportation shall serve as a change of address for voter registration purposes unless the registrant states on the form that the change of address is not for voter registration purposes.

3. Information relating to the refusal of an applicant for a driver's license to apply to register to vote shall not be used for any purpose other than voter registration.

4. Forms and procedures used by the office of driver services for voter registration and a schedule for transmission of voter registration forms from the office to the county commissioner of registration shall be prescribed by the state voter registration commission by rule.

5. A county treasurer's office participating in county issuance of driver's licenses pursuant to chapter 321M shall participate in voter registration under this section to the same extent as a license facility of the state department of transportation.

94 Acts, ch 1169, §19; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §14, 26

48A.19 Voter registration agencies.

1. The following state agencies are responsible for voter registration:

a. All state offices that have direct client contact and provide applications for public assistance, including but not limited to offices administering the following programs:

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(1) The supplemental nutrition assistance program.
(2) The medical assistance program under chapter 249A.
(3) The Iowa family investment program.
(4) The special supplemental nutrition program for women, infants, and children.

b. (1) All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, including but not limited to all of the following:

(a) Department for the blind.

(b) Division of vocational rehabilitation services of the department of workforce development.

(c) Office of deaf services of the department of health and human services or its successor agency.

(d) Office of persons with disabilities of the department of health and human services or its successor agency.

(2) An agency designated a voter registration agency under this paragraph which provides services to persons with disabilities in their homes shall provide voter registration services at the clients' homes.

c. Other federal and state agencies designated to provide voter registration services include, but are not limited to, the United States armed forces recruiting offices.

2. Agencies designated to provide voter registration services shall provide the following services:

a. Distribution of a voter registration form either on paper or electronic medium.

b. Assistance to registrants in completing voter registration forms, unless the registrant refuses assistance.

c. Acceptance of completed voter registration forms for transmittal as required in section 48A.21.

3. The voter registration agency shall provide voter registration services with each application for services or assistance and with each recertification, renewal, or change of address form completed relating to the agency's services. The secretary of state shall adopt administrative rules in cooperation with voter registration agencies to carry out the requirements of this section.

4. *a.* The voter registration agency shall provide a form to applicants that includes all of the following:

(1) The question:

> If you are not registered to vote where you live now, would you like to apply to register to vote here today?

(2) If the agency provides public assistance, the statement:

> Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.

(3) (a) Boxes for the applicant to check and choices in substantially the following form:

> ☐ I want to register to vote.
> ☐ I do not want to register to vote.

(b) The following statement shall be printed near the choices and shall be printed in large, readable type:

> If you do not check either box, you will be considered to have decided not to register to vote at this time.

(4) (a) The statement:

> If you would like help in filling out the voter registration form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private.

(b) However, in those voter registration agencies where electronic forms are used, the following statement shall be used:

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If you want to fill out the form in private, a separate paper form for voter registration will be provided.

(5) (a) The statement:

If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the state voter registration commission.

(b) The name, address, and telephone number of the voter registration commission shall complete the statement.

b. The voter registration agency may distribute the voter registration form either on paper or by electronic medium.

5. The voter registration agency shall provide each applicant who chooses to register to vote the same degree of assistance in completing the registration form as is provided by the office for the completion of its own forms unless the applicant refuses such assistance.

6. Completed voter registration forms shall be transmitted as provided in section 48A.21.

94 Acts, ch 1169, §20; 2008 Acts, ch 1032, §201; 2021 Acts, ch 76, §11; 2023 Acts, ch 19, §39
Referred to in §48A.2, 48A.11

48A.20 Prohibited acts by voter registration agency employees.

A person who provides voter registration services as required by this subchapter shall not:

1. Seek to influence an applicant's political preference or party registration.

2. Display a political preference or party affiliation.

3. Make any statement to an applicant or take any action which has the purpose or effect of discouraging the applicant from registering to vote.

4. Make any statement to an applicant or take any action which has the purpose or effect of leading the applicant to believe that a decision to register or not to register to vote has any bearing on the availability of services or benefits.

94 Acts, ch 1169, §21

48A.21 Transmission of forms from agencies and driver's license stations.

The state registrar of voters shall adopt administrative rules regulating the transmission of completed voter registration forms from voter registration agencies and from driver's license stations, including county treasurer's offices participating in county issuance of driver's licenses under chapter 321M. All completed voter registration applications in the possession of a voter registration agency, a driver's license station, or a county treasurer's office that is participating in county issuance of driver's licenses at 5:00 p.m. on the last workday of each week shall be transmitted to the location designated by the state registrar of voters by rule. Procedures or requirements for more frequent transmissions may be specified by rule.

94 Acts, ch 1169, §22; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §15, 26
Referred to in §48A.19

48A.22 Voter registration by volunteer organizations.

The secretary of state shall encourage volunteer organizations to undertake voter registration drives by providing registration forms.

94 Acts, ch 1169, §23; 97 Acts, ch 170, §14

48A.23 Registration at educational institutions.

1. At least twice during each school year, the board of directors of each school district operating a high school and the authorities in charge of each accredited nonpublic school shall offer the opportunity to register to vote to each student who is at least seventeen years of age.

2. All postsecondary schools, including but not limited to colleges, universities, and trade and technical schools which receive state funding, shall offer the opportunity to register to

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vote to each student at least once each year. Students shall be provided with the federal voter registration form or the Iowa voter registration form, as applicable.

94 Acts, ch 1169, §24; 2017 Acts, ch 110, §58, 64
Referred to in §280.9A

48A.24 Deadline for submitting voter registration forms.

1. A person who accepts a completed voter registration form from an applicant shall submit the form to the appropriate commissioner within seven days of receiving the form if the person accepting the form is doing so on behalf of any of the following:

a. A political party, as defined in section 43.2.

b. A nonparty political organization required to nominate candidates under chapter 44.

c. A candidate or committee, as defined in section 68A.102.

2. Notwithstanding the deadline in subsection 1, a person described in subsection 1 who accepts a completed voter registration form from an applicant within three days of the voter registration deadline prescribed in section 48A.9 for the next election shall submit the form to the appropriate commissioner within twenty-four hours of accepting the form, and not later than the registration deadline.

2017 Acts, ch 110, §3

48A.25 Compensation for assistance in completing registration forms.

1. *a.* A person may pay, offer to pay, or accept compensation for assisting others in completing voter registration forms only if the compensation is based solely on the time spent providing the assistance.

b. Paying, offering to pay, or receiving compensation based on the number of registration forms completed, or the party affiliations shown on completed registration forms, or on any other performance criteria, is unlawful.

2. *a.* This section shall not apply to state statutory political committees, as defined in section 43.111.

b. This section shall not apply to state and political subdivision employees who are required to offer assistance to clients as a part of their regular job duties, and who shall not be granted additional compensation for voter registration activities.

3. A person assisting another in completing a voter registration form shall not complete any portion of the form without the knowledge or consent of the registrant.

94 Acts, ch 1169, §26; 2002 Acts, ch 1071, §8; 2017 Acts, ch 54, §17
Referred to in §39A.4

48A.25A Verification of voter registration information.

1. *a.* Upon receipt of an application for voter registration, the commissioner of registration shall compare the Iowa driver's license number, the Iowa nonoperator's identification card number, or the last four numerals of the social security number provided by the registrant with the records of the state department of transportation. To be verified, the voter registration record shall contain the same name, date of birth, and Iowa driver's license number or Iowa nonoperator's identification card number or whole or partial social security number as the records of the state department of transportation. If the information cannot be verified, the application shall be recorded and the status of the voter's record shall be designated as pending status. The commissioner of registration shall notify the applicant that the applicant is required to present identification described in section 48A.8, subsection 2, before voting for the first time in the county. If the information can be verified, a record shall be made of the verification and the status of the voter's record shall be designated as active status.

b. This subsection shall not apply to applications received from registrants pursuant to section 48A.7A.

2. The voter registration commission shall adopt rules in accordance with chapter 17A to provide procedures for processing registration applications if the state department of transportation does not, before the close of registration for an election for which the voter registration would be effective, if verified, provide a report that the information on the application has matched or not matched the records of the department.

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3. A voter registration record shall be designated as unconfirmed status if the registrant self-reports to be a noncitizen on the voter registration form and signs the portion of the form affirming the person's United States citizenship.

4. This section does not apply to persons described in section 53.37 who are entitled to register to vote and to vote.

2004 Acts, ch 1083, §13, 37; 2004 Acts, ch 1175, §356; 2005 Acts, ch 19, §19; 2007 Acts, ch 59, §42, 43; 2009 Acts, ch 57, §16; 2025 Acts, ch 123, §41

Referred to in §48A.26, 48A.37, 53.38

48A.25B Verification of citizenship.

1. *a.* The state registrar of voters shall attempt to verify all registered voters' United States citizenship using the systematic alien verification for entitlements system of the United States citizenship and immigration services, or its successor agency. The state registrar of voters shall provide notice to each county commissioner of registration of the results of the citizenship verification for each registrant in the county commissioner's county.

b. Upon receipt of a notification that a registrant has not been verified as a United States citizen, a county commissioner of registration shall designate the records of the registrant as unconfirmed as provided in section 48A.37, subsection 2.

2. A county commissioner of registration shall send notice to a registrant whose record has been designated as unconfirmed pursuant to subsection 1 that includes all of the following:

a. An opportunity for the registrant to cancel the registrant's voter registration.

b. Instructions on how the registrant can provide proof of citizenship to the county commissioner of registration.

c. Information on how to contact the United States citizenship and immigration services, or its successor agency, to correct information that the registrant believes is inaccurate.

3. A registration that has been designated as unconfirmed pursuant to subsection 1 shall be canceled pursuant to section 48A.30 if the registrant does not provide proof of citizenship within ninety days of receiving a notice sent pursuant to subsection 2.

4. The state registrar of voters shall, on a monthly basis, verify the United States citizenship of all newly registered voters as provided in subsection 1 and shall, on an annual basis, verify the United States citizenship of all registered voters as provided in subsection 1.

5. The state registrar of voters shall adopt rules pursuant to chapter 17A to administer this section.

2026 Acts, ch 1156, §29, 35

NEW section

SUBCHAPTER V

PROCESSING VOTER REGISTRATION RECORDS

Referred to in §50.19

48A.26 Acknowledgment of registration form.

1. *a.* Except as otherwise provided in paragraphs *"b"* and *"c"* of this subsection, or section 48A.26A, within seven working days of receipt of a voter registration form or change of information in a voter registration record the commissioner shall send an acknowledgment to the registrant at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

b. For a voter registration form or change of information in a voter registration record submitted at a precinct caucus, the commissioner shall send an acknowledgment within forty-five days of receipt of the form or change of information.

c. For a voter registration form or change of information in a voter registration record submitted within fourteen days of a regularly scheduled election, the commissioner shall send an acknowledgment within forty-eight hours of receipt of the form or change of information.

2. If the registration form appears on its face to be complete and proper, the acknowledgment shall state that the registrant is now a registered voter of the county. The acknowledgment shall also specify the name of the precinct and the usual polling place for

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the precinct in which the person is now registered. The acknowledgment may include the political party affiliation most recently recorded by the registrant.

3. If the registration form is missing required information pursuant to section 48A.11, subsection 8, the acknowledgment shall advise the applicant what additional information is required. The commissioner shall enclose a new registration form for the applicant to use. If the registration form has no address, the commissioner shall make a reasonable effort to determine where the acknowledgment should be sent. If the incomplete registration form is received during the period in which registration is closed pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall send a notice advising the applicant of election day and in-person absentee registration procedures under section 48A.7A.

4. If the registrant applied by mail to register to vote and did not answer either "yes" or "no" to the first question in section 48A.11, subsection 3, the application shall be processed. If the application is complete and proper in all other respects and information on the application is verified, as required by section 48A.25A, the applicant shall be registered to vote and sent an acknowledgment.

5. If the registrant applied by mail to register to vote and answered "no" to the first question in section 48A.11, subsection 3, the application shall not be processed. The acknowledgment shall advise the applicant that the registration has been rejected because the applicant indicated on the registration form that the applicant is not a citizen of the United States.

6. If the acknowledgment is returned as undeliverable by the United States postal service, the commissioner shall follow the procedure described in section 48A.29, subsection 1.

7. If a registrant has not supplied enough information on a registration form for the commissioner to determine the correct precinct and other districts, the commissioner shall obtain the information as quickly as possible either from the registrant or other sources available to the commissioner.

8. An improperly addressed or delivered registration form shall be forwarded to the appropriate county commissioner of registration within two working days after it is received by any other official. The date of registration shall be the date the registration form was received by the first official. If the registration form was postmarked fifteen or more days before an election and the registration form was received by the first official after the close of registration, the registration form shall be considered on time for the election.

9. When a person who is at least seventeen years of age but less than eighteen years of age registers to vote, the commissioner shall maintain a record of the registration so as to clearly indicate that it will not take effect until the registrant's eighteenth birthday and that the person is registered and qualifies to vote at any election held on or after that date. However, the commissioner shall indicate that the person is registered and qualifies to vote at the pending primary election if the person will be at least eighteen years of age on the date of the respective general election or city election.

94 Acts, ch 1169, §27; 97 Acts, ch 170, §15; 2004 Acts, ch 1083, §14, 15, 37; 2008 Acts, ch 1115, §79; 2009 Acts, ch 57, §17; 2014 Acts, ch 1101, §13, 32; 2016 Acts, ch 1073, §16; 2017 Acts, ch 110, §59, 64; 2019 Acts, ch 148, §25, 33

Referred to in §48A.10A, 48A.11, 48A.26A, 48A.26B

48A.26A Acknowledgment of election day and in-person absentee registration form.

1. Within twenty-one days of receiving a voter registration form completed under section 48A.7A, the commissioner shall send an acknowledgment to the registrant, in the manner provided in section 48A.26, subsections 2 through 5, as applicable, at the mailing address shown on the registration form. The acknowledgment shall be sent by nonforwardable mail.

2. If the acknowledgment is returned as undeliverable by the postal service, the commissioner shall attempt to contact the voter by forwardable mail. If a response is not received from the voter within fourteen days after the notice is mailed, the commissioner shall change the status of the registration to inactive status and shall immediately notify the state registrar of voters, the county sheriff, and the county attorney.

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3. A county attorney receiving a notification pursuant to subsection 2 shall review the voter's registration documents and other such information as may be necessary, and report the findings to the commissioner and state registrar of voters.

2007 Acts, ch 35, §4, 7; 2017 Acts, ch 110, §19, 35, 36, 44; 2025 Acts, ch 123, §9
Referred to in §48A.10A, 48A.26, 48A.26B, 48A.37

48A.26B Form of acknowledgment.

The state registrar shall adopt rules pursuant to chapter 17A to prescribe the form of written acknowledgments sent to a registrant by a commissioner pursuant to section 48A.26 or 48A.26A.

2017 Acts, ch 110, §20, 35, 36

48A.27 Changes to voter registration records.

1. Any voter registration form received by any voter registration agency, driver's license station, including county treasurer's offices participating in county issuance of driver's licenses under chapter 321M, or the commissioner shall be considered as updating the registrant's previous registration.

2. *a.* A person who is registered to vote may request changes in the voter's registration record at any time by submitting one of the following, as applicable:

(1) A signed, written notice to the county commissioner in person, by mail, or by electronic submission.

(2) A completed Iowa or federal mail registration form to the county commissioner.

(3) On election day, a registration form to the precinct election officials at the precinct of the voter's current residence.

(4) A change of address form to the office of driver services of the state department of transportation, or to a county treasurer's office that is participating in county issuance of driver's licenses under chapter 321M.

(5) A change of address notice for voter registration submitted to any voter registration agency.

b. If a registered voter submits a change of name, telephone number, or address under this subsection, the commissioner shall not change the political party or nonparty political organization affiliation in the registered voter's prior registration unless otherwise indicated by the registered voter.

3. The commissioner shall make the necessary changes in the registration records without any action by the registrant when any of the following events occur:

a. Annexation of territory by a city. When an existing city annexes territory, the city clerk shall furnish the commissioner a detailed map of the annexed territory. If a city is divided into wards for voting purposes, the detailed map shall show the ward designations for the annexed territory. The commissioner shall change the registration of persons residing in that territory to reflect the annexation and the city precinct to which each of those persons is assigned. If the commissioner cannot determine the names and addresses of the persons affected by the annexation, the commissioner shall send each person who may be involved a letter informing the person that the person's registration may be in error, and requesting that each person provide the commissioner with the information necessary to correct the registration records.

b. Change of official street name or house or building number by a city or county. When the city or county changes the name of a street or the number of a house or other building in which a person resides, the city clerk or county board of supervisors shall inform the commissioner of the change, and the commissioner shall change the registration of each person affected.

c. Incorporation or discontinuance of a city. When a new city is incorporated or an existing city is discontinued, the city clerk shall notify the commissioner. The commissioner shall change the registration of each person affected.

d. Change of rural route designation of the residence of the registered voter. The commissioner shall request each postmaster in the county to inform the commissioner of

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each change in rural route designation and the names of the persons affected, and the commissioner shall change the registration of each person as appropriate.

4. *a.* A commissioner, either independently or in cooperation with the state registrar of voters, and in accordance with rules of the state voter registration commission, may enter into an agreement with a licensed vendor of the United States postal service participating in the national change of address program to identify registered voters of the county who may have moved either within or outside the county.

b. If the information provided by the vendor indicates that a registered voter has moved to another address within the county, the commissioner shall change the registration records to show the new residence address, and shall also mail a notice of that action to the new address. The notice shall be sent by forwardable mail, and shall include a postage prepaid preaddressed return form by which the registered voter may verify or correct the address information.

c. If the information provided by the vendor indicates that a registered voter has moved to an address outside the county, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at the new address.

(1) The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

(2) The notice shall contain a statement in substantially the following form:

> Information received from the United States postal service indicates that you are no longer a resident of, and therefore not eligible to vote in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least fifteen days before any election at which you wish to vote. If the information is correct and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in an election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.

d. If the information provided by the vendor indicates the registered voter has moved to another county within the state, the notice required by paragraph "*c*" shall include a statement that registration in the county of the person's current residence is required.

e. If a registered voter returns a card sent pursuant to this subsection and confirms that the registered voter has moved to a new residence outside the county, the commissioner shall cancel the registration of the voter.

f. If a registered voter returns a card sent pursuant to this subsection and states that the registered voter's residence address has not changed for the purpose of voter registration, the commissioner shall reinstate the record to active status, making any other changes directed by the registrant in the notice.

5. The commissioner shall keep a record of the names and addresses of the registered voters to whom notices under this section are sent and the date of the notice. When the return card from a notice is received by the commissioner, the commissioner shall record the date it was received and whether the registrant had moved within the county, moved to an address outside the county, or had not changed residence.

94 Acts, ch 1169, §28; 97 Acts, ch 170, §16 – 18; 98 Acts, ch 1073, §12; 98 Acts, ch 1143, §16, 17, 26; 2002 Acts, ch 1134, §23, 24, 115; 2008 Acts, ch 1032, §147; 2008 Acts, ch 1115, §80; 2009 Acts, ch 41, §24; 2009 Acts, ch 57, §18, 97; 2010 Acts, ch 1033, §14; 2017 Acts, ch 120, §2; 2021 Acts, ch 12, §24, 73

Referred to in §48A.28, 49.79

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48A.27A Voting more than once — referral and examination.

1. If the state registrar of voters receives information from another jurisdiction that a registered voter of this state may have voted or attempted to vote more than once in the same election, the state registrar shall provide the information to the appropriate commissioner.

2. If a commissioner receives information from the state registrar of voters or from another jurisdiction that a registered voter may have voted or attempted to vote more than once in the same election, the commissioner shall provide the information to the county attorney in each jurisdiction where the voter voted or attempted to vote. A county attorney of this state that is provided such information shall examine the information and report any findings to the commissioner.

2017 Acts, ch 110, §45

48A.28 Systematic confirmation program.

1. Each commissioner shall conduct a systematic program that makes a reasonable effort to remove from the official list of registered voters the names of registered voters who have changed residence from their registration addresses.

2. *a.* A commissioner shall participate in the United States postal service national change of address program, as provided in section 48A.27. The state voter registration commission shall adopt rules establishing specific requirements for participation and use of the national change of address program.

b. A commissioner participating in the national change of address program, in the first quarter of each calendar year, shall send a notice and preaddressed, postage paid return card by forwardable mail to each registered voter whose name was not reported by the national change of address program and who has not voted in the most recent general election and has not registered again or who has not reported a change to an existing registration. Registered voters receiving such notice shall be marked inactive. The form and language of the notice and return card shall be specified by the state voter registration commission by rule. A registered voter shall not be sent a notice and return card under this subsection more frequently than once in a four-year period. A registered voter shall not be sent a notice and return card under this subsection if the registered voter was not eighteen years of age on the date of the general election.

94 Acts, ch 1169, §29; 97 Acts, ch 170, §19, 20; 2002 Acts, ch 1134, §25, 115; 2004 Acts, ch 1083, §16, 37; 2008 Acts, ch 1032, §201; 2021 Acts, ch 12, §25, 26, 73; 2021 Acts, ch 147, §21, 54

Referred to in §48A.29, 48A.30, 48A.37, 48A.40

48A.29 Procedure upon return of confirmation card.

1. If a confirmation notice and return card sent pursuant to section 48A.28 is returned as undeliverable by the United States postal service, the commissioner shall make the registration record inactive and shall mail a notice to the registered voter at the registered voter's most recent mailing address, as shown by the registration records.

a. The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

b. The notice shall contain a statement in substantially the following form:

> Information received from the United States postal service indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If this information is not correct, and you still live in (name of county) County, please complete and mail the attached postage paid card at least fifteen days before any election at which you wish to vote. If the information is correct, and you have moved, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on

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or before (date of second general election following the date of the notice) your name will be removed from the list of voters in that county.

2. When a detachable return card originally attached to a confirmation notice is returned indicating that the registered voter is still a resident of the address shown on the registration records, the commissioner shall make a record of the date the card was received.

3. When a detachable return card originally attached to a confirmation notice is returned by anyone other than the registered voter indicating that the registered voter is no longer a resident of the registration address, the commissioner shall make the registration record inactive, and shall mail a notice to the registered voter at the registered voter's most recent mailing address, as shown by the registration records.

a. The notice shall be sent by forwardable mail, and shall include a postage paid preaddressed return card on which the registered voter may state the registered voter's current address.

b. The notice shall contain a statement in substantially the following form:

Information received by this office indicates that you are no longer a resident of (residence address) in (name of county) County, Iowa. If the information is not correct, and you still live at that address, please complete and mail the attached postage paid card at least fifteen days before any election at which you wish to vote. If the information is correct, and you have moved within the county, you may update your registration by listing your new address on the card and mailing it back. If you have moved outside the county, please contact a local official in your new area for assistance in registering there. If you do not mail in the card, you may be required to show identification before being allowed to vote in (name of county) County. If you do not return the card, and you do not vote in some election in (name of county) County, Iowa, on or before (date of second general election following the date of the notice) your name will be removed from the list of registered voters in that county.

94 Acts, ch 1169, §30; 97 Acts, ch 170, §21, 22; 2002 Acts, ch 1134, §26, 115; 2003 Acts, ch 44, §25; 2008 Acts, ch 1032, §148; 2021 Acts, ch 12, §27, 28, 73

Referred to in §48A.26, 48A.30, 48A.37, 48A.40

48A.30 Cancellation of voter registration.

1. The voter registration of a registered voter shall be canceled if any of the following occurs:

a. The registered voter dies. For the purposes of this subsection, the commissioner may accept as evidence of death a notice from the state registrar of vital statistics forwarded by the state registrar of voters, a notice from the federal social security administration, a written statement from a person related to the registered voter within the second degree of consanguinity or first degree of affinity, an obituary in a newspaper or that appears on the internet site of a funeral establishment licensed under chapter 156 or by the proper authority of another state, a written statement from an election official or personal representative of the registered voter's estate, or a notice from the county recorder of the county where the registered voter died.

b. The registered voter registers to vote in another jurisdiction, and the commissioner receives notice of the registration from the registration official in the other jurisdiction.

c. The registered voter requests the cancellation in writing. For the purposes of this subsection, a confirmation by the registered voter that the registered voter is no longer a resident of the county constitutes a request for cancellation.

d. The clerk of the district court, or the United States attorney, or the state registrar sends notice of the registered voter's conviction of a felony as defined in section 701.7, or conviction of an offense classified as a felony under federal law. The clerk of the district court shall send

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notice of a felony conviction to the state registrar of voters. The registrar shall determine in which county the felon is registered to vote, if any, and shall notify the county commissioner of registration for that county of the felony conviction.

e. The clerk of the district court or the state registrar sends notice that the registered voter has been declared a person who is incompetent to vote under state law.

f. The registered voter is not a resident of Iowa, or the registered voter submits documentation under section 607A.4, subsection 5, that indicates that the voter is not a citizen of the United States.

g. The registered voter's registration record has been inactive pursuant to section 48A.28 or 48A.29 for two successive general elections.

h. The registered voter submits documentation that indicates that the registered voter is not a citizen of the United States or reports to a state or federal agency that the registered voter is not a citizen of the United States.

i. The registration has been designated as incomplete, pending, or unconfirmed pursuant to section 48A.37, subsection 2, for ninety days, and the commissioner has been unable to contact the registrant, or the registrant has failed to submit sufficient information to complete, verify, or correct the defect in the registration following contact by the commissioner.

2. When a registration is canceled pursuant to subsection 1, paragraph "*d*", "*e*", "*g*", or "*h*", the commissioner shall send a notice of the cancellation to the registered voter.

94 Acts, ch 1169, §31; 98 Acts, ch 1185, §5; 2002 Acts, ch 1134, §27, 28, 115; 2017 Acts, ch 110, §4; 2018 Acts, ch 1149, §5, 12; 2021 Acts, ch 12, §29, 73; 2021 Acts, ch 147, §22, 54; 2023 Acts, ch 98, §4; 2025 Acts, ch 123, §42, 43; 2026 Acts, ch 1073, §3

Referred to in §47.7, 48A.25B, 48A.37, 48A.40
Subsection 1, NEW paragraph i

48A.31 Deceased persons record.

The state registrar of vital statistics shall transmit or cause to be transmitted to the state registrar of voters, once each calendar quarter, a certified list of all persons seventeen years of age and older in the state whose deaths have been reported to the state registrar of vital statistics since the previous list of decedents was certified to the state registrar of voters. The list shall be submitted according to the specifications of the state registrar of voters and shall be transmitted to the state registrar of voters without charge for production or transmission. The commissioner shall, in the month following the end of a calendar quarter, run the statewide voter registration system's matching program to determine whether a listed decedent was registered to vote in the county and shall immediately cancel the registration of any person named on the list of decedents.

94 Acts, ch 1169, §32; 2002 Acts, ch 1119, §123; 2009 Acts, ch 57, §19; 2017 Acts, ch 110, §5; 2023 Acts, ch 19, §40

48A.32 Destruction or removal of canceled voter registration records.

Twenty-two months after the next general election following the cancellation of a person's voter registration, the commissioner may destroy all records of that person's registration. At the discretion of the commissioner, canceled records may be donated to a historical society if all confidential information has been removed from the records.

94 Acts, ch 1169, §33
Referred to in §48A.35

48A.33 Declination of registration opportunity.

When a client or applicant of a voter registration agency declines to register to vote, the record of the declination shall be kept by the voter registration agency for twenty-two months after the next general election after which time the agency may destroy the records.

94 Acts, ch 1169, §34

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SUBCHAPTER VI

RETENTION AND STORAGE OF VOTER REGISTRATION RECORDS

48A.34 Confidentiality of certain records.

Voter registration records are available for public inspection at reasonable times at the office of the county commissioner. The commissioner and any voter registration agency which has custody of voter registration records shall take the necessary steps to ensure that the name of the agency at which the voter registration form was submitted remains confidential.

94 Acts, ch 1169, §35

48A.35 Voter registration records under control of the commissioner.

1. The county commissioner of elections shall be responsible for the maintenance and storage of all paper and electronic voter registration records in the commissioner's custody. Original registration records shall not be removed from the commissioner's office or from any other designated permanent storage location except upon request of a county commissioner or a court order, as provided in subsection 2, or as provided by section 48A.32. The state registrar of voters and the state voter registration commission shall adopt administrative rules to implement this section.

2. The county commissioner of elections may store an unaltered version of completed voter registration applications, including the applicant's signature, as an electronic document, or in another format suitable for preserving information in the registration record, regardless of the format in which the application is submitted.

94 Acts, ch 1169, §36; 2014 Acts, ch 1101, §7

48A.36 Electronic registration record retention in voter registration agencies.

1. Voter registration agencies and the office of driver services of the state department of transportation may electronically transmit registration data to the state registrar of voters, who shall distribute the information, electronically or otherwise, to the appropriate commissioner in accordance with rules of the state voter registration commission and the state registrar of voters. The state agency originating the registration data shall permanently retain an electronic copy of the form completed by the registrant, including the registrant's signature, and shall develop procedures for the retrieval and printing of that electronic document. A printed copy of an electronic registration document shall be made only upon the agency's receipt of a court order.

2. Upon receipt of electronic registration data under subsection 1, the state registrar of voters shall cause the updating of registration records. The registrar shall notify the appropriate commissioner of the actions taken.

94 Acts, ch 1169, §37; 2004 Acts, ch 1083, §17, 37

48A.37 Electronic registration records.

1. Voter registration records, including voter registration forms, shall be maintained in an electronic medium on the statewide voter registration system. A history of local election participation shall be maintained as part of the electronic record for at least two general, primary, school, and city elections. Absentee voting shall be recorded for the previous two general and primary elections. After each election, the county commissioner shall update telephone numbers provided by registered voters pursuant to section 49.77.

2. Electronic records shall include a status code designating whether the records are active, inactive, incomplete, pending, unconfirmed, or canceled.

a. Inactive records are records of registered voters to whom notices have been sent pursuant to section 48A.28, and who have not returned the card or otherwise responded to the notice, and those records have been designated inactive pursuant to section 48A.29. Inactive records are also records of registered voters to whom notices have been sent pursuant to section 48A.26A and who have not responded to the notice. Incomplete records

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are records missing required information pursuant to section 48A.11, subsection 8. Pending records are records of applicants whose applications have not been verified pursuant to section 48A.25A. Unconfirmed records are records of registered voters about whom the state registrar or county commissioner has received information from a reliable source indicating that the registered voter is not qualified. Canceled records are records that have been canceled pursuant to section 48A.30. All other records are active records.

b. An inactive record shall be made active when the registered voter requests an absentee ballot, votes at an election, registers again, or reports a change of name, address, telephone number, or political party or organization affiliation. An incomplete record shall be made active when a completed application is received from the applicant and verified pursuant to section 48A.25A. A pending record shall be made active upon verification or upon the voter providing identification pursuant to section 48A.8. An unconfirmed record shall be made active upon the registered voter providing evidence that the registered voter is qualified.

94 Acts, ch 1169, §38; 2004 Acts, ch 1083, §18, 37; 2004 Acts, ch 1175, §357; 2007 Acts, ch 35, §5, 7; 2008 Acts, ch 1115, §81; 2009 Acts, ch 57, §20; 2021 Acts, ch 12, §30, 73; 2025 Acts, ch 123, §10, 44

Referred to in §48A.25B, 48A.30

48A.38 Lists of voters.

1. Any person may request of the registrar and shall receive, upon payment of the cost of preparation, a list of registered voters and other data on registration and participation in elections, in accordance with the following requirements and limitations:

a. The registrar shall prepare each list requested within fourteen days of receipt of the request, except that the registrar shall not be required to prepare any list within seven days of the close of registration for any regularly scheduled election if the preparation of the list would impede the preparation of election registers for that election.

b. Each list shall be as current as possible, but shall in all cases reflect voter activity reported to any commissioner twenty-eight or more days before preparation of the list.

c. Each list shall be in the order and form specified by the list purchaser, and shall contain the registration data specified by the list purchaser, provided compliance with the request is within the capability of the record maintenance system used by the registrar.

d. Lists prepared shall not include inactive records unless specifically requested by the requester.

e. The registrar shall prepare updates to lists at least biweekly, and after the close of registration for a regularly scheduled election, but before the election, if requested to do so at the time a list is purchased. All updates shall be made available to all requesters at the same time, and shall be in the order and form specified by each requester.

f. The county commissioner of registration and the state registrar of voters shall remove a voter's whole or partial social security number, as applicable, voter identification number assigned by the state commissioner, Iowa driver's license number, or Iowa nonoperator's identification card number from a voter registration list prepared pursuant to this section.

2. The registrar shall update information on participation in an election no later than sixty days after each election.

3. The registrar shall maintain a log of the name, address, and telephone number of every person who receives a list under this section, and of every person who reviews registration records in the office of the registrar. Commissioners of registration shall maintain a similar log in their offices of those who receive a list from the commissioner or who review registration records in the commissioner's office. Logs maintained under this subsection are public records, and shall be available for public inspection at reasonable times.

4. The registrar may adjust the cost of preparation imposed pursuant to subsection 1 to reflect the costs of processing a credit card payment by an amount not to exceed the cost of processing the credit card payment.

94 Acts, ch 1169, §39; 2002 Acts, ch 1134, §29, 115; 2004 Acts, ch 1083, §19, 37; 2005 Acts, ch 19, §20; 2009 Acts, ch 57, §21; 2017 Acts, ch 110, §21, 35, 36; 2023 Acts, ch 165, §5

Referred to in §47.8

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48A.39 Use of registration information.

Information about individual registrants obtained from voter registration records shall be used only to request the registrant's vote at an election, or for another genuine political purpose, or for a bona fide official purpose by an elected official, or for bona fide political research, but shall not be used for any commercial purposes.

94 Acts, ch 1169, §40; 2002 Acts, ch 1071, §9
Referred to in §39A.3

48A.40 Voter list maintenance reports.

1. The commissioner of registration shall annually submit to the state registrar of voters a report regarding the number of voter registration records marked inactive or canceled pursuant to sections 48A.28 through 48A.30. The state registrar of voters shall publish such reports on the internet site of the state registrar of voters.

2. The state registrar of voters shall determine by rule the form and submission deadline of reports submitted pursuant to subsection 1.

2021 Acts, ch 12, §31, 73

48A.41 Voter registration maintenance audits — investigations.

1. The state registrar of voters shall conduct an audit of voter registration maintenance by each commissioner of registration in April of each odd-numbered year, on a schedule determined by the state registrar of voters.

2. If in the course of an audit under this section the state registrar of voters finds that a commissioner of registration has failed to perform required voter list maintenance, the state registrar of voters shall submit the audit to the attorney general within twenty-four hours for investigation of a violation of section 39A.3, subsection 1, paragraph *"b"*, subparagraph (9), or other provision of law.

2021 Acts, ch 12, §32, 73; 2021 Acts, ch 147, §23, 54; 2023 Acts, ch 19, §2063, 2073
Referred to in §39A.2, 39A.3

CHAPTER 49

METHOD OF CONDUCTING ELECTIONS

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.5, 39A.6, 43.5, 47.1, 50.1A, 52.1, 52.25, 52.28, 52.31, 145A.7, 176A.16, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 303.49, 346.27, 357.12, 357C.7, 357D.8, 357E.8, 357F.8, 357G.8, 357I.8, 357J.16, 360.1, 372.2, 376.1, 468.502

See also definitions in §39.3
Chapter applicable to primary elections, §43.5
Criminal offenses, see chapter 39A

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49.1 Elections included.

The provisions of this chapter shall apply to all elections except those special elections which by the terms of the statutes authorizing them are exempt from the provisions of this chapter.

[C97, §1088; C24, 27, 31, 35, 39, §**719;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.1]

49.2 Oversight by the state commissioner.

The state commissioner, or a designee of the state commissioner, may, at the discretion of the state commissioner, oversee the activities of a county commissioner of elections during a period beginning sixty days before an election and ending sixty days after an election. For the purposes of this section, *"oversee"* means to observe election-related activity, correct any activity not in accordance with law, and issue a written notice and instructions pursuant to section 39A.6 for any technical infractions that are observed.

2021 Acts, ch 12, §33, 73

49.3 Election precincts and districts.

1. Election precincts shall be drawn and named or numbered by the county board of supervisors or the temporary county redistricting commission in all unincorporated portions of each county, and by the city council of each city in which it is necessary or deemed advisable to establish more than one precinct. Precincts established as provided by this chapter shall be used for all elections, except where temporary merger of established precincts is specifically permitted by law for certain elections, and no political subdivision shall concurrently maintain different sets of precincts for use in different types of elections. Election precincts shall be drawn so that:

a. No precinct shall have a total population in excess of three thousand five hundred, as shown by the most recent federal decennial census.

b. Each precinct is contained wholly within an existing legislative district, except:

(1) When adherence to this requirement would force creation of a precinct which includes the places of residence of fewer than fifty registered voters.

(2) When the general assembly by resolution designates a period after the federal decennial census is taken and before the next succeeding reapportionment of legislative districts required by Article III, section 35 of the Constitution of the State of Iowa as amended in 1968, during which precincts may be drawn without regard to the boundaries of existing legislative districts.

c. Except as provided in section 49.4, subsection 3, precincts established after July 1, 1994, shall be composed of contiguous territory within a single county. The boundaries of all precincts shall follow the boundaries of areas for which official population figures are available from the most recent federal decennial census.

2. All election districts, including city wards and county supervisor districts, shall be drawn according to the following standards:

a. All boundaries, except for supervisor districts for counties using supervisor representation plan "two" pursuant to section 331.209, shall follow precinct boundaries.

b. All districts shall be as nearly equal as practicable to the ideal population for the districts as determined by dividing the number of districts to be established into the population of the city or county.

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c. All districts shall be composed of contiguous territory as compact as practicable.

d. Consideration shall not be given to the addresses of incumbent officeholders, political affiliations of registered voters, previous election results, or demographic information other than population head counts, except as required by the Constitution and the laws of the United States.

e. Cities shall not be divided into two or more county supervisor districts unless the population of the city is greater than the ideal size of a district. Cities shall be divided into the smallest number of county supervisor districts possible.

[C51, §245; R60, §480; C73, §501, 605; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**721, 722, 723;** C46, 50, 54, 58, 62, 66, 71, 73, §49.3, 49.4, 49.5; C75, 77, 79, 81, §49.3]

94 Acts, ch 1179, §4, 5; 95 Acts, ch 67, §53; 99 Acts, ch 17, §1; 2006 Acts, ch 1010, §37; 2010 Acts, ch 1033, §15

Referred to in §49.4, 49.5, 49.6, 49.7, 49.8, 49.11, 273.8, 331.210A, 331.383
City ward standards, see also §372.13

49.4 Precincts drawn by county board.

Where action by the board of supervisors is necessary or deemed advisable by the board of supervisors or the temporary county redistricting commission, the boundaries of precincts shall be definitely fixed by ordinance. A public hearing shall be held before final action is taken to adopt changes in the precinct boundaries. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21. In the absence of contrary action by the board of supervisors or the temporary county redistricting commission, each civil township which does not include any part of a city of over two thousand population, and the portion of each civil township containing any such city which lies outside the corporate limits of that city or those cities, shall constitute an election precinct. If no action is necessary to change the county election precincts, the board of supervisors shall certify the retained boundaries to the state commissioner, as required by section 49.7.

1. Where a civil township, or the portion of a civil township outside the corporate limits of any city of over two thousand population contained within the civil township, is divided into two or more election precincts, the precincts shall be so drawn that their total populations shall be reasonably equal on the basis of data available from the most recent federal decennial census, except where the division is necessary to comply with section 49.3, subsection 1, paragraph "*c*".

2. Counties using alternative supervisor representation plans "two" or "three", as described in section 331.206, shall be apportioned into single-member supervisor districts on the basis of population. In counties using representation plan "three", the boundaries of supervisor districts shall follow the boundaries of election precincts.

3. *a.* Notwithstanding any other provision of this chapter, Indian settlement land held in trust by the secretary of the interior of the United States for the Sac and Fox tribe of the Mississippi in Iowa and its trust land contiguous to the Indian settlement lying in Tama, Toledo and Indian Village townships of Tama county shall be an election precinct. The polling place of that precinct shall be located on the Indian settlement in a structure designated by the election commissioner of Tama county.

b. The Indian settlement precinct shall be redrawn to include land contiguous to the Indian settlement when such land is purchased by the settlement and added to the Indian settlement land held in trust by the secretary of the interior of the United States. Upon recording of the deed transferring the land to the United States in trust, the county recorder shall notify the county commissioner of that fact. If the commissioner is notified more than seventy days before the next scheduled election, the commissioner shall redraw the precinct for that election. The commissioner shall notify the board of supervisors of the redrawn precinct boundaries and shall certify the redrawn boundaries to the state commissioner. Land completely surrounded by the boundaries of the Indian settlement precinct, but not included in the settlement precinct, shall be included in the precinct in which such land was located prior to redrawing of the Indian settlement precinct. The commissioner shall notify

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registered voters in each of the redrawn precincts of the change in the precincts and the proper polling place for those affected voters.

[C73, §603; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**722, 725;** C46, 50, 54, 58, 62, 66, 71, 73, §49.4, 49.7; C75, 77, 79, 81, S81, §49.4; 81 Acts, ch 117, §1203]

94 Acts, ch 1179, §6; 99 Acts, ch 17, §2; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1026, §1

Referred to in §49.3, 49.7, 49.8, 49.11, 273.8, 331.210A, 331.383

49.5 City precincts.

1. As used in this section:

a. "The convenience of the voters" refers to but is not necessarily limited to the use of precinct boundaries which can be readily described to and identified by voters and for which there is ease of access by voters to their respective precinct polling places by reasonably direct routes of travel.

b. "Promoting electoral efficiency" means reducing the cost of staffing election precincts by requiring cities to avoid creating more precincts than is reasonably necessary to provide voters access to voting.

2. The council of a city where establishment of more than one precinct is necessary or deemed advisable shall, at the time required by law, divide the city into the number of election precincts as will best serve the convenience of the voters while promoting electoral efficiency. The precinct boundaries shall conform to section 49.3 and shall be described in an ordinance adopted by the council within the time required by section 49.7.

3. Before final adoption of any change in election precinct boundaries pursuant to this section or section 49.6, the council shall permit the commissioner not less than seven and not more than ten days' time to offer written comments to the council on the proposed reprecincting. If the commissioner recommends changes in the proposed reprecincting which the commissioner concludes could better serve the convenience of the voters or could promote electoral efficiency, including lowering election costs, the council shall, if no changes to the reprecincting are made, include reasons in the ordinance for not adopting the proposed changes of the commissioner. A public hearing shall be held before final adoption of the ordinance. Notice of the date, time, and place of the hearing shall be given as provided in chapter 21.

[C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**723;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.5]

93 Acts, ch 143, §14; 94 Acts, ch 1179, §7, 8; 2001 Acts, ch 50, §1, 2; 2018 Acts, ch 1041, §12; 2019 Acts, ch 24, §9

Referred to in §49.7, 49.8, 49.10, 49.11, 273.8

49.6 Power to combine township and city precincts.

Election precincts composed partially of unincorporated territory and partially of all or any part of a city may be established within a single county in any manner which is not contrary to section 49.3. An agreement mutually satisfactory to the board of supervisors or the temporary county redistricting commission and the city council of the city involved shall be adopted and a copy of the agreement shall be submitted to the state commissioner as part of the certification of precinct boundaries required by section 49.7.

[C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**724;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.6]

94 Acts, ch 1179, §9

Referred to in §49.5, 49.8, 273.8, 331.210A, 331.383

49.7 Reprecincting schedule and filing requirements.

1. Where reprecincting is necessary, city councils and county boards of supervisors or the temporary county redistricting commission shall make any necessary changes in precincts as soon as possible after the redistricting of congressional and legislative districts becomes law.

2. *a.* City councils shall complete any changes in precinct and ward boundaries necessary to comply with sections 49.3 and 49.5 not later than sixty days after the redistricting of congressional and legislative districts becomes law, or September 1 of the year immediately

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following each year in which the federal decennial census is taken, whichever is later. Different compliance dates may be set by the general assembly by joint resolution.

b. County boards of supervisors or the temporary county redistricting commission shall complete any changes in precinct and supervisor district boundaries necessary to comply with sections 49.3, 49.4, and 331.209 not later than ninety days after the redistricting of congressional and legislative districts becomes law, or October 15 of the year immediately following each year in which the federal decennial census is taken, whichever is later. Different compliance dates may be set by the general assembly by joint resolution.

3. Each county board of supervisors or the temporary county redistricting commission and city council shall immediately notify the state commissioner and the commissioner when the boundaries of election precincts are changed, and shall provide a map showing the new boundary lines. Each county board or the temporary county redistricting commission and city council shall certify to the state commissioner the populations of the new election precincts or retained election precincts as determined by the latest federal decennial census. Materials filed with the state commissioner shall be postmarked no later than the deadline specified in this section.

4. If the state commissioner determines that a county board or the temporary county redistricting commission or city council has failed to make the required changes by the dates specified by this section, the state commissioner shall make or cause to be made the necessary changes as soon as possible. The state commissioner shall assess to the county or city, as the case may be, the expenses incurred in making the necessary changes. The state commissioner may request the services of personnel and materials available to the legislative services agency to assist the state commissioner in making required changes in election precincts which become the state commissioner's responsibility.

5. Precinct boundaries shall become effective on January 15 of the second year following the year in which the census was taken and shall be used for all subsequent elections. Precinct boundaries drawn by the state commissioner shall be incorporated into the ordinances of the city or county.

6. Changes made to precincts in years other than the year following the year in which the federal decennial census is taken shall be filed with the state commissioner as soon as possible.

[C73, §603; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**722, 723;** C46, 50, 54, 58, 62, 66, 71, 73, §49.4, 49.5; C75, 77, 79, 81, §49.7; 82 Acts, ch 1091, §1]

89 Acts, ch 296, §11; 90 Acts, ch 1233, §1; 94 Acts, ch 1179, §10; 2003 Acts, ch 35, §44, 49; 2014 Acts, ch 1026, §12

Referred to in §49.4, 49.5, 49.6, 49.8, 49.11, 331.210A, 331.383

49.8 Changes in precincts.

After any required changes in precinct boundaries have been made following each federal decennial census, at the time established by or pursuant to section 49.7, the county board or city council shall make no further changes in precinct boundaries until after the next federal decennial census, except in the following circumstances:

1. When deemed necessary by the board of supervisors of any county because of a change in the location of the boundaries, dissolution or establishment of any civil township, the boundaries of precincts actually affected may be changed as necessary to conform to the new township boundaries.

2. When territory is annexed to a city the city council may attach all or any part of the annexed territory to any established precinct or precincts which are contiguous to the annexed territory, however this subsection shall not prohibit establishment of one or more new precincts in the annexed territory.

3. A city may have one special federal census taken each decade and the population figures obtained may be used to revise precinct boundaries in accordance with the requirements of sections 49.3 and 49.5.

4. If city population data certified by the United States bureau of the census following the federal decennial census is revised and the revision is certified by the United States bureau of the census, such revisions may be used to revise precinct and ward boundaries

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in accordance with the requirements of sections 49.3 and 49.5. The board of supervisors shall determine whether such revised population data affects the population equality of supervisor districts. If necessary, the temporary county redistricting commission shall be reconvened, notwithstanding section 331.210A, subsection 4, and supervisor districts shall be revised in accordance with the requirements of section 331.210A, subsection 2.

5. *a.* When the boundaries of a county supervisor, city council, or school director district, or any other district from which one or more members of any public representative body other than the general assembly are elected by the voters thereof, are changed by annexation or other means other than reprecincting, the change shall not result in the term of any officer elected from the former district being terminated before or extended beyond the expiration of the term to which the officer was last elected, except as provided under section 275.23A and section 331.209, subsection 1. If more than one incumbent officeholder resides in a district redrawn during reprecincting, their terms of office shall expire after the next election in the political subdivision.

b. When a vacancy occurs in the office of county supervisor, city council, or school director following the effective date of new district boundaries, the vacancy shall be filled using the new boundaries.

6. When a city is changing its form of government from one which has council members elected at large to one which has council members elected from wards, or is changing its number of council members elected from wards, the city council may redraw the precinct boundaries in accordance with sections 49.3 and 49.5 to coincide with the new ward boundaries.

7. Precinct boundaries established by or pursuant to section 49.3 or 49.4, and not changed under subsection 1 since the most recent federal decennial census, may be changed once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends and the board of supervisors finds that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a primary election, unless the changes will not take effect until January 1 of the next even-numbered year.

8. Precinct boundaries established by a city council pursuant to section 49.5 or 49.6 and not changed under subsections 1 through 6 since the most recent federal decennial census, may be redrawn by the city council in accordance with sections 49.3 and 49.5 once during the period beginning January 1 of the second year following a year in which a federal decennial census is taken and ending June 30 of the year immediately following the year in which the next succeeding federal decennial census is taken, if the commissioner recommends that the change will effect a substantial savings in election costs. Changes made under this subsection shall be made not later than ninety-nine days before a city primary or runoff election, unless the changes will not take effect until January 1 of the next odd-numbered year.

9. When territory contiguous to the Indian settlement is added to the Indian settlement land held in trust by the secretary of the interior of the United States.

[C73, §603; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**722, 723;** C46, 50, 54, 58, 62, 66, 71, 73, §49.4, 49.5; C75, 77, 79, 81, §49.8]

83 Acts, ch 77, §2; 84 Acts, ch 1052, §1; 89 Acts, ch 136, §34; 94 Acts, ch 1179, §11, 12; 99 Acts, ch 17, §3; 2007 Acts, ch 59, §6, 19; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1026, §2; 2017 Acts, ch 67, §1

Referred to in §275.25, 275.41, 331.383

49.9 Proper place of voting.

Except as provided in section 49.11, subsection 3, paragraph *"b"*, and as required by the designation of a commissioner pursuant to section 49.21, subsection 1, a person shall not vote in any precinct but that of the person's residence.

[C73, §605; C97, §1090; S13, §1090; C24, 27, 31, 35, 39, §**727;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.9]

2008 Acts, ch 1115, §22; 2017 Acts, ch 155, §17, 44

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49.10 Polling places for certain precincts.

1. Polling places for precincts outside the limits of a city, but within the township, or originally within and set off as a separate township from the township in which the city is in whole or in part situated, and a polling place for a township which entirely surrounds another township containing a city, may be fixed at some room or rooms in the courthouse or in some other building within the limits of the city as the commissioner may provide.

2. If the commissioner determines, or if a petition be filed with the commissioner ninety days before any primary, general or special election stating that there is no suitable or adequate polling place within a township constituting a voting precinct and that it is desirable and to the interest of the voters of that township voting precinct that a voting place be designated for it outside its territorial limits, the commissioner shall fix a polling place for that precinct, outside its territorial limits, which the commissioner deems convenient to the electors of the township precinct. A petition submitted under this subsection must be signed by eligible electors of the precinct exceeding in number one-half the total number of votes cast in the township precinct for the office of president of the United States or governor, as the case may be, at the last preceding general election. When the commissioner has fixed such a polling place it shall remain the polling place at all subsequent primary, general and special elections, until such time as the commissioner shall fix a different polling place for the precinct.

3. In any city in which precinct lines have been changed to comply with section 49.5, the commissioner may fix the polling place for any precinct outside the boundaries of the precinct if there is no building or facility within the precinct suitable and available for use as a polling place. In so doing, the commissioner shall fix the polling place at the point nearest the precinct which is suitable and available for use as a polling place and is reasonably accessible to voters of the precinct.

4. A single room or area of any building or facility may be fixed as the polling place for more than one precinct. The location of each polling place shall be clearly marked within the room or area on the days on which elections are held as the location of the polling place of a particular precinct, and suitable arrangements shall be made within the room or area to prevent direct access from the polling place of any precinct to the polling place of any other precinct. When the commissioner has fixed such a polling place for any precinct it shall remain the polling place at all subsequent elections, except elections for which the precinct is merged with another precinct as permitted by section 49.11, until the boundaries of the precinct are changed or the commissioner fixes a new polling place, except that the polling place shall be changed to a point within the boundaries of the precinct at any time not less than sixty days before the next succeeding election that a building or facility suitable for such use becomes available within the precinct.

5. If two or more contiguous townships have been combined into one election precinct by the board of supervisors, the commissioner shall provide a polling place which is convenient to all of the electors in the precinct.

[C97, §1091; S13, §1091; C24, 27, 31, 35, 39, §**728;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.10]

93 Acts, ch 143, §15; 2006 Acts, ch 1002, §1, 4

49.11 Notice of boundaries of precincts — merger or division.

1. The board of supervisors or the temporary county redistricting commission or city council shall number or name the precincts established by the supervisors or council pursuant to sections 49.3, 49.4, and 49.5. The boundaries of the precincts shall be recorded in the records of the board of supervisors, temporary county redistricting commission, or city council, as the case may be.

2. The board of supervisors or city council shall publish notice of changes in the county or city precinct boundaries in a newspaper of general circulation published in the county or city once each week for three consecutive weeks. The series of publications shall be made after the changes in the precincts have been approved by the state commissioner of elections. The last of the three publications shall be made no later than thirty days before the next general

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election. A map showing the new boundaries may be used. No publication is necessary if no changes were made.

3. The precincts established pursuant to section 49.7 shall not be changed except in the manner provided by law. However, the county commissioner of elections may:

a. Consolidate two or more precincts into one.

(1) However, the commissioner shall not do so if there is filed with the commissioner at least twenty days before the election a petition signed by twenty-five or more eligible electors of any precinct requesting that it not be merged with any other precinct. There shall be attached to the petition the affidavit of an eligible elector of the precinct that the signatures on the petition are genuine and that all of the signers are to the best of the affiant's knowledge and belief eligible electors of the precinct.

(2) If a special election is to be held in which only those registered voters residing in a specified portion of any established precinct are entitled to vote, that portion of the precinct may be merged by the commissioner with one or more other established precincts or portions of established precincts for the special election, and the right to petition against merger of a precinct shall not apply.

b. (1) Establish voting centers for the regular city election, city primary election, city runoff election, regular school election, and special elections. Any registered voter who is eligible to vote in the regular city election may vote at any voting center in the city. Any registered voter who is eligible to vote at the regular school election may vote at any voting center in the school district. Any registered voter who is eligible to vote in a special election may vote at any voting center established for that special election. For purposes of section 48A.7A, a voting center shall be considered the polling place for the precinct in which a person resides.

(2) The county commissioner of elections shall designate the location of each voting center to be used in the election.

(3) A voting center designated under this subsection is subject to the requirements of section 49.21 relating to accessibility to persons who are elderly and persons with disabilities and relating to the posting of signs. The location of each voting center shall be published by the county commissioner of elections in the same manner as the location of polling places is required to be published.

(4) Pursuant to section 39A.2, subsection 1, paragraph *"b"*, subparagraph (3), a person commits the crime of election misconduct in the first degree if the person knowingly votes or attempts to vote at more than one voting center for the same election.

c. Divide any precinct permanently established under this section which contains all or any parts of two or more mutually exclusive political subdivisions, either or both of which is independently electing one or more officers or voting on one or more questions on the same date, into two or more temporary precincts and designate a polling place for each.

d. Consolidate precincts for any election under any of the following circumstances:

(1) One of the precincts involved consists entirely of dormitories that are closed at the time the election is held.

(2) The consolidated precincts, if established as a permanent precinct, would meet all requirements of section 49.3, and a combined total of no more than three hundred fifty voters voted in the consolidated precincts at the last preceding similar election.

(3) The city council of a special charter city with a population of three thousand five hundred or less which is divided into council wards requests the commissioner to consolidate two or more precincts for any election.

4. Notice of changes made pursuant to subsection 3 shall be reported to the state commissioner at least twenty-five days before the next election in which the temporary precinct will be active, or, for elections held pursuant to section 69.14 while the general

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assembly is in session or within forty-five days of the convening of a session of the general assembly, at least ten days before election day.

[C73, §604; C97, §1092, 2755; S13, §2755; C24, §729, 4205; C27, §729, 4205, 4216-b2; C31, 35, §729, 4216-c5; C39, §**729, 4216.05;** C46, 50, 54, 58, 62, 66, 71, 73, §49.11, 277.5; C75, 77, 79, 81, §49.11; 81 Acts, ch 34, §24]

93 Acts, ch 143, §16; 94 Acts, ch 1169, §64; 94 Acts, ch 1179, §13; 94 Acts, ch 1180, §12; 2008 Acts, ch 1032, §149; 2008 Acts, ch 1115, §23; 2017 Acts, ch 67, §2, 3; 2018 Acts, ch 1026, §23; 2019 Acts, ch 148, §26, 33

Referred to in §49.9, 49.10, 49.13, 49.16, 331.383

49.12 Election boards.

There shall be appointed in each election precinct an election board which shall ordinarily consist of three or five precinct election officials. At the commissioner's discretion, additional precinct election officials may be appointed to work at any election. Not more than a simple majority of the members of the election board in any precinct shall be members of the same political party or organization if one or more registered voters of another party or organization are qualified and willing to serve on the board.

[C51, §246, 248, 1111; R60, §481, 483, 2027, 2030, 2031; C73, §606, 1717, 1719; C97, §1093, 2746, 2751, 2756; S13, §2756; SS15, §1087-a5, 1093; C24, §559, 730, 731, 735, 4165, 4195, 4209, 4211; C27, §559, 730, 731, 735, 4165, 4195, 4209, 4211-b2; C31, 35, §559, 730, 731, 735, 4165, 4216-c10; C39, §**559, 730, 731, 735, 4165, 4216.10;** C46, 50, §43.31, 49.12, 49.13, 49.17, 49.19, 276.12, 277.10; C54, 58, 62, 66, 71, 73, §43.31, 49.12, 49.13, 49.17, 275.19, 277.10; C75, 77, 79, 81, §49.12]

87 Acts, ch 221, §12; 88 Acts, ch 1119, §15; 95 Acts, ch 67, §53; 98 Acts, ch 1123, §4; 2010 Acts, ch 1060, §3

Referred to in §39A.1, 49.14, 49.16, 49.18, 50.21, 50.22, 53.23

49.13 Commissioner to appoint members, chairperson.

1. The membership of each precinct election board shall be appointed by the commissioner, not less than fifteen days before each election held in the precinct, from the election board panel drawn up as provided in section 49.15. Precinct election officials shall be registered voters of the county, or other political subdivision within which precincts have been merged across county lines pursuant to section 49.11, subsection 3, paragraph *"a"*, in which they are appointed. Preference shall be given to appointment of residents of a precinct to serve as precinct election officials for that precinct, but the commissioner may appoint other residents of the county where necessary.

2. For all elections in which a partisan office is on the ballot, election boards shall include members of the two political parties whose candidates for president of the United States or for governor, as the case may be, received the largest and next largest number of votes in the county at the last general election. Election boards may also include persons not members of either of these parties. However, persons who are not members of either of these political parties shall not comprise more than one-third of the membership of an election board.

3. In appointing the election board to serve for any election in which candidates' names do appear under the heading of these political parties, the commissioner shall give preference to the persons designated by the respective county chairpersons of these political parties for placement on the election board panel, as provided by section 49.15, in the order that they were so designated. However, the commissioner may for good cause decline to appoint a designee of a county chairperson if that chairperson is notified and allowed two working days to designate a replacement.

4. In appointing the election board to serve for a nonpartisan election, the commissioner may give preference to the persons who are willing to serve without pay identified pursuant to section 49.15, subsection 2, paragraph *"b"*, by the city council or the school board.

5. The commissioner shall designate one member of each precinct election board as chairperson of that board. At the discretion of the commissioner, two people who are members of different political parties may be appointed as co-chairpersons. The co-chairpersons shall have joint authority over the work of the precinct election board.

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6. The commissioner may appoint high school students who are not yet qualified to be registered voters to serve as precinct election board members.

a. To qualify to serve as a precinct election board member, a high school student shall:

(1) Be a United States citizen.

(2) Be at least seventeen years of age and a student in good standing enrolled in a public or private secondary school in Iowa.

(3) Receive credit in at least four subjects, each of one period or hour, or the equivalent thereof, at all times. The eligible subjects are language arts, social studies, mathematics, science, health, physical education, fine arts, world language, and career and technical education. Coursework taken as a postsecondary enrollment option for which a school district or accredited nonpublic school grants academic credit toward high school graduation shall be used in determining eligibility. A student shall not be denied eligibility if the student's school program deviates from the traditional two-semester school year. Each student wishing to participate under this subsection shall be passing all coursework for which credit is given and shall be making adequate progress toward graduation requirements at the end of each grading period. At the end of a grading period that is the final grading period in a school year, a student who receives a failing grade in any course for which credit is awarded is ineligible to participate under this subsection. A student who is eligible at the close of a semester is academically eligible to participate under this subsection until the beginning of the subsequent semester. A student with a disability who has an individualized education program shall not be denied eligibility to participate under this subsection on the basis of scholarship if the student is making adequate progress, as determined by school officials, towards the goals and objectives of the student's individualized education program.

(4) At the time of appointment, have the written approval of the principal of the secondary school the student attends.

(5) Have the written approval of the student's parent or legal guardian.

(6) Have satisfactorily completed the training course for election officials.

(7) Meet all other qualifications for appointment and service as an election board member except the requirement of being a registered voter.

b. No more than one student precinct election board member may serve on each precinct election board.

c. Student precinct election board members shall not serve as the chairperson of a precinct election board.

d. Before serving at a partisan election, the student precinct election board member must certify in writing to the commissioner the political party with which the student is affiliated.

e. Student precinct election board members shall not be allowed to work more hours than allowed under the applicable labor laws.

f. A student who serves on a precinct election board is not eligible to receive class credit for such service unless such service qualifies as meeting the requirements of a class assignment imposed on all students in the class.

g. No later than fourteen days after the date of the election, the commissioner shall report to the appropriate secondary school the following information:

(1) The name of each student attending the school who served as a precinct election board member on election day.

(2) The number of hours the student served as a precinct election board member.

(3) The precinct number and polling place location where the student served as a precinct election board member.

(4) Any other information the commissioner deems appropriate or that is requested by the school.

7. A person serving on a precinct election board pursuant to subsection 2 or 3 who changes the political party of which the person is a member within thirty days before an election

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shall be immediately removed from the board and a substitute shall be appointed pursuant to section 49.14.

[C97, §1093; SS15, §1093; C24, 27, 31, 35, 39, §**733;** C46, 50, 54, 58, 62, 66, 71, 73, §49.15; C75, 77, 79, 81, §49.13]

95 Acts, ch 67, §53; 97 Acts, ch 170, §23; 2007 Acts, ch 34, §1; 2007 Acts, ch 138, §1; 2008 Acts, ch 1032, §194; 2009 Acts, ch 41, §25; 2010 Acts, ch 1026, §3, 17; 2010 Acts, ch 1033, §16; 2010 Acts, ch 1060, §4; 2016 Acts, ch 1108, §10; 2018 Acts, ch 1083, §1; 2021 Acts, ch 12, §34, 73

Referred to in §49.14, 49.15, 49.18, 49.73, 49.89, 50.21, 53.22, 53.23
Child labor restrictions, see chapter 92

49.14 Substitute precinct election officials.

1. The commissioner may appoint substitute precinct election officials as alternates for election board members. The responsibilities and duties of a precinct election official present at the time the polling place was opened on the day of an election may be assumed at any later time that day by a substitute appointed as an alternate. The substitute shall serve either for the balance of that election day or for any shorter period of time the commissioner may designate. At partisan elections, a substitute precinct election official assuming the duties of a precinct election official shall be a member of the same political party as the precinct election official whose duties are being assumed, unless substitution of a precinct election official not of the same political party results in no more than a simple majority of the total number of precinct election officials serving in that precinct being members of the same political party.

2. Substitute precinct election officials shall be appointed and shall serve in accordance with sections 49.12, 49.13, 49.15, and 49.16, and shall receive compensation as provided by sections 49.20 and 49.125. Upon arriving at the polling place and prior to performing any official duty, a substitute precinct election official shall take the oath required by section 49.75.

3. The commissioner shall not employ substitute precinct election officials in a partisan election unless:

a. The election board panel drawn up pursuant to section 49.15 contains the names of a sufficient number of political party designees to permit appointment of both the regular precinct election officials and any substitute precinct election officials from that panel; or

b. The commissioner has informed the county chairpersons of the political parties referred to in section 49.13, subsection 2, thirty days prior to the date of the election, of intent to appoint substitute precinct election officials and has allowed ten days thereafter for the respective county chairpersons to provide additional names of persons from whom the substitute precinct election officials shall be appointed. If a county chairperson fails to provide additional names after being so notified, the commissioner may appoint persons known to be members of the appropriate political party or parties.

[S81, §49.14; 81 Acts, ch 34, §25]

2007 Acts, ch 59, §7, 19; 2010 Acts, ch 1026, §4, 17
Referred to in §39A.1, 49.13

49.15 Commissioner to draw up election board panel.

1. Not less than twenty days before each primary election, the commissioner shall draw up for each precinct an election board panel from which members of the precinct election board shall be appointed for each election held in the precinct during the ensuing two years.

2. *a.* Each panel shall include members of each of the political parties referred to in section 49.13, whose names may be designated by the county chairpersons of each of these political parties not less than thirty days prior to each primary election. The commissioner may place on the election board panel names of persons known by the commissioner to be members of these political parties, if the respective county chairpersons fail to designate a sufficient number of names, and may also add names of persons, whether or not they are members of either of these political parties, who have advised the commissioner they are willing to serve on the election board.

b. The commissioner may also place on the election board panel names of persons whom either the city council of a city or a school board has advised the commissioner at least thirty days before each primary election are willing to serve without pay at elections conducted for

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that school district or city, as the case may be, during the tenure of the election board panel on which these names are included.

3. In drawing up precinct election board panels, the commissioner may use student precinct election board members appointed pursuant to section 49.13, subsection 6.

[C97, §1093; SS15, §1093; C24, 27, 31, 35, 39, §**733;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.15]

2007 Acts, ch 34, §2; 2007 Acts, ch 138, §2; 2010 Acts, ch 1026, §5, 17

Referred to in §49.13, 49.14, 49.16, 53.20

49.16 Tenure of election board panel.

Each person whose name is placed on the election board panel as provided in section 49.15, shall remain available for appointment to the election board of the precinct, subject to the provisions of section 49.12, until a new panel is drawn up unless the person's name is sooner deleted from the panel by the commissioner. The election board for each election held in the precinct shall be drawn from the panel, however:

1. No person shall serve on the election board at any election in which the person or any person related to the person within the third degree of consanguinity or affinity is a candidate to be voted upon in that precinct, and it shall be the responsibility of each person whose name is listed on the election board panel to notify the commissioner not less than fifteen days before any election at which the person is ineligible to serve by reason of this subsection. However, this subsection shall not apply in the case of any candidate or relative of a candidate seeking an office or nomination which no opposing candidate is seeking. Any candidate for an office or for nomination to an office to which two or more persons are to be elected at large is unopposed, for the purpose of this subsection, if the number of candidates for the office or nomination does not exceed the number of persons to be elected or nominated.

2. When all or portions of two or more precincts are merged for any election as permitted by section 49.11, subsection 3, paragraph "*a*", the commissioner may appoint the election board for the merged precinct from the election board panels of any of the precincts so merged. When any permanent precinct is divided as permitted by section 49.11, subsection 3, paragraph "*c*", the commissioner shall so far as possible appoint the election board for each of the temporary precincts so created from the election board panel of the permanent precinct.

3. Persons whose names are listed on the election board panel shall not be required to serve on the election board for any election which by the terms of the statute authorizing it is exempt from the provisions of this chapter. The necessary officers for such elections shall be designated as provided by law or, if there is no applicable statute, by the commissioner.

4. In appointing the election board for any election conducted for a city or a school district, the commissioner may give preference to any persons who are willing to serve without pay at those elections.

5. A person shall not serve on the precinct election board as a representative of a political party if the person has changed political party affiliation from that of the political party which selected the person to serve as a precinct election official. If a precinct election official records a change of political party, the official's name shall be removed from the list of precinct election officials for that political party. The chairperson of the political party shall be notified of the vacancy and may designate a replacement. If the chairperson of another political party later designates the person as a precinct election official, the person may serve, if qualified. If a precinct election official serving on the board as a representative of a political party records a change of political party to vote absentee under chapter 53 and after voting absentee records a change of political party back to the political party the official represents on the precinct election board, the official's name shall be removed from the list of precinct election officials for that election. The chairperson of the political party shall be notified of the vacancy and may designate a replacement for that election.

[C75, 77, 79, 81, §49.16]

97 Acts, ch 170, §24; 2008 Acts, ch 1032, §195; 2010 Acts, ch 1026, §6, 17; 2017 Acts, ch 120, §3

Referred to in §49.14

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49.17 Conduct of elections — funding.

1. The state commissioner or a county commissioner or political subdivision of the state shall only accept funding from the following sources for the purposes of conducting an election:

a. Lawful appropriations of public moneys from the government of the United States.

b. Lawful appropriations of public moneys from the state of Iowa.

c. Lawful appropriations of public moneys from a political subdivision of the state for the conduct of an election in the political subdivision.

2. The state commissioner, a county commissioner, or a political subdivision of the state shall not accept or expend a grant, gift, or other source of funding from a source other than those listed in subsection 1, including from a private person, corporation, partnership, political party, nonparty political organization, committee as defined in section 68A.102, or other organization for the purpose of conducting an election.

3. This section does not prohibit the state commissioner or a county commissioner or political subdivision from issuing and collecting fees as otherwise provided by law.

4. This section does not apply to the contribution of a building for use as a polling place pursuant to section 49.21.

2022 Acts, ch 1153, §29, 30

49.18 Vacancies occurring on election day.

If, at the opening of the polls in any precinct, there shall be a vacancy in the office of the precinct election official, the vacancy shall be filled by the commissioner or, with the commissioner's approval and for that election only by the members of the board present, consideration being given to the political party affiliation of the person appointed if necessary in order to comply with the requirements of sections 49.12 and 49.13.

[C51, §247, 1111; R60, §482, 2027, 2030, 2031; C73, §607, 1717, 1719; C97, §1093, 2746, 2751, 2756; S13, §2756; SS15, §1087-a5, 1093; C24, §559, 736, 737, 4195, 4209, 4211; C27, §559, 736, 737, 4195, 4209, 4211-b2; C31, 35, §559, 736, 737, 4216-c10; C39, §**559, 736, 737, 4216.10;** C46, 50, 54, 58, 62, 66, 71, 73, §43.31, 49.18, 49.19, 277.10; C75, 77, 79, 81, §49.18]

Referred to in §39A.1

49.19 Unpaid officials, paper ballots optional for certain city elections. Repealed by 2010 Acts, ch 1026, §16, 17.

49.20 Compensation of members.

The members of election boards shall be deemed temporary state employees who are compensated by the county in which they serve, and shall receive compensation at a rate established by the board of supervisors, which shall be not less than the minimum wage established in section 91D.1, subsection 1, paragraph *"b"*, while engaged in the discharge of their duties and shall be reimbursed for actual and necessary travel expense at a rate determined by the board of supervisors, except that persons who have advised the commissioner prior to their appointment to the election board that they are willing to serve without pay at elections conducted for a school district or a city shall receive no compensation for service at those elections. Compensation shall be paid to members of election boards only after the vote has been canvassed and it has been determined in the course of the canvass that the election record certificate has been properly executed by the election board.

[SS15, §1087-a5, 1093; C24, 27, 31, 35, 39, §**560, 738;** C46, 50, 54, 58, 62, 66, 71, 73, §43.32, 49.20; C75, 77, 79, 81, §49.20]

89 Acts, ch 121, §1; 97 Acts, ch 170, §25; 2008 Acts, ch 1115, §91; 2010 Acts, ch 1026, §7, 17

Referred to in §49.14, 49.125, 53.22

Use of automobile, see §70A.9

49.21 Polling places — accessibility — signs.

1. *a.* It is the responsibility of the commissioner to designate a polling place for each precinct in the county. Notwithstanding any provision of law to the contrary, for city and school elections the commissioner shall, whenever practicable, designate polling places so

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that an eligible elector will be assigned to vote at the same polling place at which the eligible elector would be assigned to vote at the general election. However, if a city does not have a polling place designated for the general election precinct, the commissioner may designate an additional polling place for the precinct in that city.

b. Each polling place designated shall be accessible to persons with disabilities. However, if the commissioner is unable to provide an accessible polling place for a precinct, the commissioner shall apply for a temporary waiver of the accessibility requirement. The state commissioner shall adopt rules in accordance with chapter 17A prescribing standards for determining whether a polling place is accessible and the process for applying for a temporary waiver of accessibility.

2. *a.* Upon the application of the commissioner, the authority which has control of any buildings or grounds supported by taxation under the laws of this state shall make available the necessary space therein for the purpose of holding elections, without charge for the use thereof.

b. Except as otherwise provided by law, the polling place in each precinct in the state shall be located in a central location if a building is available. However, first consideration shall be given to the use of public buildings supported by taxation.

3. *a.* On the day of an election, the commissioner shall post a sign stating "vote here" at the entrance to each driveway leading to the building where a polling place is located. The sign must be visible from the street or highway fronting the driveway, but shall not encroach upon the right-of-way of such street or highway.

b. The commissioner shall post a sign at the entrance to the polling place indicating the election precinct number or name, and displaying a street map showing the boundaries of the precinct.

4. The commissioner shall remove or obscure from the view of voters any published material displaying the name of a candidate or elected official other than a ballot or sample ballot or envelope.

[C51, §222, 245; R60, §444, 480; C73, §391, 603; C97, §566, 1113, 2755; S13, §2755; C24, 27, §739, 4205; C31, 35, §739, 4216-c7; C39, §**739, 4216.07;** C46, 50, 54, 58, 62, 66, 71, 73, §49.21, 277.7; C75, 77, 79, 81, S81, §49.21; 81 Acts, ch 34, §26]

96 Acts, ch 1129, §15; 2000 Acts, ch 1039, §1; 2002 Acts, ch 1134, §30, 115; 2008 Acts, ch 1115, §92; 2017 Acts, ch 155, §18, 44; 2019 Acts, ch 148, §40

Referred to in §49.9, 49.11, 49.17, 49.128, 53.11

49.22 Reserved.

49.23 Notice of change.

When a change is made from the usual polling place for the precinct or when the precinct polling place for any primary or general election is different from that used for the precinct at the last preceding primary or general election, notice of such change shall be mailed to all registered voters in the precinct and posted prominently in the county commissioner's office and on the county commissioner's internet site not more than twenty nor less than seven days before the day on which the election is to be held. In addition, a notice of the present polling place for the precinct shall be posted, not later than the hour at which the polls open on the day of the election, on each door to the usual or former polling place in the precinct and shall remain there until the polls have closed.

[C51, §222; R60, §444; C73, §391; C97, §566; C24, 27, 31, 35, 39, §**741;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.23]

89 Acts, ch 136, §35; 2021 Acts, ch 12, §35, 73

49.24 Schoolhouses as polling places.

In precincts outside of cities the election shall, if practicable, be held in a public school building. Any damage to the building or furniture resulting from the election shall be paid by the county.

[C97, §1113; C24, 27, 31, 35, 39, §**742;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.24]

Use of schoolhouses for other than school purposes, see §297.9

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49.25 Equipment required at polling places.

1. The commissioner shall determine pursuant to section 49.26, subsection 2, in advance of an election whether ballots voted in that election shall be counted by automatic tabulating equipment or by precinct election officials. If automatic tabulating equipment will be used, the commissioner shall furnish voting equipment for use by voters with disabilities.

2. The commissioner shall furnish to each precinct, in advance of each election, voting booths in the following number:

a. At each regularly scheduled election, at least one for every three hundred fifty voters who voted in the last preceding similar election held in the precinct.

b. At any special election at which the ballot contains only a single public measure or only candidates for a single office or position, the number determined by the commissioner.

3. The commissioner shall furnish to each precinct the necessary ballot boxes, suitably equipped with seals or locks and keys, and voting booths. The voting booths shall provide for voting in secrecy. At least one voting booth in each precinct shall be accessible to persons with disabilities. Ballot boxes shall be locked or sealed before the polls open and shall remain locked or sealed until the polls are closed, except to provide necessary service to malfunctioning automatic tabulating equipment. If a ballot box is opened prior to the closing of the polls, two precinct election officials not of the same party shall be present and observe the ballot box being opened.

4. Secrecy folders or sleeves shall be provided for use at any precinct where ballots are used which cannot be folded to obscure the marks made by the voters.

[C51, §254; R60, §489; C73, §614; C97, §1113, 1130, 2756; S13, §1130, 2756; C24, 27, §743, 744, 4209; C31, 35, §743, 744, 4216-c14; C39, §**743, 744, 4216.14;** C46, 50, 54, 58, 62, 66, 71, 73, §49.25, 49.26, 277.14; C75, 77, 79, 81, §49.25]

90 Acts, ch 1007, §1; 96 Acts, ch 1129, §113; 97 Acts, ch 170, §26, 27; 2007 Acts, ch 190, §19; 2008 Acts, ch 1115, §93; 2009 Acts, ch 57, §23; 2010 Acts, ch 1060, §5

49.26 Commissioner to decide method of voting — counting of ballots.

1. In all elections regulated by this chapter, the voting shall be by paper ballots printed and distributed as provided by law, or by voting systems meeting the requirements of chapter 52.

2. *a.* The commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or for any school district whether the ballots will be counted by automatic tabulating equipment or by the precinct election officials. In making such a determination, the commissioner shall consider voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election.

b. If the commissioner concludes, pursuant to paragraph "*a*", that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots may be used, subject to paragraph "*c*". If paper ballots are used, the commissioner shall use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

c. Notwithstanding a determination by the commissioner pursuant to paragraph "*b*", upon receipt of a petition signed by not less than one hundred eligible electors, the commissioner shall count the ballots at an election described in paragraph "*a*" using automatic tabulating equipment. A petition filed under this paragraph must be received by the commissioner not later than 5:00 p.m. on the forty-second day before the election.

[S13, §2754; C24, 27, §4203; C31, 35, §4216-c15; C39, §**4216.15;** C46, 50, 54, 58, 62, 66, 71, 73, §277.15; C75, 77, 79, 81, §49.26]

97 Acts, ch 170, §28; 2009 Acts, ch 57, §24; 2010 Acts, ch 1033, §17, 56; 2010 Acts, ch 1060, §10 – 12

Referred to in §49.25, 50.24, 52.1

49.27 Reserved.

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49.28 Commissioner to furnish registers and supplies.

1. The commissioner shall prepare and furnish to each precinct an election register and all other books, forms, materials, equipment, and supplies necessary to conduct the election.

2. *a.* After the registration deadline and before election day the commissioner shall prepare an election register for each precinct in which voting will occur on the day of the election. The precinct election register shall be a list of the names and addresses of all registered voters of the precinct. Inactive records listed in the election register shall be clearly identified with a special mark or symbol.

b. When a precinct is divided by a district boundary, and some, but not all, registered voters of the precinct may vote on an issue or office from that district, the election register shall clearly indicate which of the registered voters are entitled to vote in the district.

[C51, §255; R60, §490; C73, §615; C97, §1113, 1132, 2756; S13, §1087-a16, 2756; C24, 27, §561, 746, 4209; C31, 35, §561, 746, 4216-c14; C39, §**561, 746, 4216.14;** C46, 50, 54, 58, 62, 66, 71, 73, §43.33, 49.28, 277.14; C75, 77, 79, 81, §49.28]

94 Acts, ch 1169, §49; 2007 Acts, ch 190, §1; 2009 Acts, ch 57, §25

Referred to in §47.11

49.29 Electronic election register and poll book.

1. The commissioner may use an electronic election register or election poll book in lieu of a paper register or poll book if the electronic election register or poll book is a product that has been certified for use in this state by the state commissioner.

2. The state commissioner shall adopt rules pursuant to chapter 17A for certification standards for electronic election registers and election poll books. The certification standards must include operational and security standards.

2025 Acts, ch 123, §11

49.30 All candidates and issues on one ballot — exceptions.

1. All constitutional amendments, all public measures, and the names of all candidates, other than presidential electors, to be voted for in each election precinct, shall be printed on one ballot, except that separate ballots are authorized when it is not possible to include all offices and public measures on a single ballot. In the event that it is not possible to include all offices and public measures on a single ballot, separate ballots may be provided for nonpartisan offices, judges, or public measures.

2. If printed on the same ballot, the offices of political subdivisions shall, if applicable, be printed in the following order:

a. Those of a county.

b. Those of a city.

c. Those of a school district.

d. Those of a merged area.

e. Those of any other political subdivision.

3. If printed on the same ballot, the public measures of political subdivisions shall be printed in the same order as provided for offices of the political subdivisions.

[C51, §256; R60, §491; C73, §616; C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**748;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.30]

90 Acts, ch 1238, §17; 94 Acts, ch 1169, §64; 97 Acts, ch 170, §29; 98 Acts, ch 1100, §6; 2002 Acts, ch 1134, §31, 115; 2005 Acts, ch 152, §7, 8; 2007 Acts, ch 190, §20 – 22; 2010 Acts, ch 1033, §18; 2017 Acts, ch 155, §19, 44

Referred to in §43.31, 49.43, 49.57A

Single ballot, exceptions; see also, §49.43, 52.24

49.31 Arrangement of names on ballot — restrictions.

1. *a.* All ballots shall be arranged with the names of candidates for each office listed below the office title. For partisan elections the name of the political party or organization which nominated each candidate shall be listed after or below each candidate's name. The state commissioner may prescribe, and a county commissioner may use, uniform abbreviations for political parties and organizations.

b. (1) The commissioner shall determine the order of candidates on the ballot as provided

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in this paragraph. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

(2) The state commissioner shall compile a list of each county in the state in alphabetical order and assign a number to each county such that the first county listed is number one, the second county listed is number two, and continuing in descending order in the same manner. The commissioner shall put in alphabetical order the top two political parties receiving the highest votes from the most recent election.

(3) The commissioner of each county assigned an even number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the first general election at which the governor will be elected following July 1, 2019, and second on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the first general election at which the governor will be elected following July 1, 2019, and first on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(4) The commissioner of each county assigned an odd number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the first general election at which the governor will be elected following July 1, 2019, and second on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the first general election at which the governor will be elected following July 1, 2019, and first on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(5) The commissioner shall determine the order of candidates of nonparty political organizations on the ballot. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

2. *a.* The commissioner shall prepare a list of the election precincts of the county, by arranging the various townships and cities in the county in alphabetical order, and the wards or precincts in each city or township in numerical order under the name of such city or township.

b. Notwithstanding any provision of subsection 1, paragraph *"b"*, to the contrary, the commissioner shall then arrange the surnames of each political party's candidates for

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each office to which two or more persons are to be elected at large alphabetically for the respective offices for the first precinct on the list; thereafter, for each political party and for each succeeding precinct, the names appearing first for the respective offices in the last preceding precinct shall be placed last, so that the names that were second before the change shall be first after the change. The commissioner may also rotate the names of candidates of a political party in the reverse order of that provided in this subsection or alternate the rotation so that the candidates of different parties shall not be paired as they proceed through the rotation.

c. On the general election ballot the names of candidates for the nonpartisan offices listed in section 39.21 shall be arranged by drawing lots for position. The commissioner shall hold the drawing on the sixty-eighth day prior to the first Tuesday after the first Monday in November. If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate's name shall be removed from the ballot, and the order of the remaining names shall not be changed.

d. On the regular and special city election and school election ballots the names of candidates for city, school district, and merged area offices shall be arranged by drawing lots for position. The commissioner shall hold the drawing on the second business day following the deadline for filing of nomination papers or petitions under sections 260C.15, 277.4, and 376.4. If a candidate withdraws, dies, or is removed from the ballot after the ballot position of names has been determined, such candidate's name shall be removed from the ballot, and the order of the remaining names shall not be changed.

3. Except as otherwise provided in subsection 2, paragraph *"d"*, the ballots for any special election or any other election at which any office is to be filled on a nonpartisan basis and the statutes governing the office to be filled are silent as to the arrangement of names on the ballot, shall contain the names of all nominees or candidates arranged in alphabetical order by surname under the heading of the office to be filled. Except as otherwise provided in subsection 2, paragraph *"d"*, when a special election or any other election at which an office is to be filled on a nonpartisan basis is held in more than one precinct, the candidates' names shall be rotated on the ballot from precinct to precinct in the manner prescribed by subsection 2 unless there are no more candidates for an office than the number of persons to be elected to that office.

4. The heading for each office on the ballot shall be immediately followed by a notation stating, "Vote for no more than .....", and indicating the maximum number of nominees or candidates for that office for whom each elector may vote.

5. At the end of the list of candidates for each office listed on the ballot one or more blank lines and voting positions shall be printed to allow the elector to write in the name of any person for whom the elector desires to vote for any office or nomination on the ballot. The number of write-in lines shall equal the number of votes that can be cast for that office.

6. The name of a candidate printed on the ballot shall not include parentheses, quotation marks, or any personal or professional title.

7. For the purpose of ballot rotation the absentee ballot and special voters precinct may be considered a separate precinct.

[C97, §1106; S13, §1106, 2754; C24, 27, §749, 4203; C31, 35, §749, 4216-c8; C39, §**749, 4216.08;** C46, 50, 54, 58, 62, 66, 71, 73, §49.31, 277.8; C75, 77, 79, 81, §49.31]

86 Acts, ch 1224, §11, 12; 87 Acts, ch 221, §13, 14; 89 Acts, ch 136, §36; 90 Acts, ch 1238, §18; 91 Acts, ch 129, §12; 97 Acts, ch 170, §30 – 32; 2002 Acts, ch 1134, §32, 115; 2006 Acts, ch 1002, §2, 4; 2008 Acts, ch 1032, §150; 2017 Acts, ch 155, §20 – 22, 44; 2019 Acts, ch 148, §27, 33, 48, 49; 2020 Acts, ch 1063, §30, 386, 391, 392; 2021 Acts, ch 147, §24, 54

Referred to in §43.28, 43.31, 49.53, 49.57A, 376.5

49.32 Candidates for president in place of electors.

The candidates for electors of president and vice president of any political party or group of petitioners shall not be placed on the ballot, but in the years in which they are to be elected the names of candidates for president and vice president, respectively, of such parties or group of petitioners shall be placed on the ballot, as the names of candidates for United States senators

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are placed thereon, under their respective party, petition, or adopted titles for each political party, or group of petitioners, nominating a set of candidates for electors.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**750;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.32]

Referred to in §43.31, 49.36, 49.57A

49.33 Single voting target for certain paired offices.

Immediately opposite the names of each pair of candidates for president and vice president, a single voting target shall be printed next to the bracket enclosing the names of the candidates for president and vice president. A single voting target shall be printed next to the bracket enclosing the names of the candidates for governor and lieutenant governor. The votes for a team of candidates shall be counted and certified by the election board as a team. Write-in votes shall also be tabulated as a single vote for a pair of candidates.

[C24, 27, 31, 35, 39, §**751;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.33]

90 Acts, ch 1238, §19; 97 Acts, ch 170, §33

Referred to in §43.31, 49.57A

49.34 Reserved.

49.35 Order of arranging tickets on lever voting machine ballot. Repealed by 2009 Acts, ch 57, §96.

49.36 Candidates of nonparty organization.

The term *"group of petitioners"* as used in section 49.32 shall embrace an organization which is not a political party as defined by law.

[C24, 27, 31, 35, 39, §**754;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.36]

2009 Acts, ch 133, §14

Referred to in §43.31, 49.57A

Political party defined, §43.2

Nonparty political organizations, see chapter 44

49.37 Arrangement of ballot.

1. For general elections, and for other elections in which more than one partisan office will be filled, the ballot shall be arranged as provided in this section.

2. Offices shall be arranged in groups. Partisan offices, nonpartisan offices, judges, and public measures shall be separated by a distinct line appearing on the ballot.

3. The commissioner shall arrange the ballot in conformity with the certificate issued by the state commissioner under section 43.73, in that the names of the respective candidates for each political party shall appear in the order they appeared on the certificate, above or to the left of the nonparty political organization candidates.

4. The commissioner shall arrange the partisan county offices on the ballot with the board of supervisors first, followed by the other county offices in the same sequence in which they appear in section 39.17. Nonpartisan offices shall be listed after partisan offices.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**755;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.37]

89 Acts, ch 136, §37; 97 Acts, ch 170, §35, 36; 2005 Acts, ch 152, §9; 2008 Acts, ch 1032, §151; 2017 Acts, ch 110, §46, 47

Referred to in §43.31, 49.57A

49.38 Candidate's name to appear but once.

The name of a candidate shall not appear upon the ballot in more than one place for the same office, whether nominated by convention, primary, caucus, or petition, except as otherwise provided in this chapter.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**756;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.38]

2020 Acts, ch 1063, §31

Referred to in §43.31, 49.57A

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49.39 Dual nomination.

When two or more political parties, or when two or more political organizations which are not political parties, or when a political party and a political organization which is not a political party, nominate the same candidate for the same office, such nominee shall forthwith designate, in writing, the political party name, or the political organization name, under which the nominee desires to have the nominee's name printed on the official ballot for the ensuing general election; such written designation shall be filed with the officer with whom the nomination paper, or certificate of nomination by a convention or caucus, is filed and the name of such nominee shall appear on the ballot in accordance therewith.

[C97, §1106; S13, §1087-a6, 1106; C24, 27, 31, 35, 39, §**757;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.39]

Referred to in §43.31, 49.40, 49.57A

49.40 Failure to designate.

If the designation referred to in section 49.39 be not filed, the following rules shall govern:

1. If the nomination be by two or more political parties, the name of such nominee shall be printed under the party designation under which nomination papers were first filed in the nominee's behalf.

2. If the nomination be by a political party and also by a political organization which is not a political party, the name of such nominee shall be printed under the name of the political party or political organization first filing nomination papers, or certificate of nomination, as the case may be.

3. If the nomination be by two or more political organizations which are not political parties, the name of such nominee shall be printed under the name of the political organization first filing a certificate of nomination of such candidate.

[C97, §1106; S13, §1087-a6, 1106; C24, 27, 31, 35, 39, §**758;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.40]

Referred to in §43.31, 49.57A

49.41 More than one office prohibited.

1. *a.* A person shall not be a candidate for more than one office to be filled at the same election, except that a person may be a candidate for a city office and school board office at the same election. A person who has been nominated for more than one office and is prohibited from being a candidate for more than one office shall file a written notice declaring the office for which the person wishes to appear on the ballot.

b. If the nomination papers for all offices for which the candidate has been nominated are required to be filed with the same commissioner of elections, the candidate shall file a written notice with that commissioner no later than 5:00 p.m. on the final date upon which nomination papers may be filed for the election. The notice shall state the office for which the person wishes to appear on the ballot. If the required notice is not filed, the candidate's name shall not be certified by the state commissioner for any office for which nomination papers are filed with the state commissioner and the county commissioner of elections shall not include the candidate's name on the ballot for any office in any county.

c. If a person is a candidate for one or more offices for which nomination papers are required to be filed with the state commissioner and one or more offices for which nomination papers are required to be filed with the county commissioner, the candidate shall notify the state commissioner and the county commissioner in writing. The notice shall state the office for which the person chooses to remain a candidate. The notice shall be filed no later than the last day to file nomination papers with the commissioner. If the required notice is not filed, the candidate's name shall not appear on the ballot for any office in any county.

2. *a.* If necessary, the county commissioner shall certify to the state commissioner the name of any person who is a candidate for more than one office which will appear on the ballot for the election. The certification of dual candidacy shall be made no later than 5:00 p.m. on the day following the final day to file nomination papers in the office of the commissioner.

b. When the state commissioner receives notice from the county commissioner that a candidate for a state or federal office has also been nominated for a county or township

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office, the state commissioner shall amend the certificate issued pursuant to section 43.73 and notify the commissioners of any other counties to whom the candidate's name was originally certified and instruct them to remove the candidate's name from the ballot in those counties.

3. This section does not apply to the county agricultural extension council or the soil and water conservation district commission.

4. For purposes of township office, *"nomination papers"* as used in this section means the affidavit of candidacy required in section 45.3.

88 Acts, ch 1119, §16; 91 Acts, ch 129, §13; 2001 Acts, ch 158, §10; 2007 Acts, ch 25, §3; 2017 Acts, ch 155, §23, 44

Referred to in §43.31, 43.67, 44.3, 45.3, 49.57A

49.42 Form of official ballot. Repealed by 97 Acts, ch 170, §93.

49.42A Form of official ballot. Repealed by 2009 Acts, ch 57, §96. See §49.57A.

49.42B Form of official ballot — candidates for president and vice president.

When candidates for president and vice president of the United States appear on the ballot, the following statement shall appear directly above the section of the ballot listing such candidates:

> [A ballot cast for the named candidates for president and vice president of the United States is considered to be cast for the slate of presidential electors nominated by the political party, nonparty political organization, or independent candidate.]

2021 Acts, ch 147, §25, 54

49.43 Constitutional amendment or other public measure.

1. If possible, all public measures and constitutional amendments to be voted upon by an elector shall be included on a single ballot which shall also include all offices to be voted upon. However, if it is necessary, a separate ballot may be used as provided in section 49.30.

2. Constitutional amendments and other public measures shall be summarized by the commissioner as provided in sections 49.44 and 52.25.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**761, 762, 767;** C46, 50, 54, 58, 62, 66, 71, 73, §49.43, 49.44; C75, §49.43, 49.49; C77, 79, 81, §49.43]

88 Acts, ch 1119, §17; 94 Acts, ch 1169, §64; 97 Acts, ch 170, §38, 39; 2007 Acts, ch 190, §23; 2009 Acts, ch 57, §26; 2010 Acts, ch 1033, §19; 2021 Acts, ch 147, §26, 54

Referred to in §39.4, 49.44, 49.45, 145A.7, 468.184, 468.259
Iowa Constitution, Art. X, §1
Single ballot, exceptions; see also §52.24

49.44 Summary.

1. When a proposed constitutional amendment or other public measure to be decided by the voters of the entire state is to be voted upon, the state commissioner shall prepare a written summary of the amendment or measure including the number of the amendment or statewide public measure assigned by the state commissioner. The summary shall be printed immediately preceding the text of the proposed amendment or measure on the paper ballot or optical scan ballot referred to in section 49.43. If the complete text of the proposed amendment or public measure will not fit on the ballot it shall be posted inside the voting booth. A copy of the full text shall be included with any absentee ballots.

2. The commissioner may prepare a summary for public measures if the commissioner finds that a summary is needed to clarify the question to the voters.

[C73, §49.43; C75, 77, 79, 81, §49.44; 81 Acts, ch 34, §27]

89 Acts, ch 136, §38; 97 Acts, ch 170, §40; 2007 Acts, ch 190, §24; 2009 Acts, ch 57, §27; 2021 Acts, ch 147, §27, 54

Referred to in §39.4, 49.43, 52.25, 145A.7, 468.184, 468.259

49.45 General form of ballot.

Ballots referred to in section 49.43 shall be substantially in the following form:

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Shall the following amendment to the Constitution (or public measure) be adopted?

☐ Yes
☐ No

(Here insert the summary, if it is for a constitutional amendment or statewide public measure, and in full the proposed constitutional amendment or public measure. The number assigned by the state commissioner or the letter assigned by the county commissioner shall be included on the ballot centered above the question, "Shall the following amendment to the Constitution [or public measure] be adopted?".)

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**763;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §49.45; 81 Acts, ch 34, §28]

97 Acts, ch 170, §41

Referred to in §39.4, 145A.7, 468.184, 468.259

49.46 Marking ballots on public measures.

The elector shall designate a vote by making the appropriate mark in the voting target. On paper ballots an "X" or a check mark may be placed in the proper target.

[C97, §1106; S13, §1106; C24, 27, 31, 35, 39, §**764;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.46]

97 Acts, ch 170, §42; 2006 Acts, ch 1010, §38

Referred to in §39.4, 145A.7, 468.184, 468.259

49.47 Notice on ballots.

1. At the top of paper ballots for public measures shall be printed the following:

[Notice to voters. To vote to approve any question on this ballot, make a cross mark or check in the target before the word "Yes". To vote against a question make a similar mark in the target preceding the word "No".]

2. This notice shall be adapted to describe the proper mark where it is appropriate.

[S13, §1106; C24, 27, 31, 35, 39, §**765;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.47]

97 Acts, ch 170, §43; 98 Acts, ch 1100, §7; 2008 Acts, ch 1032, §201

Referred to in §39.4, 145A.7, 468.184, 468.259

49.48 Notice for judicial officers and constitutional amendments.

The state commissioner of elections shall prescribe a notice to inform voters of the location on the ballot of the form for retaining or removing judicial officers and for ratifying or defeating proposed constitutional amendments. The notice shall be conspicuously attached to the ballot.

83 Acts, ch 186, §10026, 10201; 89 Acts, ch 136, §39; 2009 Acts, ch 57, §28

49.49 Certain sample ballots prohibited.

The commissioner and state commissioner of elections shall not distribute or authorize the distribution of sample ballots to voters other than as provided in sections 43.30, 49.53, and 52.29.

2019 Acts, ch 148, §41; 2020 Acts, ch 1063, §32

49.50 Endorsement and delivery of ballots.

Ballots on such public measures shall be endorsed and given to each voter by the precinct election officials, as in case of ballots generally, and shall be subject to all other laws governing ballots for candidates, so far as the same shall be applicable.

[S13, §1106; C24, 27, 31, 35, 39, §**768;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.50]

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49.51 Commissioner to control printing.

The commissioner shall have charge of the printing of the ballots to be used for any election held in the county.

[C97, §1107; S13, §1106, 2754; SS15, §1107; C24, 27, §767, 769, 771, 4203; C31, 35, §767, 769, 771, 4216-c8; C39, §**767, 769, 771, 4216.08;** C46, 50, 54, 58, 62, 66, 71, 73, §49.51, 49.53, 277.8; C75, §49.49, 49.51; C77, 79, 81, §49.51]

83 Acts, ch 139, §1, 14; 93 Acts, ch 163, §38; 95 Acts, ch 67, §53; 98 Acts, ch 1119, §1; 2017 Acts, ch 155, §24, 44; 2019 Acts, ch 148, §42

Referred to in §49.57

49.52 Reserved.

49.53 Publication of ballot and notice.

1. The commissioner shall not less than four nor more than twenty days before the day of each election, except those for which different publication requirements are prescribed by law, publish notice of the election. The notice shall list the names of all candidates or nominees and the office each seeks, and all public questions, to be voted upon at the election. The notice shall also state the date of the election, the hours the polls will be open, that each voter is required to provide identification at the polling place before the voter can receive and cast a ballot, the location of each polling place at which voting is to occur in the election, and the names of the precincts voting at each polling place. The notice shall include the full text of all public measures to be voted upon at the election. The notice may contain one or more facsimiles of the portion of the ballot containing the first arrangement of candidates as prescribed by section 49.31, subsection 2.

2. The notice shall be published in at least one newspaper, as defined in section 618.3, which is published in the county or other political subdivision in which the election is to occur or, if no newspaper is published there, in at least one newspaper of substantial circulation in the county or political subdivision. For the general election or the primary election the foregoing notice shall be published in at least two newspapers published in the county. However, if there is only one newspaper published in the county, publication in one newspaper shall be sufficient.

[C51, §1110; R60, §463, 2027, 2030; C73, §578, 1718, 1719; C97, §1062, 1112, 2746, 2750, 2751, 2755; S13, §1087-a12, 2750, 2755; C24, §508, 550, 551, 790, 4195, 4197, 4208; C27, §508, 550, 551, 790, 4195, 4197, 4208, 4211-b1, 4216-b3; C31, 35, §508, 550, 551, 590, 4216-c3; C39, §**508, 550, 551, 790, 4216.03;** C46, 50, 54, §39.5, 43.23, 43.24, 49.72, 277.3; C58, 62, 66, 71, 73, §39.5, 43.23, 43.24, 43.29, 49.72, 277.3; C75, 77, 79, 81, §49.53]

87 Acts, ch 221, §15; 89 Acts, ch 136, §40; 93 Acts, ch 143, §17; 98 Acts, ch 1123, §5; 2002 Acts, ch 1134, §33, 115; 2007 Acts, ch 190, §2; 2009 Acts, ch 57, §29; 2017 Acts, ch 110, §22, 35, 36; 2021 Acts, ch 147, §28, 54; 2022 Acts, ch 1021, §22

Referred to in §28A.6, 39.6, 49.49, 49.54, 49.73, 49.128, 49.129, 52.35, 260C.15, 260C.39, 275.35, 296.4, 298.18, 331.305, 346.27, 364.2, 368.3, 368.19, 384.26, 394.2

Publication of ballot, city elections, §376.5

49.54 Cost of publication.

The cost of the publication required by section 49.53, shall not exceed an amount determined by the director of the department of administrative services or the director's designee.

[C73, §3832; C97, §1112, 1293; S13, §1293; C24, 27, 31, 35, 39, §**772, 796;** C46, 50, 54, 58, 62, 66, 71, 73, §49.54, 49.72; C75, 77, 79, 81, §49.54]

2003 Acts, ch 145, §286

49.55 Delivery of supplies to officials.

In all cases the necessary election supplies, including paper ballots for precincts where they are to be used, shall be furnished the precinct election officials not less than one hour before the opening of the polls on the morning of the election.

[C97, §1107; SS15, §1107; C24, 27, 31, 35, 39, §**773;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.55]

Referred to in §49.65

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49.56 Maximum cost of printing.

The cost of printing the official election ballots and printed supplies shall not exceed the usual and customary rates that the printer charges its regular customers.

[SS15, §1107; C24, 27, 31, 35, 39, §**774;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.56]

88 Acts, ch 1119, §18; 2009 Acts, ch 57, §30

Referred to in §53.46

49.57 Method and style of printing ballots.

Ballots shall be prepared as follows:

1. They shall be on paper uniform in color, through which the printing or writing cannot be read.

2. After the name of each candidate for a partisan office the name of the candidate's political party shall be printed in at least six point type. The names of political parties and nonparty political organizations may be abbreviated on the remainder of the ballot if both the full name and the abbreviation appear in the voter instruction area of the ballot.

3. The names of candidates shall be printed in upper case and lower case letters using a uniform font size throughout the ballot. The font size shall be not less than ten point type.

4. In no case shall the font size for public measures, constitutional amendments, and constitutional convention questions, and summaries thereof, be less than ten point type.

5. On ballots that will be counted by automatic tabulating equipment, ballots shall include a voting target next to the name of each candidate. The position, shape, and size of the targets shall be appropriate for the equipment to be used in counting the votes. Where paper ballots are used, a square may be printed at the beginning of each line in which the name of a candidate is printed, except as otherwise provided.

6. A portion of the ballot shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and the facsimile or likeness of the county seal of the county of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

7. The office title of any office which appears on the ballot to fill a vacancy before the end of the usual term of the office shall include the words "To Fill Vacancy".

[C97, §1109; S13, §1109; C24, 27, 31, 35, 39, §**775;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.57]

97 Acts, ch 170, §44; 2002 Acts, ch 1134, §34, 115; 2007 Acts, ch 59, §8 – 10, 19; 2009 Acts, ch 57, §31; 2017 Acts, ch 110, §48; 2019 Acts, ch 148, §28, 33, 43; 2020 Acts, ch 1098, §4; 2021 Acts, ch 147, §29, 54

Referred to in §43.31, 49.57A

Single voting target for certain paired offices, §49.33

49.57A Form of official ballot — implementation by rule.

The state commissioner shall adopt rules in accordance with chapter 17A to implement sections 49.30 through 49.41, section 49.57, and any other provision of the law prescribing the form of the official ballot.

2009 Acts, ch 57, §32

49.58 Effect of death of certain candidates.

1. If any candidate nominated by a political party, as defined in section 43.2, for the office of senator or representative in the Congress of the United States, governor, attorney general, or senator or representative in the general assembly dies during the period beginning on the eighty-first day and ending at the time the polls close on the day of the general election, or if any candidate so nominated for the office of county supervisor dies during the period beginning on the seventy-fourth day and ending at the time the polls close on the day of the general election, the vote cast at the general election for that office shall not be canvassed as would otherwise be required by chapter 50. Instead, a special election shall be held on the first Tuesday after the second Monday in December, for the purpose of electing a person to fill that office.

2. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased

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candidate's political party may designate another candidate in substantially the manner provided by section 43.78 for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than 5:00 p.m. on the first Tuesday after the date of the general election. The name of any other candidate that did not appear on the general election ballot as a candidate for the office in question shall not be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

[C97, §1108; C24, 27, 31, 35, 39, §**776;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.58]
89 Acts, ch 136, §41; 97 Acts, ch 170, §45; 2018 Acts, ch 1041, §127; 2019 Acts, ch 59, §22; 2020 Acts, ch 1063, §33; 2021 Acts, ch 147, §30, 54
Referred to in §43.79

49.59 through 49.62 Reserved.

49.63 Time of printing — inspection and correction.

Ballots shall be printed and in the possession of the commissioner in time to enable the commissioner to furnish ballots to absent voters as provided by sections 53.8, 53.10, and 53.11. The printed ballots shall be subject to the inspection of candidates and their agents. If mistakes are discovered, they shall be corrected without delay, in the manner provided in this chapter.

[C97, §1110; C24, 27, 31, 35, 39, §**781;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.63]
2007 Acts, ch 59, §22, 38
Correction of primary ballots, §43.25

49.64 Number of ballots delivered.

The commissioner shall cause ballots of the kind to be voted in each precinct to be delivered to the precinct election officials as follows:

1. In general elections which are presidential elections, at least fifty-five ballots for every fifty votes, or fraction of fifty votes, cast in the precinct at the last preceding general election which was also a presidential election.

2. In general elections which are not presidential elections, at least fifty-five ballots for every fifty votes, or fraction of fifty votes, cast at the last preceding general election which was not a presidential election.

[C97, §1110; C24, 27, 31, 35, 39, §**782;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.64]
2002 Acts, ch 1134, §35, 115; 2014 Acts, ch 1026, §13

49.65 Packing ballots — delivery — receipts — records.

The required number of ballots for each precinct shall be wrapped and sealed, and each package shall be clearly marked on the outside to indicate the number of ballots contained in the package and the name or number of the precinct and the location of the polling place for which they are intended. The ballots shall be delivered to the precinct election officials together with other necessary election supplies, as provided by section 49.55, and one of the officials shall sign a receipt for the ballots which receipt shall be preserved by the commissioner. The commissioner shall keep a record of the number of ballots delivered for each polling place, the person who signed the receipt for them, and the time they were delivered, on a form which also provides space for the entries required by section 50.10.

[C97, §1110; C24, 27, 31, 35, 39, §**783;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.65]
Referred to in §50.10, 53.22

49.66 Reserve supply of ballots.

The commissioner shall provide and retain at the commissioner's office an ample supply of ballots, in addition to those distributed to the several voting precincts. If at any time the ballots furnished to any precinct shall be lost, destroyed, or if the chairperson of the precinct election

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officials determines that the supply of ballots will be exhausted before the polls are closed, the chairperson of the precinct election officials of the precinct shall immediately contact the commissioner by telephone. If no telephone is available, a messenger shall be sent to the commissioner with a written application for additional ballots. The application shall be signed by a majority of the precinct election officials. The commissioner shall keep written records of all requests for additional ballots and shall immediately cause to be delivered to the officials, at the polling place, such additional supply of ballots as may be required, and sufficient to comply with the provisions of this chapter.

[C97, §1110; C24, 27, 31, 35, 39, §**784;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.66]
95 Acts, ch 189, §8

49.67 Form of reserve supply.

1. The number of reserve ballots for each precinct shall be determined by the commissioner.

2. *a.* If necessary, the commissioner or the commissioner's designee may make photocopies of official ballots to replace or replenish ballot supplies. The commissioner shall keep a record of the number of photocopied ballots made for each precinct, the name of the person who made the photocopies, and the date, time, and location at which the photocopies were made. These records shall be made on forms and following procedures prescribed by the secretary of state by administrative rule.

b. In any precinct where photocopied ballots are used, each photocopied ballot shall be initialed as required by section 49.82 by two precinct officials immediately before being issued to the voter. In partisan elections the two precinct officials shall be of different political parties.

[C97, §1110; C24, 27, 31, 35, 39, §**785;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.67]
95 Acts, ch 189, §9; 2017 Acts, ch 54, §18

49.68 State commissioner to furnish instructions.

1. The state commissioner with the approval of the attorney general shall prepare, and from time to time revise, written instructions to the voters relative to the rights of voters, and shall furnish each commissioner with copies of the instructions. Such instructions shall cover the following matters:

a. The procedure for registering to vote after the registration deadline has passed.

b. Instructions for voters who are required by law to show identification before voting.

c. General information on voting rights under applicable federal and state laws, including the following:

(1) Information on the right of an individual to cast a provisional ballot and the procedure for casting a provisional ballot.

(2) Federal and state laws regarding prohibitions on acts of fraud, misrepresentation, coercion, or duress.

d. Instructions on how to contact the appropriate officials if a voter believes the voter's rights have been violated.

2. The state commissioner shall prepare instructions relative to voting for each voting system in use in the state and shall furnish the county commissioner with copies of the instructions. Such instructions shall cover the following matters:

a. The manner of obtaining ballots.

b. The manner of marking ballots.

c. That unmarked or improperly marked ballots will not be counted.

d. The method of gaining assistance in marking ballots.

e. That any erasures or identification marks, or otherwise spoiling or defacing a ballot, will render it invalid.

f. Not to vote a spoiled or defaced ballot.

g. How to obtain a new ballot in place of a spoiled or defaced one.

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h. Any other matters thought necessary.

[C97, §1111; C24, 27, 31, 35, 39, §**786, 787;** C46, 50, 54, 58, 62, 66, 71, 73, §49.68, 49.69; C75, 77, 79, 81, §49.68; 81 Acts, ch 34, §29]

2008 Acts, ch 1115, §94

Referred to in §49.71

49.69 Reserved.

49.70 Precinct election officials furnished instructions.

The commissioner shall cause copies of instructions addressing the rights of voters and instructions for voting to be printed in large, clear type. The commissioner shall furnish the precinct election officials with a sufficient number of each set of instructions as will enable them to comply with section 49.71.

[C97, §1111; C24, 27, 31, 35, 39, §**788;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.70]

2002 Acts, ch 1134, §36, 115; 2008 Acts, ch 1115, §95; 2010 Acts, ch 1033, §20, 56

Referred to in §49.71

49.71 Posting instruction cards and sample ballots.

The precinct election officials, before the opening of the polls, shall cause each set of instructions required pursuant to section 49.70 to be securely posted as follows:

1. At least one copy of the instructions for voting prescribed in section 49.68, subsection 2, in each voting booth.

2. At least one copy of the instructions for voting prescribed in section 49.68, subsection 2, with an equal number of sample ballots, in and about the polling place.

3. At least one copy of the instructions relating to rights of voters, as prescribed in section 49.68, subsection 1, in and about the polling place.

[C97, §1112; C24, 27, 31, 35, 39, §**789;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.71]

2003 Acts, ch 44, §26; 2008 Acts, ch 1115, §96

Referred to in §43.30, 49.70

Sample primary ballots, §43.30

49.72 Absentee voters designated before polling place opened.

The commissioner shall deliver to each precinct election board not less than one hour before the time at which the polls are to open for any election the list of all registered voters of that precinct who have been given or sent an absentee ballot for that election, and the election board shall immediately designate those registered voters who are so listed and therefore not entitled to vote in person at the polls, except as provided in section 53.19, subsection 3.

[C75, 77, 79, 81, §49.72]

95 Acts, ch 67, §53; 2010 Acts, ch 1026, §8

49.73 Time of opening and closing polls.

1. At all elections, except as otherwise permitted by this section, the polls shall be opened at 7:00 a.m. if at least one official from each of the political parties referred to in section 49.13 is present. On the basis of voter turnout for recent similar elections and factors considered likely to so affect voter turnout for the forthcoming election as to justify shortened voting hours for that election, the commissioner may direct that the polls be opened at 12:00 noon for:

a. Any election conducted for a benefited district.

b. Any election conducted for the unincorporated area of a county.

2. All polling places where the candidates of or any public question submitted by any one political subdivision are being voted upon shall be opened at the same hour. The hours at which the respective precinct polling places are to open shall not be changed after publication

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of the notice required by section 49.53. The polling places shall be closed at 8:00 p.m. for all elections.

[C51, §251; R60, §486; C73, §611; C97, §1096, 2751, 2754, 2756; S13, §1087-a6, 1096, 2754, 2756; C24, 27, §565, 791, 4202, 4211; C31, 35, §565, 791, 4216-c9; C39, §**565, 791, 4216.09;** C46, 50, 54, 58, 62, 66, 71, 73, §43.37, 49.73, 277.9; C75, 77, 79, 81, §49.73]

94 Acts, ch 1180, §13; 2002 Acts, ch 1134, §37, 38, 115; 2007 Acts, ch 59, §11, 19; 2008 Acts, ch 1115, §97; 2009 Acts, ch 138, §1; 2017 Acts, ch 155, §25, 26, 44; 2021 Acts, ch 12, §36, 73; 2021 Acts, ch 174, §10, 34, 37

Referred to in §53.2

49.74 Voters entitled to vote after closing time.

Every voter who is on the premises of the voter's precinct polling place at the time the polling place is to be closed for any election shall be permitted to vote in that election. Wherever possible, when there are persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed, the election board shall cause those persons to move inside the structure in which the polling place is located and shall then shut the doors of the structure and shall not admit any additional persons to the polling place for the purpose of voting. If it is not feasible to cause persons on the premises of a polling place awaiting an opportunity to claim their vote at the time the polling place is to be closed to move inside the structure in which the polling place is located, the election board shall cause those persons to be designated in some reasonable manner and shall not receive votes after that time from any persons except those voters so designated.

[C27, 31, 35, §791-a1; C39, §**791.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.74]

94 Acts, ch 1169, §64; 2008 Acts, ch 1115, §82

49.75 Oath.

Before opening the polls, each of the board members shall take the following oath:

> I, A. B., do solemnly swear or affirm that I will impartially, and to the best of my knowledge and ability, perform the duties of precinct election official of this election, and will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election.
>
> I understand that as a precinct election official, I have access to certain information that is considered confidential and is protected under Code chapters 22, 39A, 48A, and 715C. Due to this protected status, I agree to only release this information in accordance with Iowa law.
>
> Additionally, I understand that the prohibition on sharing confidential information extends before and after the hours that my assigned polling place is open.

[C51, §249; R60, §484; C73, §609; C97, §1094, 2756; S13, §2756; C24, 27, §792, 4209; C31, 35, §792, 4216-c11; C39, §**792, 4216.11;** C46, 50, 54, 58, 62, 66, 71, 73, §49.75, 277.11; C75, 77, 79, 81, §49.75]

89 Acts, ch 136, §42; 2017 Acts, ch 54, §19; 2021 Acts, ch 147, §31, 54

Referred to in §49.14, 53.22

49.76 How administered.

Any one of the precinct election officials present may administer the oath to the others, and it shall be entered in the election records, subscribed by the person taking it, and certified by the officer administering it.

[C51, §250; R60, §485; C73, §610; C97, §1095; SS15, §1087-a5; C24, 27, 31, 35, 39, §**559, 793;** C46, 50, 54, 58, 62, 66, 71, 73, §43.31, 49.76; C75, 77, 79, 81, §49.76]

49.77 Ballot furnished to voter.

1. The board members of their respective precincts shall have charge of the ballots and shall furnish them to the voters after verifying each voter's identity pursuant to section 49.78.

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a. Any person desiring to vote shall sign a voter's declaration provided by the officials, in substantially the following form:

VOTER'S DECLARATION
OF ELIGIBILITY

I do solemnly swear or affirm that I am a resident of the ..... precinct, ... ward or township, city of ....., county of ....., Iowa. I am a citizen of the United States.

I am a registered voter. I was born on the ..... day of ..... (month) ..... (year). I have not voted and will not vote in any other precinct in said election.

I understand that any false statement in this declaration is a criminal offense punishable as provided by law.

.....
Signature of Voter
.....
Address
.....
Telephone (optional)

Approved:
.....
Board Member

b. At the discretion of the commissioner, this declaration may be printed on each page of the election register and the voter shall sign the election register next to the voter's printed name. The voter's signature in the election register shall be considered the voter's signed declaration of eligibility affidavit. The state commissioner of elections shall prescribe by rule an alternate method for providing the information in subsection 2 for those counties where the declaration of eligibility is printed in the election register. The state voter registration system shall be designed to allow for the affidavit to be printed on each page of the election register and to allow sufficient space for the voter's signature.

c. At the discretion of the commissioner, an electronic election register may be used to produce the declaration required in this subsection. The person desiring to vote shall sign the declaration produced by the electronic election register prior to receiving a ballot.

2. If the declaration of eligibility is not printed on each page of the election register, any of those persons present pursuant to section 49.104, subsection 1, paragraph "*b*", "*c*", "*e*", or "*f*", may upon request view the signed declarations of eligibility and may review the signed declarations on file so long as the person does not interfere with the functions of the precinct election officials. If the declaration of eligibility is printed on the election register, voters shall also sign a voter roster which the precinct election official shall make available for viewing. Any of those persons present pursuant to section 49.104, subsection 1, paragraph "*b*", "*c*", "*e*", or "*f*", may upon request view the roster of those voters who have signed declarations of eligibility, so long as the person does not interfere with the functions of the precinct election officials.

3. *a.* A person whose name does not appear on the election register of the precinct in which that person claims the right to vote shall not be permitted to vote, unless the person affirms that the person is currently registered in the county and presents proof of identity and residence as required pursuant to section 48A.8, or the commissioner informs the precinct election officials that an error has occurred and that the person is a registered voter of that precinct. If the commissioner finds no record of the person's registration but the person insists that the person is a registered voter of that precinct, the precinct election officials shall allow the person to cast a ballot in the manner prescribed by section 49.81.

b. If the voter informs the precinct election official that the voter resides in the precinct and is not registered to vote, the voter may register to vote pursuant to section 48A.7A and cast a ballot. If such a voter is unable to establish identity and residency in the manner provided in

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section 48A.7A, subsection 1, paragraph *"b"* or *"c"*, the voter shall be allowed to cast a ballot in the manner prescribed by section 49.81.

c. A person who has been sent an absentee ballot by mail but for any reason has not received it shall be permitted to cast a ballot in person pursuant to section 53.19.

4. The request for the telephone number in the declaration of eligibility in subsection 1 is not mandatory and the failure by the voter to provide the telephone number does not affect the declaration's validity.

[C97, §1114; C24, §794, 795; C27, 31, 35, §718-b20, 794, 795; C39, §**718.21, 794, 795;** C46, 50, 54, 58, 62, 66, 71, §48.21, 49.77, 49.78; C73, 75, 77, 79, 81, §49.77]

83 Acts, ch 176, §5; 87 Acts, ch 221, §16, 17; 88 Acts, ch 1119, §19; 94 Acts, ch 1169, §50; 94 Acts, ch 1180, §14; 98 Acts, ch 1123, §6; 2006 Acts, ch 1002, §3, 4; 2007 Acts, ch 35, §6, 7; 2008 Acts, ch 1032, §152; 2008 Acts, ch 1115, §98; 2009 Acts, ch 57, §33; 2010 Acts, ch 1026, §9; 2010 Acts, ch 1033, §21, 22; 2013 Acts, ch 140, §14; 2017 Acts, ch 110, §23 – 26, 35, 36; 2021 Acts, ch 12, §37, 73; 2025 Acts, ch 123, §45

Referred to in §48A.37, 49.78, 49.81, 50.6

49.78 Voter identity and signature verification.

1. To ensure the integrity of, and to instill public confidence in, all elections in this state the general assembly finds that the verification of a voter's identity is necessary before a voter is permitted to receive and cast a ballot.

2. *a.* Before a precinct election official furnishes a ballot to a voter under section 49.77, the voter shall establish the voter's identity by presenting the official with one of the following forms of identification for verification:

(1) An Iowa driver's license issued pursuant to section 321.189.

(2) An Iowa nonoperator's identification card issued pursuant to section 321.190.

(3) A United States passport.

(4) A United States military or veterans identification card.

(5) A current, valid tribal identification card or other tribal enrollment document issued by a federally recognized Indian tribe or nation, which includes a photograph, signature, and valid expiration date.

b. Upon being presented with a form of identification under this section, the precinct election official shall examine the identification. The precinct election official shall use the information on the identification card, including the signature, to determine whether the person offering to vote appears to be the person depicted on the identification card. The voter's signature shall generally be presumed to be valid. If the identification provided does not appear to be the person offering to vote under section 49.77, the precinct election official shall challenge the person offering to vote in the same manner provided for other challenges by sections 49.79 and 49.80. A person offering to vote who establishes identity by presenting a veteran's identification card that does not contain a signature, is not subject to challenge under this paragraph *"b"*.

3. To establish the voter's identity under this section, a person who is registered to vote but is unable to present a form of identification listed under subsection 2 may present any of the following:

a. A current voter identification card provided pursuant to section 48A.10A that contains the voter identification number if the voter identification card is signed before the voter presents the card to the election official.

b. Other forms of identification sufficient to establish identity and residence under section 48A.7A, subsection 1, paragraph *"b"*.

4. A voter who is not otherwise disqualified from voting and who has established identity under subsection 2 or 3 shall be furnished a ballot and be allowed to vote under section 49.77.

5. A registered voter who fails to establish the voter's identity under this section shall be permitted to cast a provisional ballot under section 49.81.

2017 Acts, ch 110, §27, 35, 36; 2018 Acts, ch 1149, §7, 12; 2018 Acts, ch 1172, §93; 2021 Acts, ch 147, §32, 54; 2026 Acts, ch 1073, §21, 22

Referred to in §48A.7A, 49.77, 49.81, 49.124, 50.22, 53.10, 53.22, 53.25, 53.33

Subsections 4 and 5 stricken

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Former subsection 6 amended and renumbered as 4
Former subsection 7 renumbered as 5

49.79 Challenges.

1. Any person offering to vote may be challenged as unqualified by any precinct election official or registered voter. It is the duty of each official to challenge any person offering to vote whom the official knows or suspects is not duly qualified. A ballot shall be received from a voter who is challenged, but only in accordance with section 49.81.

2. A person may be challenged for any of the following reasons:

a. The challenged person is not a citizen of the United States.

b. For an election other than a primary election, the challenged person is less than eighteen years of age as of the date of the election at which the person is offering to vote. For a primary election, the challenged person will be less than eighteen years of age on the date of the respective general election or city election.

c. The challenged person is not a resident at the address where the person is registered. However, a person who is reporting a change of address at the polls on election day pursuant to section 48A.27, subsection 2, paragraph "*a*", subparagraph (3), or who is registering to vote pursuant to section 48A.7A, shall not be challenged for this reason.

d. The challenged person is not a resident of the precinct where the person is offering to vote.

e. The challenged person has falsified information on the person's registration form or on the person's declaration of eligibility.

f. The challenged person has been convicted of a felony, and the person's voting rights have not been restored.

g. The challenged person has been adjudged by a court of law to be a person who is incompetent to vote and no subsequent proceeding has reversed that finding.

3. *a.* The state commissioner of elections shall prescribe a form to be used by a registered voter challenging a prospective voter at the polls. A precinct election official working at the precinct is not required to use the challenge form. The challenge form shall include a space for the challenger to provide the challenger's printed name, signature, address, and telephone number. The challenge form shall also contain the following statement signed by the challenger:

> I am a registered voter in (name of county) County, Iowa. I swear or affirm that information contained in this challenge is true. I understand that knowingly filing a challenge containing false information is an aggravated misdemeanor.

b. The special precinct board shall reject a challenge that lacks the name, address, telephone number, and signature of the challenger.

4. A separate written challenge shall be made against each prospective voter challenged.

5. A challenger may withdraw a challenge at the polling place on election day or at any time before the meeting of the special precinct counting board by notifying the commissioner in writing of the withdrawal.

[C51, §258; R60, §493; C73, §619; C97, §1115; S13, §1087-a9; C24, 27, 31, 35, 39, §**571, 796;** C46, 50, 54, 58, 62, 66, 71, 73, §43.43, 49.79; C75, 77, 79, 81, §49.79]

2002 Acts, ch 1134, §39, 115; 2007 Acts, ch 59, §12, 19; 2008 Acts, ch 1115, §86, 87; 2010 Acts, ch 1033, §23, 56; 2017 Acts, ch 110, §60, 64

Referred to in §9E.6, 39A.3, 48A.7A, 48A.14, 49.78

49.80 Examination on challenge.

1. When the status of any person as a registered voter is so challenged, the precinct election officials shall explain to the person the qualifications of an elector, and may examine the person under oath touching the person's qualifications as a voter.

2. *a.* In case of any challenges of an elector at the time the person is offering to vote in a precinct, a precinct election official may place such person under oath and question the person as to the following:

(1) Where the person maintains the person's home.

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(2) How long the person has maintained the person's home at such place.
(3) If the person maintains a home at any other location.
(4) The person's age.
(5) The person's citizenship status.

b. The precinct election official may permit the challenger to participate in such questions. The challenged elector shall be allowed to present to the official such evidence and facts as the elector feels sustains the fact that the person is qualified to vote. Upon completion thereof, if the challenge is withdrawn, the elector may cast the vote in the usual manner. If the challenge is not withdrawn, section 49.81 shall apply.

[C51, §259; R60, §494; C73, §620; C97, §1115; C24, 27, 31, 35, 39, §**797;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.80]

90 Acts, ch 1238, §21; 94 Acts, ch 1169, §64; 2013 Acts, ch 30, §14; 2025 Acts, ch 123, §46
Referred to in §49.78, 49.81

49.81 Procedure for voter to cast provisional ballot.

1. A prospective voter who is prohibited under section 48A.8, subsection 4, section 49.77, subsection 3, section 49.80, or section 53.19, subsection 3, from voting except under this section shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by subsection 5. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

2. A prospective voter who is unable to establish identity under section 49.78, subsection 2, paragraph "*a*", or section 49.78, subsection 3, shall be notified by the appropriate precinct election official that the voter may cast a provisional ballot. The voter shall mark the ballot and immediately seal it in an envelope of the type prescribed by subsection 5. The voter shall deliver the sealed envelope to a precinct election official who shall deposit it in an envelope marked "provisional ballots". The ballot shall be considered as having been cast in the special precinct established by section 53.20 for purposes of the postelection canvass.

3. Each person who casts a provisional ballot under this section shall receive a printed statement in a form prescribed by the state commissioner by rule adopted in accordance with chapter 17A. The statement shall contain, at a minimum, the following information:

a. The reason the person is casting a provisional ballot.

b. If the person is casting a provisional ballot because the person failed to provide a required form of identification, a list of the types of acceptable identification and notification that the person must show identification before the ballot can be counted.

c. If the person is casting a provisional ballot because the person's qualifications as a registered voter have been challenged, the allegations contained in the written challenge, a description of the challenge process, and the person's right to address the challenge.

d. A statement that if the person's ballot is not counted, the person will receive, by mail, notification of this fact and the reason the ballot was not counted.

e. Other information deemed necessary by the state commissioner.

4. Any eligible elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, to the precinct election officials on election day, until the hour for closing the polls. Any statements or documents so presented shall be delivered to the commissioner when the election supplies are returned.

5. *a.* (1) The individual envelopes used for each provisional ballot cast pursuant to subsection 1 shall have space for the voter's name, date of birth, and address and shall have printed on them the following:

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I am a United States citizen, at least eighteen years of age or, for purposes of voting in a primary election, I will be at least eighteen years of age on the date of the respective general election or city election. I believe I am a registered voter of this county and I am eligible to vote in this election.

.....
(signature of voter) (date)

(2) The following information is to be provided by the precinct election official:

Reason for casting provisional ballot:

.....
.....

.....
(signature of precinct election official)

b. The precinct election official shall attach a completed voter registration form from each provisional voter unless the person's registration status is listed in the election register as active or pending. If a voter is casting a provisional ballot because the voter's qualifications as a registered voter have been challenged, the precinct election official shall attach the signed challenge to the provisional ballot envelope.

6. If a person casts a provisional ballot pursuant to this section or section 49.78, the voter must offer the required proof of residency or identification to vote in the polling place before the polls close on election day, or to the commissioner's office in order for the ballot to be counted. The proof must be received by the commissioner not later than noon on the Monday following the election, or if the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, the proof must be received by the commissioner before the canvass for that election by the board of supervisors.

[C77, 79, 81, §49.81]

87 Acts, ch 221, §19, 20; 94 Acts, ch 1169, §51, 64; 2002 Acts, ch 1134, §40, 115; 2004 Acts, ch 1083, §20, 37; 2004 Acts, ch 1175, §358; 2008 Acts, ch 1115, §88; 2010 Acts, ch 1026, §10; 2017 Acts, ch 110, §28, 35, 36, 61, 64; 2021 Acts, ch 147, §33, 54; 2026 Acts, ch 1073, §23

Referred to in §48A.7A, 48A.8, 49.77, 49.78, 49.79, 49.80, 50.20, 50.21, 50.22, 53.19
Subsection 2 amended

49.82 Voter to receive one ballot — endorsement.

When an empty voting booth is available, one of the precinct election officials shall endorse the official's initials on each ballot the voter will receive. The initials shall be placed so that they may be seen when the ballot is properly folded or enclosed in a secrecy folder. The name or signature of the commissioner shall not appear on the ballot except as part of the list of candidates when the commissioner is a candidate for election. The official shall give the voter one and only one of each of the ballots to be voted at that election in that precinct, except as provided by section 49.100. No ballot without the required official endorsement shall be placed in the ballot box.

[C97, §1116, 1117; C24, 27, 31, 35, 39, §**799;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.82]

94 Acts, ch 1180, §15; 2019 Acts, ch 148, §44

Referred to in §49.67
Endorsement in primary elections, §43.36

49.83 Names to be marked on election register.

The name of each voter shall be marked on the election register by a precinct election official when the voter's declaration of eligibility has been approved by the officials.

[C51, §260; R60, §495; C73, §621; C97, §1116; C24, 27, 31, 35, 39, §**800;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.83]

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49.84 Marking and return of ballot.

1. *a.* After receiving the ballot, the voter shall immediately go to the next available voting booth and without delay mark the ballot. All voters shall vote in booths.

b. Before leaving the voting booth, the voter may enclose the ballot in a secrecy folder to conceal the marks on the ballot.

c. If the precinct has automatic tabulating equipment that will not permit more than one ballot to be inserted at a time, the voter may insert the ballot into the tabulating device; otherwise, the election official shall place the ballot in the ballot box. An identifying mark or symbol shall not be endorsed on the voter's ballot.

2. This section does not prohibit a voter from taking minor children into the voting booth with the voter.

[C51, §257; R60, §492; C73, §617; C97, §1117, 1119; S13, §1119; C24, 27, 31, 35, 39, §**801;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.84]

94 Acts, ch 1180, §16; 2002 Acts, ch 1134, §41, 115; 2009 Acts, ch 57, §34

Referred to in §43.38

49.85 Depositing ballots.

One of the precinct election officials shall at once, after receiving the ballot, in the presence of the voter, deposit it in the ballot box.

[C51, §257; R60, §492; C73, §617; C97, §1117; C24, 27, 31, 35, 39, §**802;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.85]

Referred to in §39A.4

49.86 Failure to vote — surrender of ballot.

Any voter who, after receiving an official ballot, decides not to vote, shall, before entering the voting booth, surrender to the election officers the official ballot which has been given to the voter, and such fact shall be noted on the election records. A refusal to surrender such ballot shall subject the person so offending to immediate arrest and the penalties provided for violation of this chapter.

[C97, §1117; C24, 27, 31, 35, 39, §**803;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.86]

49.87 Prohibited ballot — taking ballot from polling place.

No voter shall vote or offer to vote any ballot except such as the voter has received from the precinct election officials, nor take or remove any ballot from the polling place before the close of the poll.

[C97, §1117; C24, 27, 31, 35, 39, §**804;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.87]

49.88 Limitation on persons in booth and time for voting.

1. No more than one person shall be allowed to occupy any voting booth at any time. The use of photographic devices and the display of voted ballots is prohibited if such use or display is for purposes prohibited under chapter 39A, interferes with other voters, or interferes with the orderly operation of the polling place.

2. *a.* Nothing in this section shall prohibit assistance to voters under section 49.90.

b. This section does not prohibit a voter from taking minor children into the voting booth with the voter.

3. A person standing for election on the ballot before a voter commits a violation of this section by occupying the voting booth with the voter, including to assist the voter.

[C97, §1117; C24, 27, 31, 35, 39, §**805;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.88]

2002 Acts, ch 1134, §42, 115; 2008 Acts, ch 1115, §99; 2017 Acts, ch 110, §38; 2021 Acts, ch 12, §38, 73; 2025 Acts, ch 123, §22, 24

Referred to in §49.90

49.89 Selection of officials to assist voters.

At, or before, the opening of the polls, the election board of each precinct shall select two members of the board, of different political parties in the case of any election in which candidates appear on the ballot under the heading of either of the political parties referred to

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in section 49.13, to assist voters who may be unable to cast their votes without assistance as described in section 49.90.

[C97, §1118; C24, 27, 31, 35, 39, §**806;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §49.89; 81 Acts, ch 34, §30]

84 Acts, ch 1291, §8

Referred to in §49.90

49.90 Assisting voter.

1. Any voter who may declare upon oath that the voter is blind, cannot read the English language, or is, by reason of any physical disability other than intoxication, unable to cast a vote without assistance, shall, upon request, be assisted by the two officers as provided in section 49.89, or alternatively by any other person the voter may select in casting the vote, except that the voter shall not select a person standing for election on the ballot. The officers, or the person selected by the voter, shall cast the vote of the voter requiring assistance, and shall thereafter give no information regarding the vote cast. If any elector because of a disability cannot enter the building where the polling place for the elector's precinct of residence is located, the two officers shall take a paper ballot to the vehicle occupied by the elector with a disability and allow the elector to cast the ballot in the vehicle. Ballots cast by voters with disabilities shall be deposited in the regular ballot box, or inserted in the tabulating device, and counted in the usual manner.

2. A person standing for election on the ballot before a voter commits a violation of section 49.88 by occupying the voting booth with the voter.

[C97, §1118; C24, 27, 31, 35, 39, §**807;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §49.90; 81 Acts, ch 34, §31]

84 Acts, ch 1291, §9; 96 Acts, ch 1129, §16; 2007 Acts, ch 190, §25; 2009 Acts, ch 57, §35; 2021 Acts, ch 12, §39, 73; 2025 Acts, ch 123, §23, 24

Referred to in §49.88, 49.89, 52.26, 53.22

49.91 Assistance indicated on register.

The precinct election officials shall mark upon the election register the name of any elector who received such assistance in casting the elector's vote.

[C97, §1118; C24, 27, 31, 35, 39, §**808;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.91]

Referred to in §52.26

49.92 Voting mark.

The instructions appearing on the ballot shall describe the appropriate mark to be used by the voter. The mark shall be consistent with the requirements of the voting system in use in the precinct. The voting mark used on paper ballots may be a cross or check which shall be placed in the voting targets opposite the names of candidates. The fact that the voting mark is made by an instrument other than a black lead pencil shall not affect the validity of the ballot unless it appears that the color or nature of the mark is intended to identify the ballot contrary to the intent of section 39A.4, subsection 1.

[C97, §1119, 1121; S13, §1119, 1121; C24, 27, 31, 35, 39, §**809;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.92]

97 Acts, ch 170, §46

Referred to in §49.98

49.93 Number of votes for each office.

1. For an office to which one person is to be elected, a voter shall not vote for more than one candidate. If two or more persons are to be elected to an office, the voter shall vote for no more than the number of persons to be elected. If a person votes for more than the permitted number of candidates, the vote for that office shall not count. Valid votes cast on the rest of the ballot shall be counted.

2. *a.* An election in this state shall not be conducted using ranked choice voting or instant runoff voting.

b. For the purposes of this section, *"ranked choice voting"* or *"instant runoff voting"* means a method of casting and tabulating votes in which a voter ranks candidates in order

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of preference, tabulation of ballots proceeds in rounds such that in each round either a candidate is elected or the candidate receiving the fewest votes is defeated, votes are transferred from elected or defeated candidates to a voter's next-ranked candidate in order of preference, and tabulation ends when a candidate receives the majority of votes cast or the number of candidates elected equals the number of offices to be filled, as applicable.

[C97, §1120; S13, §1120; C24, 27, 31, 35, 39, §**810;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.93]

97 Acts, ch 170, §47; 2025 Acts, ch 123, §20, 21

Referred to in §49.98

49.94 How to mark a straight ticket. Repealed by 2017 Acts, ch 110, §50.

49.95 Voting part of ticket only. Repealed by 2017 Acts, ch 110, §50.

49.96 Offices with more than one person to be elected. Repealed by 2017 Acts, ch 110, §50.

49.97 How to mark a mixed ticket. Repealed by 2017 Acts, ch 110, §50.

49.98 Counting ballots.

The ballots shall be counted according to the voters' marks on them as provided in sections 49.92 and 49.93, and not otherwise. If, for any reason, it is impossible to determine from a ballot, as marked, the choice of the voter for any office, the vote for that office shall not be counted. A ballot shall be rejected if the voter used a mark to identify the voter's ballot. The state commissioner shall, by rule adopted pursuant to chapter 17A, develop uniform definitions of what constitutes a vote.

[C97, §1120; S13, §1120; C24, 27, 31, 35, 39, §**815;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.98]

97 Acts, ch 170, §52; 2004 Acts, ch 1083, §21, 37; 2017 Acts, ch 110, §49

49.99 Writing name on ballot.

1. The voter may also write on the line provided for write-in votes the name of any person for whom the voter desires to vote and mark the voting target opposite the name. If the voter is using a voting system other than an optical scan voting system, as defined in section 52.1, the writing of the name shall constitute a valid vote for the person whose name has been written on the ballot without regard to whether the voter has made a mark opposite the name. However, when a write-in vote is cast using an optical scan voting system, the ballot must also be marked in the corresponding space in order to be counted. Marking the voting target opposite a write-in line without writing a name on the line shall not affect the validity of the remainder of the ballot.

2. If a voter writes the name of a person more than once in the proper places on a ballot for an office to which more than one person is to be elected, all but one of those votes for that person for that office are void and shall not be counted.

[C97, §1119; S13, §1119; C24, 27, 31, 35, 39, §**816;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.99]

86 Acts, ch 1224, §13; 90 Acts, ch 1238, §22; 97 Acts, ch 170, §53; 2007 Acts, ch 190, §26; 2009 Acts, ch 57, §36

49.100 Spoiled ballots.

A voter who spoils a ballot may return the spoiled ballot to the precinct election officials and receive another ballot. However, a voter shall not receive more than three ballots, including the one first delivered. Only ballots provided in accordance with the provisions of this chapter shall be counted.

[C97, §1121; S13, §1121; C24, 27, 31, 35, 39, §**817;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.100]

97 Acts, ch 170, §54

Referred to in §49.82

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49.101 Defective or wrong ballot does not nullify vote.

No ballot properly marked by the voter shall be rejected:

1. Because of any discrepancy between the printed ballot and the nomination paper, or certificate of nomination, or certified abstract of the canvassing board.

2. Because of any error in stamping or writing the endorsement thereon by the officials charged with such duties.

3. Because of any error on the part of the officer charged with such duty in delivering the wrong ballots at any polling place.

[C97, §1122; C24, 27, 31, 35, 39, §**818;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.101]

Referred to in §49.102, 49.103

49.102 Defective ballots.

Ballots containing a defect described in section 49.101 shall be counted for the candidate or candidates for such offices named in the nomination papers, certificate of nomination, or certified abstract.

[C97, §1122; C24, 27, 31, 35, 39, §**819;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.102]

2019 Acts, ch 59, §23

49.103 Wrong ballots.

Ballots containing an error described in section 49.101 shall be counted as cast for all candidates for whom the voter had the right to vote, and for whom the voter did vote.

[C97, §1122; C24, 27, 31, 35, 39, §**820;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.103]

2019 Acts, ch 59, §24

49.104 Persons permitted at polling places.

1. The following persons shall be permitted to be present at and in the immediate vicinity of the polling places, provided they do not solicit votes:

a. Any person who is by law authorized to perform or is charged with the performance of official duties at the election.

b. Any number of persons, not exceeding three at a time from each political party having candidates to be voted for at such election, to act as challenging committees, who are appointed and accredited by the executive or central committee of such political party or organization.

c. Any number of persons not exceeding three at a time from each of such political parties, appointed and accredited in the same manner as prescribed in paragraph *"b"* for challenging committees, and any number of persons not exceeding three at a time appointed as observers under paragraph *"e"*, to witness the counting of ballots.

d. Any peace officer assigned or called upon to keep order or maintain compliance with the provisions of this chapter, upon request of the commissioner or of the chairperson of the precinct election board.

e. One observer at a time representing any nonparty political organization, any candidate nominated by petition pursuant to chapter 45, or any other nonpartisan candidate in a city or school election, appearing on the ballot of the election in progress. Candidates who send observers to the polls shall provide each observer with a letter of appointment in the form prescribed by the state commissioner.

f. Any persons expressing an interest in a ballot issue to be voted upon at an election except a general or primary election. Any such person shall file a notice of intent to serve as an observer with the commissioner before election day. If more than three persons file a notice of intent to serve at the same time with respect to ballot issues at an election, the commissioner shall appoint from those submitting a notice of intent the three persons who may serve at that time as observers, and shall provide a schedule to all persons who filed notices of intent. The appointees, whenever possible, shall include both opponents and proponents of the ballot issues.

g. Any person authorized by the commissioner, in consultation with the secretary of state, for the purposes of conducting and attending educational voting programs.

h. Reporters, photographers, and other staff representing the news media. However,

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representatives of the news media, while present at or in the immediate vicinity of the polling places, shall not interfere with the election process in any way.

2. A precinct election official or county commissioner shall not obstruct or interfere with a person fulfilling that person's role or performing that person's duty under subsection 1. A person who violates this subsection is guilty of election misconduct in the third degree.

[C97, §1124; S13, §1087-a9; C24, 27, 31, 35, 39, §**571, 821;** C46, 50, 54, 58, 62, 66, 71, 73, §43.43, 49.104; C75, 77, 79, 81, S81, §49.104; 81 Acts, ch 34, §32]

90 Acts, ch 1238, §23; 94 Acts, ch 1180, §17; 97 Acts, ch 170, §55; 2008 Acts, ch 1115, §100; 2010 Acts, ch 1026, §11; 2010 Acts, ch 1060, §6; 2017 Acts, ch 120, §4; 2021 Acts, ch 12, §40, 73

Referred to in §39A.4, 49.77

49.105 Ordering arrest.

Any precinct election official shall order the arrest of any person who behaves in a noisy, riotous, tumultuous or disorderly manner at or about the polls, so as to disturb the election, or insults or abuses the officials, or commits a breach of the peace, or violates any of the provisions of this chapter. If the person so arrested is a registered voter of the precinct which that polling place serves, and has not yet voted, the person shall be permitted to do so before being removed from the polling place.

[C51, §253; R60, §488; C73, §613; C97, §1128; C24, 27, 31, 35, 39, §**822, 823;** C46, 50, 54, 58, 62, 66, 71, 73, §49.105, 49.106; C75, 77, 79, 81, §49.105]

94 Acts, ch 1169, §64

49.106 Reserved.

49.107 Prohibited acts on election day. Repealed by 2002 Acts, ch 1071, §15. See §39A.4.

49.108 Reserved.

49.109 Employees entitled to time to vote.

Any person entitled to vote at an election in this state who does not have two consecutive hours in the period between the time of the opening and the time of the closing of the polls during which the person is not required to be present at work for an employer, is entitled to such time off from work time to vote as will in addition to the person's nonworking time total two consecutive hours during the time the polls are open. Application by any employee for such absence shall be made individually and in writing prior to the date of the election, and the employer shall designate the period of time to be taken. The employee is not liable to any penalty nor shall any deduction be made from the person's regular salary or wages on account of such absence.

[C97, §1123; C24, 27, 31, 35, 39, §**826;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §49.109; 81 Acts, ch 34, §33]

2021 Acts, ch 12, §41, 73

Referred to in §39A.5

49.110 and 49.111 Repealed by 2002 Acts, ch 1071, §15. See §39A.2 and 39A.5.

49.112 Reserved.

49.113 Official neglect or misconduct. Repealed by 2002 Acts, ch 1071, §15. See §39A.2 and 39A.5.

49.114 through 49.118 Reserved.

49.119 Penalty. Repealed by 2002 Acts, ch 1071, §15. See §39A.2 – 39A.5.

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49.120 Promise of position.

It shall be unlawful for any candidate for any office to be voted for at any election, prior to nomination or election, to promise, either directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or to promise directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate or using the person's influence in securing the candidate's nomination, election, or appointment.

[S13, §1134-a; C24, 27, 31, 35, 39, §**837;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.120]

Referred to in §39A.4

49.121 Promise of influence.

It shall be unlawful for any person to solicit from any candidate for any office to be voted for at any election, or any candidate for appointment to any public office, prior to nomination, election, or appointment, a promise, directly or indirectly, to support or use the candidate's influence in behalf of any person or persons for any position, place, or office, or a promise either directly or indirectly to name or appoint any person or persons to any place, position, or office in consideration of any person or persons supporting the candidate, or using the person's influence in securing the candidate's nomination, election or appointment.

[S13, §1134-b; C24, 27, 31, 35, 39, §**838;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §49.121]

Referred to in §39A.4

49.122 Reserved.

49.123 Courthouse open on election day.

The courthouse of each county shall remain open on election day.

[C71, 73, 75, 77, 79, 81, §49.123]

49.124 Training course by commissioner — continuing education program.

1. The commissioner shall conduct, not later than the day before each election, a training course for all election personnel. The personnel shall include all precinct election officials and any other persons who will be employed in or around the polling places on election day. The state commissioner shall adopt rules pursuant to chapter 17A to implement instruction required under this subsection.

2. A continuing education program shall be provided to election personnel who are full-time or part-time permanent employees of the commissioner's office. The state commissioner of elections shall adopt rules pursuant to chapter 17A to implement and administer the continuing education program.

3. The training course and the continuing education program under this section shall include practical and holistic instruction on the criteria for determining whether a person meets the requirements for establishing identity under section 49.78, subsection 2, consistent with all voting rights and nondiscrimination provisions of federal and state law. The state commissioner of elections shall adopt rules pursuant to chapter 17A to implement instruction required under this subsection.

[C71, 73, 75, 77, 79, 81, §49.124]

94 Acts, ch 1180, §18; 2002 Acts, ch 1134, §44, 115; 2008 Acts, ch 1176, §2, 10; 2017 Acts, ch 110, §29, 35, 36; 2024 Acts, ch 1146, §3

Referred to in §49.128, 49.129

49.125 Compensation of trainees.

All election personnel attending such training course shall be paid for attending such course, and shall be reimbursed for travel to and from the place where the training is given at the rate determined by the board of supervisors if the distance involved is more than five miles. The wages shall be computed at the hourly rate established pursuant to section 49.20

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and payment of wages and mileage for attendance shall be made at the time that payment is made for duties performed on election day.

[C71, 73, 75, 77, 79, 81, §49.125]

97 Acts, ch 170, §56; 2003 Acts, ch 44, §27

Referred to in §49.14

49.126 Manual by state commissioner.

It shall be the duty of the state commissioner to provide a training manual and such additional materials as may be necessary to all commissioners for conducting the required training course and to revise the manual from time to time as may be necessary.

[C71, 73, 75, 77, 79, 81, §49.126]

49.127 Commissioner to examine equipment.

It shall be the duty of each commissioner to determine that all voting equipment is operational and functioning properly and that all materials necessary for the conduct of the election are in the commissioner's possession and are correct.

[C71, 73, 75, 77, 79, 81, §49.127]

2009 Acts, ch 57, §37

49.128 Commissioner filings and notifications.

1. *a.* No later than twenty days following an election, the commissioner shall place on file in the commissioner's office a certification that the county met the following requirements at the election:

(1) The testing of voting equipment was performed, as required under section 52.35.

(2) The election personnel training course was conducted, as required under section 49.124.

(3) Polling places met accessibility standards, as required under section 49.21.

(4) The schedule of required publications was adhered to, as required under section 49.53.

(5) The commissioner has complied with administrative rules adopted by the state commissioner under chapter 52, including having a written voting system security plan.

b. The state commissioner may adopt rules pursuant to chapter 17A to require that the commissioner provide and certify additional information.

2. If the county is required to conduct an audit under section 50.51, the commissioner shall include a copy of the results with the certification required under this section.

3. The commissioner shall file a copy of a certification or report under this section with the state commissioner.

4. The commissioner shall promptly notify the state commissioner of each suspected incidence of election misconduct that the commissioner has referred to other agencies or law enforcement for investigation.

5. The state commissioner shall prescribe a form for use by the county commissioners.

6. The commissioner shall place on file in the commissioner's office a report, and shall file a copy of the report with the state commissioner, regarding absentee ballot tracking and counting no later than December 1 following each general election. The report shall be in a form prescribed by the state commissioner.

2017 Acts, ch 110, §41; 2019 Acts, ch 148, §62, 63; 2024 Acts, ch 1146, §4 – 6; 2026 Acts, ch 1040, §13

Subsection 1 amended

49.129 Pre-election submission requirements.

1. No later than ten days before the election, the commissioner shall notify the state commissioner of all of the following:

a. The date, time, and location the testing of voting equipment required pursuant to section 52.35 is to be performed.

b. The date the election notice will be published pursuant to section 49.53 and where it will appear.

c. The date the election personnel training course required pursuant to section 49.124 is to be conducted.

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2. The state commissioner may adopt rules pursuant to chapter 17A to require that the commissioner provide and certify additional information.

2024 Acts, ch 1146, §7

CHAPTER 49A

CONSTITUTIONAL AMENDMENTS AND PUBLIC MEASURES

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 47.1, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1

This chapter not enacted as a part of this title; transferred from chapter 6 in Code 1993
See also definitions in §39.3

49A.1 Publication of proposed amendment.
49A.2 Publication of proposed public measure.
49A.3 Proof of publication — record.
49A.4 Submission at general election.
49A.5 Submission at special election.
49A.6 Certification — sample ballot.
49A.7 Proclamation. Repealed by 2019 Acts, ch 129, §6, 7.
49A.8 Canvass — declaration of result — record.
49A.9 Expenses.
49A.10 Action to test legality.
49A.11 Parties.

49A.1 Publication of proposed amendment.

1. Whenever any proposition to amend the Constitution has passed the general assembly and been referred to the next succeeding legislature, the general assembly shall cause the same to be published as provided in this section, for the time required by the Constitution.

2. For purposes of complying with the publication requirements of this section, the general assembly shall cause the proposition to amend the Constitution to be published, once each month, in two newspapers of general circulation in each congressional district in the state and published, during each month, on an internet site of the general assembly.

[C97, §55; S13, §55; C24, 27, 31, 35, 39, §**69;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.1]

C93, §49A.1

2019 Acts, ch 129, §1, 7

Referred to in §49A.3, 49A.10
Time of publication, Iowa Constitution, Art. X, §1
Voting on public measures, see §49.43 – 49.50

49A.2 Publication of proposed public measure.

Whenever any public measure has passed the general assembly which under the Constitution must be published and submitted to a vote of the entire people of the state, the state commissioner of elections shall cause the same to be published, once each month, in at least one newspaper of general circulation in each county in the state, for the time required by the Constitution.

[C24, 27, 31, 35, 39, §**70;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.2]

C93, §49A.2

Referred to in §49A.3
Time of publication, Iowa Constitution, Art. VII, §5
Voting on public measures, see §49.43 – 49.50

49A.3 Proof of publication — record.

1. Proof of the publication required by section 49A.1 shall be filed by the general assembly in the office of the state commissioner of elections, recorded in a book kept for that purpose, and preserved by the commissioner. Proof of publication required by this subsection shall be made by the general assembly as follows:

a. Proof of publication by newspaper shall be made by filing in the office of the state commissioner of elections affidavits of the publishers of the newspapers designated by the

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general assembly for publication and a certificate by the general assembly of the selection of such newspapers.

b. Proof of publication on an internet site of the general assembly shall be made by filing a certificate by the general assembly in the office of the state commissioner of elections that publication as described in this paragraph has been made as required by law.

2. Proof of the publication specified in section 49A.2 shall be made by the affidavits of the publishers of the newspapers designated by the state commissioner of elections and such affidavits, with the certificate of the state commissioner of the selection of such newspapers, shall be filed in the commissioner's office, recorded in a book kept for that purpose, and preserved by the commissioner.

[C97, §55; S13, §55; C24, 27, 31, 35, 39, §**71;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.3]

C93, §49A.3

2019 Acts, ch 129, §2, 7

Iowa Constitution, Art. X, §1

49A.4 Submission at general election.

Whenever a public measure has passed the general assembly which under the Constitution must be submitted to a vote of the entire people of the state and no time is fixed by the Constitution or legislature for such submission, or whenever a proposition to amend the Constitution has been adopted by two succeeding general assemblies and no time is fixed by the last general assembly adopting the same for its submission to the people, said measure or amendment shall be submitted to the people at the ensuing general election, in the manner required by law.

[C97, §56; C24, 27, 31, 35, 39, §**72;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.4]

C93, §49A.4

Submission, §49.43 – 49.50, 49A.1, 49A.2, 49A.5; Iowa Constitution, Art. VII, §5 and Art. X

49A.5 Submission at special election.

The general assembly may provide for the submission of a constitutional amendment to the people at a special election for that purpose, at such time as it may prescribe, and the same shall in all respects be governed and conducted as prescribed by law for the submission of a constitutional amendment at a general election.

[C97, §58; C24, 27, 31, 35, 39, §**73;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.5]

C93, §49A.5

2019 Acts, ch 129, §3, 7

Iowa Constitution, Art. X

Submission, §49.43 – 49.50, 49A.1, 49A.2, 49A.4

49A.6 Certification — sample ballot.

The state commissioner of elections shall, not less than sixty-three days preceding any election at which a constitutional amendment or public measure is to be submitted to a vote of the entire people of the state, transmit to the county commissioner of elections of each county a certified copy of the amendment or measure and a sample of the ballot to be used in such cases, prepared in accordance with law.

[C24, 27, 31, 35, 39, §**74;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.6]

89 Acts, ch 136, §1

C93, §49A.6

2021 Acts, ch 147, §34, 54

Iowa Constitution, Art. VII, §5 and Art. X

49A.7 Proclamation. Repealed by 2019 Acts, ch 129, §6, 7.

49A.8 Canvass — declaration of result — record.

1. The judges of election, county boards of canvassers, and other election officials shall canvass the vote on any constitutional amendment or public measure, and make return thereof, in the same manner as required by law for the canvass and return of the vote for public officers. The board of state canvassers shall canvass such returns, declare the result,

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and enter the same of record, immediately following and in connection with the proofs of publication of such amendment or measure, in the book kept for that purpose by the secretary of state.

2. Upon completion of the canvass, the secretary of state shall certify to the Iowa Code editor the results of the election.

[C97, §56; C24, 27, 31, 35, 39, §**76;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.8]
C93, §49A.8
93 Acts, ch 143, §19
Canvass of votes, chapter 50

49A.9 Expenses.

Expenses incurred under the provisions of this chapter shall be audited and allowed by the director of the department of administrative services and paid out of moneys appropriated to the state commissioner of elections.

[C97, §59; C24, 27, 31, 35, 39, §**77;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.9]
C93, §49A.9
2003 Acts, ch 145, §286; 2019 Acts, ch 24, §104; 2019 Acts, ch 129, §4, 7

49A.10 Action to test legality.

1. Whenever an amendment to the Constitution of the State of Iowa is proposed and agreed to by the general assembly and is agreed to by the succeeding general assembly, any taxpayer may file suit in equity in the district court at the seat of government of the state, challenging the validity, legality, or constitutionality of the amendment. In the suit, the district court shall have jurisdiction to determine the validity, legality, or constitutionality of the amendment and enter its decree accordingly. The court may grant a writ of injunction enjoining the governor and state commissioner of elections from submitting the constitutional amendment to the electorate, if the proposed constitutional amendment is found to be invalid, illegal, or unconstitutional.

2. An amendment to the Constitution of the State of Iowa which has been proposed and agreed to by the general assembly and has been agreed to by the succeeding general assembly shall not be determined invalid in any action challenging the validity, legality, or constitutionality of such amendment in the event of an error or omission occurring with one of the publication requirements of section 49A.1 and shall be submitted to the electorate for ratification at the next general or special election as determined by the general assembly.

[C31, 35, §77-d1; C39, §**77.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.10]
C93, §49A.10
2019 Acts, ch 129, §5, 7; 2020 Acts, ch 1063, §34
Referred to in §49A.11
General procedure, §619.2, 619.3, 624.7, 625A.3, 625A.6, 625A.13

49A.11 Parties.

In a suit under section 49A.10, the taxpayer shall be plaintiff and the governor and state commissioner of elections shall be defendants. Any taxpayer may intervene, either as party plaintiff or defendant.

[C31, 35, §77-d2; C39, §**77.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §6.11]
C93, §49A.11
2020 Acts, ch 1063, §35

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CHAPTER 50

CANVASS OF VOTES

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 43.5, 47.1, 49.58, 52.37, 53.23, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 346.27, 357J.16, 360.1, 372.2, 376.1

Chapter applicable to primary elections, §43.5
Criminal offenses, see chapter 39A
Definitions in §39.3 applicable to this chapter

50.1 Definitions.
50.1A Canvass by officials.
50.2 One tally list in certain machine precincts. Repealed by 2009 Acts, ch 57, §96.
50.3 Double or defective ballots.
50.4 Ballots objected to.
50.5 Disputed ballots returned separately.
50.6 Votes in excess of voter declarations.
50.7 Error on county office — township office.
50.8 Error on state or district office — tie vote.
50.9 Return of ballots not voted.
50.10 Record of ballots returned.
50.11 Proclamation of result.
50.12 Return and preservation of ballots.
50.13 Destruction of ballots.
50.14 Return of results.
50.15 Destruction in abeyance pending contest.
50.15A Unofficial results of voting.
50.16 Tally list of board.
50.17 Return of election register.
50.18 Reserved.
50.19 Preservation and destruction of books.
50.20 Notice of number of provisional ballots.
50.21 Special precinct board reconvened.
50.22 Special precinct board to determine challenges and canvass absentee ballots.
50.23 Messengers for missing tally lists.
50.24 Canvass by board of supervisors.
50.25 Abstract of votes in the general election.
50.26 Duplicate abstracts.
50.27 Declaration of election.
50.28 Tally lists filed.
50.29 Certificate of election.
50.30 Abstracts forwarded to state commissioner.
50.30A Election canvass summary forwarded to state commissioner.
50.31 Abstracts for governor and lieutenant governor.
50.32 Endorsement on other envelope.
50.33 Forwarding of envelopes.
50.34 Missing abstracts.
50.35 Delivery of abstracts.
50.36 Envelopes containing other abstracts — canvass.
50.37 State canvassing board.
50.38 Time of state canvass.
50.39 Abstract.
50.40 Record of canvass.
50.41 Certificate of election.
50.42 Certificates mailed.
50.43 Senator or representative.
50.44 Tie vote.
50.45 Canvass public — result determined.
50.46 Special elections — canvass and certificate.
50.47 Messengers for election tally lists.
50.48 General recount provisions.
50.49 Recounts for public measures.
50.50 Administrative audits.
50.51 Election audits.
50.52 Enforcement.

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50.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

50.1A Canvass by officials.

At every election conducted under chapter 49, except the primary election provided for by chapter 43, and at every other election unless the law authorizing the election otherwise requires, the vote shall be canvassed at each polling place by the election board in the manner prescribed by this chapter. When the poll is closed, the precinct election officials shall forthwith, and without adjournment:

1. Publicly canvass the vote, and credit each candidate with the number of votes counted for the candidate.
2. Ascertain the result of the vote.

3. Prepare in writing a list of any apparently or possibly erroneous information appearing in the precinct election register.

4. Designate two election board members, not members of the same political party, who shall each separately keep a tally list of the count.

[C51, §261, 266; R60, §496, 501; C73, §622, 626; C97, §1138; C24, 27, 31, 35, 39, §**840;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.1]

C2001, §50.1A

50.2 One tally list in certain machine precincts. Repealed by 2009 Acts, ch 57, §96.

50.3 Double or defective ballots.

If two or more marked ballots are so folded together as to appear to be cast as one, the precinct election officials shall endorse thereon "Rejected as double". Such ballots shall not be counted, but shall be folded together and kept as hereinafter directed. Every ballot not counted shall be endorsed "Defective" on the back thereof.

[C51, §262; R60, §497; C73, §623; C97, §1139; C24, 27, 31, 35, 39, §**842;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.3]

Referred to in §50.5

50.4 Ballots objected to.

Every ballot objected to by a precinct election official or challenger, but counted, shall be endorsed on the back thereof, "Objected to", and there shall also be endorsed thereon, and signed by the officials, a statement as to how it was counted.

[C97, §1139; C24, 27, 31, 35, 39, §**843;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.4]

Referred to in §50.5

50.5 Disputed ballots returned separately.

All ballots endorsed as required by sections 50.3 and 50.4 shall be enclosed and securely sealed in an envelope, on which the precinct election officials shall endorse "Disputed ballots", with a signed statement of the precinct in which, and date of the election at which, they were cast.

[C97, §1139; C24, 27, 31, 35, 39, §**844;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.5]

Referred to in §50.48

50.6 Votes in excess of voter declarations.

If the number of votes cast for any office or on any question exceeds the number of voters' declarations of eligibility signed as required by section 49.77, such fact shall be certified, with the number of the excess, in the return.

[C51, §263; R60, §498; C73, §627; C97, §1140; C24, 27, 31, 35, 39, §**845;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.6]

50.7 Error on county office — township office.

If, in case of such excess, the vote of the precinct where the error occurred would change the result as to a county office if the person appearing to be elected were deprived of so many votes, then the election shall be set aside as to that person in that precinct, and a new election ordered therein; but no person who was not a registered voter in that precinct at the time of the general election shall be allowed to vote at such special election. If the error occurs in relation to an office of a city, school district, township, or of any special district whose elections may be conducted under this chapter, the governing body of the political subdivision involved may order a new election or not, in their discretion.

[C51, §263; R60, §498; C73, §627; C97, §1140; C24, 27, 31, 35, 39, §**846;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.7]

94 Acts, ch 1169, §64

50.8 Error on state or district office — tie vote.

If the error is in relation to a district or state office, the error shall be certified with the number of the excess to the state commissioner. If the error affects the result of the election,

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the canvass shall be suspended and a new vote ordered in the precinct where the error occurred. When there is a tie vote due to such an excess, there shall be a new election. A person who was not a registered voter in that precinct at the time of the general election shall not be allowed to vote at the special election. When the new vote is taken and returned, the canvass shall be completed.

[C51, §263; R60, §498; C73, §627; C97, §1140; C24, 27, 31, 35, 39, §**847;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.8]

94 Acts, ch 1169, §64; 2020 Acts, ch 1063, §36

50.9 Return of ballots not voted.

Ballots not voted, or spoiled by voters while attempting to vote, shall be returned by the precinct election officials to the commissioner, and a receipt taken for the ballots. The spoiled ballots shall be preserved for twenty-two months following elections for federal offices and for six months following elections for all other offices. The commissioner shall record the number of ballots sent to the polling places but not voted. The ballots not voted shall be destroyed after the end of the period for contesting the election. However, if a contest is requested, the ballots not voted shall be preserved until the election contest is concluded.

[C51, §269; R60, §504; C73, §630; C97, §1141; C24, 27, 31, 35, 39, §**848;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.9]

93 Acts, ch 143, §20; 2008 Acts, ch 1115, §101

50.10 Record of ballots returned.

The commissioner shall enter on the record maintained as required by section 49.65 a notation of the number and character of the ballots returned from each precinct, and the time when and the person by whom they are returned.

[C97, §1141; C24, 27, 31, 35, 39, §**849;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.10]

Referred to in §49.65

50.11 Proclamation of result.

1. When the canvass is completed one of the precinct election officials shall publicly announce the total number of votes received by each of the persons voted for, the office for which the person is designated, as announced by the designated tally keepers, and the number of votes for, and the number of votes against, any proposition which shall have been submitted to a vote of the people. A precinct election official may, at the request of the commissioner who is conducting the election, communicate the election results by telephone and shall deliver the election results in person pursuant to section 50.14 to the commissioner who is conducting the election immediately upon completion of the canvass.

2. Election results may be transmitted electronically from voting equipment to the commissioner's office only after the precinct election officials have produced a written report of the election results. The devices used for the electronic transmission of election results shall be approved for use by the board of examiners pursuant to section 52.41. The state commissioner of elections shall adopt rules establishing procedures for the electronic transmission of election results.

3. The commissioner shall remain on duty until such information is communicated to the commissioner from each polling place in the commissioner's county. For an election for a political subdivision that is located in more than one county, the commissioner shall, if applicable, communicate that county's election results for the political subdivision to the controlling commissioner for that political subdivision under section 47.2, and the controlling commissioner shall remain on duty until such information is communicated to the controlling commissioner from each commissioner for the political subdivision.

[C97, §1142; C24, 27, 31, 35, 39, §**850;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.11]

2002 Acts, ch 1134, §45, 115; 2017 Acts, ch 54, §76; 2017 Acts, ch 155, §27, 44; 2021 Acts, ch 147, §35, 54

Referred to in §50.15A, 52.37

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50.12 Return and preservation of ballots.

Immediately after making the proclamation, and before separating, the board members of each precinct in which votes have been received by paper ballot shall enclose in an envelope or other container all ballots which have been counted by them, except those endorsed "Rejected as double", "Defective", or "Objected to", and securely seal the envelope. The signatures of all board members of the precinct shall be placed across the seal or the opening of the container so that it cannot be opened without breaking the seal. The precinct election officials shall return all the ballots to the commissioner, who shall carefully preserve them for twenty-two months. The sealed packages containing voted ballots shall be opened only for an official recount authorized by section 50.48, 50.49, or 50.50, for an election contest held pursuant to chapters 57 through 62, to conduct an audit pursuant to section 50.51, or to destroy the ballots pursuant to section 50.19.

[C51, §269; R60, §504; C73, §630; C97, §1142; C24, 27, 31, 35, 39, §**851;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.12]

87 Acts, ch 221, §21; 89 Acts, ch 136, §44; 2002 Acts, ch 1134, §46, 115; 2017 Acts, ch 110, §42; 2025 Acts, ch 123, §12

Referred to in §50.13, 50.17, 50.48, 53.30, 53.40, 53.41

50.13 Destruction of ballots.

1. If, at the expiration of the length of time specified in section 50.12, a contest is not pending, the commissioner, without opening the package in which they have been enclosed, shall destroy the ballots.

2. If the ballots are to be shredded, the package may be opened, if necessary, but the ballots shall not be examined before shredding. Shredded ballots may be recycled. The commissioner shall invite the chairperson of each of the political parties to designate a person to witness the destruction of the ballots.

[C97, §1143; S13, §1143; C24, 27, 31, 35, 39, §**852;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.13]

89 Acts, ch 136, §45; 91 Acts, ch 129, §14; 97 Acts, ch 170, §57

Referred to in §53.40, 53.41, 331.383

50.14 Return of results.

When election results are delivered in person to the commissioner who is conducting the election, the printed results and memory device of the voting equipment shall be returned to the commissioner on election night by two precinct election officials who shall be of different political parties in the case of a partisan election, or by a person designated by the commissioner, including but not limited to a state or local law enforcement officer. The printed results and memory device shall be returned in a securely sealed envelope with the signatures of all board members of the precinct placed across the seal so that the envelope cannot be opened without breaking the seal.

2021 Acts, ch 147, §36, 54

Referred to in §50.11

50.15 Destruction in abeyance pending contest.

If a contest is pending, the ballots shall be kept until the contest is finally determined, and then so destroyed.

[C97, §1143; S13, §1143; C24, 27, 31, 35, 39, §**854;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.15]

Referred to in §53.40, 53.41

50.15A Unofficial results of voting.

1. In order to provide the public with an early source of election results before the official canvass of votes, the state commissioner of elections, in cooperation with the commissioners of elections, shall conduct an unofficial canvass of election results following the closing of the polls on the day of a regular city election, regular school election, primary election, or general election, or any other election at the discretion of the state commissioner. The unofficial canvass shall report election results for national offices, statewide offices, the

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office of state representative, the office of state senator, and other offices or public measures at the discretion of the state commissioner of elections. The unofficial canvass shall also report the total number of ballots cast at the reported election.

2. *a.* After the polls close on election day, the commissioner of elections shall periodically provide election results to the state commissioner of elections as the precincts in the county report election results to the commissioner pursuant to section 50.11. If the commissioner determines that all precincts will not report election results before the office is closed, the commissioner shall report the most complete results available prior to leaving the office at the time the office is closed as provided in section 50.11. The commissioner shall specify the number of precincts included in the report to the state commissioner of elections and provide an explanation in writing as to why all precincts will not be reported.

b. The state commissioner of elections shall tabulate unofficial election results as the results are received from the commissioners of elections and shall periodically make the reports of the results available to the public.

3. Before the day of the reported election, the state commissioner of elections shall provide a form and instructions for reporting unofficial election results pursuant to this section.

4. The state commissioner shall set a date and time by which a commissioner must complete testing of the system used for the unofficial canvass before the reported election.

2008 Acts, ch 1115, §102; 2009 Acts, ch 57, §38; 2024 Acts, ch 1146, §8

50.16 Tally list of board.

The tally list shall be prepared in writing by the election board giving, in legibly printed numerals, the total number of people who cast ballots in the precinct, the total number of ballots cast for each office, except those rejected, the name of each person voted for, and the number of votes given to each person for each different office. The tally list shall be signed by the precinct election officials, and be substantially as follows:

At an election at ..... in ..... township, or in .....
precinct of ..... city or township, in ..... county, state of
Iowa, on the ..... day of ....., there were ..... ballots
cast for the office of ..... of which
(Candidate's name) ..... had ..... votes.
(Candidate's name) ..... had ..... votes.
(and in the same manner for any other officer).
A true tally list:
(Name) ..... Election Board
(Name) ..... Members.
(Name) .....
Attest:
(Name) ..... Designated
(Name) ..... Tally Keepers.

[C51, §267, 303; R60, §502, 537; C73, §628, 661; C97, §1144; C24, 27, 31, 35, 39, §**855;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.16]

93 Acts, ch 143, §21; 2000 Acts, ch 1058, §8; 2001 Acts, ch 24, §18; 2007 Acts, ch 59, §13, 19

Referred to in §52.23

50.17 Return of election register.

The precinct election register prepared for each election, together with the ballots to be returned pursuant to section 50.12, if any, and the signed and attested tally list, shall be delivered to the commissioner by one of the precinct election officials by noon of the day following the election.

[C51, §268; R60, §333, 503, 1131; C73, §503, 629; C97, §1145; C24, 27, 31, 35, 39, §**856;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.17]

50.18 Reserved.

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50.19 Preservation and destruction of books.

1. The commissioner may destroy precinct election registers, the declarations of eligibility signed by voters, and other material pertaining to any election in which federal offices are not on the ballot, except the tally lists and abstracts of votes which have not been electronically recorded, twenty-two months after the election if a contest is not pending. If a contest is pending, all election materials shall be preserved until final determination of the contest or until twenty-two months after the election, whichever is later. Before destroying the election registers and declarations of eligibility, the commissioner shall prepare records as necessary to permit compliance with chapter 48A, subchapter V.

2. Material pertaining to elections for federal offices, including ballots, precinct election registers, declarations of eligibility signed by voters, documents relating to absentee ballots, and challenges of voters, shall be preserved for twenty-two months after the election. If a contest is not pending the materials may be destroyed at the end of the retention period.

[C51, §268; R60, §333, 503, 1131; C73, §503, 629; C97, §1145; C24, 27, 31, 35, 39, §**858;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.19]

89 Acts, ch 136, §46; 94 Acts, ch 1169, §52; 98 Acts, ch 1119, §29; 2010 Acts, ch 1033, §24; 2025 Acts, ch 123, §13

Referred to in §43.61, 50.12, 53.30, 53.40, 53.41

50.20 Notice of number of provisional ballots.

The commissioner shall compile a list of the number of provisional ballots cast under section 49.81 in each precinct. The list shall be made available to the public as soon as possible, but in no case later than 9:00 a.m. on the second day following the election. Any elector may examine the list during normal office hours, and may also examine the affidavits on the envelopes containing the ballots of challenged electors until the reconvening of the special precinct board as required by this chapter. Only those persons so permitted by section 53.23, subsection 4, shall have access to the affidavits while that board is in session. Any elector may present written statements or documents, supporting or opposing the counting of any provisional ballot, at the commissioner's office until the reconvening of the special precinct board.

[C77, 79, 81, §50.20]

87 Acts, ch 221, §22; 2004 Acts, ch 1083, §22, 37; 2005 Acts, ch 19, §21; 2013 Acts, ch 30, §15; 2014 Acts, ch 1101, §14, 32

Referred to in §43.46, 53.17

50.21 Special precinct board reconvened.

1. The commissioner shall reconvene the election board of the special precinct established by section 53.20 not earlier than noon on the second day following each election which is required by law to be canvassed on the Tuesday following the election. If the second day following such an election is a legal holiday the special precinct election board may be convened at noon on the day following the election, and if the canvass of the election is scheduled at any time earlier than the Tuesday following the election, the special precinct election board shall be reconvened at noon on the day following the election.

2. If no provisional ballots were cast in the county pursuant to section 49.81 at any election, the special precinct election board need not be so reconvened. If the number of provisional ballots cast at any election is not sufficient to require reconvening of the entire election board of the special precinct, the commissioner may reconvene only the number of members required. If the number of provisional ballots cast at any election exceeds the number of absentee ballots cast, the size of the special precinct election board may be increased at the commissioner's discretion. The commissioner shall observe the requirements of sections 49.12 and 49.13 in making adjustments to the size of the special precinct election board.

[C77, 79, 81, §50.21; 81 Acts, ch 34, §35]

87 Acts, ch 221, §23; 90 Acts, ch 1238, §25; 2004 Acts, ch 1083, §23, 37; 2025 Acts, ch 122, §4

Referred to in §43.46

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50.22 Special precinct board to determine challenges and canvass absentee ballots.

1. Upon being reconvened, the special precinct election board shall review the information upon the envelopes bearing the provisional ballots, and all evidence submitted in support of or opposition to the right of each challenged person to vote in the election. The board may divide itself into panels of not less than three members each in order to hear and determine two or more challenges simultaneously, but each panel shall meet the requirements of section 49.12 as regards political party affiliation of the members of each panel.

2. The decision to count or reject each ballot shall be made upon the basis of the information given on the envelope containing the provisional ballot, the evidence concerning the challenge, the registration and the returned receipts of registration. Ballots submitted to the board pursuant to section 49.78 or 49.81 that are not cured by the deadline provided in section 49.81, subsection 6, shall be rejected.

3. If a provisional ballot is rejected, the person casting the ballot shall be notified by the commissioner within ten days of the reason for the rejection, on the form prescribed by the state commissioner pursuant to section 53.25, and the envelope containing the provisional ballot shall be preserved unopened and disposed of in the same manner as spoiled ballots. The provisional ballots which are accepted shall be counted in the manner prescribed by section 53.23, subsection 5. The commissioner shall make public the number of provisional ballots rejected and not counted, at the time of the canvass of the election.

4. The special precinct board shall also canvass any absentee ballots which were received after the polls closed in accordance with section 53.17. If necessary, they shall reconvene again on the day of the canvass by the board of supervisors to canvass any absentee ballots which were timely received. The special precinct board shall submit their tally list to the supervisors before the conclusion of the canvass by the board.

[C77, 79, 81, §50.22]

87 Acts, ch 221, §24; 88 Acts, ch 1119, §20; 89 Acts, ch 136, §47, 48; 94 Acts, ch 1169, §53; 2005 Acts, ch 19, §22; 2009 Acts, ch 57, §39; 2017 Acts, ch 54, §76; 2025 Acts, ch 123, §47

Referred to in §43.46, 53.31

50.23 Messengers for missing tally lists.

The commissioner shall send messengers for all tally lists not received in the commissioner's office by noon of the day following the election. The expense of securing such tally lists shall be paid by the county.

[C51, §270; R60, §505; C73, §634; C97, §1148; C24, 27, 31, 35, 39, §**862;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.23]

Messenger travel expenses, §50.47

50.24 Canvass by board of supervisors.

1. The county board of supervisors shall meet to canvass the vote on the first Tuesday after the day of each election to which this chapter is applicable, unless the law authorizing the election specifies another date for the canvass. If that Tuesday is a public holiday, section 4.1, subsection 34, controls.

2. Upon convening, the board shall open and canvass the tally lists and shall prepare abstracts stating the number of votes cast in the county, or in that portion of the county in which the election was held, for each office and on each question on the ballot for the election. The board shall contact the chairperson of the special precinct board before adjourning and include in the canvass any write-in votes tallied and recorded by the special precinct board or any absentee ballots which were received after the polls closed in accordance with section 53.17 and which were canvassed by the special precinct board after election day. The abstract shall further indicate the name of each person who received votes for each office on the ballot, and the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the votes cast for an office or who each received fewer than ten votes and was not determined to be elected shall be reported collectively under the heading "scattering".

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3. The board shall certify an election canvass summary report prepared by the commissioner. The election canvass summary report shall include the results of the election, including scatterings, overvotes, and undervotes, by precinct for each contest and public measure that appeared on the ballot of the election being canvassed. However, if paper ballots are used pursuant to section 49.26, the election canvass summary report shall not include overvotes and undervotes.

4. For a regular or special city election or a city runoff election, if the city is located in more than one county, the controlling commissioner for that city under section 47.2 shall conduct a second canvass on the second Tuesday after the day of the election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceedings. Each commissioner conducting a canvass for the city pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that city to the controlling commissioner for that city, along with individual tallies for each write-in candidate. At the second canvass, the county board of supervisors of the county of the controlling commissioner shall canvass the abstracts received pursuant to this subsection and shall prepare a combined city abstract stating the number of votes cast in the city for each office and on each question on the ballot for the city election. The combined city abstract shall further indicate the name of each person who received votes for each office on the ballot, the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the total votes cast in the city for an office shall be reported collectively under the heading "scattering".

5. *a.* For a regular or special school election, if the school district is located in more than one county, the controlling commissioner for that school district under section 47.2 shall conduct a second canvass on the second Tuesday after the day of election. However, if a recount is requested pursuant to section 50.48, the controlling commissioner shall conduct the second canvass within two business days after the conclusion of the recount proceedings. Each commissioner conducting a canvass for the school district pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that school district to the controlling commissioner for that school district, along with individual tallies for each write-in candidate. At the second canvass the county board of supervisors of the controlling county shall canvass the abstracts received pursuant to this subsection and shall prepare a combined school district abstract stating the number of votes cast in the school district for each office and on each question on the ballot for the school election. The combined school district abstract shall further indicate the name of each person who received votes for each office on the ballot, the number of votes each person named received for that office, and the number of votes for and against each question submitted to the voters at the election. The votes of all write-in candidates who each received less than five percent of the total votes cast in the school district for an office shall be reported collectively under the heading "scattering".

b. The second canvass of votes for a merged area shall be conducted pursuant to section 260C.15, subsection 5, and each commissioner conducting a canvass for the merged area pursuant to subsection 1 shall transmit abstracts for the offices and public measures of that school district to the controlling commissioner for that merged area, along with individual tallies for each write-in candidate.

6. Any obvious clerical errors in the tally lists from the precincts shall be corrected by the supervisors. Complete records of any changes shall be recorded in the minutes of the canvass.

[C51, §271, 304, 305; R60, §335, 506, 538, 539, 1131; C73, §502, 503, 631, 635, 662; C97, §1146, 1149; C24, 27, 31, 35, 39, §**859, 860, 863;** C46, 50, 54, 58, 62, 66, 71, 73, §50.20, 50.21, 50.24; C75, 77, 79, 81, §50.24]

84 Acts, ch 1291, §10; 89 Acts, ch 136, §49; 90 Acts, ch 1238, §26; 93 Acts, ch 143, §22; 95 Acts, ch 189, §10; 2009 Acts, ch 57, §40; 2010 Acts, ch 1033, §25, 26; 2015 Acts, ch 85, §2; 2017 Acts, ch 155, §28, 44; 2021 Acts, ch 147, §37, 54; 2025 Acts, ch 122, §5, 6

Referred to in §47.2, 50.48, 50.49, 275.22, 277.20, 331.383, 376.7, 376.9

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50.25 Abstract of votes in the general election.

1. At the canvass of the general election, the abstract of the votes for each of the following classes shall be made on a different sheet:

a. President and vice president of the United States.

b. Senator in the Congress of the United States.

c. Representative in the Congress of the United States.

d. Governor and lieutenant governor.

e. A state officer not otherwise provided for.

f. Senator or representative in the general assembly by districts.

2. The abstract of the votes for each county office is not required to be made on a different sheet.

[C51, §272, 304, 305; R60, §507, 538, 539; C73, §636, 662; C97, §1150; S13, §1150; C24, 27, 31, 35, 39, §**864;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.25]

2007 Acts, ch 59, §14, 15, 19

Referred to in §331.383

50.26 Duplicate abstracts.

All abstracts of votes cast in the general election, except the abstracts of votes for county officers, shall be made in duplicate, and signed by the board of county canvassers. One of said abstracts shall be forwarded to the state commissioner, and the other filed by the commissioner.

[C51, §272, 304, 305; R60, §507, 538, 539; C73, §637, 662; C97, §1151; S13, §1151; C24, 27, 31, 35, 39, §**865;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.26]

Referred to in §331.383

50.27 Declaration of election.

Each abstract of the votes for such officers as the county alone elects at the general election, except district judges and senators and representatives in the general assembly, or of the votes for officers of political subdivisions whose elections are conducted by the commissioner, shall contain a declaration of whom the canvassers determine to be elected. Each abstract of votes for and against each public question submitted to and decided by the voters of the county alone, or of a single political subdivision whose elections the county board canvasses, shall contain a declaration of the result as determined by the canvassers. When a public question has been submitted to the voters of a political subdivision whose elections the county board canvasses, the commissioner shall certify a duplicate of the abstract and declaration to the governing body of the political subdivision.

[C51, §275; R60, §509; C73, §639; C97, §1152; C24, 27, 31, 35, 39, §**866;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.27]

Referred to in §57.2, 260C.15, 277.20, 331.383

50.28 Tally lists filed.

When the canvass is concluded, the board shall deliver the original tally lists to the commissioner, who shall file the same, and record each of the abstracts above mentioned in the election book.

[C51, §276; R60, §335, 510; C73, §640; C97, §1154; C24, 27, 31, 35, 39, §**867;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.28]

Referred to in §331.383

50.29 Certificate of election.

1. When any person is thus declared elected, there shall be delivered to that person a certificate of election, under the official seal of the county, in substance as follows:

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STATE OF IOWA)
..... County.)

At an election held in said county on the ..... day of ..... (month), ... (year), ... (candidate's name) was elected to the office of ..... for the term of ..... years from the ..... day of ..... (month), ... (year) [if elected to fill a vacancy, for the residue of the term ending on the ..... day of ..... (month), ... (year)], and until a successor is elected and qualified.

.....,
President of Board of Canvassers.
Witness, ...,
County Commissioner of Elections
(clerk).

2. The certificate of election is presumptive evidence of the person's election and qualification.

[C51, §277; R60, §511, 514; C73, §641; C97, §1155; C24, 27, 31, 35, 39, §**868;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.29]

87 Acts, ch 115, §9; 2000 Acts, ch 1058, §9; 2008 Acts, ch 1032, §201; 2009 Acts, ch 41, §26
Referred to in §331.383

50.30 Abstracts forwarded to state commissioner.

1. The commissioner shall, within thirteen days after the election, forward to the state commissioner one of the duplicate abstracts of votes for each of the following offices:

a. President and vice president of the United States.
b. Senator in Congress.
c. Representative in Congress.
d. Governor and lieutenant governor.
e. Senator or representative in the general assembly by districts.
f. A state officer not otherwise specified above.

2. The abstracts for all offices except governor and lieutenant governor shall be enclosed in a securely sealed envelope.

[C51, §283, 284, 305; R60, §517, 518, 539; C73, §645, 662; C97, §1157; S13, §1157; C24, 27, 31, 35, 39, §**869;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.30]

91 Acts, ch 129, §15; 2008 Acts, ch 1032, §201; 2009 Acts, ch 57, §41
Referred to in §50.48

50.30A Election canvass summary forwarded to state commissioner.

The commissioner shall, within thirteen days after each primary election, general election, and special election conducted pursuant to section 69.14, forward to the state commissioner a true and exact copy of the election canvass summary report certified by the county board of canvassers.

2009 Acts, ch 57, §42; 2010 Acts, ch 1033, §27

50.31 Abstracts for governor and lieutenant governor.

1. The envelope containing the abstracts of votes for governor and lieutenant governor shall be endorsed substantially as follows:

Abstract of votes for governor and lieutenant governor from ..... county.

2. After being so endorsed, the envelope shall be addressed as follows:

To the Speaker of the House of Representatives.

[C51, §283; R60, §517; C73, §645; C97, §1157; S13, §1157; C24, 27, 31, 35, 39, §**870;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.31]

2019 Acts, ch 24, §10
Referred to in §50.32

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50.32 Endorsement on other envelope.

The envelope for offices other than governor and lieutenant governor shall be endorsed substantially in the manner provided in section 50.31, with changes necessary to indicate the particular offices, and shall be addressed as follows:

To the State Commissioner of Elections.

[C51, §283, 305; R60, §517, 539; C73, §645, 662; C97, §1157; S13, §1157; C24, 27, 31, 35, 39, §**871;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.32]

91 Acts, ch 129, §16; 2019 Acts, ch 24, §11

50.33 Forwarding of envelopes.

The envelopes, including the one addressed to the speaker, after being prepared, sealed, and endorsed as required by this chapter, shall be placed in one package and forwarded to the state commissioner.

[C51, §284, 305; R60, §518, 539; C73, §645, 662; C97, §1157; S13, §1157; C24, 27, 31, 35, 39, §**872;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.33]

93 Acts, ch 143, §23

50.34 Missing abstracts.

If the abstracts from any county are not received at the office of the state commissioner within fifteen days after the day of election, the state commissioner shall send a messenger to the commissioner of such county, who shall furnish the messenger with them, or, if they have been sent, with a copy thereof, and the messenger shall return them to the state commissioner without delay.

[C51, §285; R60, §519; C73, §649; C97, §1158; C24, 27, 31, 35, 39, §**873;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.34]

50.35 Delivery of abstracts.

The envelopes containing the abstracts of votes for governor and lieutenant governor shall not be opened by the state commissioner, but the state commissioner shall securely preserve the same and deliver them to the speaker of the house of representatives at the time said abstracts are canvassed as provided by law.

[C24, 27, 31, 35, 39, §**874;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.35]

Canvass by general assembly, §2.27 et seq.; also Iowa Constitution, Art. IV, §3

50.36 Envelopes containing other abstracts — canvass.

1. The secretary of state, upon receipt of the envelopes containing the abstracts of votes, shall open and canvass the abstracts for all offices except governor and lieutenant governor.

2. The secretary of state shall invite to attend the canvass one representative from each political party which, at the last three preceding general elections, cast for its candidate for president of the United States or for governor, as the case may be, at least two percent of the total vote cast for all candidates for that office at those elections, as determined by the secretary of state. The secretary of state shall notify the chairperson of each political party of the time of the canvass. However, the presence of a representative from a political party is not necessary for the canvass to proceed.

[C51, §286; R60, §520; C73, §650; C97, §1159; C24, 27, 31, 35, 39, §**875;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.36]

95 Acts, ch 189, §11; 2025 Acts, ch 123, §29

50.37 State canvassing board.

The executive council shall constitute a board of canvassers of all abstracts of votes required to be filed with the state commissioner, except for the offices of governor and lieutenant

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governor. Any clerical error found by the secretary of state or state board of canvassers shall be corrected by the county commissioner in a letter addressed to the state board of canvassers.

[C51, §287; R60, §521; C73, §647, 651; C97, §1160, 1162; S13, §1162; C24, 27, 31, 35, 39, §**876;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.37]

95 Acts, ch 189, §12

Canvass of constitutional amendments and public measures, §49A.8

50.38 Time of state canvass.

Not later than twenty-seven days after the day of the election, the secretary of state shall present to the board of state canvassers abstracts of votes cast at the election showing the number of ballots cast for each office and a summary of the results for each office, showing the votes cast in each county. The state board of canvassers shall review the results compiled by the secretary of state and, if the results are accurately tabulated, the state board shall approve the canvass.

[C51, §288, 306; R60, §522, 540; C73, §647, 652, 663; C97, §1161, 1162; S13, §1162; C24, 27, 31, 35, 39, §**877;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.38]

95 Acts, ch 189, §13

Referred to in §50.48

Canvass under special election, §50.46

50.39 Abstract.

The state board of canvassers shall make an abstract stating the number of ballots cast for each office, the names of all the persons voted for, for what office, the number of votes each received, and whom the state board of canvassers declares to be elected, and if a public question has been submitted to the voters of the state, the number of ballots cast for and against the question and a declaration of the result as determined by the canvassers; which abstract shall be signed by the canvassers in their official capacity and as state canvassers, and have the seal of the state affixed.

[C51, §289, 306; R60, §523, 540; C73, §653, 663; C97, §1163; C24, 27, 31, 35, 39, §**878;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.39]

2009 Acts, ch 57, §43; 2011 Acts, ch 34, §15

50.40 Record of canvass.

The state commissioner shall file the abstracts when received and shall have the same bound in book form to be kept by the state commissioner as a record of the result of said state election, to be known as the state election book.

[C51, §290; R60, §524; C73, §654; C97, §1164; S13, §1164; C24, 27, 31, 35, 39, §**879;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.40]

50.41 Certificate of election.

1. Each person declared elected by the state board of canvassers shall receive a certificate, signed by the governor or, in the governor's absence, by the secretary of state, with the seal of state affixed, attested by the other canvassers, to be in substance as follows:

> STATE OF IOWA:
>
> To ..... (candidate's name): It is hereby certified that, at an election held on the ..... day of ..... you were elected to the office of ..... of Iowa, for the term of ..... years, from the ..... day of ..... (or if to fill a vacancy, for the residue of the term, ending on the ..... day of .....).
>
> Given at the seat of government this ..... day of .....

2. If the governor is absent, the certificate of the election of the secretary of state shall

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be signed by the auditor. The certificate to members of the legislature shall describe, by the number, the district from which the member is elected.

[C51, §288, 306; R60, §522, 540; C73, §652, 657, 663; C97, §1165; C24, 27, 31, 35, 39, §**880;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.41]

87 Acts, ch 115, §10; 2000 Acts, ch 1058, §10

50.42 Certificates mailed.

The state commissioner shall prepare and deliver or mail certificates of election to the persons declared elected.

[C51, §292, 294; R60, §526, 528; C73, §648, 656, 658; C97, §1167; C24, 27, 31, 35, 39, §**881;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.42]

50.43 Senator or representative.

The certificate of the election of a senator or representative in Congress shall be signed by the governor, with the seal of the state affixed, and be countersigned by the secretary of state.

[C51, §294; R60, §528; C73, §658; C97, §1166; C24, 27, 31, 35, 39, §**882;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.43]

50.44 Tie vote.

If more than the requisite number of persons, including presidential electors, are found to have an equal and the highest number of votes, the election of one of them shall be determined by lot. The name of each of such candidates shall be written on separate pieces of paper, as nearly uniform in size and material as possible, and placed in a receptacle so that the names cannot be seen. In the presence of the board of canvassers, one of them shall publicly draw one of such names, and such person shall be declared elected. The result of such drawing shall be entered upon the abstract of votes and duly recorded, and a certificate of election issued to such person, as provided in this chapter.

[C51, §281, 282, 307, 316; R60, §515, 516, 541, 547; C73, §632, 643, 644, 664; C97, §1169, 2754; S13, §2754; C24, §883, 4204; C27, §883, 4204, 4211-b8; C31, 35, §883, 4216-c21; C39, §**883, 4216.21;** C46, 50, 54, 58, 62, 66, 71, 73, §50.44, 277.21; C75, 77, 79, 81, §50.44]

Referred to in §62.18, 331.383, 376.11

50.45 Canvass public — result determined.

All canvasses of tally lists shall be public, and the persons having the greatest number of votes shall be declared elected. When a public measure has been submitted to the electors, the proposition shall be declared to have been adopted if the vote cast in favor of the question is greater than fifty percent of the total vote cast in favor and against the question, unless laws pertaining specifically to the public measure election establish a higher percentage of a favorable vote. All ballots cast and not counted as a vote in favor or against the proposition shall not be used in computing the total vote cast in favor and against the proposition.

[C51, §262, 273, 307; R60, §497, 508, 541; C73, §623, 638, 664; C97, §1170; C24, 27, 31, 35, 39, §**884;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.45]

88 Acts, ch 1119, §21

Referred to in §331.383

50.46 Special elections — canvass and certificate.

When a special election has been held to fill a vacancy, pursuant to section 69.14, the board of county canvassers shall meet no earlier than 1:00 p.m. on the second day after the election, and canvass the votes cast at the election. If the second day after the election is a public holiday, section 4.1, subsection 34, controls. The commissioner, as soon as the canvass is completed, shall transmit to the state commissioner an abstract of the votes so canvassed, and the state board, within five days after receiving such abstracts, shall canvass the tally lists. A certificate of election shall be issued by the county or state board of canvassers, as in

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other cases. All the provisions regulating elections, obtaining tally lists, and canvass of votes at general elections, except as to time, shall apply to special elections.

[R60, §673; C73, §791-793; C97, §1171; C24, 27, 31, 35, 39, §**885;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.46]

90 Acts, ch 1238, §27; 2010 Acts, ch 1033, §28

Referred to in §331.383

50.47 Messengers for election tally lists.

Messengers sent for the tally lists of elections shall be paid from the state or county treasury for necessary travel expense.

[C51, §295; R60, §529; C73, §3827; C97, §1172; C24, 27, 31, 35, 39, §**886;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §50.47]

Referred to in §43.47, 331.383

50.48 General recount provisions.

1. *a.* Except as provided in paragraph "*c*", the county board of canvassers shall order a recount of the votes cast for a particular office or nomination in each election precinct where a vote was cast for an office if a written request for a recount is made not later than 5:00 p.m. on the day following the county board's canvass of the election in question and the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than either one percent or fifty votes, whichever is lesser. For a city runoff election held pursuant to section 376.9, the written request must be made not later than 5:00 p.m. on the day following the county board's canvass of the city runoff election. The request shall be filed with the commissioner of that county and shall be signed by either of the following:

(1) A candidate for that office or nomination whose name was printed on the ballot of the precinct or precincts where the recount is requested.

(2) Any other person who receives votes for that particular office or nomination in the precinct or precincts where the recount is requested and who is legally qualified to seek and to hold the office in question.

b. Immediately upon receipt of a request for a recount, the commissioner shall send a copy of the request to the apparent winner by certified mail. The commissioner shall also attempt to contact the apparent winner by telephone. If the apparent winner cannot be reached within four days, the chairperson of the political party or organization which nominated the apparent winner shall be contacted and shall act on behalf of the apparent winner, if necessary. For candidates for state or federal offices, the chairperson of the state party shall be contacted. For candidates for county offices, the county chairperson of the party shall be contacted.

c. The state commissioner of elections shall order a recount of the votes cast for the election or nomination of a candidate for a statewide elected office, member of the general assembly, or federal office in each precinct where a vote was cast for the office if a written request for a recount is made not later than 5:00 p.m. on the day following the county board's canvass of the election in question and the abstracts prepared pursuant to section 50.24, or section 43.49 in the case of a primary election, indicate that the difference between the total number of votes cast for the apparent winner and the total number of votes cast for the candidate requesting the recount is less than fifteen hundredths of one percent for the election or nomination of a candidate for a statewide elected office or federal office, or less than either one percent or fifty votes, whichever is lesser, for all other elections or nominations. Immediately upon receipt of a request for a recount pursuant to this paragraph, the state commissioner of elections shall send a copy of the request to each commissioner of a county where a ballot for the office was cast, who shall conduct a recount as provided by this section and on such date as the state commissioner of elections may direct. The state commissioner of elections shall order the start of a recount pursuant to this paragraph within seven days of receipt by the state commissioner of elections of the request for a recount. A candidate for an office filled by the electors of the entire state shall not be required to pay more than one bond for a recount.

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d. Immediately upon receipt of a request for a recount for an office filled by the electors of more than one county, other than from the state commissioner of elections pursuant to paragraph "*c*", the commissioner shall send a copy of the request to each commissioner of a county where a ballot for the office was cast, who shall conduct a recount as provided in this section.

2. *a.* The recount shall be conducted by a board which shall consist of the commissioner and the commissioner's staff. The commissioner may assign persons employed by the commissioner to tally ballots during the election as members of the recount board. If the commissioner assigns persons employed by the commissioner to tally ballots during the election as members of the recount board to recount an election for a partisan office, the commissioner shall assign an equal number of persons from each political party.

b. The commissioner shall convene the persons designated under paragraph "*a*" not later than 9:00 a.m. on the seventh day following the receipt of a request for the recount of the election in question.

c. The candidate requesting the recount and the apparent winning candidate of the office subject to the recount may select not more than five persons to observe the conduct of the recount in each county where the recount is being conducted. A candidate may replace an observer appointed by the candidate at any time.

3. *a.* When all members of the recount board have been convened, the board shall undertake and complete the required recount as expeditiously as reasonably possible. The commissioner or the commissioner's designee shall supervise the handling of ballots to ensure that the ballots are protected from alteration or damage. The board shall recount all ballots which were voted and counted for the office in question, including any disputed ballots returned as required in section 50.5. The same program used for tabulating the votes on election day shall be used at the recount unless the program is believed or known to be flawed. A recount shall be conducted by the use of automatic tabulating equipment, except that the state commissioner, for an election for a member of the general assembly, or commissioner, for a local elective office, may direct that an election be conducted by hand due to extraordinary circumstances. The same method of conducting the recount shall be used in each precinct where the recount is conducted. The commissioner shall make all pieces of automatic tabulating equipment available for use in the recount. For purposes of this paragraph, *"extraordinary circumstances"* includes but is not limited to a machine failure during an initial recount, a discrepancy between the results of the initial count and the results of the initial recount, and the number of overvotes for an office exceeding the difference between the number of votes received by the apparent winning candidate for that office and the votes received by the candidate who received the second highest number of votes for that office.

b. The ballots shall be resealed by the recount board before adjournment and shall be preserved as required by section 50.12. At the conclusion of the recount, the recount board shall make and file with the commissioner a written report of its findings, which shall be signed by at least two-thirds of the members of the recount board. The recount board shall complete the recount and file its report not later than the eighteenth day following the commissioner's receipt of a request for the recount of the election in question.

4. *a.* (1) At the conclusion of a recount, the recount board shall make and file with the commissioner a written report of its findings, signed by a majority of the recount board.

(2) The commissioner or commissioner's designee may assist in compiling the written report. The written report shall include a full tally and accounting of ballots reviewed by the recount board and shall be reported as required by sections 50.24 and 53.20. The written report must allow the commissioner to correct the canvass of voters in the manner required by law, if applicable.

b. If the recount board's report is that the abstracts prepared pursuant to the county board's canvass were incorrect as to the number of votes cast for the candidates for the office or nomination in question, in that county or district, the commissioner shall at once so notify the county board. The county board shall reconvene within three days after being so notified, but no later than noon on the twenty-seventh day following the election in question

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for a recount of the offices of president and vice president, and shall correct its previous proceedings.

5. The commissioner shall promptly notify the state commissioner of any recount of votes for an office to which section 50.30, or section 43.60 in the case of a primary election, is applicable. If necessary, the state canvass required by section 50.38, or by section 43.63, as the case may be, shall be delayed with respect to the office or the nomination to which the recount pertains. The commissioner shall subsequently inform the state commissioner at the earliest possible time whether any change in the outcome of the election in that county or district resulted from the recount.

6. If the election is a city primary election held pursuant to section 376.7, the recount shall progress according to the times provided by this subsection. If this subsection applies the canvass shall be held by the second day after the election, the request for a recount must be made by the third day after the election, the board shall convene to conduct the recount by the sixth day after the election, and the report shall be filed by the eighth day after the election.

7. When a city council has chosen a runoff election pursuant to section 376.9, the recount shall progress according to the times provided by this subsection. If this subsection applies, the canvass shall be conducted pursuant to section 50.24. The request for a recount must be made by the day after the canvass, and the board shall convene for the first time not later than the first Friday following the canvass. The report shall be filed not later than the fourteenth day after the election.

8. *a.* The recount board shall comply with all guidance issued by the state commissioner of elections pursuant to section 47.1 during the conduct of a recount. The state commissioner may halt a recount in a county, take custody of all ballots and equipment used in the recount, and appoint staff to conduct a recount if the state commissioner believes that a recount is not being conducted as required by law.

b. If the state commissioner believes that a commissioner is purposefully conducting a recount in violation of law, the state commissioner may impose a civil penalty on the commissioner not to exceed twenty-five thousand dollars, to be deposited in the general fund of the state.

9. Before a recount board has issued its final report, the candidate or person who requested the recount may reach an agreement with the apparent winner to accept the results of the original canvass by submitting the agreement in writing to each recount board that is conducting the recount. Upon receipt of the agreement, the recount boards shall cease their work and report to each county commissioner in a county where the recount is being conducted that the results of the original canvass are the official results.

[S13, §1087-a18; C24, 27, 31, 35, 39, §**584 – 586;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §43.56 – 43.58; S81, §50.48; 81 Acts, ch 34, §34]

86 Acts, ch 1224, §15, 16; 93 Acts, ch 143, §24, 25; 94 Acts, ch 1180, §19; 97 Acts, ch 170, §58; 2002 Acts, ch 1134, §47, 115; 2007 Acts, ch 190, §3; 2008 Acts, ch 1032, §153; 2009 Acts, ch 57, §44; 2017 Acts, ch 155, §29, 44; 2019 Acts, ch 148, §51, 52; 2021 Acts, ch 76, §12; 2024 Acts, ch 1146, §9; 2025 Acts, ch 122, §7 – 11

Referred to in §43.56, 50.12, 50.24, 50.49, 331.383, 376.7

50.49 Recounts for public measures.

1. A recount for any public measure shall be ordered by the board of canvassers if a petition requesting a recount is filed with the state commissioner for a public measure voted on by the electors of the entire state, or the county commissioner for all other public measures, not later than three days after the completion of the canvass of votes for the election at which the question appeared on the ballot and the abstracts prepared pursuant to section 50.24 indicate that the difference between the affirmative and negative votes cast on the public measure is less than fifteen hundredths of one percent for a public measure voted on by the electors of the entire state, or less than either one percent or fifty votes, whichever is lesser, for all other public measures. For a public measure that is not voted on by the electors of the entire state and that requires the affirmative vote of at least sixty percent of the votes cast on the public measure, the abstracts prepared pursuant to section 50.24 must indicate that the

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difference between passage and defeat of the public measure is less than either one percent or fifty votes, whichever is lesser. The petition shall be signed by the greater of not less than ten eligible electors or a number of eligible electors equaling one percent of the total number of votes cast upon the public measure. Each petitioner must be a person who was entitled to vote on the public measure in question or would have been so entitled if registered to vote.

2. The recount shall be conducted by a board which shall consist of the commissioner and the commissioner's staff, which may include persons employed by the commissioner to tally ballots during the election.

3. The commissioner shall convene the persons designated under subsection 2 not later than 9:00 a.m. on the seventh day following the canvass of the election in question.

4. The procedure for the recount shall follow the provisions of section 50.48, subsections 3 through 6, as far as possible.

95 Acts, ch 189, §14; 2002 Acts, ch 1134, §48, 115; 2008 Acts, ch 1032, §154; 2008 Acts, ch 1115, §103; 2025 Acts, ch 122, §12, 13; 2026 Acts, ch 1073, §4, 5
Referred to in §50.12
Subsections 1 – 3 amended

50.50 Administrative audits.

1. The commissioner who was responsible for conducting an election may request an administrative audit when the commissioner is informed or suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election, or if the precinct election officials report counting errors to the commissioner after the conclusion of the canvass of votes in the precinct. An administrative audit shall be conducted by the board of the special precinct established by section 53.23. The state commissioner may adopt rules for administrative audits.

2. Each political party, as defined in section 43.2, may appoint up to five observers to witness an audit conducted pursuant to this section. The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the board may continue with the proceedings.

97 Acts, ch 170, §59; 2002 Acts, ch 1134, §49, 115; 2025 Acts, ch 122, §14
Referred to in §50.12, 50.51

50.51 Election audits.

1. After each general election, the state commissioner shall, with the cooperation of the county commissioners, conduct an audit of the official canvass of votes from the preceding general election.

2. The state commissioner shall determine the number of counties and precincts to be audited and shall select the precincts to be audited by lot. The absentee ballot and special voters precinct for each county, established pursuant to section 53.20, shall be included with all other precincts of the county for selection by lot. In every precinct selected, the commissioner shall conduct a hand count of ballots cast in the preceding general election for president of the United States or governor, as the case may be. The hand count may be of less than all ballots cast, in accordance with rules adopted by the state commissioner.

a. A representative selected by each of the two political parties whose candidates received the highest number of votes statewide in the preceding general election shall be invited to observe the hand count. The commissioner shall notify the county chairperson of each political party a minimum of two days before the hand count of the time and place of the hand count.

b. If an invited representative does not appear at the hand count, the commissioner shall notify the state commissioner.

3. *a.* The commissioner may order an administrative recount pursuant to section 50.50 if the commissioner determines the results of an audit require an administrative recount.

b. If selected to conduct an audit, the commissioner shall provide an audit report to the county board of supervisors and shall transmit the audit report to the state commissioner no later than twenty days following the election.

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4. The results of an audit conducted pursuant to this section shall not change the results, or invalidate the certification, of an election.

5. In advance of all other elections, the state commissioner shall order an audit of the election in the manner provided in this section.

6. The state commissioner shall adopt rules, pursuant to chapter 17A, to implement this section, which may include the establishment of pilot programs related to post-election audits.

2017 Acts, ch 110, §43; 2018 Acts, ch 1149, §8, 12; 2019 Acts, ch 148, §29, 33; 2021 Acts, ch 147, §38, 54

Referred to in §49.128, 50.12

50.52 Enforcement.

Members of local law enforcement agencies and the state patrol are authorized to take all reasonable actions to prevent violations of this chapter.

2021 Acts, ch 12, §42, 73

CHAPTER 51

DOUBLE ELECTION BOARDS

Repealed by 2010 Acts, ch 1060, §8, 9

CHAPTER 52

VOTING SYSTEMS

Referred to in §39.3, 39.28, 39A.1, 39A.2, 39A.6, 43.5, 47.1, 49.26, 49.128, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 331.427, 357J.16, 360.1, 372.2, 376.1

Chapter applicable to primary elections, §43.5
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52.11 through 52.16 Repealed by 2007 Acts, ch 190, §13.
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52.31 Procedure where votes cast on optical scan ballots.
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52.33 Absentee voting by optical scan voting system.
52.34 Counting center established. Repealed by 2007 Acts, ch 190, §13.

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52.35 Equipment tested.
52.36 Commissioner in charge of counting center — appointment of resolution board. Repealed by 2007 Acts, ch 190, §13.
52.37 Special precinct tabulation procedure.
52.38 Testing portable tabulating devices. Repealed by 2007 Acts, ch 190, §13.
52.39 Election equipment — physical security.
52.40 Early pick-up sites established — procedure. Repealed by 2007 Acts, ch 190, §13.
52.41 Electronic transmission of election results.

52.1 Voting systems — definitions.

1. At all elections conducted under chapter 49, and at any other election unless the commissioner directs otherwise pursuant to section 49.26, votes shall be cast, registered, recorded, and counted by means of optical scan voting systems, in accordance with this chapter.

2. As used in this chapter, unless the context otherwise requires:

a. "Automatic tabulating equipment" means apparatus, including but not limited to electronic data processing machines, that are utilized to ascertain the manner in which optical scan ballots have been marked by voters or by electronic ballot marking devices, and count the votes marked on the ballots.

b. "Ballot" includes paper ballots designed to be read by automatic tabulating equipment. In appropriate contexts, *"ballot"* also includes conventional paper ballots.

c. "Ballot marking device" means a pen, pencil, or similar writing tool, or an electronic device, all designed for use in marking an optical scan ballot, and so designed or fabricated that the mark it leaves may be detected and the vote so cast counted by automatic tabulating equipment.

d. "Optical scan ballot" means a printed ballot designed to be marked by a voter with a ballot marking device.

e. "Optical scan voting system" means a system employing paper ballots under which votes are cast by voters by marking paper ballots with a ballot marking device and thereafter counted by use of automatic tabulating equipment.

f. "Program" means the written record of the set of instructions defining the operations to be performed by a computer in examining, counting, tabulating, and printing votes.

[S13, §1137-a7; C24, 27, 31, 35, 39, §**904;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.1]

86 Acts, ch 1224, §17, 18; 2002 Acts, ch 1134, §50, 51, 115; 2004 Acts, ch 1083, §24, 37; 2007 Acts, ch 190, §4, 5; 2009 Acts, ch 57, §46, 47

Referred to in §49.99

52.2 Optical scan voting system required.

Notwithstanding any provision to the contrary, for elections held on or after November 4, 2008, a county shall use an optical scan voting system only. The requirements of the federal Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666, relating to disabled voters shall be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

[S13, §1137-a8; C24, 27, 31, 35, 39, §**905;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.2]

2004 Acts, ch 1083, §25, 37; 2007 Acts, ch 190, §6; 2008 Acts, ch 1176, §3, 10; 2011 Acts, ch 34, §16; 2020 Acts, ch 1062, §19

Referred to in §47.10, 331.383

52.3 Terms of purchase — tax levy.

The county board of supervisors, on the adoption and purchase of an optical scan voting system, may issue bonds under section 331.441, subsection 2, paragraph *"b"*, subparagraph (1).

[S13, §1137-a14; C24, 27, 31, 35, 39, §**906;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §52.3; 81 Acts, ch 117, §1009]

83 Acts, ch 123, §46, 209; 2007 Acts, ch 190, §27; 2009 Acts, ch 57, §48

Referred to in §331.383

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52.4 Examiners — term — removal.

1. The state commissioner of elections shall appoint three members to a board of examiners for voting systems, not more than two of whom shall be from the same political party. The examiners shall hold office for staggered terms of six years, subject to removal at the pleasure of the state commissioner of elections.

2. At least one of the examiners shall have been trained in computer programming and operations, or cybersecurity. The other two members shall be directly involved in the administration of elections and shall have experience in the use of optical scan voting systems.

[S13, §1137-a9; C24, 27, 31, 35, 39, §**907;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.4]

94 Acts, ch 1180, §20; 2007 Acts, ch 190, §28; 2009 Acts, ch 57, §49; 2018 Acts, ch 1149, §9, 12

52.5 Testing and examination of voting equipment.

1. A person or corporation owning or being interested in an optical scan voting system may request that the state commissioner call upon the board of examiners to examine and test the system. Within seven days of receiving a request for examination and test, the state commissioner shall notify the board of examiners of the request in writing and set a time and place for the examination and test.

2. The state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the testing and examination of any optical scan voting system by the board of examiners. The rules shall prescribe the method to be used in determining whether the system is suitable for use within the state and performance standards for voting equipment in use within the state. The rules shall provide that all optical scan voting systems approved for use by the examiners after April 9, 2003, shall meet voting systems performance and test standards, as adopted by the United States election assistance commission, as deemed adopted by the federal Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666. The rules shall include standards for determining when recertification is necessary following modifications to the equipment or to the programs used in tabulating votes, and a procedure for rescinding certification if a system is found not to comply with performance standards adopted by the state commissioner.

3. The state commissioner may employ a competent person or persons to assist the examiners in their evaluation of the equipment and to advise the examiners as to the sufficiency of the equipment. Consultant fees shall be paid by the person who requested the certification. Following the examination and testing of the optical scan voting system, the examiners shall report to the state commissioner describing the testing and examination of the system and upon the capacity of the system to register the will of voters, its accuracy and efficiency, and with respect to its mechanical perfections and imperfections. Their report shall be filed in the office of the state commissioner and shall state whether in their opinion the kind of system so examined can be safely used by voters at elections under the conditions prescribed in this chapter. If the report states that the system can be so used, it shall be deemed approved by the examiners, and systems of its kind may be adopted for use at elections as provided in this section. Any form of system not so approved cannot be used at any election.

4. Before actual use by a county of a particular optical scan voting system which has been approved for use in this state, the state commissioner shall formulate, with the advice and assistance of the examiners, and adopt rules governing the development of vote counting programs and all procedures used in actual counting of votes by means of that system.

[S13, §1137-a10; C24, 27, 31, 35, 39, §**908;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.5]

86 Acts, ch 1224, §19; 89 Acts, ch 136, §50; 2004 Acts, ch 1083, §26, 37; 2007 Acts, ch 190, §29; 2009 Acts, ch 57, §50; 2026 Acts, ch 1073, §6

Referred to in §52.6
Subsection 2 amended

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52.6 Compensation.

1. Each examiner is entitled to one hundred fifty dollars for compensation and expenses in making an examination and report under section 52.5, to be paid by the person or corporation applying for the examination. However, each examiner shall receive not to exceed fifteen hundred dollars and reasonable expenses in any one year; and all sums collected for such examinations over and above said maximum salaries and expenses shall be turned in to the state treasury.

2. An examiner shall not have any interest whatever in any optical scan voting system reported upon.

[S13, §1137-a10; C24, 27, 31, 35, 39, §**909;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.6]

2009 Acts, ch 57, §51

52.7 Construction of machine approved — requirements. Repealed by 2009 Acts, ch 57, §96.

52.8 Experimental use. Repealed by 2020 Acts, ch 1063, §389.

52.9 and 52.10 Repealed by 2009 Acts, ch 57, §96.

52.11 through 52.16 Repealed by 2007 Acts, ch 190, §13.

52.17 and 52.18 Repealed by 2009 Acts, ch 57, §96.

52.19 Instructions.

In case any elector after entering the voting booth shall ask for further instructions concerning the manner of voting, two precinct election officials of opposite political parties shall give such instructions to the elector; but no precinct election official or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question, or proposition. After receiving such instructions, the elector shall vote as in the case of an unassisted voter.

[S13, §1137-a22; C24, 27, 31, 35, 39, §**921;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.19]

2009 Acts, ch 57, §53

52.20 Injury to machine. Repealed by 2009 Acts, ch 57, §96.

52.21 Canvass of vote — tally sheet. Repealed by 2007 Acts, ch 190, §13.

52.22 Locking machine. Repealed by 2007 Acts, ch 190, §13.

52.23 Written statements of election.

After the total vote for each candidate has been ascertained, and before leaving the room or voting place, the precinct election officials shall make and sign the tally list required in section 50.16. One copy of the printed results from each tabulating device shall be signed by all precinct election officials present and shall be attached to the tally list from the precinct. The printed results attached to the tally list shall reflect all votes cast in the precinct, including overvotes and undervotes, for each candidate and public measure on the ballot.

[S13, §1137-a26; C24, 27, 31, 35, 39, §**925;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.23]

86 Acts, ch 1224, §23; 93 Acts, ch 143, §26; 2007 Acts, ch 190, §31; 2009 Acts, ch 57, §54

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52.24 Separate ballots.

Nothing in this chapter shall be construed as prohibiting the use of a separate ballot for public measures.

[S13, §1137-a27; C24, 27, 31, 35, 39, §**926;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §52.24]

2009 Acts, ch 57, §55

Single ballot, exceptions; see also §49.30, 49.43

52.25 Summary of amendment or public measure.

1. The question of a constitutional convention, amendments, and public measures including bond issues may be voted on ballots in the following manner:

a. The entire convention question, amendment, or public measure shall be printed and displayed prominently in at least one place within the voting precinct, and inside each voting booth, the printing to be in conformity with the provisions of chapter 49.

b. The question, amendment, or measure, and summaries thereof, shall be printed on the ballots. In no case shall the font size be less than ten point type.

2. The public measure shall be summarized by the commissioner, except that:

a. In the case of the question of a constitutional convention, or of an amendment or measure to be voted on in the entire state, the summary shall be worded by the state commissioner of elections as required by section 49.44.

b. In the case of a public question to be voted on in a political subdivision lying in more than one county, the summary shall be worded by the controlling commissioner under section 47.2 for that election.

[C62, 66, 71, 73, 75, 77, 79, 81, §52.25]

88 Acts, ch 1119, §25; 2002 Acts, ch 1134, §52, 115; 2007 Acts, ch 59, §16, 19; 2007 Acts, ch 190, §32; 2008 Acts, ch 1032, §201; 2009 Acts, ch 57, §56; 2009 Acts, ch 133, §15; 2017 Acts, ch 155, §30, 44

Referred to in §49.43, 364.2

52.26 Authorized optical scan voting system.

1. Every optical scan voting system approved by the state board of examiners for voting systems shall:

a. Provide for voting in secrecy, except as to persons entitled by sections 49.90 and 49.91 to assistance. The state board of examiners for voting systems shall determine whether the systems' voting booths provide for voting in secrecy.

b. Permit each voter to vote at any election for any candidate for each office and upon each public question with respect to which the voter is entitled by law to vote, while preventing the voter from voting more than once upon any public question or casting more votes for any office than there are persons to be elected to that office.

c. Permit a voter to vote for any person for any office on the ballot at that election, whether or not the person's name is printed on the ballot.

d. Be so constructed or designed that, when voting in a primary election in which candidates are nominated by political parties, a voter is limited to the candidates for the nominations of the political party with which that voter is affiliated.

e. Be so constructed or designed that in presidential elections the voter casts a vote for the presidential electors of any party or political organization by a single mark made opposite the name of the candidates of that party or organization for the offices of both president and vice president of the United States, and so that the voter is also provided the opportunity to write in the name of any person for whom the voter desires to vote for president or vice president of the United States.

f. Be so constructed or designed as to permit voting for candidates for nomination or election of at least seven different political parties or organizations, and to permit voting for all of the candidates of any one political party or organization by a single mark, at any one election.

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2. A punch card voting system shall not be approved for use.
[C77, 79, 81, §52.26]
90 Acts, ch 1007, §2; 2002 Acts, ch 1134, §53, 115; 2007 Acts, ch 190, §33, 34

52.27 Commissioner to provide optical scan voting equipment.
The commissioner having jurisdiction of any precinct for which the board of supervisors has adopted voting by means of an optical scan voting system shall, as soon as practicable thereafter, provide for use at each election held in the precinct optical scan ballots and ballot marking devices in appropriate numbers. The commissioner shall have custody of all equipment required for use of the optical scan voting system, and shall be responsible for maintaining it in good condition and for storing it between elections.
[C77, 79, 81, §52.27]
2002 Acts, ch 1134, §54, 115; 2007 Acts, ch 190, §35; 2009 Acts, ch 57, §57

52.28 Optical scan voting system ballot forms.
The commissioner of each county in which the use of an optical scan voting system in one or more precincts has been authorized shall print text on optical scan ballots using black ink on white paper and shall determine the arrangement of candidates' names and public questions upon the ballot or ballots used with the system. The ballot information shall be arranged as required by chapters 43 and 49, and by any relevant provisions of any statutes which specify the form of ballots for special elections, so far as possible within the constraints of the physical characteristics of the optical scan voting system in use in that county. The state commissioner may adopt rules requiring a reasonable degree of uniformity among counties in arrangement of optical scan voting system ballots.
[C77, 79, 81, §52.28]
2002 Acts, ch 1134, §55, 56, 115; 2007 Acts, ch 190, §36; 2009 Acts, ch 57, §58; 2016 Acts, ch 1121, §4

52.29 Optical scan voting system sample ballots.
The commissioner shall provide for each precinct where an optical scan voting system is in use at least one sample optical scan ballot which shall be an exact copy of the official ballots as printed for that precinct. The sample ballot shall be posted prominently within the polling place, and shall be open to public inspection during the hours the polls are open on election day. If the ballot used on election day has offices or questions appearing on the back of the ballot, both sides of the sample ballot shall be displayed.
[C77, 79, 81, §52.29]
2002 Acts, ch 1134, §57, 115; 2007 Acts, ch 190, §37; 2009 Acts, ch 57, §59
Referred to in §49.49

52.30 Procedure where votes cast on ballot cards. Repealed by 2002 Acts, ch 1134, §114, 115.

52.31 Procedure where votes cast on optical scan ballots.
Preparations for voting and voting at any election in a precinct where votes are to be received on optical scan ballots shall be in accordance with the provisions of chapter 49 governing voting upon conventional paper ballots with the following exceptions:
1. Before entering the voting booth each voter shall be cautioned to mark the ballot only with a ballot marking device provided in the booth or by the precinct election officials.
2. In each precinct where portable automatic tabulating equipment is used, the voter may personally insert the ballot into the tabulating device.
[C77, 79, 81, §52.31]
86 Acts, ch 1224, §24; 2007 Acts, ch 190, §38

52.32 Procedure upon closing polls. Repealed by 2007 Acts, ch 190, §13.

52.33 Absentee voting by optical scan voting system.
1. In any county in which the board of supervisors has adopted voting by means of an

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optical scan voting system, the commissioner shall also conduct absentee voting by use of such a system. In any other county, the commissioner may with approval of the board of supervisors conduct absentee voting by use of an optical scan voting system. All provisions of chapter 53 shall apply to such absentee voting, so far as applicable. In counties where absentee voting is conducted by use of an optical scan voting system, the special precinct counting board shall, at the time required by chapter 53, prepare absentee ballots for tabulation in the manner prescribed by this chapter.

2. The absentee and special precinct board shall follow the process prescribed in section 52.37, subsection 1, in handling damaged or defective ballots and in counting write-in votes on optical scan ballots.

[C77, 79, 81, §52.33]

97 Acts, ch 170, §62; 2002 Acts, ch 1134, §58, 115; 2007 Acts, ch 190, §9

52.34 Counting center established. Repealed by 2007 Acts, ch 190, §13.

52.35 Equipment tested.

Before the date of any election at which votes are to be cast by means of an optical scan voting system, the commissioner shall have the automatic tabulating equipment, including the portable tabulating devices, tested to ascertain that it will correctly count the votes cast for all offices and on all public questions. Testing shall be completed not later than twelve hours before the opening of the polls on the morning of the election. The procedure for conducting the test shall be as follows:

1. For any election to fill a partisan office, the county chairperson of each political party shall be notified in writing of the date, time, and place the test will be conducted, so that they may be present or have a representative present. For every election, the commissioner shall publish notice of the date, time, and place the test will be conducted. The commissioner may include such notice in the notice of the election published pursuant to section 49.53. The test shall be open to the public.

2. The test shall be conducted by processing a preaudited group of ballots marked so as to record a predetermined number of valid votes for each candidate, and on each public question, on the ballot. The test group shall include for each office and each question one or more ballots having votes in excess of the number allowed by law for that office or question, in order to test the ability of the automatic tabulating equipment to reject such votes. Any observer may submit an additional test group of ballots which, if so submitted, shall also be tested. The state commissioner shall promulgate administrative rules establishing procedures for any additional test group of ballots submitted by an observer. If any error is detected, its cause shall be ascertained and corrected and an errorless count obtained before the automatic tabulating equipment is approved. When so approved, a statement attesting to the fact shall be signed by the commissioner and kept with the records of the election.

3. The test group of ballots used for the test shall be clearly labeled as such, and retained in the commissioner's office. The test group of ballots and the programs used for the counting procedure shall be sealed, retained for the time required for and disposed of in the same manner as ballots cast in the election.

4. Those present for the test shall sign a certificate which shall read substantially as follows:

> The undersigned certify that we were present and witnessed the testing of the following tabulating devices; that we believe the devices are in proper condition for use in the election of ..... (date); that following the test the vote totals were erased from the memory of each tabulating device and a report was produced showing that all vote totals in the memory were set at 0000; that the devices were securely locked or sealed; and that the serial numbers and locations of the devices which were tested are listed below.

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Signed .....
(name and political party affiliation, if applicable)
.....
(name and political party affiliation, if applicable)
.....
Voting equipment custodian
Dated .....

Precinct	Location	Serial Number
.....	.....	.....
.....	.....	.....
.....	.....	.....

[C77, 79, 81, §52.35]
86 Acts, ch 1224, §26; 97 Acts, ch 170, §63; 98 Acts, ch 1123, §9; 2002 Acts, ch 1134, §59, 115; 2007 Acts, ch 190, §10 – 12
Referred to in §49.128, 49.129

52.36 Commissioner in charge of counting center — appointment of resolution board. Repealed by 2007 Acts, ch 190, §13.

52.37 Special precinct tabulation procedure.
The tabulation of absentee and provisional ballots cast by means of an optical scan voting system shall be conducted as follows:
1. *a.* If any ballot is found damaged or defective, so that it cannot be counted properly by the automatic tabulating equipment, a true duplicate shall be made by the resolution board team and substituted for the damaged or defective ballot, or, as an alternative, the valid votes on a defective ballot may be manually counted by the special precinct election board, whichever method is best suited to the system being used. All duplicate ballots shall be clearly labeled as such, and shall bear a serial number which shall also be recorded on the damaged or defective ballot.
b. The special precinct election board shall also tabulate any write-in votes which were cast. Write-in votes cast for a candidate whose name appears on the ballot for the same office shall be counted as a vote for the candidate indicated, if the vote is otherwise properly cast.
c. Ballots which are rejected by the tabulating equipment as blank because they have been marked with an unreadable marker shall be duplicated or tabulated as required by this subsection for damaged or defective ballots. The commissioner may instruct the special precinct election board to mark over voters' unreadable marks using a marker compatible with the tabulating equipment. The special precinct election board shall take care to leave part of the original mark made by the voter. If it is impossible to mark over the original marks made by the voter without completely obliterating them, the ballot shall be duplicated.
2. The record printed by the automatic tabulating equipment, with the addition of a record of any write-in or other votes manually counted pursuant to this chapter, shall constitute the official return of the absentee ballot and special voters precinct. Upon completion of the tabulation of the votes, the result shall be announced and reported in substantially the manner required by section 50.11.
3. If for any reason it becomes impracticable to count all or any part of the ballots with the automatic tabulating equipment, the commissioner may direct that they be counted manually, in accordance with chapter 50 so far as applicable.
[C77, 79, 81, §52.37]
92 Acts, ch 1034, §2; 93 Acts, ch 143, §29; 97 Acts, ch 170, §65; 2002 Acts, ch 1134, §60, 115; 2007 Acts, ch 190, §39; 2008 Acts, ch 1032, §156
Referred to in §52.33

52.38 Testing portable tabulating devices. Repealed by 2007 Acts, ch 190, §13. See §52.35.

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52.39 Election equipment — physical security.

Election equipment, including election equipment not currently in use, shall be secured by a tamper-evident seal at all times.

2026 Acts, ch 1073, §7
NEW section

52.40 Early pick-up sites established — procedure. Repealed by 2007 Acts, ch 190, §13.

52.41 Electronic transmission of election results.

With the advice of the board of examiners for voting systems, the state commissioner shall adopt by rule standards for the examination and testing of devices for the electronic transmission of election results. All voting systems which contain devices for the electronic transmission of election results submitted to the examiners for examination and testing after July 1, 2003, shall comply with these standards.

2002 Acts, ch 1134, §61, 115; 2009 Acts, ch 57, §60
Referred to in §50.11

CHAPTER 53

ABSENT VOTERS

Referred to in §9E.6, 39.3, 39.28, 39A.1, 39A.2, 39A.5, 39A.6, 43.5, 46.18, 47.1, 48A.5, 49.16, 52.33, 260C.15, 260C.39, 275.35, 277.3, 296.4, 298.18, 357J.16, 360.1, 372.2, 376.1, 468.511

Chapter applicable to primary elections, §43.5
Definitions in §39.3 applicable to this chapter
Criminal offenses, chapter 39A

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SUBCHAPTER I

GENERAL PROVISIONS

53.1 Right to vote — conditions.

1. Any registered voter may, subject to the provisions of this chapter, vote at any election:

a. When the voter expects to be absent on election day during the time the polls are open from the precinct in which the voter is a registered voter.

b. When, through illness or physical disability, the voter expects to be prevented from going to the polls and voting on election day.

c. When the voter expects to be unable to go to the polls and vote on election day.

2. A person who has been designated to have power of attorney by a registered voter does not have authority to request or to cast an absentee ballot on behalf of the registered voter.

[SS15, §1137-b; C24, 27, 31, 35, 39, §**927;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.1]
90 Acts, ch 1238, §28; 93 Acts, ch 143, §31; 94 Acts, ch 1169, §65; 2008 Acts, ch 1032, §201
Referred to in §53.2, 53.49

53.1A Rules.

The state commissioner shall adopt rules pursuant to chapter 17A for the implementation of this chapter.

2019 Acts, ch 148, §30, 33
Referred to in §53.49

53.2 Application for ballot.

1. *a.* Any registered voter, under the circumstances specified in section 53.1, may on any day, except election day, and not more than seventy days prior to the date of the election, apply in person for an absentee ballot at the commissioner's office or at any location designated by the commissioner. However, for those elections in which the commissioner directs the polls be opened at noon pursuant to section 49.73, a voter may apply in person for an absentee ballot at the commissioner's office from 8:00 a.m. until 11:00 a.m. on election day.

b. A registered voter may make written application to the commissioner for an absentee ballot. A written application for an absentee ballot must be received by the commissioner no later than 5:00 p.m. on the same day as the voter registration deadline provided in section 48A.9 for the election for which the ballot is requested, except when the absentee ballot is requested and voted at the commissioner's office pursuant to section 53.10. A written application for an absentee ballot delivered to the commissioner and received by the commissioner more than seventy days prior to the date of the election shall be returned to the voter with a notification of the date when the applications will be accepted.

c. The commissioner may send an absentee ballot application to a registered voter at the request of the registered voter. The commissioner shall not send an absentee ballot application to a person who has not submitted such a request.

d. In the event of a public health disaster declared by the governor pursuant to section 29C.6, the general assembly may by resolution direct the state commissioner to send an absentee ballot application to each registered voter prior to a primary or general election held

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in an even-numbered year. If the general assembly is not in session, the legislative council may so direct the state commissioner by a majority vote.

2. *a.* The state commissioner shall prescribe a form for absentee ballot applications. However, if a registered voter submits an application on a sheet of paper no smaller than three by five inches in size that includes all of the information required in this section, the prescribed form is not required.

b. Absentee ballot applications may include instructions to send the application directly to the county commissioner of elections. However, no absentee ballot application shall be preaddressed or printed with instructions to send the applications to anyone other than the appropriate commissioner.

c. No absentee ballot application shall be preaddressed or printed with instructions to send the ballot to anyone other than the voter.

d. No absentee ballot application shall be provided to a registered voter with any field prefilled, except that the absentee ballot application may have the fields for the type and date of the election prefilled.

3. This section does not require that a written communication mailed to the commissioner's office to request an absentee ballot, or any other document be notarized as a prerequisite to receiving or marking an absentee ballot or returning to the commissioner an absentee ballot which has been voted.

4. *a.* To request an absentee ballot, a registered voter shall provide:

(1) The name and signature of the registered voter and the date on which the request was signed.

(2) The registered voter's date of birth.

(3) The address at which the voter is registered to vote.

(4) The registered voter's voter verification number.

(5) The name or date of the election for which the absentee ballot is requested.

(6) Such other information as may be necessary to determine the correct absentee ballot for the registered voter.

b. If insufficient information has been provided, including the absence of a voter verification number, either on the prescribed form or on an application created by the applicant, the commissioner shall, within twenty-four hours after the receipt of the absentee ballot request, contact the applicant by telephone and electronic mail, if such information has been provided by the applicant. If the commissioner is unable to contact the applicant by telephone or electronic mail, the commissioner shall send a notice to the applicant at the address where the applicant is registered to vote, or to the applicant's mailing address if it is different from the residential address. If the applicant has requested the ballot to be sent to an address that is not the applicant's residential or mailing address, the commissioner shall send an additional notice to the address where the applicant requested the ballot to be sent. A commissioner shall not use the voter registration system to obtain additional necessary information. A voter requesting or casting a ballot pursuant to section 53.22 shall not be required to provide a voter verification number.

c. For purposes of this subsection, "*voter verification number*" means the registered voter's driver's license number or nonoperator's identification card number assigned to the voter by the department of transportation or the registered voter's four-digit personal identification number assigned to the voter by the state commissioner pursuant to section 48A.10A, subsection 1.

d. If an applicant does not have current access to the applicant's voter verification number, the commissioner shall verify the applicant's identity prior to supplying the voter verification number by asking the applicant to provide at least two of the following facts about the applicant:

(1) Date of birth.

(2) The last four digits of the applicant's social security number, if applicable.

(3) Residential address.

(4) Mailing address.

(5) Middle name.

(6) Voter verification number as defined in paragraph "*c*".

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5. The commissioner may dispute an application if it appears to the commissioner that the signature on the application has been signed by someone other than the registered voter, in comparing the signature on the application to the signature on record of the registered voter named on the application. If the commissioner disputes a registered voter's application under this subsection, the commissioner shall notify the registered voter and the registered voter may submit a new application and signature or update the registered voter's signature on record, as provided by rule adopted by the state commissioner.

6. An application for a primary election ballot which specifies a party different from that recorded on the registered voter's voter registration record, or if the voter's voter registration record does not indicate a party affiliation, shall be accepted as a change or declaration of party affiliation. The commissioner shall approve the change or declaration and enter a notation of the change on the registration records at the time the absentee ballot request is noted on the voter's registration record. A notice shall be sent with the ballot requested informing the voter that the voter's registration record will be changed to show that the voter is now affiliated with the party whose ballot the voter requested. If an application for a primary election ballot does not specify a party and the voter registration record of the voter from whom the application is received shows that the voter is affiliated with a party, the voter shall be mailed the ballot of the party indicated on the voter's registration record.

7. If an application for an absentee ballot is received from an eligible elector who is not a registered voter the commissioner shall send the eligible elector a voter registration form and another absentee ballot application form. If the application is received after the time registration closes pursuant to section 48A.9 but by 5:00 p.m. on the Saturday before the election for general elections or by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall notify the applicant by mail of the election day and in-person absentee registration provisions of section 48A.7A. In addition to notification by mail, the commissioner shall also attempt to contact the applicant by any other method available to the commissioner.

8. A registered voter who has not moved from the county in which the elector is registered to vote may submit a change of name, telephone number, or address on the absentee ballot application form when requesting an absentee ballot. The commissioner may also update a voter's identification number, as described in section 48A.11, subsection 1, paragraph *"e"*, if an identification number is provided on an absentee ballot application. Upon receipt of a properly completed form, the commissioner shall enter a notation of the change on the registration records.

9. An application for an absentee ballot that is returned to the commissioner by a person acting as an actual or implied agent for a political party, as defined in section 43.2, or by a candidate or committee, both as defined by chapter 68A, shall be returned to the commissioner within seventy-two hours of the time the completed application was received from the applicant or no later than 5:00 p.m. on the same day as the deadline under subsection 1, paragraph *"b"*, whichever is earlier. An application received by a person acting as an actual or implied agent of a political party after the deadline but before the date of the election shall be returned to the commissioner within twenty-four hours.

10. A registered voter who is a program participant under section 9E.6 may register to vote as an absentee voter with the state commissioner of elections pursuant to section 9E.6, subsection 2.

11. If an application for an absentee ballot is received between 5:00 p.m. on the fifteenth day before an election and 5:00 p.m. on the seventh day before an election, the commissioner shall notify the registered voter within twenty-four hours that the absentee ballot request cannot be processed and notify the registered voter of ways the registered voter may participate in the election. A notification sent pursuant to this subsection shall be transmitted in the same manner as a notification transmitted pursuant to subsection 4, paragraph *"b"*.

[SS15, §1137-c, -d; C24, 27, 31, 35, 39, §**928, 930;** C46, 50, 54, 58, 62, 66, 71, §53.2, 53.4; C73, 75, 77, 79, 81, §53.2]

83 Acts, ch 176, §6; 84 Acts, ch 1291, §11; 86 Acts, ch 1224, §28; 87 Acts, ch 221, §25; 91 Acts, ch 129, §17; 94 Acts, ch 1169, §54; 95 Acts, ch 189, §15; 97 Acts, ch 170, §68; 2004 Acts, ch 1083, §28, 29, 37; 2007 Acts, ch 59, §23, 38; 2008 Acts, ch 1032, §157; 2008 Acts, ch 1053,

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§1, 2; 2009 Acts, ch 57, §61; 2010 Acts, ch 1033, §29, 56; 2014 Acts, ch 1101, §15, 32; 2015 Acts, ch 96, §10, 17; 2017 Acts, ch 110, §6, 11, 30, 35, 36; 2017 Acts, ch 170, §26; 2020 Acts, ch 1121, §123 – 125; 2021 Acts, ch 12, §43 – 45, 73; 2021 Acts, ch 147, §39, 54; 2025 Acts, ch 123, §14

Referred to in §22.7(72), 53.22, 53.39, 53.45, 53.49

53.3 Requirements for certain absentee ballot applications — prescribed form — receipt.

1. When an application for an absentee ballot is solicited by, or collected for return to the commissioner by, a person acting as an actual or implied agent for a political party, candidate, or committee, as defined by chapter 68A, the person shall provide the applicant with the form prescribed by the state commissioner.

2. *a.* When an application for an absentee ballot is solicited by, and returned to the commissioner by, a person acting as an actual or implied agent for a political party, candidate, or committee, as defined by chapter 68A, the person shall issue to the applicant a receipt for the completed application.

b. The receipt shall contain the following information:

(1) The name of the applicant.

(2) The date and time the completed application was received from the applicant.

(3) The name and date of the election for which the application is being completed.

(4) The name of the political party, candidate, or committee for whom the person is soliciting and returning the application for the absentee ballot.

(5) The name of the person acting as an actual or implied agent for the political party, candidate, or committee.

(6) A statement that the application will be delivered to the appropriate commissioner within seventy-two hours of the date and time the completed application was received from the applicant or no later than 5:00 p.m. on the Friday before the election, whichever is earlier.

(7) A statement that an absentee ballot will be mailed to the applicant within twenty-four hours after the ballot for the election is available.

c. The commissioner shall make receipt forms required by this section available for photocopying at the expense of the political party, candidate, or committee.

2004 Acts, ch 1083, §30, 37; 2004 Acts, ch 1175, §360; 2008 Acts, ch 1032, §201; 2008 Acts, ch 1053, §3

Referred to in §53.49

53.4 Absentee ballots — reports.

1. Beginning on the first day that absentee ballots are mailed in each primary and general election and each special election pursuant to section 69.14, and through election day, the state commissioner shall publish a report regarding absentee ballots on a daily basis. The report shall include, at a minimum, all of the following information:

a. The number of absentee ballot request forms received by a county commissioner.

b. The number of absentee ballots sent by a county commissioner.

c. The total number of absentee ballots received by a county commissioner, and the total delivered by each of the following methods:

(1) Mail.

(2) Delivery to a drop box.

(3) Delivery by hand.

(4) Voted in person at a satellite location.

2. Each county commissioner shall provide all information necessary under this section to the state commissioner in a manner prescribed by the state commissioner.

2021 Acts, ch 12, §46, 73

Referred to in §53.49

53.5 and 53.6 Reserved.

53.7 Solicitation by public employees.

1. It shall be unlawful for any employee of the state or any employee of a political subdivision to solicit any application or request for application for an absentee ballot,

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or to take an affidavit in connection with any absentee ballot while the employee is on the employer's premises or otherwise in the course of employment. However, any such employee may take such affidavit in connection with an absentee ballot which is cast by the registered voter in person in the office where such employee is employed in accordance with section 53.10 or 53.11. This subsection shall not apply to any elected official.

2. It is unlawful for any public officer or employee, or any person acting under color of a public officer or employee, to knowingly require a public employee to solicit an application or request an application for an absentee ballot, or to knowingly require an employee to take an affidavit or request for an affidavit in connection with an absentee ballot application.

[SS15, §1137-d; C24, 27, 31, 35, 39, §**933;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.7]

91 Acts, ch 129, §18; 94 Acts, ch 1169, §64; 2002 Acts, ch 1071, §11; 2002 Acts, ch 1175, §80; 2007 Acts, ch 59, §24, 38

Referred to in §39A.4, 39A.5, 53.49

53.8 Ballot mailed.

1. *a.* Upon receipt of an application for an absentee ballot and immediately after the absentee ballots are printed, but not more than twenty days before the election, the commissioner shall mail an absentee ballot to the applicant within twenty-four hours, except as otherwise provided in subsection 3. The absentee ballot shall be sent to the registered voter by one of the following methods:

(1) The absentee ballot shall be enclosed in an unsealed envelope marked with a serial number and affidavit. The absentee ballot and affidavit envelope shall be enclosed in or with an unsealed return envelope marked postage paid which bears the same serial number as the affidavit envelope. The absentee ballot, affidavit envelope, and return envelope shall be enclosed in a third envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

(2) The absentee ballot shall be enclosed in an unsealed return envelope marked with a serial number and affidavit and marked postage paid. The absentee ballot and return envelope shall be enclosed in a second envelope to be sent to the registered voter. If the ballot cannot be folded so that all of the votes cast on the ballot will be hidden, the commissioner shall also enclose a secrecy envelope with the absentee ballot.

b. The affidavit shall be marked on the appropriate envelope in a form prescribed by the state commissioner of elections.

c. For envelopes mailed at any election other than the primary election, the commissioner shall not mark any envelope with any information related to the party affiliation of the applicant.

2. *a.* The commissioner shall enclose with the absentee ballot a statement informing the applicant that the sealed return envelope may be mailed to the commissioner by the registered voter or a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33, may be returned to a drop box established by the commissioner pursuant to section 53.17, subsection 1, by the registered voter or a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33, only if the commissioner has established such a drop box, or may be personally delivered to the commissioner's office by the registered voter or a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33. The statement shall also inform the voter that the voter may request that the person not prohibited to collect and deliver a completed ballot pursuant to section 53.33 complete a receipt when retrieving the ballot from the voter. A blank receipt shall be enclosed with the absentee ballot.

b. If an application is received so late that it is unlikely that the absentee ballot can be returned in time to be counted on election day, the commissioner shall enclose with the absentee ballot a statement to that effect.

3. *a.* When an application for an absentee ballot is received by the commissioner of any county from a registered voter who is a patient in a hospital in that county, a tenant of an assisted living program in that county as shown by the list of certifications provided the commissioner under section 231C.21, or a resident of any facility in that county shown

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to be a health care facility by the list of licenses provided the commissioner under section 135C.29, the absentee ballot shall be delivered to the voter and returned to the commissioner in the manner prescribed by section 53.22. For purposes of this paragraph, *"assisted living program"* means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections, appeals, and licensing.

b. (1) If the application is received more than five days before the ballots are printed and the commissioner has elected to have the ballots personally delivered during the ten-day period after the ballots are printed, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

> Your application for an absentee ballot for the election to be held on ..... has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the ten days after the ballots are printed. If you will not be at the address from which your application was sent during any or all of the ten-day period immediately following the printing of the ballots, the ballot will be personally delivered to you sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during either of these time periods, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

(2) If the application is received more than fourteen calendar days before the election and the commissioner has not elected to mail absentee ballots to applicants as provided under section 53.22, subsection 4, and has not elected to have the absentee ballots personally delivered during the ten-day period after the ballots are printed, the commissioner shall mail to the applicant within twenty-four hours a letter in substantially the following form:

> Your application for an absentee ballot for the election to be held on ..... has been received. This ballot will be personally delivered to you by a bipartisan team sometime during the fourteen days preceding the election. If you will not be at the address from which your application was sent during any or all of the fourteen-day period immediately preceding the election, contact this office and arrangements will be made to have your absentee ballot delivered at a time when you will be present at that address.

c. Nothing in this subsection nor in section 53.22 shall be construed to prohibit a registered voter who is a hospital patient or resident of a health care facility, or who anticipates entering a hospital or health care facility before the date of a forthcoming election, from casting an absentee ballot in the manner prescribed by section 53.10 or 53.11.

4. The commissioner and the state commissioner shall not mail an absentee ballot to a person who has not submitted an application for an absentee ballot.

[SS15, §1137-c, -d; C24, 27, 31, 35, 39, §**928, 930;** C46, 50, 54, 58, 62, 66, 71, §53.2, 53.4; C73, §53.2; C75, 77, 79, 81, §53.8]

83 Acts, ch 176, §7; 84 Acts, ch 1291, §12; 86 Acts, ch 1224, §30; 94 Acts, ch 1169, §64; 2002 Acts, ch 1134, §62, 115; 2004 Acts, ch 1083, §31, 32, 37; 2007 Acts, ch 59, §25, 26, 38; 2007 Acts, ch 215, §223; 2009 Acts, ch 57, §62, 63; 2009 Acts, ch 143, §1; 2014 Acts, ch 1101, §16, 32; 2017 Acts, ch 110, §7, 51, 54; 2017 Acts, ch 120, §5; 2019 Acts, ch 148, §31, 33; 2021 Acts, ch 12, §47 – 49, 73; 2023 Acts, ch 19, §1734

Referred to in §9E.6, 49.63, 53.17, 53.22, 53.49, 135C.29, 231C.21

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53.9 Prohibited persons.

No person required to file reports under chapter 68A, and no person acting as an actual or implied agent for a person required to file reports under chapter 68A, shall receive absentee ballots on behalf of voters. This prohibition does not apply to section 53.17.

97 Acts, ch 170, §69

Referred to in §53.49

53.10 Absentee voting at the commissioner's office.

1. Not more than twenty days before the date of the primary election or the general election, the commissioner shall provide facilities for absentee voting in person at the commissioner's office. This service shall also be provided for other elections as soon as the ballots are ready, but in no case shall absentee ballots be available under this section more than twenty days before an election.

2. *a.* Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, voter verification number, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. Prior to furnishing a ballot, the commissioner shall verify the person's identity as provided in section 49.78. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal it in the envelope marked with the affidavit; subscribe to the affidavit on the reverse side of the envelope; and return the absentee ballot to the commissioner. The commissioner shall record the numbers appearing on the application and affidavit envelope along with the name of the registered voter.

b. For purposes of this subsection, "*voter verification number*" means the registered voter's driver's license number or nonoperator's identification card number assigned to the voter by the department of transportation or the registered voter's four-digit personal identification number assigned to the voter by the state commissioner pursuant to section 48A.10A, subsection 1.

3. A voter shall not vote or offer to vote any ballot except such as the voter has received from the commissioner. A voter voting an absentee ballot at the commissioner's office shall not take or remove any ballot from the commissioner's office.

4. During the hours when absentee ballots are available in the office of the commissioner, the absentee voting site is a polling place for purposes of section 39A.4, subsection 1, paragraph "*a*".

2002 Acts, ch 1134, §63, 115; 2005 Acts, ch 72, §1; 2007 Acts, ch 215, §224; 2008 Acts, ch 1191, §114; 2014 Acts, ch 1101, §17, 32; 2016 Acts, ch 1121, §5; 2017 Acts, ch 110, §8, 52, 54; 2018 Acts, ch 1149, §10, 12; 2020 Acts, ch 1121, §126; 2021 Acts, ch 12, §50, 73; 2025 Acts, ch 123, §15

Referred to in §39A.1, 49.63, 53.2, 53.7, 53.8, 53.11, 53.17, 53.22, 53.42, 53.49, 68A.406

53.11 Satellite absentee voting stations.

1. *a.* Not more than twenty days before the date of an election, satellite absentee voting stations shall be established upon receipt of a petition signed by not less than one hundred eligible electors requesting that a satellite absentee voting station be established at a location to be described on the petition. However, if a special election is scheduled in the county on a date that falls between the date of the regular city election and the date of the city runoff election, the commissioner is not required to establish a satellite absentee voting station for the city runoff election.

b. A satellite absentee voting station established by petition must be open at least one day for a minimum of six hours and may remain open until 5:00 p.m. on the day before the election.

c. An otherwise valid petition for a satellite absentee voting station shall be rejected within four days of the commissioner's receipt of the petition if any of the following circumstances apply:

(1) The site requested is not accessible to elderly and disabled voters.

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(2) The site requested has other physical limitations that make it impossible to meet the requirements for ballot security and secret voting.

(3) The owner of the site refuses permission to locate the satellite absentee voting station at the site requested by the petition, unless the site is required to serve as a polling place pursuant to section 49.21, subsection 2.

(4) After reasonable efforts, the commissioner is unable to sufficiently staff the satellite absentee voting station to ensure compliance with the law of this state.

(5) The site requested is on school property and a question to approve a bond, an instructional support program, an educational improvement program, a physical plant and equipment levy, or public education and recreation levy issued by any school appears on the ballot to be voted at that election.

d. An otherwise valid petition for a satellite absentee voting station may be rejected within four days of the commissioner's receipt of the petition if any of the following circumstances apply:

(1) The petition requests a satellite absentee voting station for a city runoff election and a special election is scheduled to be held between the date of the regular city election and the city runoff election.

(2) The owner of the site demands payment for the site's use, unless the site is required to serve as a polling place pursuant to section 49.21, subsection 2.

2. A petition requesting a satellite absentee voting station must be filed by the following deadlines:

a. For a primary or general election, no later than 5:00 p.m. on the forty-seventh day before the election.

b. For the regular city election or a city primary election, no later than 5:00 p.m. on the thirtieth day before the election.

c. For a city runoff election, no later than 5:00 p.m. on the twenty-first day before the election.

d. For the regular school election, no later than 5:00 p.m. on the thirtieth day before the election.

e. For a special election, no later than thirty-two days before the special election.

3. Procedures for absentee voting at satellite absentee voting stations shall be the same as specified in section 53.10 for voting at the commissioner's office. Additional procedures shall be prescribed by rule by the state commissioner.

4. During the hours when absentee ballots are available at a satellite absentee voting station, the satellite absentee voting station is a polling place for purposes of section 39A.4, subsection 1, paragraph *"a"*.

5. At least seven days before the date that absentee ballots will be available at a satellite absentee voting station, the commissioner shall notify the county chairperson of each political party of the date, time, and place that the satellite absentee voting station will be in operation in the county, so that the chairpersons may appoint observers to be present at the station during the hours absentee ballots are available. No more than two observers from each political party shall be present at any one satellite absentee voting station.

6. The commissioner shall remove or obscure from the view of voters any published material displaying the name of a candidate or elected official and any published material relating to a public measure, other than a ballot or sample ballot or envelope.

7. Notwithstanding subsection 1, if the commissioner receives valid petitions to establish two or more satellite absentee voting stations located within the same precinct, the commissioner may choose to establish a satellite absentee voting station at only one of the locations.

[SS15, §1137-e; C24, 27, 31, 35, 39, §**937;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.11]

84 Acts, ch 1291, §13; 91 Acts, ch 129, §19; 93 Acts, ch 143, §32; 94 Acts, ch 1169, §65; 97 Acts, ch 170, §70, 71; 2002 Acts, ch 1134, §64 – 66, 115; 2005 Acts, ch 72, §2; 2007 Acts, ch 112, §1 – 3; 2008 Acts, ch 1191, §115; 2009 Acts, ch 131, §1; 2016 Acts, ch 1121, §6; 2017 Acts,

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ch 110, §53, 54; 2019 Acts, ch 148, §45; 2021 Acts, ch 12, §51, 73; 2021 Acts, ch 147, §40, 41, 54; 2026 Acts, ch 1051, §1, 2
Referred to in §39A.1, 49.63, 53.7, 53.8, 53.22, 53.49, 68A.406
Subsection 1, paragraph c, NEW subparagraph (5)
Subsection 6 amended

53.12 Duty of commissioner.

The commissioner shall enclose the absentee ballot in an unsealed envelope, to be furnished by the commissioner, which envelope shall bear upon its face the words "county commissioner of elections", the address of the commissioner's office, and the same serial number appearing on the unsealed envelope shall be affixed to the application.

[SS15, §1137-f; C24, 27, 31, 35, 39, §**938;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.12]

84 Acts, ch 1291, §14
Referred to in §53.49

53.13 Voter's affidavit on envelope. Repealed by 2014 Acts, ch 1101, §31, 32. See §53.8.

53.14 Party affiliation. Repealed by 2014 Acts, ch 1101, §31, 32.

53.15 Marking ballot.

1. The registered voter, on receipt of an absentee ballot, shall mark the ballot in such a manner that no other person will know how the ballot is marked.

2. Registered voters who are blind, cannot read, or because of any other physical disability, are unable to mark their own absentee ballot, may have the assistance of any person the registered voter may select.

[SS15, §1137-g; C24, 27, 31, 35, 39, §**941;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.15]

84 Acts, ch 1291, §15; 94 Acts, ch 1169, §64
Referred to in §53.49

53.16 Subscribing to affidavit.

After marking the ballot, the voter shall make and subscribe to the affidavit on the affidavit envelope or on the return envelope marked with the affidavit, and fold the ballot or ballots, separately, so as to conceal the markings on them, and deposit them in the envelope, and securely seal the envelope.

[SS15, §1137-g; C24, 27, 31, 35, 39, §**942;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.16]

84 Acts, ch 1291, §16; 2014 Acts, ch 1101, §18, 32
Referred to in §53.49

53.17 Mailing or delivering ballot.

1. If the commissioner mailed the ballot pursuant to section 53.8, subsection 1, paragraph "*a*", subparagraph (1), the sealed envelope bearing the voter's affidavit and containing the absentee ballot shall be enclosed in a return envelope which shall be securely sealed. If the commissioner mailed the ballot pursuant to section 53.8, subsection 1, paragraph "*a*", subparagraph (2), the absentee ballot shall be enclosed in the return envelope which shall be securely sealed. The sealed return envelope shall be returned to the commissioner by one of the following methods:

a. The sealed return envelope may be delivered by the registered voter, by the voter's designee, or by the special precinct election officials designated pursuant to section 53.22, subsection 2, to the commissioner's office no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier.

b. The sealed return envelope may be mailed to the commissioner by the registered voter or by the voter's designee. If mailed by the voter's designee, the envelope must be mailed within seventy-two hours of retrieving it from the voter.

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c. The sealed return envelope may be delivered by a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33 to a ballot drop box established by the commissioner no later than the time the polls are closed on election day. However, if delivered by the voter's designee, the envelope shall be delivered within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier. A commissioner is not required to establish a ballot drop box. A ballot drop box must meet all of the following requirements:

(1) A commissioner shall not establish more than one ballot drop box, which shall be located at the office of the commissioner, or on property owned and maintained by the county that directly surrounds the building where the office is located. For the purposes of this subparagraph, *"office of the commissioner"* means a location where a voter may receive services pursuant to section 48A.17, 50.20, 53.10, or 53.18.

(2) The ballot drop box shall not be used for any purpose other than the collection of absentee ballots.

(3) The commissioner shall implement all reasonable and necessary measures to ensure that the ballot drop box is accessible and secure. Security measures may include placing the ballot drop box in a place regularly viewed by the commissioner or the commissioner's staff.

(4) A video surveillance system shall be used to monitor all activity at the ballot drop box at all times while the ballot drop box is in place. The system shall create a recording, which shall be reviewed by the state commissioner, county attorney, and law enforcement in the event that misconduct occurs.

(5) A ballot drop box shall be available no sooner than the time that absentee ballots are allowed to be mailed pursuant to section 53.8. The ballot drop box shall be removed or restricted from accepting deliveries immediately upon the closure of polls on election day.

(6) While available, a ballot drop box shall be securely fastened to a stationary surface or an immovable object.

(7) The ballot drop box shall be secured by a lock and shall include a tamper-evident seal. Only the commissioner or an employee of the commissioner shall have access to the means to unfasten the lock.

(8) Materials delivered to the ballot drop box shall be retrieved in an expeditious manner, but no less often than four times per day.

(9) The commissioner shall maintain a log of each time materials are retrieved from the ballot drop box, including the date and time materials were retrieved, and the name of the person who retrieved the materials. The commissioner or the commissioner's employee shall record on the ballot, near the portion of the envelope including the affidavit signed by the voter, that the materials were retrieved from a drop box, the date and time of the retrieval, and the initials of the person who retrieved the materials.

(10) A ballot retrieved from a ballot drop box shall be processed in the same manner as a ballot returned pursuant to paragraph *"a"*.

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day.

3. If the law authorizing the election specifies that the supervisors canvass the votes earlier than the Monday following the election, absentee ballots returned through the mail must be received not later than the time established for the canvass by the board of supervisors for that election. The commissioner shall contact the post office serving the commissioner's office at the latest practicable hour before the canvass by the board of supervisors for that election, and shall arrange for absentee ballots received in that post office but not yet delivered to the commissioner's office to be brought to the commissioner's office before the canvass for that election by the board of supervisors.

4. When a person designated by the voter pursuant to section 53.33 retrieves a completed absentee ballot from the voter, the designee shall fill out a receipt to be retained by the voter. The state commissioner shall prescribe a form for receipts required by this subsection. The receipt shall include all of the following:

a. The name of the voter's designee.

b. The date and time the completed absentee ballot was received from the voter.

c. The name and date of the election for which the absentee ballot is being voted.

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d. A telephone number at which the voter's designee may be contacted.

e. A statement that the completed absentee ballot will be delivered to the commissioner's office within seventy-two hours of retrieving it from the voter or before the closing of the polls on election day, whichever is earlier.

5. For the purposes of this section, *"voter's designee"* means a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33.

[SS15, §1137-g; C24, 27, 31, 35, 39, §**943;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.17; 81 Acts, ch 34, §36]

84 Acts, ch 1291, §17; 87 Acts, ch 221, §26; 90 Acts, ch 1238, §29; 94 Acts, ch 1169, §64; 94 Acts, ch 1180, §22; 2004 Acts, ch 1083, §33, 37; 2004 Acts, ch 1175, §361, 362; 2007 Acts, ch 59, §27, 38; 2007 Acts, ch 215, §225 – 228; 2009 Acts, ch 57, §64; 2014 Acts, ch 1101, §19, 32; 2016 Acts, ch 1121, §11 – 13, 17; 2019 Acts, ch 148, §64 – 66; 2021 Acts, ch 12, §52 – 56, 73; 2024 Acts, ch 1146, §10 – 12

Referred to in §50.22, 50.24, 53.8, 53.9, 53.17A, 53.18, 53.33, 53.49

53.17A Absentee ballot tracking.

1. For the purposes of this chapter:

a. "Postal service barcode" means a barcode purchased by the sender and supplied by the United States postal service that is used to sort and track letters and flat packages and is printed on an absentee ballot return envelope at the direction of the commissioner before the envelope is sent to the voter.

b. "Tracking information database" means a database administered by the United States postal service that is accessible to the commissioner and contains information regarding letters or flat packages.

2. The state commissioner shall adopt rules regarding the statewide implementation of a postal service barcode and tracking information database, including procedures to be followed when usage of a postal service barcode or the tracking information database is negatively impacted. Each commissioner shall use a postal service barcode and tracking information database consistent with rules of the state commissioner. Every commissioner shall send notice to the state commissioner and implement the use of a postal service barcode and tracking information database prior to October 1, 2020.

3. *a.* An absentee ballot received after the polls close on election day but prior to the official canvass shall be counted if the commissioner determines that the ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22. The date of entry of such an absentee ballot into the federal mail system shall only be verified as provided in paragraph *"b"*.

b. (1) If the postmark indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be included for canvass by the absentee and special voters precinct board.

(2) If the postmark is illegible, missing, or dated on or after election day, the commissioner shall attempt to verify the ballot's date of entry into the federal mail system by querying the postal service barcode in the tracking information database. If the tracking information database indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be included for canvass by the absentee and special voters precinct board. The commissioner shall provide a report to the absentee and special voters precinct board regarding the information available in the tracking information database.

(3) If there is a discrepancy between the date indicated by the postmark and the postal service barcode, the earlier of the two shall determine the date of entry of the absentee ballot into the federal mail system.

(4) (a) If neither the postmark nor the postal service barcode indicates that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the absentee ballot shall be sent to the absentee and special voters precinct board pursuant to subparagraph division (b) with the numeric value assigned to the postal service barcode and a full report from the tracking information database.

(b) Up to five absentee and special voters precinct board members from each political

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party for partisan elections, or any two members of the board for nonpartisan elections, shall review the postal service barcode and tracking database information report of each absentee ballot submitted pursuant to subparagraph division (a) and certify that the tracking information database report corresponds to the absentee ballot by initialing the report and the absentee ballot envelope. If the board concludes that the postal service barcode and tracking information database report verify that the absentee ballot entered the federal mail system by the deadline specified in section 53.17 or 53.22, the ballot shall be counted. Otherwise, the ballot shall not be counted.

4. The state commissioner shall by February 26, 2024, include on the state commissioner's internet site an application through which a voter can track the voter's absentee ballot request form and absentee ballot. The application shall provide all of the following information:

a. Whether the voter returned a ballot in person, by mail, or by voting in person at a satellite location.

b. The date the absentee ballot request form was received by the county commissioner.

c. The date the absentee ballot was mailed or given to the voter.

d. The date the absentee ballot was received by the county commissioner.

e. The date the county commissioner opened the outer envelope.

f. Whether there is a problem with the absentee ballot request form or absentee ballot that requires correction by the voter, along with instructions for the voter to contact the county commissioner as soon as possible to resolve the issue.

2019 Acts, ch 148, §67; 2021 Acts, ch 12, §57, 73; 2021 Acts, ch 147, §42, 54
Referred to in §9E.6, 53.22, 53.44, 53.49

53.18 Manner of preserving ballot and application — review of affidavit — replacement ballots.

1. When the return envelope containing the completed absentee ballot is received by the commissioner, the commissioner shall at once record receipt of such ballot. Absentee ballots shall be stored in a secure place until they are delivered to the absentee and special voters precinct board.

2. If the commissioner receives the return envelope containing the completed absentee ballot by 5:00 p.m. on the Saturday before the election for general elections and by 5:00 p.m. on the Friday before the election for all other elections, the commissioner shall review the affidavit marked on the return envelope, if applicable, for completeness or shall open the return envelope to review the affidavit for completeness. If the affidavit lacks the signature of the registered voter, the commissioner shall, within twenty-four hours of the receipt of the envelope, notify the voter of the deficiency and inform the voter that the voter may vote a replacement ballot as provided in subsection 3, cast a ballot as provided in section 53.19, subsection 3, or complete the affidavit in person at the office of the commissioner not later than the time polls close on election day.

3. If the affidavit envelope or the return envelope marked with the affidavit contains a defect that would cause the absentee ballot to be rejected by the absentee and special voters precinct board, the commissioner shall immediately notify the voter of that fact and that the voter's absentee ballot shall not be counted unless the voter requests and returns a replacement ballot in the time permitted under section 53.17, subsection 2. For the purposes of this section, a return envelope marked with the affidavit shall be considered to contain a defect if it appears to the commissioner that the signature on the envelope has been signed by someone other than the registered voter, in comparing the signature on the envelope to the signature on record of the registered voter named on the envelope. A signature or marking made in accordance with section 39.3, subsection 17, shall not be considered a defect for purposes of this section. The voter may request a replacement ballot in person, in writing, or over the telephone. The same serial number that was assigned to the records of the original absentee ballot application shall be used on the envelope and records of the replacement ballot. The envelope marked with the affidavit and containing the completed replacement ballot shall be marked "Replacement ballot". The envelope marked with the affidavit and containing the original ballot shall be marked "Defective" and the replacement ballot shall be attached to such envelope containing the original ballot and shall be stored

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in a secure place until they are delivered to the absentee and special voters precinct board, notwithstanding sections 53.26 and 53.27.

4. For the purposes of this section, a return envelope marked with the affidavit shall be considered incomplete if the affidavit lacks the registered voter's signature. A signature or marking made in accordance with section 39.3, subsection 17, shall not cause an affidavit to be considered incomplete.

5. The state commissioner of elections shall adopt rules for implementation of this section.

[SS15, §1137-h, -i; C24, 27, 31, 35, 39, §**944;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.18]

89 Acts, ch 136, §52; 91 Acts, ch 129, §20; 2002 Acts, ch 1134, §67, 115; 2007 Acts, ch 215, §229; 2009 Acts, ch 57, §65; 2010 Acts, ch 1026, §13; 2014 Acts, ch 1101, §20, 32; 2017 Acts, ch 110, §31, 35, 36; 2021 Acts, ch 12, §58, 59, 73

Referred to in §9E.6, 53.17, 53.19, 53.25, 53.49

53.19 Listing absentee ballots.

1. The commissioner shall maintain a list of the absentee ballots provided to registered voters, the serial number appearing on the unsealed envelope, the date the application for the absentee ballot was received, the date the absentee ballot was sent to the registered voter requesting the absentee ballot, the date the absentee ballot was received by the commissioner, the date the absentee ballot outer envelope was opened, and whether the ballot was delivered by mail, in person, to a ballot drop box, or cast in person at a satellite location. The information under this subsection shall be reported separately at the same time as the information reported under section 53.30, subsection 3.

2. The commissioner shall provide each precinct election board with a list of all registered voters from that precinct who have received an absentee ballot. The precinct officials shall immediately designate on the election register those registered voters who have received an absentee ballot and are not entitled to vote in person at the polls, except as provided in subsection 3.

3. *a.* A registered voter who has received an absentee ballot and not returned it may surrender the absentee ballot to the precinct officials and vote in person at the polls. The precinct officials shall mark the uncast absentee ballot "void" and return it to the commissioner.

b. A registered voter who has requested an absentee ballot by mail but for any reason has not received it or who has not brought the ballot to the polls may appear at the voter's precinct polling place on election day and, after the precinct election officials confirm the commissioner has not received the voter's absentee ballot, the voter shall be permitted to vote in person at the polls. If the precinct election officials are unable to confirm whether the commissioner has received the voter's absentee ballot, the voter shall cast a ballot in accordance with section 49.81.

c. A registered voter who has been notified by the commissioner pursuant to section 53.18 of the need to complete the affidavit or vote a replacement absentee ballot and who has not completed the affidavit or voted a replacement absentee ballot may appear at the voter's precinct polling place on election day and, after the precinct election officials confirm the voter has not completed the affidavit or voted a replacement ballot, the voter shall be permitted to vote in person at the polls. If the precinct election officials are unable to confirm whether the voter has completed the affidavit or voted a replacement ballot, the voter shall cast a ballot in accordance with section 49.81.

[C71, §53.4; C73, §53.2; C75, 77, 79, 81, §53.19]

94 Acts, ch 1169, §64; 97 Acts, ch 170, §72; 98 Acts, ch 1123, §11; 2002 Acts, ch 1134, §68, 115; 2007 Acts, ch 215, §230; 2010 Acts, ch 1026, §14; 2021 Acts, ch 12, §60, 73

Referred to in §9E.6, 49.72, 49.77, 49.81, 53.18, 53.49

53.20 Special precinct established.

1. There is established in each county a special precinct to be known as the absentee ballot and special voters precinct. Its jurisdiction shall be conterminous with the borders of the county, for the purposes specified by sections 53.22 and 53.23, and the requirement that

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precincts not cross the boundaries of legislative districts shall not be applicable to it. The commissioner shall draw up an election board panel for the special precinct in the manner prescribed by section 49.15, having due regard for the nature and extent of the duties required of members of the election board and the election officers to be appointed from the panel, including, if directed by the commissioner, the tallying and recording of write-in votes.

2. *a.* Results from the special precinct shall be reported separately from the results of the ballots cast at the polls on election day. The commissioner shall for general elections also report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots. For all other elections, the commissioner may report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, or may report the absentee results as a single precinct.

b. For the primary election, general election, and for any election in which the commissioner determines in advance of the election to report the results of the special precinct by the resident precincts of the voters who cast absentee and provisional ballots, the commissioner shall prepare a separate absentee ballot style for each precinct in the county and shall program the voting system to produce reports by the resident precincts of the voters.

[C77, 79, 81, §53.20]

2008 Acts, ch 1159, §1; 2009 Acts, ch 57, §66; 2015 Acts, ch 85, §3; 2024 Acts, ch 1146, §13

Referred to in §49.81, 50.21, 50.48, 50.51, 53.22, 53.49

53.21 Replacement of lost or spoiled absentee ballots.

1. A voter who has requested an absentee ballot may obtain a replacement ballot if the voter declares that the original ballot was lost or did not arrive. The commissioner upon receipt of a written or oral request for a replacement ballot shall provide a duplicate ballot. The same serial number that was assigned to the records of the original absentee ballot request shall be used on the envelopes and records of the replacement ballot.

2. *a.* The commissioner shall include with the replacement ballot two copies of a statement in substantially the following form:

> The absentee ballot which I requested on .....
> (date) has been lost or was never received. If I find this absentee ballot I will return it, unvoted, to the commissioner.
> .....
> (Signature of voter)
> .....
> (Date)

b. The voter shall enclose one copy of the above statement in the return envelope along with the affidavit envelope, if the voter was mailed a separate affidavit envelope, and shall retain a copy for the voter's records.

3. *a.* A voter who spoils an absentee ballot may return it to the commissioner. The outside of the return envelope shall be marked "SPOILED BALLOT". The commissioner shall replace the ballot in the manner provided in this section for lost ballots.

b. An absentee ballot returned to the commissioner without a designation that the ballot was spoiled shall not be replaced.

89 Acts, ch 136, §53; 93 Acts, ch 143, §33; 2007 Acts, ch 215, §231; 2009 Acts, ch 57, §67; 2014 Acts, ch 1101, §21, 32

Referred to in §53.49

53.22 Balloting by confined persons.

1. For purposes of this section, *"assisted living program"* means a program certified pursuant to section 231C.3 that meets the standards for a dementia-specific assisted living program, as established by rule by the department of inspections, appeals, and licensing.

2. *a.* (1) A registered voter who has applied for an absentee ballot, in a manner other than that prescribed by section 53.10 or 53.11, and who is a resident, tenant, or patient in a health care facility, assisted living program, or hospital located in the county to which the application has been submitted shall be delivered the appropriate absentee ballot by two special precinct

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election officers, one of whom shall be a member of each of the political parties referred to in section 49.13, who shall be appointed by the commissioner from the election board panel for the special precinct established by section 53.20. The special precinct election officers shall be sworn in the manner provided by section 49.75 for election board members, shall receive compensation as provided in section 49.20, and shall perform their duties during the ten calendar days after the ballots are printed if the commissioner so elects, during the fourteen calendar days preceding the election, and on election day if all ballots requested under section 53.8, subsection 3, have not previously been delivered and returned.

(2) If materials are prepared for the two special precinct election officials, a list shall be made of all voters to whom ballots are to be delivered. The list shall be sent with the officials who deliver the ballots and shall include spaces to indicate whether the person was present at the hospital, assisted living program, or health care facility when the officials arrived, whether the person requested assistance from the officials, whether the person was assisted by another person of the voter's choice, the time that the ballot was returned to the officials, and any other notes the officials deem necessary.

(3) The officials shall also be issued a supply of extra ballots to replace spoiled ballots. Receipts shall be issued in substantially the same form as receipts issued to precinct election officials pursuant to section 49.65. All ballots shall be accounted for and shall be returned to the commissioner. Separate envelopes shall be provided for the return of spoiled ballots and unused ballots.

b. If an applicant under this subsection notifies the commissioner that the applicant will not be available at the health care facility, assisted living program, or hospital address at any time during the ten-day period after the ballots are printed, if applicable, or during the fourteen-day period immediately prior to the election, but will be available there at some other time prior to the election or on election day, the commissioner shall direct the two special precinct election officers to deliver the applicant's ballot at an appropriate time preceding the election or on election day. If a person who so requested an absentee ballot has been dismissed from the health care facility or hospital, or is no longer a tenant of the assisted living program, the special precinct election officers may take the ballot to the voter if the voter is currently residing in the county.

c. The special precinct election officers shall travel together in the same vehicle and both shall be present when an applicant casts an absentee ballot. If either or both of the special precinct election officers fail to appear at the time the duties set forth in this section are to be performed, the commissioner shall at once appoint some other person, giving preference to persons designated by the respective county chairpersons of the political parties described in section 49.13, to carry out the requirements of this section. The persons authorized by this subsection to deliver an absentee ballot to an applicant, if requested, may assist the applicant in filling out the ballot as permitted by section 49.90. After the voter has securely sealed the marked ballot in the envelope provided and has subscribed to the oath, the voted absentee ballots shall be deposited in a sealed container which shall be returned to the commissioner on the same day the ballots are voted. On election day the officers shall return the sealed container by the time the polls are closed.

3. Any registered voter who becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility in the county where the voter is registered to vote after the deadline to make a written application for an absentee ballot as provided in section 53.2 or on election day may request an absentee ballot during that period or on election day. As an alternative to the application procedure prescribed by section 53.2, the registered voter may make the request directly to the officers who are delivering and returning absentee ballots under this section. Alternatively, the request may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, these officers shall deliver the appropriate absentee ballot to the registered voter in the manner prescribed by this section.

4. For any election except a primary or general election or a special election to fill a vacancy under section 69.14, the commissioner may, as an alternative to subsection 2, mail an absentee ballot to an applicant under this section to be voted and returned to the commissioner in accordance with this chapter. This subsection only applies to applications

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for absentee ballots from a single health care facility, assisted living program, or hospital if there are no more than two applications from that facility, program, or hospital.

5. The commissioner shall mail an absentee ballot to a registered voter who has applied for an absentee ballot and who is a patient, tenant, or resident of a hospital, assisted living program, or health care facility outside the county in which the voter is registered to vote.

6. *a.* If the registered voter becomes a patient, tenant, or resident of a hospital, assisted living program, or health care facility outside the county where the voter is registered to vote after the deadline to make a written application for an absentee ballot as provided in section 53.2 or on election day, the voter may designate a person to deliver and return the absentee ballot. The designee shall be a person not prohibited to collect and deliver a completed ballot pursuant to section 53.33. The request for an absentee ballot may be made by telephone to the office of the commissioner not later than four hours before the close of the polls. If the requester is found to be a registered voter of that county, the ballot shall be delivered by mail or by the person designated by the voter. An application form shall be included with the absentee ballot and shall be signed by the voter and returned with the ballot.

b. Absentee ballots voted under this subsection shall be delivered to the commissioner no later than the time the polls are closed on election day. If the ballot is returned by mail the return envelope must be received by the time the polls close, or be clearly postmarked by an officially authorized postal service or bear a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner no later than the time established for the canvass by the board of supervisors for that election.

7. Observers representing candidates, political parties, or nonparty political organizations, or observers who are opponents or proponents of a ballot issue to be voted on at the election are prohibited from being present at a hospital, assisted living program, or health care facility during the time the special precinct election officers are delivering absentee ballots to the patients, tenants, or residents of such hospital, assisted living program, or health care facility.

8. The proof of identity requirements under section 49.78 shall not apply to a voter casting a ballot pursuant to this section.

[C71, 73, 75, §53.17; C77, 79, 81, §53.22; 81 Acts, ch 34, §37]

84 Acts, ch 1291, §18, 19; 85 Acts, ch 67, §8; 87 Acts, ch 221, §27, 28; 88 Acts, ch 1119, §28; 93 Acts, ch 143, §34; 94 Acts, ch 1169, §65; 94 Acts, ch 1180, §23, 24; 2007 Acts, ch 59, §28, 38; 2009 Acts, ch 57, §68; 2009 Acts, ch 143, §2 – 4; 2016 Acts, ch 1121, §14, 17; 2017 Acts, ch 110, §32, 35, 36; 2017 Acts, ch 120, §6; 2019 Acts, ch 148, §68; 2021 Acts, ch 12, §61, 62, 73; 2023 Acts, ch 19, §1735

Referred to in §48A.7A, 53.2, 53.8, 53.17, 53.17A, 53.20, 53.33, 53.49, 135C.29, 231C.21

53.23 Special precinct election board.

1. The election board of the absentee ballot and special voters precinct shall be appointed by the commissioner in the manner prescribed by sections 49.12 and 49.13, except that the number of precinct election officials appointed to the board shall be sufficient to complete the counting of absentee ballots by 10:00 p.m. on election day.

2. The board's powers and duties shall be the same as those provided in chapter 50 for precinct election officials in regular precinct polling places. However, the election board of the special precinct shall receive from the commissioner and count all absentee ballots for all precincts in the county; when two or more political subdivisions in the county hold elections simultaneously the special precinct election board shall count absentee ballots cast in all of the elections so held. The tally list shall be recorded on forms prescribed by the state commissioner.

3. *a.* The commissioner shall set a convening time for the board of no later than 9:00 a.m. on election day for a general election or a statewide special election, allowing a reasonable amount of time to complete counting all absentee ballots by 10:00 p.m. on election day.

b. (1) The commissioner may direct the board to meet on the day before the election for the purpose of reviewing the absentee voters' affidavits appearing on the sealed envelopes. If in the commissioner's judgment this procedure is necessary due to the number of absentee

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ballots received, the members of the board may open the sealed affidavit envelopes and remove the secrecy envelope containing the ballot, but under no circumstances shall a secrecy envelope or a return envelope marked with an affidavit be opened before the board convenes on election day, except as provided in paragraph "*c*". If the affidavit envelopes are opened before election day pursuant to this paragraph "*b*", the observers appointed by each political party, as defined in section 43.2, shall witness the proceedings. Each political party may appoint up to five observers under this paragraph "*b*". The observers shall be appointed by the county chairperson or, if the county chairperson fails to make an appointment, by the state chairperson. However, if either or both political parties fail to appoint an observer, the commissioner may continue with the proceedings.

(2) If the board finds any ballot not enclosed in a secrecy envelope and the ballot is folded in such a way that any of the votes cast on the ballot are visible, the two special precinct election officials, one from each of the two political parties referred to in section 49.13, subsection 2, shall place the ballot in a secrecy envelope. No one shall examine the ballot, except as provided in paragraph "*c*".

c. The commissioner may convene the special precinct election board on the day before the election to begin counting absentee ballots. However, if in the preceding general election the counting of absentee ballots was not completed by 10:00 p.m. on election day, the commissioner shall convene the special precinct election board on the day before the next general election to begin counting absentee ballots. The board shall not release the results of its tabulation pursuant to this paragraph until the count is completed on election day.

4. The room where members of the special precinct election board are engaged in counting absentee ballots on the day before the election pursuant to subsection 3, paragraph "*c*", or during the hours the polls are open shall be policed so as to prevent any person other than those whose presence is authorized by this subsection from obtaining information about the progress of the count. The only persons who may be admitted to that room are the members of the board, five challengers representing each political party, one observer representing any nonparty political organization or any candidate nominated by petition pursuant to chapter 45 or any other nonpartisan candidate in a city or school election appearing on the ballot of the election in progress, one observer representing persons supporting a public measure appearing on the ballot and one observer representing persons opposed to such measure, and the commissioner or the commissioner's designee. It shall be unlawful for any of these persons to communicate or attempt to communicate, directly or indirectly, information regarding the progress of the count at any time while the board is convened pursuant to subsection 3, paragraph "*c*", or at any time before the polls are closed.

5. The special precinct election board shall preserve the secrecy of all absentee and provisional ballots. After the affidavits on the envelopes have been reviewed and the qualifications of the persons casting the ballots have been determined, those that have been accepted for counting shall be opened. The ballots shall be removed from the affidavit envelopes or return envelopes marked with the affidavit, as applicable, without being unfolded or examined, and then shall be thoroughly intermingled, after which they shall be unfolded and tabulated. If secrecy folders or envelopes are used with provisional paper ballots, the ballots shall be removed from the secrecy folders after the ballots have been intermingled.

6. The special precinct election board shall not release the results of its tabulation on election day until all of the ballots it is required to count on that day have been counted, nor release the tabulation of provisional ballots accepted and counted under chapter 50 until that count has been completed.

[SS15, §1137-j; C24, 27, 31, 35, 39, §**949;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.23]

90 Acts, ch 1238, §30; 92 Acts, ch 1163, §13; 95 Acts, ch 189, §16; 97 Acts, ch 170, §73; 2005 Acts, ch 19, §23; 2007 Acts, ch 59, §29, 38; 2007 Acts, ch 215, §232; 2008 Acts, ch 1115, §104; 2009 Acts, ch 140, §1; 2014 Acts, ch 1101, §22, 23, 32; 2017 Acts, ch 110, §9, 10; 2021 Acts, ch 12, §63, 73; 2025 Acts, ch 123, §16; 2026 Acts, ch 1073, §8

Referred to in §9E.6, 39A.1, 39A.4, 39A.5, 48A.7A, 50.20, 50.22, 50.50, 53.20, 53.30, 53.31, 53.49

Subsection 3, paragraph a amended

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53.24 Counties using voting machines. Repealed by 2009 Acts, ch 57, §96.

53.25 Rejecting ballot.

1. *a.* If the absentee voter's affidavit lacks the voter's signature, if the applicant is not a duly registered voter on election day in the precinct where the absentee ballot was cast, if the envelope marked with the affidavit contains more than one ballot of any one kind, or if the voter has voted in person, such vote shall be rejected by the absentee and special voters precinct board. If the affidavit envelope or return envelope marked with the affidavit is open, or has been opened and resealed, or if the ballot is not enclosed in such envelope, and an affidavit envelope or return envelope marked with the affidavit with the same serial number and marked "Replacement ballot" is not attached as provided in section 53.18, the ballot shall be rejected by the absentee and special voters precinct board.

b. If a voter casts a provisional ballot pursuant to section 49.78, subsection 5, and the voter has failed to establish the voter's identity at the commissioner's office, the provisional ballot shall be rejected by the absentee and special voters precinct board.

2. If the absentee or provisional ballot is rejected prior to the opening of the affidavit envelope or return envelope marked with the affidavit, the voter casting the ballot shall be notified by a precinct election official by the time the canvass is completed of the reason for the rejection on a form prescribed by the state commissioner of elections.

[SS15, §1137-j; C24, 27, 31, 35, 39, §**951;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.25]

94 Acts, ch 1169, §64; 2007 Acts, ch 215, §234; 2009 Acts, ch 57, §69; 2014 Acts, ch 1101, §24, 32; 2017 Acts, ch 110, §33, 35, 36

Referred to in §50.22, 53.49

Section not amended; internal reference change applied

53.26 Rejected ballots — how handled.

1. Every ballot not counted shall be endorsed on the back with the following:

Rejected because (giving reason therefor).

2. All rejected ballots shall be enclosed and securely sealed in an envelope on which the precinct election officials shall endorse "Defective ballots", with a statement signed by the precinct election officials regarding the precinct in which and the date of the election at which they were cast. The envelope shall be returned to the same officer and in the same manner as by law provided for the return and preservation of official ballots voted at such election.

[SS15, §1137-j; C24, 27, 31, 35, 39, §**952;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.26]

2018 Acts, ch 1041, §13; 2019 Acts, ch 59, §25

Referred to in §53.18, 53.49

Return of rejected ballots, §50.5

53.27 Rejection of ballot — return of envelope.

If the ballot is rejected, the envelope marked with the affidavit, with the voter's endorsement thereon, shall be returned with the rejected ballot in the envelope endorsed "Defective ballots".

[C24, 27, 31, 35, 39, §**953;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.27]

2007 Acts, ch 215, §235; 2014 Acts, ch 1101, §25, 32

Referred to in §53.18, 53.49

53.28 and 53.29 Reserved.

53.30 Ballots, ballot envelopes, and other information preserved.

1. At the conclusion of each meeting of the absentee and special voter precinct board, the board shall reconcile the number of signed affidavits provided to the board by the commissioner and the number of ballots that were counted and tabulated. The board shall record the number of ballots that were rejected prior to opening the affidavit envelope, the number of absentee ballots that have been challenged and are currently unopened, and the number of absentee ballots that were accepted for counting and tabulation. The board shall

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also reconcile the number of provisional ballots provided to the board by the commissioner, the number of provisional ballots that were accepted for counting and tabulation, and the number of provisional ballots that were rejected.

2. At the conclusion of each meeting of the absentee and special voters precinct board, the board shall securely seal all ballots counted by them in the manner prescribed in section 50.12. The ballot envelopes, including the affidavit envelope if an affidavit envelope was provided, the return envelope, and secrecy envelope bearing the signatures of precinct election officials, as required by section 53.23, shall be preserved. All applications for absentee ballots, ballots rejected without being opened, absentee ballot logs, and any other documents pertaining to the absentee ballot process shall be preserved until such time as the documents may be destroyed pursuant to section 50.19.

3. Following each primary and general election, commissioners shall report to the state commissioner the number of voted absentee ballots received by the commissioner, the total number of absentee ballots counted and tabulated by the board, and the number of absentee ballots rejected by the board. The commissioner shall also provide the number of provisional ballots cast, the number of provisional ballots rejected, and the number of provisional ballots that were counted and tabulated by the board.

[C24, 27, 31, 35, 39, §**956;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.30]

95 Acts, ch 67, §53; 2002 Acts, ch 1134, §69, 115; 2009 Acts, ch 57, §70; 2014 Acts, ch 1101, §26, 32; 2021 Acts, ch 12, §64, 73

Referred to in §53.19, 53.49

53.31 Challenges.

1. Any person qualified to vote at the election in progress may challenge the qualifications of a person casting an absentee ballot by submitting a written challenge to the commissioner no later than 5:00 p.m. on the Friday before the election. It is the duty of the special precinct officials to challenge the absentee ballot of any person whom the official knows or suspects is not duly qualified. Challenges by members of the special precinct election board or observers present pursuant to section 53.23 may be made at any time before the close of the polls on election day. The challenge shall state the reasons for which the challenge is being submitted and shall be signed by the challenger. When a challenge is received the absentee ballot shall be set aside for consideration by the special precinct election board when it meets as required by section 50.22.

2. The commissioner shall immediately send a written notice to the elector whose qualifications have been challenged. The notice shall be sent to the address at which the challenged elector is registered to vote. If the ballot was mailed to the challenged elector, the notice shall also be sent to the address to which the ballot was mailed if it is different from the elector's registration address. The notice shall advise the elector of the reason for the challenge, the date and time that the special precinct election board will reconvene to determine challenges, and that the elector has the right to submit written evidence of the elector's qualifications. The notice shall include the telephone number of the commissioner's office. If the commissioner has access to a facsimile machine, the notice shall include the telephone number of the facsimile machine. As far as possible, other procedures for considering provisional ballots shall be followed.

[SS15, §1137-k; C24, 27, 31, 35, 39, §**957;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.31]

93 Acts, ch 143, §35; 2005 Acts, ch 19, §25; 2007 Acts, ch 59, §30, 38

Referred to in §9E.6, 48A.8, 53.49

Challenges, §49.79

53.32 Ballot of deceased voter.

When it shall be made to appear by due proof to the precinct election officials that any elector, who has so marked and forwarded a ballot, has died before the envelope marked with the affidavit is opened, then the ballot of such deceased voter shall be endorsed, "Rejected

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because voter is dead", and be returned to the commissioner. The casting of the ballot of a deceased voter shall not invalidate the election.

[SS15, §1137-l; C24, 27, 31, 35, 39, §**958;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.32]

2007 Acts, ch 215, §236; 2014 Acts, ch 1101, §27, 32

Referred to in §53.49

53.33 Unlawful return of ballot.

1. For the purposes of this section:

a. "Delivery agent" means an individual registered to vote in this state who has been designated to return a completed absentee ballot to the commissioner by another registered voter who is unable to return the registered voter's own absentee ballot due to reason of blindness or other disability. *"Delivery agent"* does not include the registered voter's employer, an agent of the registered voter's employer, an officer or agent of the registered voter's union, or a person acting as an actual or implied agent for a political party as defined in section 43.2, or a candidate or committee, as defined in section 68A.102.

b. "Immediate family member" means an individual related to a registered voter within the fourth degree of consanguinity or affinity.

2. No person other than the registered voter, an individual who lives in the same household as the registered voter, an immediate family member of the registered voter, an individual acting in accordance with section 53.22, or a delivery agent acting on behalf of a registered voter who is unable to return the registered voter's own ballot due to reason of blindness or other disability, shall collect and return a completed absentee ballot.

3. A registered voter who is unable to return the registered voter's own completed absentee ballot due to reason of blindness or any physical disability other than intoxication may designate a delivery agent to return the registered voter's completed absentee ballot. The registered voter shall complete and sign a designation of delivery agent form prescribed by the state commissioner prior to surrendering a ballot to a delivery agent.

4. A delivery agent shall return no more than two completed absentee ballots per election. This limit shall apply to all elections occurring on the same calendar date.

5. A delivery agent shall fill out a receipt pursuant to section 53.17, subsection 4, when retrieving a completed absentee ballot from a registered voter.

6. A delivery agent shall collect the registered voter's designation of delivery agent form at the time the delivery agent collects the registered voter's completed absentee ballot. The delivery agent shall deliver the registered voter's designation of delivery agent form to the commissioner at the same time as the registered voter's completed absentee ballot.

7. Notwithstanding any provision of law to the contrary, a delivery agent shall do all of the following when delivering a completed absentee ballot to the commissioner:

a. Deliver the completed absentee ballot in person to the commissioner's office. The delivery agent shall not deliver the completed absentee ballot by mail or to a ballot drop box.

b. Present identification sufficient to establish identity pursuant to section 49.78.

c. On a form prescribed by the state commissioner, the delivery agent shall provide the delivery agent's full legal name, residential address, phone number, and electronic mail address, if applicable. The delivery agent shall also sign under penalty of perjury a statement in substantially the following form:

> Under penalty of perjury, I hereby certify that I am a registered voter in the State of Iowa and not the employer, agent of the employer, or officer or agent of the union of the registered voter whose completed absentee ballot I am returning, or a person acting as an actual or implied agent for a political party as defined in section 43.2, or a candidate or committee, as defined in section 68A.102. I also certify that I am acting as the delivery agent of the registered voter whose completed absentee ballot I am returning, that I am returning the registered voter's completed absentee ballot to the commissioner who issued the ballot, and that I have not altered or tampered with the ballot. I acknowledge that Iowa law

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prohibits delivery agents from returning more than two completed absentee ballots for all elections occurring on the same date. I have complied with Iowa law. I understand that if I provide false information on this form, I may be guilty of perjury, a class "D" felony, and subject to a maximum prison term not to exceed five years and a fine of at least $1,025 but not more than $10,245.

2021 Acts, ch 12, §65; 2021 Acts, ch 147, §43, 54
Referred to in §39A.4, 53.8, 53.17, 53.22, 53.49

53.34 False affidavit. Repealed by 2021 Acts, ch 147, §52, 54. See §39A.2.

53.35 Refusal to return ballot. Repealed by 2007 Acts, ch 59, §37, 38.

53.35A Failure to return ballot.
It is unlawful for any person designated by the commissioner, or by the elector casting the absentee ballot, to deliver the sealed envelope containing the absentee ballot, to willfully fail to return the ballot to the commissioner or the commissioner's designee.

93 Acts, ch 143, §36; 2002 Acts, ch 1071, §13
Referred to in §39A.4

53.36 Offenses by officers. Repealed by 2002 Acts, ch 1071, §15. See §39A.2 – 39A.5.

SUBCHAPTER II

ABSENT VOTING BY UNIFORMED AND OVERSEAS CITIZENS

53.37 Definitions.

1. This subchapter is intended to implement the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §1973ff et seq.

2. The term *"armed forces of the United States"*, as used in this subchapter, shall mean the army, navy, marine corps, coast guard, air force, and space force of the United States.

3. For the purpose of absentee voting only, there shall be included in the term *"armed forces of the United States"* the following:

a. Spouses and dependents of members of the armed forces while in active service.

b. Members of the merchant marine of the United States and their spouses and dependents.

c. Civilian employees of the United States in all categories serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

d. Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

e. Citizens of the United States who do not fall under any of the categories described in paragraphs *"a"* through *"d"*, but who are entitled to register and vote pursuant to section 48A.5, subsection 4 or 5.

4. For the purposes of this subchapter, *"qualified voter"* means a person who is included within the term *"armed forces of the United States"* as described in this section, who would be qualified to register to vote under section 48A.5, subsection 2, except for residency, and who is not disqualified from registering to vote and voting under section 48A.6.

[C54, 58, 62, 66, §53.37; C71, 73, 75, 77, 79, §53.37, 53.49; C81, §53.37]

94 Acts, ch 1180, §25; 95 Acts, ch 67, §8; 2001 Acts, ch 56, §4; 2007 Acts, ch 59, §31, 38; 2007 Acts, ch 215, §243; 2014 Acts, ch 1026, §14; 2017 Acts, ch 120, §7; 2021 Acts, ch 147, §44, 54
Referred to in §48A.5, 48A.5A, 48A.25A, 53.49, 53.53

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53.37A State commissioner duties.

The state commissioner of elections shall provide information regarding voter registration procedures and absentee ballot procedures to be used by members of the armed forces of the United States. The state commissioner shall accept valid voter registration applications and absentee ballot applications and shall forward the applications to the appropriate county commissioner of elections in a timely manner.

2004 Acts, ch 1083, §34, 37

Referred to in §48A.5

53.38 What constitutes registration.

Whenever a ballot is requested pursuant to section 53.39 or 53.45 on behalf of a voter in the armed forces of the United States, the affidavit upon the envelope marked with the affidavit of such voter, if the voter is found to be an eligible elector of the county to which the ballot is submitted, shall constitute a sufficient registration under chapter 48A. A completed federal postcard registration and federal absentee ballot request form submitted by such eligible elector shall also constitute a sufficient registration under chapter 48A. The commissioner shall place the voter's name on the registration record as a registered voter if it does not already appear there. The identification requirements of section 48A.8 and the verification requirements of section 48A.25A do not apply to persons who register to vote under this subchapter.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.38]

88 Acts, ch 1119, §29; 94 Acts, ch 1169, §55; 2002 Acts, ch 1134, §70, 115; 2007 Acts, ch 59, §32, 38; 2007 Acts, ch 215, §237; 2014 Acts, ch 1026, §143; 2014 Acts, ch 1101, §28, 32

Referred to in §48A.5

53.39 Request for ballot — when available.

1. Section 53.2 does not apply in the case of a qualified voter of the state of Iowa serving in the armed forces of the United States. In any such case an application for ballot as provided for in that section is not required and an absent voter's ballot shall be sent or made available to any such qualified voter upon a request as provided in this subchapter.

2. All official ballots to be voted by qualified absent voters in the armed forces of the United States at the primary election and the general election shall be printed prior to forty-five days before the respective elections and shall be available for transmittal to such qualified voters in the armed forces of the United States at least forty-five days before the respective elections. The provisions of this chapter apply to absent voting by qualified voters in the armed forces of the United States except as modified by the provisions of this subchapter.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.39]

89 Acts, ch 136, §54; 94 Acts, ch 1169, §64; 94 Acts, ch 1180, §26; 95 Acts, ch 67, §9; 2010 Acts, ch 1033, §30, 56; 2014 Acts, ch 1026, §143

Referred to in §48A.5, 53.38

53.40 Request requirements — transmission of ballot.

1. *a.* A request in writing for a ballot may be made by any member of the armed forces of the United States who is or will be a qualified voter on the day of the election at which the ballot is to be cast, at any time before the election. Any member of the armed forces of the United States may request ballots for all elections to be held during a calendar year. The request may be made by using the federal postcard application form and indicating that the applicant wishes to receive ballots for all elections as permitted by state law. If the applicant does not specify which elections the request is for, the county commissioner shall send the applicant a ballot for each federal election held after the application is received until the end of the calendar year in which the request is received.

b. Unless the request specifies otherwise, a request for the primary election shall also be considered a request for the general election. In the case of the general election, request may be made not more than seventy days before the election, for and on behalf of a voter in the armed forces of the United States by a spouse, parent, parent-in-law, adult brother, adult sister, or adult child of the voter, residing in the county of the voter's residence. However, a

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request made by other than the voter may be required to be made on forms prescribed by the state commissioner.

c. A request shall show the residence, including street address, if any, of the voter and the age of the voter and shall designate the address to which the ballot is to be sent. In the case of the primary election, the request shall also show the party affiliation of the voter. The request shall be made to the commissioner of the county of the voter's residence. However, if the request is made by the voter to any elective state, city, or county official, the official shall forward it to the commissioner of the county of the voter's residence, and such request so forwarded shall have the same force and effect as if made directly to the commissioner by the voter.

2. The commissioner shall immediately on the forty-fifth day prior to the particular election transmit ballots to the voter by mail or otherwise, postage prepaid, as directed by the state commissioner, requests for which are in the commissioner's hands at that time, and thereafter so transmit ballots immediately upon receipt of requests. A request for ballot for the primary election which does not state the party affiliation of the voter making the request is void and of no effect. A request which does not show that the person for whom a ballot is requested will be a qualified voter in the precinct in which the ballot is to be cast on the day of the election for which the ballot is requested, shall not be honored. However, a request which states the age and the city, including street address, and county where the voter resides is sufficient to show that the person is a qualified voter. A request by the voter containing substantially the information required is sufficient.

3. If the affidavit on the envelope marked with the affidavit shows that the affiant is not a qualified voter on the day of the election at which the ballot is offered for voting, the envelope shall not be opened, but the envelope and ballot contained in the envelope shall be preserved and returned by the precinct election officials to the commissioner, who shall preserve them for the period of time and under the conditions provided for in sections 50.12, 50.13, 50.15, and 50.19.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.40]

84 Acts, ch 1219, §3; 87 Acts, ch 221, §18; 89 Acts, ch 136, §55; 94 Acts, ch 1180, §27; 2002 Acts, ch 1134, §71, 115; 2004 Acts, ch 1083, §35, 37; 2007 Acts, ch 215, §238; 2009 Acts, ch 57, §71; 2010 Acts, ch 1033, §31, 32, 56; 2010 Acts, ch 1061, §8; 2014 Acts, ch 1101, §29, 32; 2017 Acts, ch 155, §31, 44

Referred to in §48A.5, 53.45

53.41 Records by commissioner — excess requests or ballots.

1. The commissioner of each county shall establish and maintain a record of all requests for ballots which are made, and of all ballots transmitted, and the manner of transmittal, from and received in the commissioner's office under the provisions of this subchapter.

2. If more than one request for absent voter's ballot for a particular election is made to the commissioner before the ballots are ready to mail by or on behalf of a voter in the armed forces of the United States, the last request received shall be honored, except that if one of the requests is made by the voter, the request of the voter shall be honored in preference to a request made on the voter's behalf by another.

3. Not more than one ballot shall be transmitted by the commissioner to any voter for a particular election unless after the ballot has been mailed the voter reports a change in the address to which the ballot should be sent. A ballot shall be mailed using a serial number that indicates that this is a replacement sent to an updated address. The original ballot shall be counted only if the replacement ballot does not arrive. If the commissioner receives more than one absent voter's ballot, provided for by this subchapter, from or purporting to be from any one voter for a particular election, all of the ballots so received from or purporting to be from such voter are void, and the commissioner shall not deliver any of the ballots to the precinct election officials, but shall retain them in the commissioner's office, and preserve

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them for the period and under the conditions provided for in sections 50.12, 50.13, 50.15, and 50.19.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.41]

89 Acts, ch 136, §56; 2007 Acts, ch 59, §33, 38; 2010 Acts, ch 1061, §9; 2014 Acts, ch 1026, §143

Referred to in §48A.5

53.42 Voting in person in commissioner's office.

Notwithstanding the provision as to time found in section 53.10, any qualified voter in the armed forces of the United States may personally appear in the office of the commissioner of the county of the voter's residence and there vote an absent voter's ballot at any time not earlier than forty days before the primary or general election, as the case may be.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.42]

Referred to in §48A.5

53.43 Identification on envelope.

The envelopes used in connection with voting by absent voter's ballot by voters who are members of the armed forces of the United States, shall have stamped or printed on them the words "Armed Forces or Overseas Ballot" and a designation of the election at which the ballot is to be cast.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.43]

86 Acts, ch 1224, §31, 40; 94 Acts, ch 1180, §28

Referred to in §48A.5

53.44 Affidavit to be signed and returned.

1. The affidavit on the envelope marked with the affidavit used in connection with voting by absentee ballot under this subchapter by members of the armed forces of the United States need not be notarized or witnessed, but the affidavit on such envelope shall be completed and signed by the voter.

2. In order for the ballot to be counted, the return envelope must be received in the commissioner's office before the polls close on election day or be clearly postmarked by an officially authorized postal service or bear a postal service barcode traceable to a date of entry into the federal mail system not later than the day before the election, as provided in section 53.17A, and received by the commissioner not later than noon on the Monday following the election.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.44]

84 Acts, ch 1291, §20; 89 Acts, ch 136, §57; 2007 Acts, ch 215, §239; 2014 Acts, ch 1026, §143; 2014 Acts, ch 1101, §30, 32; 2021 Acts, ch 12, §66, 73

Referred to in §48A.5, 53.53

53.45 Special absentee ballot.

1. *a.* As provided in this section, the commissioner shall provide special absentee ballots to be used for general elections. A special absentee ballot shall only be provided to an eligible elector who completes an application stating both of the following to the best of the eligible elector's belief:

(1) The eligible elector will be residing or stationed or working outside the continental United States.

(2) The eligible elector will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

b. The application for a special absentee ballot shall not be filed earlier than one hundred twenty days prior to the general election. The special absentee ballot shall list the offices and measures, if known, scheduled to appear on the general election ballot. The eligible elector may use the special absentee ballot to write in the name of any eligible candidate for each office and may vote on any measure.

2. With any special absentee ballot issued under this section, the commissioner shall include a listing of any candidates who have filed before the time of the application for

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offices that will appear on the ballot at that general election and a list of any measures that have been referred to the ballot before the time of the application.

3. Write-in votes on special absentee ballots shall be counted in the same manner provided by law for the counting of other write-in votes. The commissioner shall process and canvass the special absentee ballots provided under this section in the same manner as other absentee ballots.

4. Notwithstanding the provisions of section 53.49, an eligible elector who requests a special absentee ballot under this section may also make application for an absentee ballot under section 53.2 or an armed forces absentee ballot under section 53.40. If the regular absentee or armed forces absentee ballot is properly voted and returned, the special absentee ballot is void and the commissioner shall reject it in whole when special absentee ballots are canvassed.

87 Acts, ch 221, §29; 88 Acts, ch 1119, §30; 2008 Acts, ch 1032, §201; 2013 Acts, ch 30, §16; 2016 Acts, ch 1003, §1

Referred to in §48A.5, 53.38

53.46 Powers and duties of state commissioner.

The state commissioner is authorized and empowered:

1. To make rules for the purpose of carrying out the provisions and intent of this subchapter;

2. To prescribe and direct the preparation of specially printed ballots, envelopes and other papers of different size and weight to be used in connection with absent voting by voters in the armed forces of the United States, if, in the discretion of the state commissioner, the state commissioner shall determine that such a special ballot and other papers will facilitate voting by such voters; provided that the content of any such specially printed matter shall be the same as that used for absent voters generally in the particular precinct in which said armed forces ballot is to be cast, and provided further that such ballots, envelopes and other papers shall be substantially uniform in size and weight throughout the state; and provided further that the provisions of section 49.56, establishing the maximum cost of printing ballots, shall apply to the cost of printing any such specially printed ballots by the several counties;

3. To prescribe any forms that are not otherwise prescribed by law, and which in the judgment of the state commissioner are necessary to facilitate the carrying out of the purposes and intent of this subchapter;

4. To arrange for special transportation of ballots in cooperation with the government of the United States through any authorized instrumentality thereof and to that end the state commissioner is empowered to direct the commissioners of the several counties of the state to send ballots to voters in the armed forces of the United States other than in the usual course of mail;

5. To employ such clerical assistance as the state commissioner may require in carrying out the state commissioner's functions, to purchase and requisition any office supplies the state commissioner may require, and certify for payment the expenses of carrying out the state commissioner's functions under this subchapter;

6. To call upon any department or division of the state government for information and assistance in connection with carrying out the provisions of this subchapter;

7. To cooperate with any authorized departments, agencies and instrumentalities of the government of the United States in effecting the intent and purposes of this subchapter.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.46]

2014 Acts, ch 1026, §143

Referred to in §48A.5

53.47 Materials furnished by department of administrative services.

1. In order to establish uniformity in size, weight, and other characteristics of the ballot and facilitate its distribution and return, the department of administrative services shall upon direction of the state commissioner purchase any material needed for any special ballots, envelopes, and other printed matter, and sell any such materials to the several counties of the state at cost plus handling and transportation costs.

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2. There is appropriated to the department of administrative services from the general fund of the state such sums as may be necessary to purchase any materials provided for in this section. The proceeds from sale of such materials to counties shall be deposited in the general fund of the state upon receipt of the moneys by the department of administrative services.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.47]
2003 Acts, ch 145, §286; 2022 Acts, ch 1021, §23; 2023 Acts, ch 64, §11
Referred to in §48A.5

53.48 Postage on ballots.

In the event the government of the United States or any branch, department, agency or other instrumentality thereof shall make provision for sending of any voting matter provided for in this subchapter through the mails postage free, or otherwise, the election officials of the state of Iowa and of the several counties of the state are authorized to make use thereof under the direction of the state commissioner.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.48]
2014 Acts, ch 1026, §143
Referred to in §48A.5

53.49 Applicable to armed forces and other citizens.

The provisions of this subchapter as to absent voting shall apply only to absent voters in the armed forces of the United States as defined for the purpose of absentee voting in section 53.37. The provisions of sections 53.1 through 53.33 shall apply to all other voters not members of the armed forces of the United States.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.49]
86 Acts, ch 1224, §32; 87 Acts, ch 221, §30; 2002 Acts, ch 1071, §14; 2007 Acts, ch 59, §34, 38; 2014 Acts, ch 1026, §143; 2021 Acts, ch 147, §45, 54
Referred to in §48A.5, 53.45

53.50 Appropriation.

There is hereby appropriated to the state commissioner from the general fund of the state such sums as are necessary to pay the state commissioner's expenses and perform the state commissioner's functions under this subchapter. Warrants shall be drawn by the director of the department of administrative services upon certification by the state commissioner or the state commissioner's deputy.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.50]
2003 Acts, ch 145, §286; 2014 Acts, ch 1026, §143
Referred to in §48A.5

53.51 Rule of construction.

This subchapter shall be liberally construed in order to provide means and opportunity for qualified voters of the state of Iowa serving in the armed forces of the United States to vote.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.51]
94 Acts, ch 1180, §29; 2014 Acts, ch 1026, §143
Referred to in §48A.5

53.52 Inconsistent provisions — rule.

The provision or provisions of this subchapter which are inconsistent with any provision or provisions of any other existing statute or any part of any such other existing statute, shall prevail. Likewise, the provision or provisions of any other existing statute or any part of any other existing statute which is not inconsistent with this subchapter, shall prevail.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §53.52]
2014 Acts, ch 1026, §143
Referred to in §48A.5

53.53 Federal write-in ballots.

1. Upon receipt of an official federal write-in ballot, the commissioner shall examine the voter's written declarations on the envelope. If the voter is eligible to vote under the

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provisions of this subchapter and has complied with all requirements for the federal write-in ballot, then the federal write-in ballot is valid unless an Iowa absentee ballot is received from the voter in time to be counted.

2. The voter's declaration or affirmation on the federal write-in ballot constitutes a sufficient registration under the provisions of chapter 48A and the commissioner shall place the voter's name on the registration record as a registered voter, if the voter's name does not already appear on the registration record. No witness to the oath is necessary.

3. Federal write-in absentee ballots may be used in primary and general elections, and in special elections held pursuant to section 69.14. The federal write-in absentee ballot transmission envelope may also serve as an application for voter registration if the information submitted is sufficient to register the person to vote and the applicant is otherwise eligible to vote under the provisions of this subchapter.

4. The federal write-in ballot shall not be counted if any of the following apply:

a. The ballot was submitted from within the United States, unless the voter is a member of the armed forces of the United States as described in section 53.37, subsection 2, on active duty, and away from the voter's county of residence for purposes of serving on active duty.

b. The voter's completed regular or special Iowa absentee ballot was received by the deadline for return of absentee ballots established in section 53.44.

c. The voter's federal write-in ballot was received after the deadline for return of absentee ballots established in section 53.44.

5. A federal write-in ballot received by the state commissioner of elections shall be forwarded immediately to the appropriate county commissioner. However, if the state commissioner receives a federal write-in ballot after election day and before noon on the Monday following an election, the state commissioner shall at once verify that the voter has complied with the requirements of this section and that the voter's federal write-in ballot is eligible to be counted. If the ballot is eligible to be counted, the state commissioner shall notify the appropriate county commissioner and make arrangements for the ballot to be transmitted to the county for counting. If the ballot is not eligible to be counted, the state commissioner shall mail the ballot to the appropriate commissioner along with notification that the ballot is ineligible to be counted. The county commissioner shall keep the ballot with the other records of the election.

6. The county commissioner shall notify a voter when the voter's federal write-in ballot was not counted and shall give the voter the reason the ballot was not counted.

88 Acts, ch 1119, §31; 94 Acts, ch 1169, §56; 94 Acts, ch 1180, §30; 2004 Acts, ch 1083, §36, 37; 2007 Acts, ch 59, §35, 36, 38; 2009 Acts, ch 57, §72; 2014 Acts, ch 1026, §143; 2016 Acts, ch 1003, §2, 3; 2021 Acts, ch 12, §67, 73

Referred to in §48A.5

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CHAPTER 54

PRESIDENTIAL ELECTORS

Referred to in §39.28

54.1	Time of election — qualifications.	54.7	Meeting — certificate.
54.2	How elected.	54.8	Elector voting — certificate of governor.
54.3	Canvass.		
54.4	Nonparty organizations.	54.8A	Elector replacement — associated certificates.
54.5	Presidential nominees.		
54.6	Certificate.	54.9	Compensation.

54.1 Time of election — qualifications.

At the general election in the years of the presidential election, or at such other times as the Congress of the United States may direct, there shall be elected by the voters of the state one person from each congressional district into which the state is divided, and two from the state at large, as electors of president and vice president, no one of whom shall be a person

holding the office of senator or representative in Congress, or any office of trust or profit under the United States.

[C51, §301; R60, §535; C73, §659; C97, §1173; S13, §1173; C24, 27, 31, 35, 39, §**963;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.1]

54.2 How elected.

A vote for the candidates of any political party, or group of petitioners, for president and vice president of the United States, shall be conclusively deemed to be a vote for each candidate nominated in each district and in the state at large by said party, or group of petitioners, for presidential electors and shall be so counted and recorded for such electors.

[C24, 27, 31, 35, 39, §**964;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.2]

54.3 Canvass.

The canvass of the votes for candidates for president and vice president of the United States and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party or group of petitioners, respectively, and the certificate of such election made by the governor shall be in accord with such return.

[C24, 27, 31, 35, 39, §**965;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.3]

54.4 Nonparty organizations.

The term *"group of petitioners"* as used in this chapter shall embrace an organization which is not a political party as defined by law.

[C24, 27, 31, 35, 39, §**966;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.4]

Nonparty organizations, see chapter 44
Political party defined, §43.2

54.5 Presidential nominees.

1. *a.* The names of the candidates for president and vice president of a political party as defined in the law relating to primary elections, shall, by 5:00 p.m. on the eighty-first day before the election, be certified to the state commissioner by the chairperson and secretary of the state central committee of the party.

b. However, if the national nominating convention of a political party adjourns later than eighty-nine days before the general election the certificate showing the names of that party's candidates for president and vice president shall be filed within five days after adjournment.

c. As an alternative to the certificate by the state central committee, the certificate of nomination issued by the political party's national nominating convention may be used to certify the names of the party's candidates for president and vice president. If certificates of nomination are received from both the state central committee and the national nominating convention of a political party, and there are differences between the two certificates, the certificate filed by the state central committee shall prevail.

2. The state central committee shall also file a list of the names and addresses of the party's presidential electors and alternate electors, one from each congressional district and two from the state at large, not later than 5:00 p.m. on the eighty-first day before the general election. A political party may elect up to two alternate electors at the party's state convention. Additionally, the party's state central committee may nominate one alternate elector for each congressional district.

3. Each elector nominee and alternate elector nominee of a political party or group of petitioners shall execute the following pledge on a form prescribed by the state commissioner, which shall accompany the submission of the corresponding names to the state commissioner:

> If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party (or group of petitioners) that nominated me.

4. If a candidate for the office of president or vice president of the United States withdraws, dies, or is otherwise removed from the ballot before the general election, another candidate may be substituted. The substitution shall be made by the state central committee

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of the political party or by the governing committee of the national party. If there are differences, the substitution made by the state central committee shall prevail. A nonparty political organization which has filed the names of party officers and central committee members with the secretary of state before the close of the filing period for the general election pursuant to section 44.17 may also make substitutions. A substitution must be filed no later than seventy-four days before the election.

5. An objection to a nomination made under this section on any grounds other than the legal sufficiency of the certificate of nomination shall not be sustained. The certificate of nomination shall be presumed valid.

[C24, 27, 31, 35, 39, §**967;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.5; 81 Acts, ch 34, §38]

89 Acts, ch 136, §58; 97 Acts, ch 170, §74; 2015 Acts, ch 29, §9; 2020 Acts, ch 1098, §5, 6; 2025 Acts, ch 123, §17, 18

Referred to in §54.7, 54.8
Political party defined, §43.2

54.6 Certificate.

At the expiration of ten days from the completed canvass, the governor, under the governor's hand and the seal of state, shall issue to each presidential elector declared elected a certificate of election, the same in substance as required in other cases, and shall notify the elector to attend at the seat of government on the first Monday after the second Wednesday in December next following election, reporting the elector's attendance to the governor. If there be a contest of the election, no certificate shall issue until it is determined.

[C51, §308; R60, §542; C73, §665; C97, §1168; C24, 27, 31, 35, 39, §**968;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.6]

Certificate of election, §50.41

54.7 Meeting — certificate.

1. The presidential electors and alternate electors shall meet in the capitol, at the seat of government, on the first Tuesday after the second Wednesday in December next following their election.

2. If, at the time of such meeting, any elector for any cause is absent, the state commissioner shall appoint an individual to substitute for the elector as follows:

a. If the alternate elector is present to vote, by appointing the alternate elector for the vacant position.

b. If the alternate elector is not present to vote, by appointing an elector chosen by lot from among the other alternate electors present to vote who were nominated by the same political party or group of petitioners.

c. If the number of alternate electors present to vote is insufficient to fill a vacant position pursuant to paragraphs "*a*" and "*b*", by appointing any immediately available citizen of the state who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains.

d. If there is a tie between at least two nominees to substitute as an elector in a vote conducted under paragraph "*c*", by appointing an elector chosen by lot from among those nominees.

e. If all elector positions are vacant and cannot be filled through the processes set forth in paragraphs "*a*", "*b*", "*c*", and "*d*", by appointing a single presidential elector with remaining vacant positions filled pursuant to the method set forth in paragraph "*c*" and, if necessary, paragraph "*d*".

3. To qualify to substitute for an elector under subsection 2, an individual who has not executed the pledge required for elector nominees and alternate elector nominees under section 54.5 shall execute the following pledge:

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I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual whose elector position I have succeeded.

[C51, §308 – 310; R60, §542 – 544; C73, §665 – 667; C97, §1174; C24, 27, 31, 35, 39, §**969;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.7]

2020 Acts, ch 1098, §7; 2024 Acts, ch 1146, §14

Referred to in §54.8

54.8 Elector voting — certificate of governor.

1. At the time designated for elector voting and after all vacant positions have been filled under section 54.7, the state commissioner shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

2. Except as otherwise provided by law of this state outside of this chapter, each elector shall present both completed ballots to the state commissioner who shall examine the ballots and accept and cast all ballots of electors whose votes are consistent with their pledges executed under section 54.5 or 54.7. Except as otherwise provided by law of this state outside of this chapter, the state commissioner shall not accept and shall not count an elector's presidential and vice presidential ballots if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 54.5 or 54.7 vacates the office of elector. The state commissioner shall declare the creation of the vacancy and fill the vacancy pursuant to section 54.7.

4. The state commissioner shall distribute ballots to and collect ballots from a substitute elector and repeat the process set forth in this section for examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors until all of the state's electoral votes have been cast and recorded.

5. The governor shall duly certify the results, under the seal of the state, to the United States secretary of state, and as required by Act of Congress related to such elections.

[C51, §311; R60, §545; C73, §668; C97, §1175; C24, 27, 31, 35, 39, §**970;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.8]

2020 Acts, ch 1098, §8; 2021 Acts, ch 80, §26

54.8A Elector replacement — associated certificates.

1. After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. §6, the state commissioner shall immediately prepare an amended certificate of ascertainment and transmit the amended certificate to the governor for the governor's signature.

2. The governor shall immediately deliver the signed amended certificate of ascertainment to the state commissioner and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

3. The state commissioner shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The state commissioner shall process and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C. §9 – 11.

2020 Acts, ch 1098, §9

54.9 Compensation.

The electors shall each receive a compensation of one-half of the federal general services administration's per diem rate for the relevant date and location for every day's attendance,

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and the same mileage as members of the general assembly which shall be paid from funds not otherwise appropriated from the general fund of the state.

[C51, §312; R60, §546; C73, §669; C97, §1176; C24, 27, 31, 35, 39, §**971;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §54.9]

2021 Acts, ch 147, §46, 54

CHAPTER 55

LEAVE OF ABSENCE FOR CANDIDACY AND PUBLIC SERVICE

Referred to in §39.28

55.1 Leave of absence for service in elective office.
55.2 Leave of absence for volunteer emergency service.
55.3 Service on boards, commissions, task forces, and committees.
55.4 Leave of absence for public employee candidacy.
55.5 Penalties.

55.1 Leave of absence for service in elective office.

1. A person who is elected to a municipal, county, state, or federal office shall, upon written application to the employer of that person, be granted a leave of absence from regular employment to serve in that office except where prohibited by the federal law. The leave of absence may be granted without pay, except that if a salaried employee takes leave without pay from regular employment for a portion of a pay period, the employee's salaried compensation for that pay period shall be reduced by the ratio of the number of days of leave taken to the total number of days in the pay period. The leave of absence shall be granted without loss of net credited service and benefits earned. This section shall not be construed to require an employer to pay pension, health, or other benefits during the leave of absence to an employee taking a leave of absence under this section.

2. A leave of absence for a person regularly employed pursuant to chapter 8A, subchapter IV, is subject to section 8A.416.

3. An employee shall not be prohibited from returning to regular employment before the period expires for which the leave of absence was granted. This section applies only to employers which employ twenty or more full-time persons. The leave of absence granted by this section does not apply to an elective office held by the employee prior to the election.

4. Temporary substitute teachers and teachers hired on a temporary basis to replace teachers who have been granted leaves of absence pursuant to this section are not subject to the provisions of chapter 279 relating to the termination of continuing contracts.

84 Acts, ch 1233, §1; 2003 Acts, ch 145, §153; 2008 Acts, ch 1171, §58, 59

Multiple elective offices, see §39.11, 39.12, 441.17(1)

55.2 Leave of absence for volunteer emergency service.

All officers and employees of the state, other than employees employed temporarily for six months or less or those employees considered essential personnel, who are volunteer fire fighters or emergency medical service personnel shall be entitled to a leave of absence from such civil employment for the period of an emergency response without loss of status or efficiency rating, and without loss of pay during such leave of absence. Such leave of absence shall in no way affect the employee's rights to action, sick leave, bonus, or other employment benefits relating to the employee's particular employment.

2000 Acts, ch 1117, §3

55.3 Service on boards, commissions, task forces, and committees.

1. For the purpose of this section, *"state board"* includes any board, commission, committee, council, or task force of the state government created by the Constitution of the State of Iowa, or by statute, resolution of the general assembly, motion of the legislative council, executive order of the governor, or supreme court order, but does not include any

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such state board, commission, committee, council, or task force for which an annual salary is provided for its members.

2. A person who is appointed to serve on a state board, upon written application to the person's employer, shall be granted leaves of absence from regular employment to attend the meetings of the state board, except if leaves of absence are prohibited by federal law. The leaves of absence may be granted without pay and shall be granted without loss of net credited service and benefits earned. This section does not apply if the employer employs less than twenty full-time employees.

86 Acts, ch 1245, §2061; 2006 Acts, ch 1010, §39; 2020 Acts, ch 1062, §94

55.4 Leave of absence for public employee candidacy.

1. Any public employee who becomes a candidate for any elective public office shall, upon request of the employee and commencing any time within thirty days prior to a contested primary, special, or general election and continuing until after the day following that election, automatically be given a period of leave. If the employee is under chapter 8A, subchapter IV, the employee may choose to use accrued vacation leave, accrued compensatory leave, or leave without pay to cover these periods. The appointing authority may authorize other employees to use accrued vacation leave or accrued compensatory leave instead of leave without pay to cover these periods. An employee who is a candidate for any elective public office shall not campaign while on duty as an employee.

2. This section does not apply to employees of the federal government or to a public employee whose position is financed by federal funds if the application of this section would be contrary to federal law or result in the loss of the federal funds.

86 Acts, ch 1021, §2; 2003 Acts, ch 145, §154; 2020 Acts, ch 1062, §94

55.5 Penalties.

A person violating this chapter is guilty of a simple misdemeanor. Each day in which the violation continues is a separate offense.

84 Acts, ch 1233, §2
C85, §55.2
C87, §55.5

CHAPTER 56

CAMPAIGN FINANCE

Transferred to chapter 68A; 2003 Acts, ch 40, §9

CHAPTER 57

CONTESTING ELECTIONS — GENERAL PROVISIONS

Referred to in §9E.6, 39.28, 43.5, 50.12, 145A.22

Chapter applicable to primary elections, §43.5

57.1 Standing to bring contest — grounds for contest.
57.2 Certificate withheld.
57.3 Terms defined.
57.4 Change of result.
57.5 Recanvass in case of contest.
57.6 Other contests.
57.7 Contest court for contest of public measure — appeal.

57.1 Standing to bring contest — grounds for contest.

1. Elections may be contested under this chapter as follows:

a. The election of any person to any county office, to a seat in either branch of the general

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assembly, to a state office, to the office of senator or representative in Congress, or to the office of presidential elector may be contested by any eligible person who received votes for the office in question.

b. The outcome of the election on a public measure may be contested by petition of the greater of ten eligible electors or a number of eligible electors equaling one percent of the total number of votes cast upon the public measure; each petitioner must be a person who was entitled to vote on the public measure in question or would have been so entitled if registered to vote.

2. Grounds for contesting an election under this chapter are:

a. Misconduct, fraud or corruption on the part of any election official or of any board of canvassers of sufficient magnitude to change the result of the election.

b. That the incumbent was not eligible to the office in question at the time of election.

c. That prior to the election the incumbent had been duly convicted of a felony, as defined in section 701.7, and that the judgment had not been reversed, annulled, or set aside, nor the incumbent pardoned or restored to the rights of citizenship by the governor under chapter 914, at the time of the election.

d. That the incumbent has given or offered to any elector, or any precinct election official or canvasser of the election, any bribe or reward in money, property, or thing of value, for the purpose of procuring the incumbent's election.

e. That illegal votes have been received or legal votes rejected at the polls, sufficient to change the result of the election.

f. Any error in any board of canvassers in counting the votes, or in declaring the result of the election, if the error would affect the result.

g. That the public measure or office was not authorized or required by state law to appear on the ballot at the election being contested.

h. Any other cause or allegation which, if sustained, would show that a person other than the incumbent was the person duly elected to the office in question, or would show the outcome of the election on the public measure in question was contrary to the result declared by the board of canvassers.

[C51, §339, 341, 368, 380, 387; R60, §569, 571, 598, 610, 617; C73, §692, 718, 730, 737; C97, §1198; C24, 27, 31, 35, 39, §**981;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §57.1; 81 Acts, ch 34, §39]

86 Acts, ch 1112, §3; 2002 Acts, ch 1134, §72, 115

Referred to in §62.5, 388.2A

57.2 Certificate withheld.

If notice of a contest of the election of an officer is filed before the certificate of election is delivered to the incumbent, or notice of a contest of the declared result of an election on a public measure is filed before a duplicate of the abstract of votes upon the measure and of the county board's declaration is certified pursuant to section 50.27, the certificate or duplicate abstract and declaration shall be withheld until the determination of the contest. If the certificate of election or duplicate abstract and declaration have been issued, the commissioner shall send the persons or political subdivisions affected by the notice of contest a statement advising them that the election is being contested and that the certificate or duplicate abstract and declaration are not valid until the election contest is resolved.

[C51, §367; R60, §597; C73, §713; C97, §1219; C24, 27, 31, 35, 39, §**982;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §57.2]

57.3 Terms defined.

The term "*incumbent*" in this chapter means the person whom the canvassers declare elected. The term "*election*" in this chapter means the voting for a particular office, or the voting for or against a particular public measure, including the notice and other preparations for voting required by law and the tallying and canvass of the votes cast, section 39.2 notwithstanding.

[C51, §340; R60, §570; C73, §693; C97, §1199; C24, 27, 31, 35, 39, §**983;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §57.3]

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57.4 Change of result.

When the misconduct, fraud, or corruption complained of is on the part of the precinct election officials in a precinct, it shall not be held sufficient to set aside the election, unless the rejection of the vote of that precinct would change the result as to that office.

[C51, §342; R60, §572; C73, §694; C97, §1200; C24, 27, 31, 35, 39, §**984;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §57.4]

57.5 Recanvass in case of contest.

The parties to any contested election shall have the right, in open session of the court or tribunal trying the contest, and in the presence of the officer having them in custody, to have the ballots opened, and all errors of the precinct election officials in counting or refusing to count ballots corrected by such court or tribunal.

[C97, §1143; S13, §1143; C24, 27, 31, 35, 39, §**985;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §57.5]

57.6 Other contests.

All the provisions of chapter 62 relating to contested elections of county officers shall be applicable, as near as may be, to contested elections for other offices, and for public measures except as herein otherwise provided, and in all cases process and papers may be issued to and served in the manner provided by the rules of civil procedure for service of an original notice by the sheriff of any county.

[C51, §379, 396; R60, §609, 626; C73, §729, 745; C97, §1250; C24, 27, 31, 35, 39, §**986;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §57.6; 81 Acts, ch 34, §40]

2015 Acts, ch 29, §10

Referred to in §331.653

Service of original notice, R.C.P. 1.302 – 1.315

57.7 Contest court for contest of public measure — appeal.

The court for the trial of a contested election on a public measure shall consist of five district court judges, appointed by the chief justice of the supreme court by January 30 of each odd-numbered year. The decision of the contest court may be appealed to the supreme court.

[C77, 79, 81, §57.7]

2025 Acts, ch 122, §15

CHAPTER 58

CONTESTING ELECTIONS OF GOVERNOR AND LIEUTENANT GOVERNOR

Referred to in §39.28, 43.5, 50.12

Chapter applicable to primary elections, §43.5
Iowa Constitution, Art. IV, §5

58.1	Notice — grounds.	58.5	Powers and proceedings.
58.2	Notice to incumbent.	58.6	Testimony.
58.3	Houses notified.		
58.4	Contest court.	58.7	Judgment.

58.1 Notice — grounds.

The contestant for the office of governor shall, within thirty days after the proclamation of the result of the election, deliver to the presiding officer of each house of the general assembly a notice of intent to contest, and a specification of the grounds of such contest, as provided in chapter 62.

[C51, §388; R60, §618; C73, §738; C97, §1239; C24, 27, 31, 35, 39, §**987;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.1]

2007 Acts, ch 59, §17, 19

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58.2 Notice to incumbent.

As soon as the presiding officers have received the notice and specifications, they shall make out a notice, directed to the incumbent, including a copy of the specifications, which shall be served in the manner provided by the rules of civil procedure for service of an original notice by the sergeant at arms.

[C51, §389; R60, §619; C73, §739; C97, §1240; C24, 27, 31, 35, 39, §**988;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.2; 81 Acts, ch 34, §41]

58.3 Houses notified.

The presiding officers shall also immediately make known to their respective houses that such notice and specifications have been received.

[C51, §390; R60, §620; C73, §740; C97, §1241; C24, 27, 31, 35, 39, §**989;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.3]

58.4 Contest court.

Each house shall forthwith proceed, separately, to choose seven members of its own body in the following manner:

1. The names of members of each house, except the presiding officer, written on similar paper tickets, shall be placed in a box, the names of the senators in their presence by their secretary, and the names of the representatives in their presence by their clerk.
2. The secretary of the senate in the presence of the senate, and the clerk of the house of representatives in the presence of the house, shall draw from their respective boxes the names of seven members each.
3. As soon as the names are thus drawn, the names of the members drawn by each house shall be communicated to the other, and entered on the journal of each house.

[C51, §391; R60, §621; C73, §741; C97, §1242; C24, 27, 31, 35, 39, §**990;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.4]

58.5 Powers and proceedings.

The members thus drawn shall constitute a committee to try and determine the contested election, and for that purpose shall hold their meetings publicly at the place where the general assembly is sitting, at such times as they may designate; and may adjourn from day to day or to a day certain, not more than four days distant, until such trial is determined; shall have power to send for persons and papers, and to take all necessary means to procure testimony, extending like privileges to the contestant and the incumbent; and shall report their judgment to both branches of the general assembly, which report shall be entered on the journals of both houses.

[C51, §392; R60, §622; C73, §742; C97, §1243; C24, 27, 31, 35, 39, §**991;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.5]

58.6 Testimony.

The testimony shall be confined to the matters contained in the specifications.

[C51, §393; R60, §623; C73, §743; C97, §1244; C24, 27, 31, 35, 39, §**992;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.6]

58.7 Judgment.

The judgment of the committee pronounced in the final decision on the election may be appealed to the supreme court.

[C51, §394; R60, §624; C73, §744; C97, §1245; C24, 27, 31, 35, 39, §**993;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §58.7]

2025 Acts, ch 122, §16

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CHAPTER 59

CONTESTING ELECTIONS FOR SEATS IN THE GENERAL ASSEMBLY

Referred to in §39.28, 43.5, 50.12

Chapter applicable to primary elections, §43.5

59.1	Statement served.	59.5	Statement and depositions — notice.
59.2	Subpoenas.	59.6	Power of general assembly.
59.3	Depositions.	59.7	Notice of result.
59.4	Return of depositions.		

59.1 Statement served.

1. The contestant for a seat in either branch of the general assembly shall, prior to twenty days before the first day of the next session, serve on the incumbent in the manner provided by the rules of civil procedure for service of an original notice a statement of notice of contest which shall allege a fact or facts believed true by the contestant which, if true, would alter the outcome of the election.

2. A copy of the statement of notice of contest shall be filed with the secretary of state within five days of service of the notice upon the incumbent. The secretary of state shall notify the presiding officer of the house in which the contest will be tried.

3. A special election for a seat in either house of the general assembly may be contested. The contestant shall serve notice on the incumbent in the manner described in this section not later than twenty days after the state canvass of votes for the election. A copy of the notice shall also be filed with the presiding officer of the house in which the contest is to be tried, if the general assembly is in session. If the general assembly is not in session, a copy of the notice shall be filed with the secretary of state. The secretary of state shall notify the presiding officer of the house in which the contest will be tried.

[C51, §381; R60, §611; C73, §731; C97, §1233; C24, 27, 31, 35, 39, §**994;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §59.1; 81 Acts, ch 34, §42]

93 Acts, ch 143, §37; 97 Acts, ch 170, §75; 2017 Acts, ch 54, §76; 2018 Acts, ch 1041, §14

Manner of service, R.C.P. 1.302 – 1.315

59.2 Subpoenas.

Any judge or clerk of a court of record may issue subpoenas in the above cases, as in those provided in chapters 61 and 62, and compel the attendance of witnesses thereunder.

[C51, §382; R60, §612; C73, §732; C97, §1234; C24, 27, 31, 35, 39, §**995;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §59.2]

59.3 Depositions.

Depositions may be taken in such cases in the same manner and under the same rules as in an action at law in the district court, but no cause for taking the depositions need be shown.

[C51, §383; R60, §613; C73, §733; C97, §1235; C24, 27, 31, 35, 39, §**996;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §59.3]

2018 Acts, ch 1041, §15

Depositions in general, R.C.P. 1.701 et seq.

59.4 Return of depositions.

A copy of the statement, and of the notice for taking depositions, with the service endorsed, and verified by affidavit if not served by an officer, shall be returned to the officer taking the depositions, and then, with the depositions, shall be sealed up and transmitted to the secretary of state, with an endorsement thereon showing the nature of the papers, the names of the contesting parties, and the branch of the general assembly before whom the contest is to be tried.

[C51, §384; R60, §614; C73, §734; C97, §1236; C24, 27, 31, 35, 39, §**997;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §59.4]

Referred to in §59.5

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59.5 Statement and depositions — notice.

The secretary shall deliver the unopened papers described in section 59.4 to the presiding officer of the house in which the contest is to be tried, on or before the second day of the session, regular or special, of the general assembly next after taking the depositions. The presiding officer shall immediately give notice to that officer's house that such papers are in the officer's possession.

[C51, §385; R60, §615; C73, §735; C97, §1237; C24, 27, 31, 35, 39, §**998;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §59.5]

2019 Acts, ch 59, §26

59.6 Power of general assembly.

Nothing contained in this chapter shall be construed to abridge the right of either branch of the general assembly to grant commissions to take depositions, or to send for and examine any witness it may desire to hear on such trial.

[C51, §386; R60, §616; C73, §736; C97, §1238; C24, 27, 31, 35, 39, §**999;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §59.6]

2018 Acts, ch 1026, §24

59.7 Notice of result.

The presiding officer of the house in which the contest was tried shall certify to the secretary of state the results of the contest.

93 Acts, ch 143, §38

CHAPTER 60

CONTESTING ELECTIONS OF PRESIDENTIAL ELECTORS AND CONGRESSPERSONS

Referred to in §39.28, 50.12

60.1	Court of contest.	60.5	Organization and trial.
60.2	Clerk.	60.6	Judgment — appeal.
60.3	Oath.	60.7	Contestant to file bond.
60.4	Statement.		

60.1 Court of contest.

The court for the trial of contested elections for presidential electors or for the office of senator or representative in Congress shall consist of five judges of the district court to be selected by the chief justice of the supreme court by January 30 of each odd-numbered year, three of whom shall constitute a quorum for the transaction of the business of the court. The district court judge longest serving shall be the presiding judge of the court.

[C97, §1246; C24, 27, 31, 35, 39, §**1000;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.1]

2025 Acts, ch 122, §17

60.2 Clerk.

The clerk of the supreme court shall be the clerk of the court.

[C97, §1246; C24, 27, 31, 35, 39, §**1001;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.2]

2025 Acts, ch 122, §18

60.3 Oath.

Each member of the court, before entering upon the discharge of the member's duties, shall take an oath before the secretary of state, or some officer qualified to administer oaths, that the member will support the Constitution of the United States and that of the state of Iowa, and that, without fear, favor, affection, or hope of reward, the member will, to the best of

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the member's knowledge and ability, administer justice according to law and the facts in the case.

[C97, §1246; C24, 27, 31, 35, 39, §**1002;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.3]

60.4 Statement.

The contestant shall file the statement provided for in chapter 62 in the office of the secretary of state within two days from the day on which the returns are canvassed by the state board of canvassers and, within the same time, serve a copy of the same, with a notice of the contest, on the incumbent in the manner provided by the rules of civil procedure for service of an original notice.

[C97, §1247; C24, 27, 31, 35, 39, §**1003;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.4; 81 Acts, ch 34, §43]

2002 Acts, ch 1134, §73, 115

60.5 Organization and trial.

The clerk of the court shall, immediately after the filing of the statement, notify the judges herein named, and fix a day for the organization of the court within two days thereafter, and also notify the parties to the contest. The judges shall meet on the day fixed, and organize the court, and make and announce such rules for the trial of the case as they shall think necessary for the protection of the rights of each party and a just and speedy trial of the case, and commence the trial of the case as early as practicable thereafter, and so arrange for and conduct the trial that a final determination of the same and judgment shall be rendered at least six days before the first Monday after the second Wednesday in December next following.

[C97, §1248; C24, 27, 31, 35, 39, §**1004;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.5]

2002 Acts, ch 1134, §74, 115

60.6 Judgment — appeal.

The judgment of the court shall determine which of the parties to the action is entitled to hold the office and shall be authenticated by the presiding judge and clerk of the court and filed with the secretary of state; and the judgment so rendered may be appealed to the supreme court, and a certificate of appointment shall be issued to the successful party.

[C97, §1249; C24, 27, 31, 35, 39, §**1005;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §60.6]

2025 Acts, ch 122, §19

60.7 Contestant to file bond.

The contestant shall file in the office of the clerk of the supreme court a bond, with security to be approved by the clerk of the supreme court, in such amount as shall be set by the presiding judge of the court, conditional to pay all costs in case the election be confirmed or the contest dismissed. The presiding judge shall further set the date upon which the required bond shall be filed. If the required bond is not filed by the date set, the contest shall stand dismissed by operation of law.

[C71, 73, 75, 77, 79, 81, §60.7]

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CHAPTER 61

CONTESTING ELECTIONS OF STATE OFFICERS

Referred to in §39.28, 43.5, 50.12, 59.2

Chapter applicable to primary elections, §43.5

61.1 Contest court.
61.2 Clerk.
61.3 Statement filed.
61.4 Selection of court.
61.5 Notice of selection.
61.6 Organization.
61.7 Reserved.
61.8 Delivery of papers.
61.9 Time of trial.
61.10 Notice to incumbent — trial.
61.11 Subpoenas — depositions.
61.12 Judgment filed — execution.
61.13 Power of judge.
61.14 Compensation of judges.

61.1 Contest court.

The court for the trial of contested state offices, except that of governor and lieutenant governor, shall consist of five district judges, not interested, who shall be selected by the chief justice of the supreme court.

[C51, §369; R60, §599; C73, §719; C97, §1224; C24, 27, 31, 35, 39, §**1006;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.1]

2025 Acts, ch 122, §20

61.2 Clerk.

The clerk of the supreme court shall be the clerk of this court.

[C51, §370; R60, §600; C73, §720; C97, §1225; C24, 27, 31, 35, 39, §**1007;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.2]

2025 Acts, ch 122, §21

61.3 Statement filed.

The statement, as provided in chapter 62 must be filed with such clerk within thirty days from the day when incumbent was declared elected.

[C51, §371; R60, §601; C73, §721; C97, §1226; C24, 27, 31, 35, 39, §**1008;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.3]

61.4 Selection of court.

The chief justice of the supreme court shall select the membership of the court by January 30 of each odd-numbered year, and immediately certify such selection to the clerk of the supreme court. Vacancies shall also be filled by the chief justice.

[C24, 27, 31, 35, 39, §**1009;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.4]

2025 Acts, ch 122, §22

61.5 Notice of selection.

The clerk of the supreme court, on receipt of such certificate, shall forthwith in writing notify the members of such court of contest of their selection.

[C51, §372; R60, §602; C73, §722; C97, §1227; C24, 27, 31, 35, 39, §**1010;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.5]

61.6 Organization.

The members so selected for said contest court shall meet at the seat of government within ten days after said notification and qualify by taking the oath required in case of contest over the office of presidential elector, and proceed, at said place, with the discharge of their duties.

[C51, §375; R60, §605; C73, §725; C97, §1229; C24, 27, 31, 35, 39, §**1011;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.6]

Oath, §60.3

61.7 Reserved.

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61.8 Delivery of papers.

Upon the organization of said court of contest, all papers in the possession of the clerk of the supreme court shall be forthwith delivered to said court of contest.

[C24, 27, 31, 35, 39, §**1013;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.8]

61.9 Time of trial.

The time for the trial of any contest relative to a state office shall not be set beyond the last Monday in January following the election.

[C51, §372; R60, §602; C73, §722; C97, §1227; C24, 27, 31, 35, 39, §**1014;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.9]

61.10 Notice to incumbent — trial.

Upon the organization of said court of contest, the court shall cause a notice of said contest to be served on the incumbent, together with a copy of the statement of contest filed by the contestant in the manner provided by the rules of civil procedure for service of an original notice. No trial shall be held sooner than twenty days following said notice, except by consent of all parties.

[C51, §372; R60, §602; C73, §722; C97, §1227; C24, 27, 31, 35, 39, §**1015;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.10; 81 Acts, ch 34, §44]

61.11 Subpoenas — depositions.

The secretary of state, the several clerks of the supreme and district courts, under their respective seals of office, and either of the judges of the supreme or district courts, under their hands, may issue subpoenas for witnesses to attend this court; and disobedience to such process may be treated as a contempt. Depositions may also be taken as in the case of contested county elections.

[C51, §373; R60, §603; C73, §723; C97, §1228; C24, 27, 31, 35, 39, §**1016;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.11]

Contempts, chapter 665
Depositions in county contest, §62.16

61.12 Judgment filed — execution.

A transcript of the judgment rendered by such court, filed in the office of the clerk of the supreme court, shall have the force and effect of a judgment of the supreme court, except that the judgment of the court may be appealed to the supreme court, and execution may issue therefrom in the first instance against the party's property generally.

[C51, §377; R60, §607; C73, §727; C97, §1231; C24, 27, 31, 35, 39, §**1017;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.12]

2025 Acts, ch 122, §23

61.13 Power of judge.

The presiding judge of this court shall have authority to carry into effect any order of the court, after the adjournment thereof, by attachment or otherwise.

[C51, §378; R60, §608; C73, §728; C97, §1232; C24, 27, 31, 35, 39, §**1018;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.13]

61.14 Compensation of judges.

The judges shall be entitled to receive for their travel and attendance the sum of twelve dollars each per day, with such mileage as is allowed to members of the general assembly, to be paid from the state treasury.

[C51, §376; R60, §606; C73, §726; C97, §1230; C24, 27, 31, 35, 39, §**1019;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §61.14]

UNOFFICIAL VERSION
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CHAPTER 62

CONTESTING ELECTIONS OF COUNTY OFFICERS

Referred to in §39.28, 43.5, 50.12, 57.6, 58.1, 59.2, 60.4, 61.3, 331.505, 376.10

Chapter applicable to primary elections, §43.5

62.1 Definitions.
62.1A Contest court established.
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62.7 When auditor is party.
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62.10 Place of trial.
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62.20 Appeal.
62.21 Judgment.
62.22 Process — fees.
62.23 Compensation.
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62.25 How collected.

62.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

62.1A Contest court established.

The court for the trial of contested county elections shall consist of a district court judge from the judicial district where the county election is being contested, appointed by the chief justice of the supreme court by January 30 of each odd-numbered year.

[C51, §343; R60, §573; C73, §695; C97, §1201; C24, 27, 31, 35, 39, §**1020;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.1]

97 Acts, ch 170, §76

C2001, §62.1A

2009 Acts, ch 133, §16; 2025 Acts, ch 122, §24

Referred to in §331.383

62.2 Contest court members sworn.

Members of the contest court shall be sworn in the same manner and form as trial jurors are sworn in trials of civil actions. When a member fails to appear on the day of trial, that member's place may be filled by the appointment of another member under the same rule.

[C51, §347, 348; R60, §577, 578; C73, §700; C97, §1206; C24, 27, 31, 35, 39, §**1021;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.2]

97 Acts, ch 170, §77; 2009 Acts, ch 133, §17

62.3 Clerk.

The county auditor shall be clerk of this court, and keep all papers, and record the proceedings in the election book, in manner similar to the record of the proceedings of the district court, but when the county auditor is a party, the court shall appoint a suitable person as clerk, whose appointment shall be recorded.

[C51, §344; R60, §574; C73, §696; C97, §1202; C24, 27, 31, 35, 39, §**1022;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.3]

Referred to in §331.508

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62.4 Sheriff to attend.

The court or presiding judge may direct the attendance of the sheriff or a deputy when necessary.

[C51, §359; R60, §589; C73, §708; C97, §1214; C24, 27, 31, 35, 39, §**1023;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.4]

Referred to in §331.653

62.5 Statement of intent to contest.

1. Within twenty days after the board of supervisors declares a winner from the canvass of an election, the contestant shall file with the commissioner a written statement of intention to contest the election. If a recount is held for the office in question, and the recount board finds that the winner was someone other than the person declared at the original canvass of votes, a contest may be filed within twenty days after the board of supervisors declares a winner from the recount of votes.

2. The contestant's statement shall include the following:

a. The name of the contestant and that the contestant is qualified to hold such office.

b. The name of the incumbent.

c. The office contested.

d. The date of the election.

e. The particular causes of the contest pursuant to section 57.1, subsection 2. If a cause of the contest is an allegation that illegal votes were received or that legal votes were rejected, a statement shall be included setting forth the names of the persons who are alleged to have voted illegally or whose votes were rejected and the precinct where they voted or offered to vote.

f. The affidavit of the contestant, or some elector of the county, affirming the causes set forth are true.

[C51, §345; R60, §575; C73, §697; C97, §1203; C24, 27, 31, 35, 39, §**1024;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.5]

2002 Acts, ch 1134, §75, 114, 115

62.6 Bond.

The contestant must also file with the county auditor a bond, with security to be approved by said auditor, conditioned to pay all costs in case the election be confirmed, or the statement be dismissed, or the prosecution fail.

[C51, §345; R60, §575; C73, §697; C97, §1203; C24, 27, 31, 35, 39, §**1025;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.6]

62.7 When auditor is party.

When the auditor is a party, the county treasurer shall receive such statement and approve such bond.

[C73, §697; C97, §1203; C24, 27, 31, 35, 39, §**1026;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.7]

93 Acts, ch 70, §1

62.8 Names of voters specified. Repealed by 2002 Acts, ch 1134, §114, 115. See §62.5.

62.9 Trial — notice.

The presiding judge shall fix a day for the trial, not more than thirty days thereafter, and shall cause a notice of such trial to be served on the incumbent, with a copy of the contestant's statement, at least ten days before the day set for trial. If the trial date is set for less than twenty days from the day notice is given and either party is not ready, the presiding judge shall delay the trial.

[C51, §347, 349, 350; R60, §577, 579, 580; C73, §699; C97, §1205; C24, 27, 31, 35, 39, §**1028;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.9]

97 Acts, ch 170, §78

Referred to in §331.383

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62.10 Place of trial.

The trial of contested county elections shall take place at the county seat, unless some other place within the county is substituted by the consent of the court and parties.

[C51, §357; R60, §587; C73, §707; C97, §1213; C24, 27, 31, 35, 39, §**1029;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.10]

62.11 Subpoenas.

Subpoenas for witnesses may be issued at any time after the notice of trial is served, either by the county treasurer or by the county auditor, and shall command the witnesses to "appear at ....., on ....., to testify in relation to a contested election, wherein ..... (Insert contestant's name) is contestant and ..... (Insert incumbent's name) is incumbent".

[C51, §352, 356; R60, §582, 586; C73, §704, 706; C97, §1210; C24, 27, 31, 35, 39, §**1030;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.11]

93 Acts, ch 70, §2; 2000 Acts, ch 1058, §11; 2018 Acts, ch 1041, §16

62.12 Postponement.

The trial shall proceed at the time appointed, unless postponed for good cause shown by affidavit, the terms of which postponement shall be in the discretion of the court.

[C51, §353; R60, §583; C73, §701; C97, §1207; C24, 27, 31, 35, 39, §**1031;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.12]

62.13 Procedure — powers of court.

The proceedings shall be assimilated to those in an action, so far as practicable, but shall be under the control and direction of the court, which shall have all the powers of the district court necessary to the right hearing and determination of the matter, to compel the attendance of witnesses, swear them and direct their examination, to punish for contempt in its presence or by disobedience to its lawful mandate, to adjourn from day to day, to make any order concerning intermediate costs, and to enforce its orders by attachment. It shall be governed by the rules of law and evidence applicable to the case.

[C51, §354, 358, 361; R60, §584, 588, 591; C73, §702; C97, §1208; C24, 27, 31, 35, 39, §**1032;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.13]

62.14 Sufficiency of statement.

The statement shall not be dismissed for want of form, if the particular causes of contest are alleged with such certainty as will sufficiently advise the incumbent of the real grounds of contest.

[C51, §355; R60, §585; C73, §705; C97, §1211; C24, 27, 31, 35, 39, §**1033;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.14]

62.15 Amendment — continuance.

If any part of the causes are held insufficient, they may be amended, but the incumbent will be entitled to an adjournment, if the incumbent states on oath that the incumbent has matter of answer to the amended causes, for the preparation of which the incumbent needs further time. Such adjournment shall be upon such terms as the court thinks reasonable; but if all the causes are held insufficient and an amendment is asked, the adjournment shall be at the cost of contestant. If no amendment is asked for or made, or in case of entire failure to prosecute, the proceedings may be dismissed.

[C51, §355, 361; R60, §585, 591; C73, §705; C97, §1211; C24, 27, 31, 35, 39, §**1034;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.15]

62.16 Testimony.

The testimony may be oral or by deposition, taken as in an action at law in the district court.

[C51, §351; R60, §581; C73, §703; C97, §1209; C24, 27, 31, 35, 39, §**1035;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.16]

Depositions in general, R.C.P. 1.701 et seq.

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62.17 Voters required to testify.

The court may require any person called as a witness, who voted at such election, to answer touching the person's qualifications as a voter, and, if the person was not a registered voter in the county where the person voted, then to answer for whom the person voted.

[C51, §360; R60, §590; C73, §709; C97, §1215; C24, 27, 31, 35, 39, §**1036;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.17]

2001 Acts, ch 56, §5

62.18 Judgment.

The court shall adjudge whether the incumbent or any other person was duly elected, and that the person elected is entitled to the certificate. If the court finds that the election resulted in a tie vote for any office, the tie shall be resolved pursuant to section 50.44. If the judgment is against the incumbent, and the incumbent has already received the certificate, the judgment shall annul the certificate. If the court finds that no person was elected, the judgment shall be that the election be set aside.

[C51, §362; R60, §592; C73, §714; C97, §1220; C24, 27, 31, 35, 39, §**1037;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.18]

90 Acts, ch 1238, §32

62.19 How enforced.

When either the contestant or incumbent shall be in possession of the office, by holding over or otherwise, the presiding judge shall, if the judgment be against the party so in possession of the office and in favor of the party's antagonist, issue an order to carry into effect the judgment of the court, which order shall be under the seal of the county, and shall command the sheriff of the county to put the successful party into possession of the office without delay, and to deliver to the successful party all books and papers belonging to the same; and the sheriff shall execute such order as other writs.

[C73, §715; C97, §1221; C24, 27, 31, 35, 39, §**1038;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.19]

Referred to in §62.20, 331.653

62.20 Appeal.

The party against whom judgment is rendered may appeal within twenty days to the supreme court, but, if the party be in possession of the office, such appeal will not supersede the execution of the judgment of the court as provided in section 62.19, unless the party gives a bond, with security to be approved by the supreme court in a sum to be fixed by the supreme court, and which shall be at least double the probable compensation of such officer for six months, which bond shall be conditioned that the party will prosecute the appeal without delay, and that, if the judgment appealed from be affirmed, the party will pay over to the successful party all compensation received by the party while in possession of said office after the judgment appealed from was rendered. The court shall hear the appeal in equity and determine anew all questions arising in the case.

[C73, §716; C97, §1222; S13, §1222; C24, 27, 31, 35, 39, §**1039;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.20]

2025 Acts, ch 122, §25

Presumption of approval of bond, §636.10

62.21 Judgment.

If, upon appeal, the judgment is affirmed, the supreme court may render judgment upon the bond for the amount of damages, against the appellant and the sureties thereon.

[C73, §717; C97, §1223; C24, 27, 31, 35, 39, §**1040;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.21]

2025 Acts, ch 122, §26

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62.22 Process — fees.
The style, form, and manner of service of process and papers, and the fees of officers and witnesses, shall be the same as in the district court, so far as the nature of the case admits.
[C51, §356, 374; R60, §586, 604; C73, §706, 724; C97, §1212; C24, 27, 31, 35, 39, §**1041;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.22]

62.23 Compensation.
The judges shall be entitled to receive one hundred dollars a day for the time occupied by the trial.
[C51, §363; R60, §593; C73, §710; C97, §1216; C24, 27, 31, 35, 39, §**1042;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.23]
93 Acts, ch 143, §39

62.24 Costs.
The contestant and the incumbent are responsible for the expenses of the witnesses called by them, respectively. If the results of the election are upheld by the contest, if the statement is dismissed, or if the prosecution fails, the costs of the contest shall be paid by the contestant. If the court or tribunal trying the contest determines that the contestant won the election, or if the election is set aside, the costs of the contest shall be paid by the county.
[C51, §364; R60, §594; C73, §711; C97, §1217; C24, 27, 31, 35, 39, §**1043;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.24]
93 Acts, ch 143, §40

62.25 How collected.
A transcript of the judgment may be filed and recorded in the office of the clerk of the district court and shall have the effect of a judgment of that court and execution may issue thereon.
[C51, §365; R60, §595; C73, §712; C97, §1218; C24, 27, 31, 35, 39, §**1044;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §62.25]

CHAPTER 63

TIME AND MANNER OF QUALIFYING

Referred to in §69.20, 347.11, 347A.1, 602.4101, 602.5102, 602.6201, 602.6305, 602.7103C, 633.20C

63.1 Time.
63.2 Reserved.
63.3 Unavoidable casualty.
63.4 Contest.
63.5 Governor and lieutenant governor.
63.6 Judges.
63.7 Officer holding over.
63.8 Vacancies — time to qualify.
63.9 Temporary officer.
63.10 Other officers.
63.11 Oath on bond.
63.12 Reelected incumbent.
63.13 Approval conditioned.

63.1 Time.
Each officer, elective or appointive, before entering upon the officer's duties, shall qualify by taking the prescribed oath and by giving, when required, a bond, which qualification shall be perfected, unless otherwise specified, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected. *"Legal holiday"* means those days provided in section 1C.1.
[C51, §319, 334, 335; R60, §549, 564, 565; C73, §670, 685 – 687; C97, §1177; S13, §1177; C24, 27, 31, 35, 39, §**1045;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.1]
85 Acts, ch 81, §1
Bonds, chapter 64

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63.2 Reserved.

63.3 Unavoidable casualty.

When on account of sickness, the inclement state of the weather, unavoidable absence, or casualty, an officer has been prevented from qualifying within the prescribed time, the officer may do so within ten days after the time herein fixed.

[C97, §1177; S13, §1177; C24, 27, 31, 35, 39, §**1047;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.3]

Referred to in §69.12

63.4 Contest.

In case the election of an officer is contested, the successful party shall qualify within ten days after the decision is rendered.

[C51, §335; R60, §565; C73, §687; C97, §1177; S13, §1177; C24, 27, 31, 35, 39, §**1048;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.4]

63.5 Governor and lieutenant governor.

The governor and lieutenant governor shall each qualify within ten days after the result of the election shall be declared by the general assembly, by taking an oath in its presence, in joint convention assembled, administered by a judge of the supreme court, to the effect that each will support the Constitution of the United States and the Constitution of the State of Iowa, and will faithfully and impartially, and to the best of the officer's knowledge and ability, discharge the duties incumbent upon the officer as governor, or lieutenant governor, of this state.

[C51, §320, 334; R60, §550, 564; C73, §671, 685; C97, §1178; C24, 27, 31, 35, 39, §**1049;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.5]

63.6 Judges.

All judges of courts of record shall qualify before taking office following appointment by taking and subscribing an oath to the effect that they will support the Constitution of the United States and the Constitution of the State of Iowa, and that, without fear, favor, affection, or hope of reward, they will, to the best of their knowledge and ability, administer justice according to the law, equally to the rich and the poor.

[C51, §322, 334; R60, §552, 564; C73, §673, 685; C97, §1179; C24, 27, 31, 35, 39, §**1050;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.6]

2006 Acts, ch 1030, §11

Referred to in §602.6403

63.7 Officer holding over.

When it is ascertained that the incumbent is entitled to hold over by reason of the nonelection of a successor, or for the neglect or refusal of the successor to qualify, the incumbent shall qualify anew, within the time provided by section 63.8.

[C51, §338; R60, §568; C73, §690; C97, §1195; S13, §1195; C24, 27, 31, 35, 39, §**1051;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.7]

63.8 Vacancies — time to qualify.

Persons elected or appointed to fill vacancies, and officers entitled to hold over to fill vacancies occurring through a failure to elect, appoint, or qualify, as provided in chapter 69, shall qualify within ten days from the county board's canvass of such election, or within ten days from such appointment or failure to elect, appoint, or qualify, in the same manner as those originally elected or appointed to such offices.

[C51, §440; R60, §668; C73, §786; C97, §1275; C24, 27, 31, 35, 39, §**1052;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.8]

2002 Acts, ch 1134, §76, 115

Referred to in §63.7, 69.12

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63.9 Temporary officer.

Any person temporarily appointed to fill an office during the incapacity or suspension of the regular incumbent shall qualify, in the manner required by this chapter, for the office so to be filled.

[C73, §691; C97, §1194; C24, 27, 31, 35, 39, §**1053;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.9]

Similar provisions, §67.8, 68.5

63.10 Other officers.

All other civil officers, elected by the people or appointed to any civil office, unless otherwise provided, shall take and subscribe an oath substantially as follows:

> I, ..., do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all the duties of the office of ..... (naming it) in (naming the township, city, county, district, or state, as the case may be), as now or hereafter required by law.

[C51, §331, 332; R60, §561, 562, 1084, 1132; C73, §504, 514, 675, 676; C97, §1180; C24, 27, 31, 35, 39, §**1054;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.10]

Referred to in §63.11, 161A.6, 331.501, 331.551, 331.601, 331.651, 331.751, 359.38, 602.8101

63.11 Oath on bond.

Except a secretary and treasurer under chapter 291, every civil officer who is required to give bond shall take and subscribe the oath provided for in section 63.10, on the back of the bond, or on a paper attached thereto, to be certified by the officer administering it.

[C51, §331; R60, §561; C73, §675; C97, §1181; C24, 27, 31, 35, 39, §**1055;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.11]

2024 Acts, ch 1074, §1

Officers required to give bonds, chapter 64

63.12 Reelected incumbent.

When the incumbent of an office is reelected, the incumbent shall qualify as above directed, but a judge retained at a judicial election need not requalify.

[C51, §338; R60, §568; C73, §690; C97, §1193; C24, 27, 31, 35, 39, §**1056;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.12]

63.13 Approval conditioned.

When the reelected officer has had public funds or property in the officer's control, under color of the officer's office, the officer's bond shall not be approved until the officer has produced and fully accounted for such funds and property to the proper person to whom the officer should account therefor; and the officer or board approving the bond shall endorse upon the bond, before its approval, the fact that the said officer has fully accounted for and produced all funds and property before that time under the officer's control as such officer.

[C73, §690; C97, §1193; C24, 27, 31, 35, 39, §**1057;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §63.13]

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CHAPTER 63A

ADMINISTRATION OF OATHS

Referred to in §331.301

63A.1 General authority.
63A.2 Limited authority.
63A.3 Jurat by deputy.

63A.1 General authority.

The following officers are empowered to administer oaths and to take affirmations:

1. Justices of the supreme court and judges of the court of appeals and district courts, including district associate judges and judicial magistrates.
2. Official court reporters of district courts in taking depositions under appointment or by agreement of counsel.
3. The clerk and deputy clerks of the supreme court and the clerks of the district court and their designees.
4. Notaries public.
5. Certified shorthand reporters.

[C51, §227, 979, 980, 1594; R60, §201, 449, 1843, 1844, 2684; C73, §277, 278, 396; C97, §393; C24, 27, 31, 35, 39, §**1215;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §78.1]

89 Acts, ch 296, §12; 91 Acts, ch 116, §1

C93, §63A.1

Referred to in §63A.2, 229A.5A, 277.28, 602.8103

63A.2 Limited authority.

The following officers and persons are empowered to administer oaths and to take affirmations in any matter pertaining to the business of their respective office, position, or appointment:

1. Governor, secretary of state, secretary of agriculture, auditor of state, treasurer of state, and attorney general.
2. Members of all boards, commissions, or bodies created by law.
3. All county officers other than those named in section 63A.1.
4. Mayors and clerks of cities, precinct election officials, township clerks, assessors, and surveyors.
5. All duly appointed referees or appraisers.
6. All investigators for supplementary assistance as provided for under chapter 249.
7. The director and employees of the department of revenue, as authorized by the director, and as set forth in chapters 421 and 422.

[C51, §980, 1865; R60, §1844, 3201; C73, §277, 278; C97, §393; C24, 27, 31, 35, 39, §**1216;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §78.2]

89 Acts, ch 296, §13

C93, §63A.2

2003 Acts, ch 145, §286; 2006 Acts, ch 1010, §40; 2018 Acts, ch 1041, §17

Referred to in §277.28, 331.553, 331.603, 331.652, 331.758
Members of general assembly, §2.8
Veterinary assistants, §163.5
Law enforcement agencies, §805.6

63A.3 Jurat by deputy.

In preparing a jurat to an oath or affirmation administered by a deputy, it shall be sufficient for the deputy to affix the deputy's own name, together with the designation of the deputy's official position, and the seal of principal, if any.

[C24, 27, 31, 35, 39, §**1217;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §78.3]

C93, §63A.3

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SUBTITLE 2

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 64

OFFICIAL AND PRIVATE BONDS

Referred to in §15.105, 16.2, 16.2C, 99G.8, 261A.6, 331.322, 331.324, 524.210, 533.109, 561.22, 602.4301, 602.8101

Official bonds, fines and forfeitures, see chapter 666

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64.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

64.1A Bond not required.

Bonds shall not be required of the following public officers:

1. Governor.
2. Lieutenant governor.
3. Members of the general assembly.
4. Judges of the supreme and district courts and district associate judges.
5. Township trustees.
6. City council members, including city commissioners and aldermen, other than mayors.

[C51, §323; R60, §553; C73, §674; C97, §1182; S13, §1182; SS15, §694-c11; C24, 27, 31, 35, 39, §**1058;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.1]

C2001, §64.1A

64.2 Conditions of bond of public officers.

1. All other public officers, except as otherwise specially provided, shall give bond with the conditions, in substance, as follows:

> That as ..... (naming the office), in ..... (city, township, county, or state of Iowa), the officer will render a true account of the office and of the officer's doings therein to the proper authority, when required thereby or by law; that the officer will promptly pay over to the officer or person entitled thereto all moneys which may come into the officer's hands by virtue of the office; that the officer will promptly account for all balances of money remaining in the officer's hands at the termination of the office; that the officer will exercise all reasonable

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diligence and care in the preservation and lawful disposal of all money, books, papers, securities, or other property appertaining to that office, and deliver them to the officer's successor, or to any other person authorized to receive the same; and that the officer will faithfully and impartially, without fear, favor, fraud, or oppression, discharge all duties now or hereafter required of the office by law.

2. The attachment of a renewal certificate to an existing bond shall not constitute compliance with this section.

[C51, §324; R60, §554, 1084, 1132; C73, §504, 514, 674; C97, §1183; C24, 27, 31, 35, 39, §**1059;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.2]

Referred to in §64.3, 64.13, 336.10
Construction of official bonds, §666.1

64.3 Insurance policy in lieu of bond.

1. In lieu of a bond, a public officer required to obtain a bond pursuant to this chapter may obtain an insurance policy in an amount not less than the amounts provided in section 64.8, 64.10, 64.13, or 64.15, as applicable.

2. An insurance policy obtained pursuant to this section must substantially comply with the conditions of section 64.2.

3. The reasonable expenses of an insurance policy obtained pursuant to this section in lieu of a bond, for which the reasonable expenses of such bond would be paid for by the county or township pursuant to section 64.11, 64.12, or 64.15, shall be paid by the county or township, as applicable.

4. An insurance policy obtained pursuant to this section shall be approved, filed, and recorded as provided in sections 64.19 through 64.24.

2024 Acts, ch 1074, §2; 2026 Acts, ch 1043, §1, 2
Subsection 4 stricken and former subsection 5 renumbered as 4

64.4 Conditions of other bonds.

All other bonds required by law, when not otherwise specially provided, shall be conditioned as the bonds of public officers.

[S13, §1177-a, -d; C24, 27, 31, 35, 39, §**1061;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.4]

64.5 Want of compliance — effect.

All bonds required by law shall be construed as impliedly containing the conditions required by statute, anything in the terms of said bonds to the contrary notwithstanding.

[C51, §337; R60, §567; C73, §689; C97, §1192; S13, §1177-c; C24, 27, 31, 35, 39, §**1062;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.5]

64.6 State officers — blanket bonds.

State officials are not required to obtain bonds, but may be covered under a blanket bond for state employees. The blanket bond purchases shall be made in an amount and with the level of assumption of risk by the state that is determined by the department of administrative services. The state shall pay the reasonable cost of bonds under this section.

83 Acts, ch 14, §2; 83 Acts, ch 96, §157, 159; 83 Acts, ch 186, §10027, 10201; 85 Acts, ch 212, §21; 86 Acts, ch 1211, §10; 86 Acts, ch 1245, §1901; 89 Acts, ch 76, §5; 2003 Acts, ch 145, §286
Referred to in §8A.321

64.7 Reserved.

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64.8 Bonds of county officers.

The bonds of members of the boards of supervisors, county attorneys, recorders, auditors, sheriffs, and assessors shall each be in a penal sum of not less than twenty thousand dollars. The amount of each bond shall be determined by the board of supervisors.

[C51, §326, 327; R60, §556, 557; C73, §678; C97, §1185; S13, §1182-a, 1185; C24, 27, 31, 35, 39, §**1065, 1066;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §64.8, 64.9; C81, §64.8]

83 Acts, ch 186, §10028, 10201; 88 Acts, ch 1108, §1

Referred to in §64.3, 331.501, 331.601, 331.651, 331.751

64.9 Reserved.

64.10 Bond of county treasurer.

The bond of the county treasurer shall be in the sum of not less than fifty thousand dollars. The amount of the treasurer's bond shall be determined by the board of supervisors.

[C24, §1066; C27, 31, 35, §1066-a1; C39, §**1066.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.10]

88 Acts, ch 1108, §2

Referred to in §64.3, 331.551

64.11 Expense of bonds paid by county.

If a county treasurer, county attorney, recorder, auditor, sheriff, medical examiner, member of the board of supervisors, engineer, steward, or matron elects to furnish a bond with an association or incorporation as surety as provided in this chapter, the reasonable cost of the bond shall be paid by the county where the bond is filed.

[S13, §1185; C24, 27, 31, 35, 39, §**1067;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.11]

83 Acts, ch 186, §10029, 10201; 89 Acts, ch 83, §16; 2014 Acts, ch 1116, §50

Referred to in §64.3, 331.322

64.12 Township clerk — expense of bond.

All bonds required of the township clerk shall be furnished and paid for by the township.

[C27, 31, 35, §1067-b1; C39, §**1067.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.12]

Referred to in §64.3

64.13 Municipal officers.

The bonds of all municipal officers who are required to give bonds shall each be in such penal sum as may be provided by law or as the council shall from time to time prescribe by ordinance; but the council may provide for a surety bond running to the city and covering all city officers and employees not otherwise covered and conditioned as specified for bonds in section 64.2.

[R60, §1084, 1132; C73, §504, 514; C97, §1185; S13, §1185; C24, 27, 31, 35, 39, §**1068;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.13]

Referred to in §64.3

Bonds not required, §64.1A

64.14 Reserved.

64.15 Bonds of deputy officers and clerks.

1. Bonds required by law of deputy state, county, and city officers shall, unless otherwise provided, be in such amounts as may be fixed by the governor, board of supervisors, or the council, as the case may be, with sureties as required for the bonds of the principal, and filed with the same officer. Any loss of moneys caused by a deputy shall be paid by the deputy or the surety on the deputy's bond and the deputy's principal is not liable for the loss. The reasonable cost of the bonds required of deputy county officers, clerks, and cashiers employed by county officers shall be paid by the county where the bond is filed.

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2. The exemptions provided in section 561.16 and chapter 627 are applicable to any claim made against a deputy state, county, or city officer and each bond shall so provide.

[C51, §411; R60, §642; C73, §766; C97, §1186; C24, 27, 31, 35, 39, §**1069;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.15]

89 Acts, ch 153, §1; 2021 Acts, ch 76, §150

Referred to in §64.3

Bonds of deputies, §14A.1, 331.903(3)

64.15A Exemptions applicable.

The exemptions provided in section 561.16 and chapter 627 are applicable to any claim made against a state, county, or city officer and each bond shall so provide.

89 Acts, ch 153, §2

64.16 and 64.17 Reserved.

64.18 Beneficiary of bond.

All bonds of public officers shall run to the state, and be for the use and benefit of any corporation, public or private, or person injured or sustaining loss, with a right of action in the name of the state for its or the corporation's or person's use.

[C51, §325; R60, §555; C73, §677; C97, §1188; S13, §1188; C24, 27, 31, 35, 39, §**1072;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.18]

64.19 Approval of bonds.

Bonds shall be approved:

1. By the governor, in case of state and district officers, elective or appointive.
2. By the board of supervisors, in case of county officers, township clerks, and assessors.
3. By a judge of the district court for the county in question, in case of members of the board of supervisors.
4. By the township clerk, in case of other township officers.
5. By the council, or as provided by ordinance in case of city officers.
6. By the state court administrator in case of district court clerks and first deputy clerks.

[C51, §330; R60, §560; C73, §680; C97, §1188; S13, §1182-a, 1188; C24, 27, 31, 35, 39, §**1073;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.19]

83 Acts, ch 186, §10030, 10201; 93 Acts, ch 70, §3

Referred to in §64.3

64.20 Time for approval.

All bonds shall be approved or disapproved within five days after their presentation for that purpose, and endorsed, in case of approval, to that effect and filed.

[C51, §330; R60, §560; C73, §680; C97, §1188; S13, §1188; C24, 27, 31, 35, 39, §**1074;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.20]

Referred to in §64.3

64.21 Approval by auditor.

When a bond, approvable by the board of supervisors, of any public officer is presented after the final adjournment of the January session of said board, except those of the county auditor and treasurer, the auditor may approve such bond, in which case the auditor shall report that action to the board at its next session. The action of the auditor in approving the bond shall stand as the action of the board unless the board enters its disapproval. If such disapproval be entered, the new bond must be given within five days from the date of such decision, but the old bond shall stand good for all acts done up to the time of the approval of the new bond.

[C51, §330; R60, §560; C73, §680; C97, §1189; C24, 27, 31, 35, 39, §**1075;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.21]

Referred to in §64.3, 331.502

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64.22 Failure of board to approve — application to judge.

If the board of supervisors refuses or neglects to approve the bond of any county officer, the officer may within five days thereafter, or after the expiration of the time allowed for such approval, present the same for approval to a judge of the district court of the proper district, who shall fix a day for the hearing. Notice of such hearing shall be given the board and return made in the same manner as in a civil action, and the court or judge at the time fixed shall, unless good cause for postponement be shown, proceed to hear the matter and approve the bond, if found sufficient, and such approval shall have the same force and effect as an approval by the board.

[C73, §681; C97, §1190; C24, 27, 31, 35, 39, §**1076;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.22]

Referred to in §64.3
Notice and return, chapter 617

64.23 Filing of bonds and oaths.

The bonds and official oaths of public officers shall, after approval and proper record, be filed:

1. For all state officers, elective or appointive, except those of the secretary of state and judicial magistrates, with the secretary of state. Bonds and official oaths of judicial magistrates and court personnel shall be filed in the office of the state court administrator.
2. For the secretary of state, with the state auditor.
3. For county and township officers, except those of the county auditor, with the county auditor.
4. For county auditor, with the county treasurer.
5. For members of the board of supervisors, with the county auditor.
6. For officers of cities, and officers not otherwise provided for, in the office of the officer or clerk of the body approving the bond, or in cities, as otherwise provided by ordinance.

[C51, §333; R60, §563; C73, §682; C97, §1188, 1191; S13, §1182-a, 1188; C24, 27, 31, 35, 39, §**1077;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.23]

83 Acts, ch 186, §10031, 10201; 93 Acts, ch 70, §4
Referred to in §64.3, 331.502, 331.552
Oath, §63.11

64.24 Recording.

1. *a.* The secretary of state, each county auditor, district court clerk, and each auditor or clerk of a city shall keep a book, to be known as the "*Record of Official Bonds*", and all official bonds shall be recorded therein in full as follows:

(1) In the record kept by the secretary of state, the official bonds of all state officers, elective or appointive, except the bonds of notaries public.

(2) In the record kept by the county auditor, the official bonds of all county officers, elective or appointive, and township clerks.

(3) In the record kept by the city auditor or clerk, the official bonds of all city officers, elective or appointive.

(4) In the record kept by the district court clerk, the official bonds of judicial magistrates.

b. The records shall have an index which, under the title of each office, shall show the name of each principal and the date of the filing of the bond.

2. A bond when recorded shall be returned to the officer charged with the custody thereof.

[C73, §683; C97, §1196; S13, §1196; C24, 27, 31, 35, 39, §**1078;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.24]

88 Acts, ch 1108, §3; 2008 Acts, ch 1032, §158
Referred to in §64.3, 331.508, 602.8102(19), 602.8104

64.25 Failure to give bond.

1. Action by any officer in an official capacity without giving bond when such bond is required may be suspended from office until the officer gives a bond in compliance with this chapter.

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2. Failure to give a bond in compliance with this chapter after a reasonable time following a suspension from office pursuant to subsection 1 constitutes grounds for removal from office.

[C73, §684; C97, §1197; C24, 27, 31, 35, 39, §**1079;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §64.25]

2024 Acts, ch 1074, §3

CHAPTER 65

ADDITIONAL SECURITY AND DISCHARGE OF SURETIES

65.1 Definitions.
65.1A Additional security.
65.2 New bond.
65.3 Effect.
65.4 Sureties on bonds of public officers.
65.5 Notice.
65.6 Subpoenas.
65.7 Hearing — order — effect.
65.8 Failure to comply.
65.9 Reserved.
65.10 Sureties on other bonds.
65.11 Return of premium by surety.

65.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

65.1A Additional security.

Whenever the governor shall deem it advisable that the bonds of any state officer shall be increased and the security enlarged, or a new bond given, the governor shall notify said officer of the fact, the amount of new or additional security to be given, and the time when the same shall be executed; which said new security shall be approved and filed as provided by law.

[R60, §660; C73, §772; C97, §1280; C24, 27, 31, 35, 39, §**1080;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.1]

C2001, §65.1A

Referred to in §65.3
Approval and filing of bonds, §64.19, 64.23

65.2 New bond.

Any officer or board who has the approval of another officer's bond, when of the opinion that the public security requires it, upon giving ten days' notice to show cause to the contrary, may require the officer to give additional security by a new bond, within a reasonable time to be prescribed.

[C51, §418, 419; R60, §649, 650; C73, §773; C97, §1281; C24, 27, 31, 35, 39, §**1081;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.2]

Referred to in §65.3, 331.323
Approval, §64.19

65.3 Effect.

If a requisition made under either section 65.1A or section 65.2 be complied with, both the old and the new security shall be in force; if not, the office shall become and be declared vacant, and the fact be certified to the proper officer, to be recorded in the election book or township record.

[C51, §420; R60, §651, 661; C73, §774; C97, §1282; C24, 27, 31, 35, 39, §**1082;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.3]

Referred to in §331.323

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65.4 Sureties on bonds of public officers.

When any surety on the bond of a public officer desires to be relieved of obligation, the surety may petition the approving officer or board for relief, stating the grounds therefor.

[C51, §421; R60, §652; C73, §775; C97, §1283; C24, 27, 31, 35, 39, §**1083;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.4]

Referred to in §331.323
Approving officers, §64.19

65.5 Notice.

The surety shall give the principal at least twenty-four hours' notice of the presenting and filing of the petition, with a copy thereof. At the expiration of this notice the approving officer may hear the matter, or may postpone it, as justice requires.

[C51, §422; R60, §653; C73, §776; C97, §1284; C24, 27, 31, 35, 39, §**1084;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.5]

Referred to in §331.323

65.6 Subpoenas.

The approving officer may issue subpoenas in the officer's official name for witnesses, compel them to attend and testify, in the same way an officer authorized to take depositions may.

[C51, §427; R60, §658; C73, §780; C97, §1288; C24, 27, 31, 35, 39, §**1085;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.6]

Referred to in §331.323
Enforcing attendance, §622.84, 622.102

65.7 Hearing — order — effect.

If, upon the hearing, there appears substantial ground for apprehension, the approving officer or board may order the principal to give a new bond and to supply the place of the petitioning surety within a reasonable time to be prescribed, and, upon such new bond being given, the petitioning surety upon the former bond shall be declared discharged from liability on the same for future acts, which order of discharge shall be entered in the proper election book, but the bond will continue binding upon those who do not petition for relief.

[C51, §424; R60, §655; C73, §777; C97, §1285; C24, 27, 31, 35, 39, §**1086;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.7]

Referred to in §331.323

65.8 Failure to comply.

If the new bond is not given as required, the office shall be declared vacant, and the order to that effect entered in the proper election book.

[C51, §425; R60, §656; C73, §778; C97, §1286; C24, 27, 31, 35, 39, §**1087;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.8]

Referred to in §331.323

65.9 Reserved.

65.10 Sureties on other bonds.

1. When the principal on the bond has been appointed by a judge or court or is under the jurisdiction of a court, the petition for release must be presented to said court and the release shall be made subject to the orders of said court.

2. Such petition for release may be presented either by the principal or the surety on the bond.

3. Sureties on other bonds required by law who desire to be released of their obligation may proceed in the manner required for release in case of bonds of public officers.

4. The provisions of this section shall not apply to sureties on bonds given to secure the

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performance of contracts for public works, nor to sureties on appearance bonds in criminal cases.

[C51, §421; R60, §652; C73, §775; C97, §1283; S13, §1177-b; C24, 27, 31, 35, 39, §**1089;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.10]

2017 Acts, ch 54, §76

Release of obligation, §65.4

65.11 Return of premium by surety.

When a surety is released as heretofore provided, the surety shall refund to the party entitled thereto the premium paid, if any, less a pro rata part thereof for the time said bond has been in force.

[S13, §1177-b; C24, 27, 31, 35, 39, §**1090;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §65.11]

CHAPTER 66

REMOVAL FROM OFFICE

Referred to in §2C.5, 2C.20, 68B.32D, 123.5, 307A.8, 331.322, 331.756(75)

See also chapter 69

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66.3	Who may file petition.	66.19	Temporary officer.
66.4	Bond for costs.	66.20	Judgment of removal.
66.5	Petition — other pleading.	66.21	Hearing on appeal.
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66.7	Suspension from office.	66.23	Effect of dismissal.
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66.11	Duty of county attorney.	66.27	Subpoenas — contempt.
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66.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

66.1A Removal by court.

Any appointive or elective officer, except such as may be removed only by impeachment, holding any public office in the state or in any division or municipality thereof, may be removed from office by the district court for any of the following reasons:

1. For willful or habitual neglect or refusal to perform the duties of the office.
2. For willful misconduct or maladministration in office.
3. For corruption.
4. For extortion.
5. Upon conviction of a felony.
6. For intoxication, or upon conviction of being intoxicated.
7. Upon conviction of violating the provisions of chapter 68A.

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8. For failure to pay a fine imposed pursuant to section 39A.6 and not dismissed pursuant to chapter 17A.

[S13, §1258-c; C24, 27, 31, 35, 39, §**1091;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.1] C2001, §66.1A

2021 Acts, ch 12, §68, 73

Referred to in §185.9, 388.3

Impeachable officers, Iowa Constitution, Art. III, §20

66.2 Jurisdiction.

The jurisdiction of the proceeding provided for in this chapter shall be as follows:

1. As to state officers whose offices are located at the seat of government, the district court of Polk county.

2. As to state officers whose duties are confined to a district within the state, the district court of any county within such district.

3. As to county, municipal, or other officers, the district court of the county in which such officers' duties are to be performed.

[C24, 27, 31, 35, 39, §**1092;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.2]

66.3 Who may file petition.

The petition for removal may be filed:

1. By the attorney general in all cases.

2. As to state officers, by not fewer than twenty-five electors of the state.

3. As to any other officer, by five registered voters of the district, county, or municipality where the duties of the office are to be performed.

4. As to district officers, by the county attorney of any county in the district.

5. As to all county and municipal officers, by the county attorney of the county where the duties of the office are to be performed.

[S13, §1258-d; C24, 27, 31, 35, 39, §**1093;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.3] 2001 Acts, ch 56, §6

66.4 Bond for costs.

If the petition for removal is filed by anyone other than the attorney general or the county attorney, the court shall require the petitioners to file a bond in such amount and with such surety or sureties as the court may require, said bond to be approved by the clerk, to cover the costs of such removal suit, including attorney fees, if final judgment is not entered removing the officer charged.

[C35, §1093-e1; C39, §**1093.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.4]

Referred to in §602.8102(20)

Presumption of approval of bond, §636.10

66.5 Petition — other pleading.

The petition shall be filed in the name of the state of Iowa. The accused shall be named as defendant, and the petition, unless filed by the attorney general, shall be verified. The petition shall state the charges against the accused and may be amended as in ordinary actions, and shall be filed in the office of the clerk of the district court of the county having jurisdiction. The petition shall be deemed denied but the accused may plead thereto.

[S13, §1258-d, -e; C24, 27, 31, 35, 39, §**1094;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.5]

Amendments, R.C.P. 1.402(4), (5)

66.6 Notice.

Upon the filing of a petition, notice of such filing and of the time and place of hearing shall be served upon the accused in the manner required for the service of notice of the commencement of an ordinary action. Said time shall not be less than ten days nor more than twenty days after completed service of said notice.

[S13, §1258-f; C24, 27, 31, 35, 39, §**1095;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.6]

Service of notice, chapter 617

Manner of service, R.C.P. 1.301 – 1.315

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66.7 Suspension from office.

Upon presentation of the petition to the court, the court may suspend the accused from office, if in its judgment sufficient cause appear from the petition and affidavits which may be presented in support of the charges contained therein.

[S13, §1258-g; C24, 27, 31, 35, 39, §**1096;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.7]

Referred to in §39A.6

66.8 Effect of suspension.

In case of suspension, the order shall be served upon the officer in question and it shall be unlawful for the officer to exercise or attempt to exercise any of the functions of that office until such suspension is revoked.

[C24, 27, 31, 35, 39, §**1097;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.8]

Referred to in §39A.6

66.9 Salary pending charge.

An order of the district court suspending a public officer from the exercise of the office, after the filing of a petition for the removal from office of such officer, shall, from the date of such order, automatically suspend the further payment to said officer of all official salary or compensation until said petition has been dismissed, or until said officer has been acquitted on any pending indictments charging misconduct in office.

[C35, §1097-e1; C39, §**1097.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.9]

66.10 Governor to direct filing.

The governor shall direct the attorney general to file a petition for removal against any public officer whenever the governor has reasonable grounds for such direction. The attorney general shall comply with such direction and prosecute the action.

[S13, §1258-d, -e; C24, 27, 31, 35, 39, §**1098;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.10]

2019 Acts, ch 59, §27

Referred to in §66.11

66.11 Duty of county attorney.

The county attorney of any county in which an action is instituted under section 66.10 shall, at the request of the attorney general, appear and assist in the prosecution of such action. In all other cases instituted in that county, the county attorney shall appear and prosecute when the officer sought to be removed is other than that county attorney.

[S13, §1258-d; C24, 27, 31, 35, 39, §**1099;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.11]

Referred to in §331.756(15)

66.12 Special prosecutor.

When the proceeding is brought to remove the county attorney, the court may appoint an attorney to appear in behalf of the state and prosecute such proceedings.

[S13, §1258-d; C24, 27, 31, 35, 39, §**1100;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.12]

66.13 Application for outside judge.

At any time not less than five days prior to the time the accused is required to appear, a copy of the petition may be filed by either party in the office of the clerk of the supreme court, together with an application to the supreme court for the appointment of a judge outside the judicial district in which the trial is to be had to hear said petition.

[S13, §1258-f; C24, 27, 31, 35, 39, §**1101;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.13]

66.14 Appointment of judge.

It shall be the duty of the chief justice of the supreme court, upon the filing of said copy and application, or in the chief justice's absence or inability to act, any justice thereof, to forthwith issue a written commission directing a district judge outside of such district to proceed to the county in which the complaint was filed, and hear the same. The clerk of the supreme court

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shall transmit a certified copy of said order to the clerk of the district court where the cause is pending.

[S13, §1258-f; C24, 27, 31, 35, 39, §**1102;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.14]

Referred to in §66.15

66.15 Order by appointed judge.

Upon the receipt of a commission issued pursuant to section 66.14, the judge shall immediately make an order fixing a time and place of hearing in the county in which the petition is filed. The hearing date shall be not less than ten days nor more than twenty days from the date of the order.

[S13, §1258-f; C24, 27, 31, 35, 39, §**1103;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.15]

2019 Acts, ch 59, §28

Referred to in §66.16, 66.17

66.16 Filing order — effect.

The order for hearing issued pursuant to section 66.15 shall be forwarded to the clerk of the district court of the county in which the hearing is to be had. The time and place for the hearing specified in the order shall supersede the time and place specified in any notice already served.

[S13, §1258-f; C24, 27, 31, 35, 39, §**1104;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.16]

2019 Acts, ch 59, §29

66.17 Notice to accused.

The clerk shall file the order issued pursuant to section 66.15, and forthwith give the defendant, by mail, notice of the time and place of hearing.

[S13, §1258-f; C24, 27, 31, 35, 39, §**1105;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.17]

2019 Acts, ch 59, §30

Referred to in §602.8102(20)

66.18 Nature of action — when triable.

The proceeding shall be summary in its nature and shall be triable as an equitable action.

[S13, §1258-g; C24, 27, 31, 35, 39, §**1106;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.18]

Trial of equitable action, chapter 624

66.19 Temporary officer.

Upon a suspension, the board or person authorized to fill a vacancy in the office shall temporarily fill the office by appointment. In case of a suspension of a sheriff, the district court may designate an acting sheriff until a temporary sheriff is appointed. Orders of suspension and temporary appointment of county and township officers shall be certified to the county auditor for entry in the election book; those of city officers, certified to the clerk and entered upon the records; in case of other officers, to the person or body making the original appointment.

[C51, §404, 407, 410; R60, §635, 638, 641; C73, §752, 753, 758; C97, §1257; S13, §1258-g; C24, 27, 31, 35, 39, §**1107;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.19]

83 Acts, ch 186, §10032

Referred to in §331.322, 331.505, 331.651

66.20 Judgment of removal.

Judgment of removal, if rendered, shall be entered of record, and the vacancy forthwith filled as provided by law.

[S13, §1258-h; C24, 27, 31, 35, 39, §**1108;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.20]

Vacancies in office, chapter 69

66.21 Hearing on appeal.

In case of appeal, the supreme court shall fix the time of hearing and the filing of abstracts and arguments, and said cause shall be advanced and take precedence over all other causes

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upon the court calendar, and shall be heard at the next term after the appeal is taken, provided the abstract and arguments are filed in said court in time for said action to be heard.

[S13, §1258-i; C24, 27, 31, 35, 39, §**1109;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.21]

66.22 Effect of appeal.

The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court, or restore said defendant to office pending such appeal.

[S13, §1258-i; C24, 27, 31, 35, 39, §**1110;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.22]

66.23 Effect of dismissal.

If the petition for removal is dismissed, the defendant shall be reimbursed for the reasonable and necessary expenses incurred by the defendant in making a defense, including reasonable attorney's fees, as determined by the court. If the petition for removal is filed by the attorney general, the state shall pay the expenses. If the petition for removal is filed by the county attorney or special prosecutor, the expenses shall be paid by the political subdivision of the state represented by the county attorney or special prosecutor. The payment shall be made out of any funds in the state treasury not otherwise appropriated, or out of the county treasury, or the general fund of the city or other subdivision of the state, as the case may be.

[S13, §1258-i; C24, 27, 31, 35, 39, §**1111;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.23]

83 Acts, ch 123, §47, 209

66.24 Want of probable cause.

If the action is instituted upon complaint of citizens, and it appears to the court that there was no reasonable cause for filing the complaint, such expense may be taxed as costs against the complaining parties.

[S13, §1258-i; C24, 27, 31, 35, 39, §**1112;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.24]

66.25 Reserved.

66.26 Appointive state officers.

Any appointive state officer may also be removed from office by a majority vote of the executive council for any of the following causes:

1. Habitual or willful neglect of duty.
2. Any disability preventing a proper discharge of the duties of the office.
3. Gross partiality.
4. Oppression.
5. Extortion.
6. Corruption.
7. Willful misconduct or maladministration in office.
8. Conviction of felony.
9. A failure to produce and fully account for all public funds and property in the officer's hands at any inspection or settlement.
10. Becoming ineligible to hold the office.

[S13, §1258-b; C24, 27, 31, 35, 39, §**1114;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.26]

Referred to in §4A.11, 46.5

66.27 Subpoenas — contempt.

The executive council, in any investigation held by it, may issue subpoenas for witnesses and for the production of records, books, papers, and other evidence. If a witness, duly subpoenaed, refuses to appear, or refuses to testify, or otherwise refuses to comply with said subpoena, such fact shall be certified by such council to the district court or judge of the

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county where the hearing is being held and said court or judge shall proceed with said refusal as though the same had occurred in a legal proceeding before said court or judge.

[C24, 27, 31, 35, 39, §**1115;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.27]

Contempts, chapter 665

66.28 Witness fees.

Witnesses, if in the employ of the state, shall not be entitled to any witness fees, but shall receive the mileage allowed witnesses in the district court. Other witnesses shall receive the fees and mileage allowed witnesses in district court. A sum sufficient to pay the fees and mileage is appropriated out of any unappropriated funds in the state treasury.

[C24, 27, 31, 35, 39, §**1116;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.28]

2019 Acts, ch 24, §12

Witness fees, §622.69 – 622.75

66.29 City elective officers.

Any city officer elected by the people may be removed from office, after hearing on written charges filed with the council of such city for any cause which would be ground for an equitable action for removal in the district court, but such removal can only be made by a two-thirds vote of the entire council.

[R60, §1087; C73, §516; C97, §1258; SS15, §1258; C24, 27, 31, 35, 39, §**1117;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.29]

Referred to in §66.30

Removal of municipal officers, §66.1A, 372.15

66.30 Ordinance.

The council may, by ordinance, provide as to the manner of preferring and hearing charges filed pursuant to section 66.29. A person shall not be removed twice by the council from the same office for the same offense. Proceedings before the council shall not be a bar to proceedings in the district court as provided in this chapter.

[R60, §1087; C73, §516; C97, §1258; S13, §1258-a; SS15, §1258; C24, 27, 31, 35, 39, §**1118;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §66.30]

2019 Acts, ch 59, §31

66.31 County and city hospital trustees.

A county or city hospital board of trustees may include in their bylaws a process for removal of a trustee for which there is cause that would be grounds for an equitable action for removal in the district court. The process shall provide for a hearing on written charges filed with the board of trustees.

2018 Acts, ch 1033, §1

Removal from office, §66.1A

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CHAPTER 67

SUSPENSION OF STATE OFFICERS

67.1 Commission to examine accounts.
67.2 Power of commission.
67.3 Refusal to obey subpoena — fees.
67.4 Nature of report.
67.5 Duty of governor.
67.6 Effect of order — penalty.
67.7 Salary pending charge.
67.8 Temporary appointment.
67.9 Governor to protect state.
67.10 Governor to report to general assembly.
67.11 Failure to impeach or convict.
67.12 Compensation and expenses of commissioners.
67.13 Reports revealing grounds of removal.

67.1 Commission to examine accounts.

The governor shall, when of the opinion that the public service requires such action, appoint, in writing, a commission of three competent accountants and direct them to

examine the books, papers, vouchers, moneys, securities, and documents in the possession or under the control of any state officer, board, commission, or of any person expending or directing the expenditure of funds belonging to or in the possession of the state.

[R60, §46, 47, 55, 56; C73, §759; C97, §1259; C24, 27, 31, 35, 39, §**1119;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.1]

67.2 Power of commission.

Said commissioners while in session shall have power to issue subpoenas, to call any person to testify in reference to any fact connected with their investigation, and to require such persons to produce any paper or book which the district court might require to be produced. Each commissioner shall have power to administer oaths.

[R60, §54; C73, §765; C97, §1260; C24, 27, 31, 35, 39, §**1120;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.2]

67.3 Refusal to obey subpoena — fees.

1. If any witness, duly subpoenaed, refuses to obey the subpoena, or refuses to testify, the commission shall certify the fact to the district court of the county where the investigation is taking place. The court shall proceed with the witness in the same manner as though the refusal had occurred in a legal proceeding before the court or judge.

2. Witnesses shall be paid in the manner provided for witnesses before the executive council and from the same appropriation.

[C24, 27, 31, 35, 39, §**1121;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.3]

2021 Acts, ch 76, §13

Contempts, chapter 665
Payment of witnesses before council, §66.28
Witness fees, §622.69 – 622.75

67.4 Nature of report.

Such accountants shall make out a full, complete, and specific statement of the transactions of said officer with, for, or on behalf of the state, showing the true balances in each case, and report the same to the governor, with such suggestions as they may think proper.

[R60, §46, 47, 55, 56; C73, §759; C97, §1259; C24, 27, 31, 35, 39, §**1122;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.4]

67.5 Duty of governor.

The governor, if the governor finds from said report that matters exist which would be grounds for removing said officer from office, shall proceed as follows:

1. If the officer is an elective state officer, not removable under impeachment proceedings, or if said officer is an appointive state officer, the governor shall lay a copy of said report before the attorney general.

2. If the officer is an appointive state officer, the governor shall also lay a copy of said report before the executive council.

3. If the officer is one who is removable only under impeachment proceedings the governor shall, by written order, forthwith suspend such officer from the exercise of the office, and require the officer to deliver all the moneys, books, papers, and other property of the state to the governor, to be disposed of as hereinafter provided.

[R60, §48; C73, §760; C97, §1261; C24, 27, 31, 35, 39, §**1123;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.5]

Failure to keep proper accounts, §11.5
Impeachable officers, Iowa Constitution, Art. III, §20; also §68.1
Removal by executive council, §66.26
Suspension of member of state board of regents, §262.5

67.6 Effect of order — penalty.

It shall be unlawful for such officer, after the making of such order of suspension, to exercise or attempt to exercise any of the functions of the office until such suspension shall be revoked;

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and any attempt by the suspended officer to exercise such office shall constitute a serious misdemeanor.

[R60, §49; C73, §761; C97, §1261; C24, 27, 31, 35, 39, §**1124;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.6]

67.7 Salary pending charge.

An order of the governor suspending an impeachable state officer from the exercise of the office shall, from the date of said order, automatically suspend the further payment to said officer of all official salary or compensation, except as herein provided. If articles of impeachment are duly voted against said officer during the general assembly first convening after said order, and the accused is convicted thereon, all right to said suspended salary or compensation shall be deemed forfeited by said officer. If said articles are not so voted, or if the said officer be acquitted on duly voted articles, the said suspended salary or compensation shall be forthwith paid to said officer, unless an indictment or its equivalent, growing out of the officer's misconduct while in office, is then pending against the said officer, in which case said salary or compensation shall be paid to said officer only on the officer's acquittal or the dismissal of the charges.

[C35, §1124-e1; C39, §**1124.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.7]

67.8 Temporary appointment.

On the making of such order, the governor shall appoint a temporary incumbent of said office. Such appointee, after qualifying, shall perform all the duties and enjoy all the rights belonging to the said office, until the removal of the suspension of the appointee's predecessor, or the appointment or election of a successor.

[R60, §51; C73, §762; C97, §1262; C24, 27, 31, 35, 39, §**1125;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.8]

Qualification by temporary officer, §63.9, 68.5

67.9 Governor to protect state.

When the governor shall suspend any public officer, the governor shall direct the proper legal steps to be taken to indemnify the state from loss.

[R60, §52; C73, §763; C97, §1263; C24, 27, 31, 35, 39, §**1126;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.9]

67.10 Governor to report to general assembly.

Forthwith after the organization of the general assembly first convening after the making of said order of suspension, the governor shall lay before it the order and all information and evidence relating thereto in the governor's possession.

[C24, 27, 31, 35, 39, §**1127;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.10]

67.11 Failure to impeach or convict.

The adjournment of such assembly without voting articles of impeachment against such officer or a verdict of "not guilty" on such articles duly preferred, shall work a revocation of such order of suspension.

[C24, 27, 31, 35, 39, §**1128;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.11]

67.12 Compensation and expenses of commissioners.

These commissioners shall be paid a per diem as specified in section 7E.6 and be reimbursed for actual and necessary expenses, which sum shall be paid out of any unappropriated funds in the state treasury.

[R60, §53; C73, §764; C97, §1264; C24, 27, 31, 35, 39, §**1129;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.12]

90 Acts, ch 1256, §25

67.13 Reports revealing grounds of removal.

When any report as to the condition of a state office, other than the report of said commission, is made and filed under authority of law, and said report reveals grounds for

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the removal from office of a public officer, the person filing said report shall also file a copy thereof with the governor and with the attorney general.

[C24, 27, 31, 35, 39, §**1130;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §67.13]

CHAPTER 68

IMPEACHMENT

Referred to in §602.2201

68.1 Impeachment defined.
68.2 Specification of charges — majority must concur.
68.3 Board of managers — articles.
68.4 Notice to governor.
68.5 Officer suspended — temporary appointment.
68.6 President of senate — notice to senate.
68.7 Warrant of arrest.
68.8 Appearance — answer — counsel.
68.9 Organization of court.
68.10 Powers of court.
68.11 Record of proceedings — administering oaths.
68.12 Process for witnesses.
68.13 Punishment.
68.14 Compensation — fees — payment.

68.1 Impeachment defined.

An impeachment is a written accusation against the governor, or a judicial officer, or other state officer, by the house of representatives before the senate, of a misdemeanor or malfeasance in office.

[R60, §4937; C73, §4546; C97, §5469; C24, 27, 31, 35, 39, §**1131;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.1]

83 Acts, ch 186, §10033, 10201

68.2 Specification of charges — majority must concur.

An impeachment must specify the offenses charged as in an indictment. If more than one misdemeanor or malfeasance is charged, each shall be stated separately and distinctly. A majority of all the members of the house of representatives elected must concur in the impeachment.

[C51, §3157, 3158; R60, §4938 – 4940; C73, §4547 – 4549; C97, §5470; C24, 27, 31, 35, 39, §**1132;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.2]

68.3 Board of managers — articles.

When an impeachment is concurred in, the house of representatives shall elect from its own body seven members whose duty it shall be to prosecute the same, and, as a board of managers, they shall be authorized to exhibit and present articles of impeachment in accordance with the resolutions of the house previously adopted.

[C97, §5471; C24, 27, 31, 35, 39, §**1133;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.3]

68.4 Notice to governor.

When an impeachment is concurred in, the clerk of the house of representatives must forthwith in writing notify the governor thereof.

[C97, §5472; C24, 27, 31, 35, 39, §**1134;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.4]

68.5 Officer suspended — temporary appointment.

Every officer impeached shall be suspended by the governor from the exercise of the officer's official duties until the officer's acquittal, and the governor shall forthwith appoint some suitable person to temporarily fill the office, and that person, having qualified as

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required by law, shall perform all the duties and enjoy all the rights pertaining to the office until the removal of the suspension of the person's predecessor or the election of a successor.

[C51, §3165; R60, §4948; C73, §4554; C97, §5473; C24, 27, 31, 35, 39, §**1135;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.5]

Qualification by temporary officer, §63.9, 67.8

68.6 President of senate — notice to senate.

If the president of the senate is impeached, notice thereof must be immediately given to the senate, which shall thereupon choose another president, to hold office until the result of the trial is determined.

[C51, §3167; R60, §4949; C73, §4555; C97, §5474; C24, 27, 31, 35, 39, §**1136;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.6]

68.7 Warrant of arrest.

When presented with an impeachment, the senate must forthwith cause the person accused to be arrested and brought before it. The warrant of arrest or other process shall be issued by the secretary of the senate, signed by the secretary, and may be served by any person authorized by the senate or president.

[C51, §3159, 3160; R60, §4941, 4942; C73, §4550, 4551; C97, §5475; C24, 27, 31, 35, 39, §**1137;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.7]

Limitations on warrants and expenses, §70A.12, 70A.13

68.8 Appearance — answer — counsel.

Upon the appearance of the person impeached, the person is entitled to a copy of the impeachment, and to a reasonable time in which to answer the same, and shall be allowed counsel as in an ordinary criminal prosecution.

[C51, §3161; R60, §4943; C73, §4552; C97, §5476; C24, 27, 31, 35, 39, §**1138;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.8]

Right to counsel, Iowa Constitution, Art. I, §10; also R.Cr.P. 2.8

68.9 Organization of court.

1. When an impeachment is presented, the senate shall, after the hour of final adjournment of the legislature, be forthwith organized as a court of impeachment for the trial thereof, at the capitol.

2. *a.* An oath or affirmation shall be administered by the secretary of the senate to its president, and by the president to each member of that body, to the effect that the member will truly and impartially try and determine the charges of impeachment according to the law and evidence.

b. No member shall sit on the trial or give evidence thereon until the member has taken such oath or affirmation.

3. The organization of such court shall be perfected when such presiding officer and the members present, but not less than a majority of the whole number, have taken and subscribed the oath or affirmation.

[C51, §3162; R60, §4944; C73, §4553; C97, §5477; C24, 27, 31, 35, 39, §**1139;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.9]

2017 Acts, ch 54, §20

68.10 Powers of court.

The court of impeachment shall sit in the senate chamber, and have power:

1. To compel the attendance of its members as the senate may do when engaged in the ordinary business of legislation.

2. To establish rules necessary for the trial of the accused.

3. To appoint from time to time such subordinate officers, clerks, and reporters as are necessary for the convenient transaction of its business, and at any time to remove any of them.

4. To issue subpoenas, process, and orders, which shall run into any part of the state, and may be served by any adult person authorized so to do by the president of the senate, or by

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the sheriff of any county, or the sheriff's deputy, in the name of the state, and with the same force and effect as in an ordinary criminal prosecution, and to compel obedience thereto.

5. To exercise the powers and privileges conferred upon the senate for punishment as for contempts in chapter 2.

6. To adjourn from time to time, and to dissolve when its work is completed.

[C97, §5478; C24, 27, 31, 35, 39, §**1140;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.10]
99 Acts, ch 96, §6
Contempts, §2.18 – 2.22, chapter 665

68.11 Record of proceedings — administering oaths.

The secretary of the senate, in all cases of impeachment, shall keep a full and accurate record of the proceedings, which shall be a public record; and shall have power to administer all requisite oaths or affirmations, and issue subpoenas for witnesses.

[R60, §4959; C73, §4570; C97, §5479; C24, 27, 31, 35, 39, §**1141;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.11]

68.12 Process for witnesses.

The board of managers and counsel for the person impeached shall each be entitled to process for compelling the attendance of persons or the production of papers and records required in the trial of the impeachment.

[C97, §5480; C24, 27, 31, 35, 39, §**1142;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.12]

68.13 Punishment.

When any person impeached is found guilty, judgment shall be rendered for removal from office and disqualification to hold any office of honor, trust, or profit under the state.

[C97, §5481; C24, 27, 31, 35, 39, §**1143;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.13]

68.14 Compensation — fees — payment.

The presiding officer and members of the senate, while sitting as a court of impeachment, and the managers elected by the house of representatives, shall receive the sum of six dollars each per day, and shall be reimbursed for mileage expense in going from and returning to their places of residence by the ordinary traveled routes; the secretary, sergeant at arms, and all subordinate officers, clerks, and reporters, shall receive such amount as shall be determined upon by a majority vote of the members of such court. The same fees shall be allowed to witnesses, to officers, and to other persons serving process or orders, as are allowed for like services in criminal cases, but no fees can be demanded in advance. The state treasurer shall, upon the presentation of certificates signed by the presiding officer and secretary of the senate, pay all of the foregoing compensations and the expenses of the senate incurred under the provisions of this chapter.

[C97, §5482; C24, 27, 31, 35, 39, §**1144;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §68.14]
Payment for use of automobile, see §70A.9
Sheriff's fees, §331.655(1)
Witness fees, §622.69 – 622.75
Witnesses in criminal cases, R.Cr.P. 2.20

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CHAPTER 68A

CAMPAIGN FINANCE

Referred to in §22A.5, 39.3, 43.5, 53.2, 53.3, 53.9, 66.1A, 68B.2, 68B.32, 68B.32A, 68B.32B, 68B.32C, 68B.32D, 533.212

Chapter applicable to primary elections; §43.5
See also definitions in §39.3

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SUBCHAPTER I

GENERAL PROVISIONS

68A.101 Citation and administration.

This chapter may be cited as the *"Campaign Disclosure Act"*. The Iowa ethics and campaign disclosure board shall administer this chapter as provided in sections 68B.32, 68B.32A, 68B.32B, 68B.32C, and 68B.32D.

[C75, 77, 79, 81, §56.1]
2003 Acts, ch 40, §9
CS2003, §68A.101
2009 Acts, ch 42, §1; 2018 Acts, ch 1026, §25

68A.102 Definitions.

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

1. *"Ballot issue"* means a question, other than the nomination or election of a candidate to a public office, which has been approved by a political subdivision or the general assembly or is required by law to be placed before the voters of the political subdivision by a commissioner of elections, or to be placed before the voters by the state commissioner of elections.

2. *"Board"* means the Iowa ethics and campaign disclosure board established under section 68B.32.

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3. *"Campaign function"* means any meeting related to a candidate's campaign for election.

4. *"Candidate"* means any individual who has taken affirmative action to seek nomination or election to a public office and shall also include any judge standing for retention in a judicial election.

5. *"Candidate's committee"* means the committee designated by the candidate for a state, county, city, or school office to receive contributions in excess of one thousand dollars in the aggregate, expend funds in excess of one thousand dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of one thousand dollars in the aggregate in any calendar year.

6. *"Clearly identified"* means that a communication contains an unambiguous reference to a particular candidate or ballot issue, including but not limited to one or more of the following:

a. Use of the name of the candidate or ballot issue.

b. Use of a photograph or drawing of the candidate, or the use of a particular symbol associated with a specific ballot issue.

c. Use of a candidate's initials, nickname, office, or status as a candidate, or use of acronym, popular name, or characterization of a ballot issue.

7. *"Commissioner"* means the county auditor of each county, who is designated as the county commissioner of elections pursuant to section 47.2.

8. *"Committee"* includes a political committee and a candidate's committee.

9. *"Consultant"* means a person who provides or procures services including but not limited to consulting, public relations, advertising, fundraising, polling, managing or organizing services.

10. *a.* *"Contribution"* means:

(1) A gift, loan, advance, deposit, rebate, refund, or transfer of money or a gift in kind.

(2) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee for any such purpose.

b. *"Contribution"* shall not include:

(1) Services provided without compensation by individuals volunteering their time on behalf of a candidate's committee or political committee or a state or county statutory political committee except when organized or provided on a collective basis by a business, trade association, labor union, or any other organized group or association.

(2) Refreshments served at a campaign function so long as such refreshments do not exceed fifty dollars in value or transportation provided to a candidate so long as its value computed at the current rate of reimbursement allowed under the standard mileage rate method for computation of business expenses pursuant to the Internal Revenue Code does not exceed one hundred dollars in value in any one reporting period.

(3) Something provided to a candidate for the candidate's personal consumption or use and not intended for or on behalf of the candidate's committee.

11. *"County office"* includes the office of drainage district trustee.

12. *"County statutory political committee"* means a committee as described in section 43.100 that accepts contributions in excess of one thousand dollars in the aggregate, makes expenditures in excess of one thousand dollars in the aggregate, or incurs indebtedness in excess of one thousand dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office.

13. *"Directly or indirectly"* means acting either independently or jointly with, through, or on behalf of a committee or other person.

14. *"Disclosure report"* means a statement of contributions received, expenditures made, and indebtedness incurred on forms prescribed by rules adopted by the board in accordance with chapter 17A.

15. *"Express advocacy"* or to *"expressly advocate"* means communication that can be characterized according to at least one of the following descriptions:

a. The communication is political speech made in the form of a contribution.

b. In advocating the election or defeat of one or more clearly identified candidates or the passage or defeat of one or more clearly identified ballot issues, the communication includes explicit words that unambiguously indicate that the communication is recommending

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or supporting a particular outcome in the election with regard to any clearly identified candidate or ballot issue.

16. *"Foreign national"* means any of the following:

a. An individual who is not a citizen or lawful permanent resident of the United States.

b. A government or political subdivision of a foreign country.

c. A foreign political party.

d. An entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of, or has its principal place of business in, a foreign country.

e. A United States entity, such as a partnership, association, corporation, or organization, that is wholly owned or majority-owned by a foreign national, unless both of the following apply:

(1) All contributions and expenditures made by the entity are derived entirely from funds generated by the entity's operations in the United States.

(2) All decisions concerning contributions and expenditures are made by an individual who is a citizen or lawful permanent resident of the United States, except that a person who is not a citizen or lawful permanent resident of the United States may set overall budget amounts for the entity.

17. *"Fundraising event"* means any campaign function to which admission is charged or at which goods or services are sold.

18. *"National political party"* means a party which meets the definition of a political party established for this state by section 43.2, and which also meets the statutory definition of the term "political party" or a term of like import in at least twenty-five other states of the United States.

19. *"Person"* means, without limitation, any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, labor union, or any other legal entity.

20. *"Political committee"* means any of the following:

a. A committee, but not a candidate's committee, that accepts contributions in excess of one thousand dollars in the aggregate, makes expenditures in excess of one thousand dollars in the aggregate, or incurs indebtedness in excess of one thousand dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office, or to expressly advocate the passage or defeat of a ballot issue.

b. An association, lodge, society, cooperative, union, fraternity, sorority, educational institution, civic organization, labor organization, religious organization, or professional organization that accepts contributions in excess of one thousand dollars in the aggregate, makes expenditures in excess of one thousand dollars in the aggregate, or incurs indebtedness in excess of one thousand dollars in the aggregate in any one calendar year to expressly advocate the nomination, election, or defeat of a candidate for public office, or to expressly advocate the passage or defeat of a ballot issue.

c. A person, other than an individual, that accepts contributions in excess of one thousand dollars in the aggregate, makes expenditures in excess of one thousand dollars in the aggregate, or incurs indebtedness in excess of one thousand dollars in the aggregate in any one calendar year to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate as defined in subsection 4.

21. *"Political purpose"* or *"political purposes"* means the express advocacy of a candidate or ballot issue.

22. *"Public office"* means any state, county, city, or school office filled by election.

23. *"State statutory political committee"* means a committee as defined in section 43.111.

[C75, 77, 79, 81, §56.2; 81 Acts, ch 35, §1, 2]

83 Acts, ch 139, §2, 14; 86 Acts, ch 1023, §1; 87 Acts, ch 112, §1, 2; 91 Acts, ch 226, §1; 92 Acts, ch 1228, §22 – 24; 93 Acts, ch 142, §1 – 3; 93 Acts, ch 163, §28 – 30, 38; 94 Acts, ch 1023, §80; 94 Acts, ch 1180, §31, 32; 95 Acts, ch 198, §1, 2; 99 Acts, ch 136, §1, 2, 17; 2002 Acts, ch 1073, §1, 2, 11; 2002 Acts, ch 1119, §124; 2003 Acts, ch 40, §9

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CS2003, §68A.102
2005 Acts, ch 72, §3, 4; 2006 Acts, ch 1158, §2; 2007 Acts, ch 14, §1; 2008 Acts, ch 1031, §84; 2010 Acts, ch 1025, §1, 2; 2015 Acts, ch 54, §1; 2018 Acts, ch 1026, §26; 2026 Acts, ch 1179, §1
Referred to in §43.18, 43.67, 44.3, 45.3, 48A.24, 49.17, 53.33, 68A.201, 68A.202, 68A.402, 99B.1, 99F.6
NEW subsection 13 and former subsections 13 and 14 renumbered as 14 and 15
NEW subsection 16 and former subsections 15 – 21 renumbered as 17 – 23

68A.103 Applicability to federal candidates.

The requirements of this chapter relative to disclosure of contributions shall apply to candidates and political committees for federal office only in the event such candidates are not subject to a federal law requiring the disclosure of campaign financing. Any such federal law shall supersede the provisions of this chapter.

[C75, 77, 79, 81, §56.17]
2003 Acts, ch 40, §9
CS2003, §68A.103
2017 Acts, ch 144, §3, 14

68A.104 Certain accounts by officeholders prohibited.

A holder of public office shall not maintain an account, other than a campaign account, to receive contributions for the purpose of publishing and distributing newsletters or performing other constituent services related to the official duties of public office. This section applies whether or not the officeholder is a candidate.

91 Acts, ch 226, §14
CS91, §56.46
2003 Acts, ch 40, §9
CS2003, §68A.104

SUBCHAPTER II

COMMITTEE ORGANIZATION — DUTIES OF OFFICERS

68A.201 Organization statement.

1. *a.* Every committee, as defined in this chapter, shall file a statement of organization within ten days from the date of its organization. Unless formal organization has previously occurred, a committee is deemed to have organized as of the date that committee transactions exceed the financial activity threshold established in section 68A.102, subsection 5 or 20. If committee transactions exceed the financial activity threshold prior to the due date for filing a disclosure report as established under section 68A.402, the committee shall file a disclosure report whether or not a statement of organization has been filed by the committee.

b. A person who makes one or more independent expenditures and files all statements required by section 68A.404 shall not be required to organize a committee or file the statement of organization required under this section.

2. The statement of organization shall include:

a. The name, purpose, mailing address, and telephone number of the committee. The committee name shall not duplicate the name of another committee organized under this section. For candidate's committees filing initial statements of organization on or after July 1, 1995, the candidate's name shall be contained within the committee name.

b. The name, mailing address, and position of the committee officers.

c. The name, address, office sought, and the party affiliation of all candidates whom the committee is supporting and, if the committee is supporting the entire ticket of any party, the name of the party. If, however, the committee is supporting several candidates who are not identified by name or are not of the same political affiliation, the committee may provide a statement of purpose in lieu of candidate names or political party affiliation.

d. Such other information as may be required by this chapter or rules adopted pursuant to this chapter.

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e. A signed statement by the treasurer of the committee and the candidate, in the case of a candidate's committee, which shall verify that they are aware of the requirement to file disclosure reports if the committee, the committee officers, the candidate, or both the committee officers and the candidate receive contributions in excess of one thousand dollars in the aggregate, make expenditures in excess of one thousand dollars in the aggregate, or incur indebtedness in excess of one thousand dollars in the aggregate in a calendar year to expressly advocate the nomination, election, or defeat of any candidate for public office. In the case of political committees, statements shall be made by the treasurer of the committee and the chairperson.

f. The identification of any parent entity or other affiliates or sponsors.

g. The name of the financial institution in which the committee receipts will be deposited.

3. Any change in information previously submitted in a statement of organization or notice in case of dissolution of the committee shall be reported to the board not more than thirty days from the date of the change or dissolution.

4. A list, by office and district, of all candidates who have filed an affidavit of candidacy in the office of the secretary of state shall be prepared by the secretary of state and delivered to the board not more than ten days after the last day for filing nomination papers.

[S13, §1137-a1; C24, 27, 31, 35, 39, §**973;** C46, 50, 54, 58, 62, 66, 71, 73, §56.2; C75, 77, 79, 81, §56.5; 81 Acts, ch 35, §5]

86 Acts, ch 1023, §3, 4; 87 Acts, ch 112, §5; 91 Acts, ch 226, §3; 93 Acts, ch 142, §5; 93 Acts, ch 163, §31, 38; 94 Acts, ch 1180, §33; 95 Acts, ch 198, §5 – 7; 99 Acts, ch 136, §4, 17; 2002 Acts, ch 1073, §4, 5, 11; 2003 Acts, ch 40, §2, 9; 2003 Acts, ch 179, §81

CS2003, §68A.201

2004 Acts, ch 1042, §1, 2; 2007 Acts, ch 14, §2, 3; 2010 Acts, ch 1024, §1; 2015 Acts, ch 54, §2; 2015 Acts, ch 82, §1

Referred to in §68A.201A, 68A.404, 68A.405, 68A.406

Section not amended; internal reference change applied

68A.201A Contributions from federal and out-of-state committees or organizations.

1. When either a committee or organization not organized as a committee under section 68A.201 makes a contribution to a committee organized in Iowa, that committee or organization shall disclose each contribution in excess of fifty dollars to the board.

2. A committee or organization not organized as a committee under section 68A.201 that is not registered and filing full disclosure reports of all financial activities with the federal election commission or another state's disclosure commission shall register and file full disclosure reports with the board pursuant to this chapter. The committee or organization shall either appoint an eligible Iowa elector as committee or organization treasurer, or shall maintain all committee funds in an account in a financial institution located in Iowa.

3. A committee that is currently filing a disclosure report in another jurisdiction shall either file a statement of organization under section 68A.201 and file disclosure reports under section 68A.402, or shall file a verified statement with the board within fifteen days of the contribution being made.

4. The verified statement shall be on forms prescribed by the board and shall attest that the committee is filing reports with the federal election commission or in a jurisdiction with reporting requirements which are substantially similar to those of this chapter, and that the contribution is made from an account that does not accept contributions that would be in violation of section 68A.503.

5. The verified statement shall include the complete name, address, and telephone number of the contributing committee, the state or federal jurisdiction under which it is registered or operates, the identification of any parent entity or other affiliates or sponsors, its purpose, the name and address of an Iowa resident authorized to receive service of original notice, the name and address of the receiving committee, the amount of the cash or in-kind contribution, and the date the contribution was made.

6. The verified statement shall be filed by 4:30 p.m. of the day the filing is due.

2010 Acts, ch 1024, §2; 2018 Acts, ch 1059, §1

Referred to in §68A.401

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68A.202 Candidate's committee.

1. Each candidate for state, county, city, or school office shall organize one, and only one, candidate's committee for a specific office sought when the candidate receives contributions in excess of one thousand dollars in the aggregate, makes expenditures in excess of one thousand dollars in the aggregate, or incurs indebtedness in excess of one thousand dollars in the aggregate in a calendar year.

2. *a.* A political committee shall not be established to expressly advocate the nomination, election, or defeat of only one candidate for office. However, a political committee may be established to expressly advocate the passage or defeat of approval of a single judge standing for retention. A permanent organization, as defined in section 68A.402, subsection 9, may make a one-time contribution to only one candidate for office in excess of one thousand dollars.

b. The prohibition in paragraph "*a*" does not apply to a political committee described in section 68A.102, subsection 20, paragraph "*c*", until the individual becomes a candidate for public office. A political committee organized to expressly advocate that an individual should or should not seek election to a public office prior to the individual becoming a candidate for public office shall be dissolved when the individual becomes a candidate for public office.

[C77, 79, 81, §56.28; 81 Acts, ch 35, §13]
83 Acts, ch 139, §12, 14
C91, §56.5A
91 Acts, ch 226, §4; 93 Acts, ch 142, §6; 94 Acts, ch 1023, §81; 94 Acts, ch 1180, §34; 95 Acts, ch 198, §8; 99 Acts, ch 136, §5, 17; 2002 Acts, ch 1073, §6, 11; 2003 Acts, ch 40, §9
CS2003, §68A.202
2004 Acts, ch 1042, §3; 2010 Acts, ch 1025, §3; 2015 Acts, ch 54, §3, 4
Section not amended; internal reference change applied

68A.203 Committee treasurer and chairperson — duties.

1. *a.* Every candidate's committee shall appoint a treasurer who shall be an Iowa resident who has reached the age of majority. Every political committee, state statutory political committee, and county statutory political committee shall appoint both a treasurer and a chairperson, each of whom shall have reached the age of majority.

b. Every candidate's committee shall maintain all of the committee's funds in bank accounts in a financial institution located in Iowa. Every political committee, state statutory political committee, and county statutory political committee shall either have an Iowa resident as treasurer or maintain all of the committee's funds in bank accounts in a financial institution located in Iowa.

c. An expenditure shall not be made by the treasurer or treasurer's designee for or on behalf of a committee without the approval of the chairperson of the committee, or the candidate. Expenditures shall be remitted to the designated recipient within fifteen days of the date of the issuance of the payment.

2. *a.* An individual who receives contributions for a committee without the prior authorization of the chairperson of the committee or the candidate shall be responsible for either rendering the contributions to the treasurer within fifteen days of the date of receipt of the contributions, or depositing the contributions in the account maintained by the committee within seven days of the date of receipt of the contributions.

b. A person, other than a candidate or committee officer, who receives contributions for a committee shall, not later than fifteen days from the date of receipt of the contributions or on demand of the treasurer, render to the treasurer the contributions and an account of the total of all contributions, including the name and address of each person making a contribution in excess of twenty-five dollars, the amount of the contributions, and the date on which the contributions were received.

c. The treasurer shall deposit all contributions within seven days of receipt by the treasurer in an account maintained by the committee.

d. All funds of a committee shall be segregated from any other funds held by officers, members, or associates of the committee or the committee's candidate. However, if a candidate's committee receives contributions only from the candidate, or if a permanent

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organization temporarily engages in activity that qualifies it as a political committee and all expenditures of the organization are made from existing general operating funds and funds are not solicited or received for this purpose from sources other than operating funds, then that committee is not required to maintain a separate account in a financial institution.

e. Committee funds or committee property shall not be used for the personal benefit of a candidate, officer, member, or associate of the committee. The funds of a committee are not attachable for the personal debt of the committee's candidate or an officer, member, or associate of the committee.

3. The treasurer of a committee shall keep a detailed and exact account of:

a. All contributions made to or for the committee.

b. The name and mailing address of every person making contributions in excess of twenty-five dollars, and the date and amount of the contribution.

c. All disbursements made from contributions by or on behalf of the committee.

d. The name and mailing address of every person to whom any expenditure is made, the purpose of the expenditure, the date and amount of the expenditure and the name and address of, and office sought by each candidate, if any, on whose behalf the expenditure was made. Notwithstanding this paragraph, the treasurer may keep a miscellaneous account for disbursements of less than five dollars which need only show the amount of the disbursement so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

e. Notwithstanding the provisions of subsection 3, paragraph "*d*", of this section, when an expenditure is made by a committee in support of the entire state or local political party ticket, only the name of the party shall be given.

f. All affirmations obtained pursuant to subsection 5, if applicable.

4. The treasurer and candidate in the case of a candidate's committee, and the treasurer and chairperson in the case of a political committee, shall preserve all records required to be kept by this section for a period of five years. However, a committee is not required to preserve any records for more than three years from the certified date of dissolution of the committee. For purposes of this section, the five-year period shall commence with the due date of the disclosure report covering the activity documented in the records.

5. Upon receipt of a contribution from a donor by a political committee expressly advocating the passage or defeat of a ballot issue, the treasurer shall obtain from the donor an affirmation that the donor is not a foreign national and has not knowingly or willfully accepted funds in excess of one hundred thousand dollars in aggregate from one or more foreign nationals within the four years immediately preceding the date the contribution is made.

[C75, 77, 79, 81, §56.3; 81 Acts, ch 35, §3]

83 Acts, ch 139, §3, 14; 86 Acts, ch 1023, §2; 87 Acts, ch 112, §3; 88 Acts, ch 1158, §8; 91 Acts, ch 226, §2; 93 Acts, ch 142, §4; 95 Acts, ch 198, §3; 2003 Acts, ch 40, §1, 9

CS2003, §68A.203

2005 Acts, ch 72, §5; 2007 Acts, ch 14, §4; 2015 Acts, ch 54, §5, 6; 2026 Acts, ch 1179, §2, 3

Referred to in §68A.507

Subsection 3, NEW paragraph f

NEW subsection 5

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SUBCHAPTER III

CAMPAIGN FUNDS AND PROPERTY

68A.301 Campaign funds.

1. A candidate's committee shall not accept contributions from, or make contributions to, any other candidate's committee including candidate's committees from other states or for federal office, unless the candidate for whom each committee is established is the same person. For purposes of this section, "*contributions*" includes monetary and in-kind contributions but does not include travel costs incurred by a candidate in attending a

campaign event of another candidate and does not include the sharing of information in any format.

2. This section shall not be construed to prohibit a candidate or candidate's committee from using campaign funds or accepting contributions for tickets to meals if the candidate attends solely for the purpose of enhancing the person's candidacy or the candidacy of another person.

91 Acts, ch 226, §9
CS91, §56.40
93 Acts, ch 142, §10; 2003 Acts, ch 40, §9
CS2003, §68A.301
2004 Acts, ch 1042, §4; 2009 Acts, ch 42, §2

68A.302 Uses of campaign funds.

1. A candidate and the candidate's committee shall use campaign funds only for campaign purposes, educational and other expenses associated with the duties of office, or constituency services, and shall not use campaign funds for personal expenses or personal benefit. The purchase of subscriptions to newspapers from or which circulate within the area represented by the office which a candidate is seeking or holds is presumed to be an expense that is associated with the duties of the campaign for and duties of office.

2. Campaign funds shall not be used for any of the following purposes:

a. Payment of civil or criminal penalties. However, payment of civil penalties relating to campaign finance and disclosure requirements is permitted.

b. Satisfaction of personal debts, other than campaign loans.

c. Personal services, including the services of attorneys, accountants, physicians, and other professional persons. However, payment for personal services directly related to campaign activities is permitted.

d. Clothing or laundry expense of a candidate or members of the candidate's family.

e. Purchase of or installment payments for a motor vehicle. However, a candidate may lease a motor vehicle during the duration of the campaign if the vehicle will be used for campaign purposes. If a vehicle is leased, detailed records shall be kept on the use of the vehicle and the cost of noncampaign usage shall not be paid from campaign funds. Candidates and campaign workers may be reimbursed for actual mileage for campaign-related travel at a rate not to exceed the current rate of reimbursement allowed under the standard mileage rate method for computation of business expenses pursuant to the Internal Revenue Code.

f. Mortgage payments, rental payments, furnishings, or renovation or improvement expenses for a permanent residence of a candidate or family member, including a residence in the state capital during a term of office or legislative session.

g. Membership in professional organizations.

h. Membership in service organizations, except those organizations which the candidate joins solely for the purpose of enhancing the candidacy.

i. Meals, groceries, or other food expense, except for tickets to meals that the candidate attends solely for the purpose of enhancing the candidacy or the candidacy of another person. However, payment for food and drink purchased for campaign-related purposes and for entertainment of campaign volunteers is permitted.

j. Payments clearly in excess of the fair market value of the item or service purchased.

k. Payment to a candidate or the candidate's immediate family member as a salary, gratuity, or other compensation. However, reimbursement of expenses as otherwise authorized in this section is permitted. For purposes of this paragraph, "*immediate family member*" means the spouse or dependent child of a candidate.

3. The board shall adopt rules which list items that represent proper campaign expenses.

91 Acts, ch 226, §10
CS91, §56.41
92 Acts, ch 1228, §27, 28; 93 Acts, ch 142, §11; 93 Acts, ch 163, §38; 95 Acts, ch 198, §15; 2003 Acts, ch 40, §9

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CS2003, §68A.302
2009 Acts, ch 20, §1
Referred to in §68A.303, 68A.402B

68A.303 Transfer of campaign funds.

1. In addition to the uses permitted under section 68A.302, a candidate's committee may only transfer campaign funds in one or more of the following ways:

a. Contributions to charitable organizations unless the candidate or the candidate's spouse, child, stepchild, brother, brother-in-law, stepbrother, sister, sister-in-law, stepsister, parent, parent-in-law, or stepparent is employed by the charitable organization and will receive a direct financial benefit from a contribution.

b. Contributions to national, state, or local political party central committees, or to partisan political committees organized to represent persons within the boundaries of a congressional district.

c. Transfers to the treasurer of state for deposit in the general fund of the state, or to the appropriate treasurer for deposit in the general fund of a political subdivision of the state.

d. Return of contributions to contributors on a pro rata basis, except that any contributor who contributed five dollars or less may be excluded from the distribution.

e. Contributions to another candidate's committee when the candidate for whom both committees are formed is the same person.

2. If an unexpended balance of campaign funds remains when a candidate's committee dissolves, the unexpended balance shall be transferred pursuant to subsection 1.

3. A candidate or candidate's committee making a transfer of campaign funds pursuant to subsection 1 or 2 shall not place any requirements or conditions on the use of the campaign funds transferred.

4. A candidate or candidate's committee shall not transfer campaign funds except as provided in this section.

5. A candidate, candidate's committee, or any other person shall not directly or indirectly receive or transfer campaign funds with the intent of circumventing the requirements of this section. A candidate for statewide or legislative office shall not establish, direct, or maintain a political committee.

6. A person shall not knowingly make transfers or contributions to a candidate or candidate's committee for the purpose of transferring the funds to another candidate or candidate's committee to avoid the disclosure of the source of the funds pursuant to this chapter. A candidate or candidate's committee shall not knowingly accept transfers or contributions from any person for the purpose of transferring funds to another candidate or candidate's committee as prohibited by this subsection. A candidate or candidate's committee shall not accept transfers or contributions which have been transferred to another candidate or candidate's committee as prohibited by this subsection. The board shall notify candidates of the prohibition of such transfers and contributions under this subsection.

91 Acts, ch 226, §11
CS91, §56.42
92 Acts, ch 1228, §29; 93 Acts, ch 163, §34, 38; 95 Acts, ch 198, §16; 2003 Acts, ch 40, §9
CS2003, §68A.303
2004 Acts, ch 1042, §5; 2009 Acts, ch 42, §3
Referred to in §68A.304, 68A.402B

68A.304 Campaign property.

1. *a.* Equipment, supplies, or other materials purchased with campaign funds or received in kind are campaign property.

b. Campaign property belongs to the candidate's committee and not to the candidate.

c. Campaign property that has a value of five hundred dollars or more at the time it is acquired by the committee shall be separately disclosed as committee inventory on reports filed pursuant to section 68A.402, including a declaration of the approximate current value of the property. The campaign property shall continue to be reported as committee inventory

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until it is disposed of by the committee or until the property has been reported once as having a residual value of less than one hundred dollars.

d. Consumable campaign property is not required to be reported as committee inventory, regardless of the initial value of the consumable campaign property. *"Consumable campaign property"*, for purposes of this section, means stationery, campaign signs, and other campaign materials that have been permanently imprinted to be specific to a candidate or election.

2. Upon dissolution of the candidate's committee, a report accounting for the disposition of all items of campaign property, excluding consumable campaign property, having a residual value of one hundred dollars or more shall be filed with the board. Campaign property, excluding consumable campaign property, having a residual value of one hundred dollars or more shall be disposed of by one of the following methods:

a. Sale of the property at fair market value, in which case the proceeds shall be treated the same as other campaign funds.

b. Donation of the property under one of the options for transferring campaign funds set forth in section 68A.303.

3. Consumable campaign property may be disposed of in any manner by the candidate's committee. A candidate's committee shall not transfer consumable campaign property to another candidate without receiving fair market value compensation unless the candidate in both campaigns is the same person.

4. The board shall adopt rules pursuant to chapter 17A defining *"fair market value"* for purposes of this section.

91 Acts, ch 226, §12
CS91, §56.43
93 Acts, ch 163, §38; 95 Acts, ch 198, §17; 2003 Acts, ch 40, §8, 9
CS2003, §68A.304
2005 Acts, ch 72, §6, 7; 2010 Acts, ch 1025, §4; 2023 Acts, ch 64, §12
Referred to in §68A.402A

SUBCHAPTER IV

REPORTS — INDEPENDENT EXPENDITURES — POLITICAL MATERIAL

68A.401 Reports filed with board.

1. All statements and reports required to be filed under this chapter shall be filed with the board as provided in this section and section 68A.402, subsection 1. The board shall post on its internet site all statements and reports filed under this chapter. For purposes of this section, the term *"statement"* does not include a bank statement.

a. A state statutory political committee, a county statutory political committee, a political committee, and a candidate's committee shall file all statements and reports in an electronic format by 4:30 p.m. of the day the filing is due and according to rules adopted by the board.

b. If the board determines that a violation of this subsection has occurred, the board may impose any of the remedies or penalties provided for under section 68B.32D, except that the board shall not refer any complaint or supporting information of a violation of this section to the attorney general or any county attorney for prosecution.

2. The board shall retain filed statements and reports for at least five years from the date of the election in which the committee is involved, or at least five years from the certified date of dissolution of the committee, whichever date is later.

3. The candidate of a candidate's committee, or the chairperson of any other committee, is responsible for filing statements and reports under this chapter. The board shall send notice to a committee that has failed to file a disclosure report at the time required under section 68A.402. A candidate of a candidate's committee, or the chairperson of any other committee, may be subject to a civil penalty for failure to file a disclosure report required under section 68A.402.

4. Political committees expressly advocating the nomination, election, or defeat of

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candidates for both federal office and any elected office created by law or the Constitution of the State of Iowa shall file statements and reports with the board in addition to any federal reports required to be filed with the board. However, a political committee that is registered and filing full disclosure reports of all financial activities with the federal election commission may file verified statements as provided in section 68A.201A.

[S13, §1137-a1, -a3; C24, 27, 31, 35, 39, §**974, 975;** C46, 50, 54, 58, 62, 66, 71, 73, §56.3, 56.4; C75, 77, 79, 81, §56.4; 81 Acts, ch 35, §4]

87 Acts, ch 112, §4; 93 Acts, ch 163, §33; 95 Acts, ch 198, §4; 99 Acts, ch 136, §3, 17; 2002 Acts, ch 1073, §3, 11; 2003 Acts, ch 40, §9; 2003 Acts, ch 44, §28

CS2003, §68A.401

2007 Acts, ch 14, §5; 2007 Acts, ch 80, §1, 2, 5; 2009 Acts, ch 8, §1, 2; 2010 Acts, ch 1024, §3; 2011 Acts, ch 34, §17; 2011 Acts, ch 131, §53, 158; 2013 Acts, ch 90, §257; 2015 Acts, ch 54, §7, 8; 2018 Acts, ch 1059, §2

68A.401A Reporting of contributions and expenditures relating to issue advocacy.

1. A political organization that is required to file reports with the internal revenue service, pursuant to 26 U.S.C. §527, shall file a report with the board if that organization does both of the following:

a. Creates or disseminates a communication of issue advocacy in this state.

b. Receives or expects to receive twenty-five thousand dollars or more in gross receipts in any taxable year.

2. A report required under this section shall contain the following information:

a. The amount, date, and purpose of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds five hundred dollars and the name and address of the person, and, in the case of an individual, the occupation and name of employer of the individual.

b. The name and address, and, in the case of an individual, the occupation and name of employer of such individual, of all contributors which contributed an aggregate amount of two hundred dollars or more to the organization during the calendar year and the amount and date of the contribution.

3. The board shall by rule establish a procedure for the filing of reports required by this section. To the extent practicable the reporting periods and filing due dates shall be the same as set out in 26 U.S.C. §527(j)(2).

4. The term "*issue advocacy*" means any print, radio, televised, telephonic, or electronic communication in any form or content, which is disseminated to the general public or a segment of the general public, that refers to a clearly identified candidate for the general assembly or statewide office.

5. The penalty set out in section 68A.701 does not apply to a violation of this section. The penalties for a violation of this section are as set out in section 68B.32D.

2008 Acts, ch 1191, §37

68A.402 Disclosure report due dates — permanent organization temporarily engaging in political activity required to file reports.

1. *Filing methods.* Each committee shall electronically file with the board reports disclosing information required under this section on forms prescribed by rule.

2. *Statewide office, general assembly, and county elections.*

a. Election year. A candidate's committee of a candidate for statewide office, the general assembly, or county office shall file reports in an election year as follows:

Report due:	Covering period:
May 19	January 1 through May 14
July 19	May 15 or Wednesday preceding primary election through July 14
October 19	July 15 through October 14

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January 19 (next calendar year)	October 15 or Wednesday preceding general election through December 31

b. Supplementary report — statewide and general assembly elections.

(1) A candidate's committee of a candidate for statewide office or the general assembly shall file a supplementary report in a year in which a primary, general, or special election for that office is held. The supplementary reports shall be filed if contributions are received after the close of the period covered by the last report filed prior to that primary, general, or special election if any of the following applies:

(a) The committee of a candidate for governor receives ten thousand dollars or more.

(b) The committee of a candidate for any other statewide office receives five thousand dollars or more.

(c) The committee of a candidate for the general assembly receives one thousand dollars or more.

(2) The amount of any contribution causing a supplementary report under this paragraph *"b"* shall include the estimated fair market value of any in-kind contribution. The report shall be filed by the Friday immediately preceding the election and be current through the Tuesday immediately preceding the election.

c. Nonelection year. A candidate's committee of a candidate for statewide office, the general assembly, or county office shall file reports in a nonelection year as follows:

Report due:	Covering period:
January 19	January 1 through December 31 of the previous year

3. *City offices.*

a. Election year. A candidate's committee of a candidate for city office shall file a report in an election year as follows:

Report due:	Covering period:
Five days before primary election	Date of initial activity through ten days before primary election
Five days before general election	Nine days before primary election through ten days before general election
Five days before runoff election (if applicable)	Nine days before the general election through ten days before the runoff election
January 19 (next calendar year)	Cutoff date from previously filed report through December 31

b. Nonelection year. A candidate's committee of a candidate for city office shall file a report in a nonelection year as follows:

Report due:	Covering period:
January 19 (next calendar year)	January 1 through December 31 of nonelection year

c. Runoff elections. Only a candidate who is eligible to participate in a runoff election is required to file a report five days before the runoff election.

4. *School board and other political subdivision elections.*

a. Election year. A candidate's committee of a candidate for school board or any other

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political subdivision office, except for county and city office, shall file a report in an election year as follows:

Report due:	Covering period:
Five days before election	Date of initial activity through ten days before election
January 19 (next calendar year)	Nine days before election through December 31

b. Nonelection year. A candidate's committee of a candidate for school board or any other political subdivision office, except for county and city office, shall file a report in a nonelection year as follows:

Report due:	Covering period:
January 19 (next calendar year)	January 1 through December 31 of nonelection year

5. *Special elections.*

a. A candidate's committee shall file a report by the fifth day prior to a special election that is current through the tenth day prior to the special election.

b. Special elections — nonelection year. A candidate's committee at a special election shall file a report in a nonelection year as follows:

Report due:	Covering period:
January 19 (next calendar year)	January 1 through December 31 of nonelection year

6. *Statutory political committees.*

a. A state statutory political committee shall file a report on the same dates as a candidate's committee is required to file reports under subsection 2, paragraphs "*a*" and "*c*".

b. A county statutory political committee shall file a report on the same dates as a candidate's committee is required to file reports under subsection 2, paragraphs "*a*" and "*c*".

7. *Political committees.*

a. Statewide office and general assembly elections.

(1) *Election year.* A political committee expressly advocating the nomination, election, or defeat of candidates for statewide office or the general assembly shall file a report on the same dates as a candidate's committee is required to file reports under subsection 2, paragraph "*a*".

(2) *Nonelection year.* A political committee expressly advocating the nomination, election, or defeat of candidates for statewide office or the general assembly shall file a report as follows:

Report due:	Covering period:
July 19	January 1 through June 30
January 19 (next calendar year)	July 1 through December 31

b. County elections. A political committee expressly advocating the nomination, election, or defeat of candidates for county office shall file reports on the same dates as a candidate's committee is required to file reports under subsection 2, paragraphs "*a*" and "*c*".

c. City elections. A political committee expressly advocating the nomination, election, or defeat of candidates for city office shall file reports on the same dates as candidates for city office are required to file reports under subsection 3.

d. School board and other political subdivision elections. A political committee expressly advocating the nomination, election, or defeat of candidates for school board or other political subdivision office, except for county office or city office, shall file reports on the same dates as candidates for school board or other political subdivision office are required to file reports under subsection 4.

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8. *Political committees — ballot issues.* A political committee expressly advocating the passage or defeat of a ballot issue shall file reports on the same dates as a candidate's committee is required to file reports under subsection 2, paragraphs *"a"* and *"c"* and another report five days before an election covering the period from the previous report or date of initial activity through ten days before the election.

a. A report filed by a political committee pursuant to this subsection shall include an affirmation by the treasurer of the political committee that the political committee has not knowingly or willfully received, solicited, or accepted a contribution from a foreign national.

b. A report filed by a political committee pursuant to this subsection shall include an affirmation by the treasurer of the political committee that no donor associated with a contribution covered by the report is a foreign national and that no donor associated with a contribution covered by the report has knowingly or willfully received, solicited, or accepted, whether directly or indirectly, funds in excess of one hundred thousand dollars in aggregate from one or more foreign nationals within the four years immediately preceding the date the contribution was made to the political committee.

9. *Permanent organizations.* A permanent organization temporarily engaging in activity described in section 68A.102, subsection 20, shall organize a political committee and shall keep the funds relating to that political activity segregated from its operating funds. The political committee shall file reports on the appropriate due dates as required by this section. The reports filed under this subsection shall identify the source of the original funds used for a contribution made to a candidate or a committee organized under this chapter. When the permanent organization ceases to be involved in the political activity, the permanent organization shall dissolve the political committee. As used in this subsection, *"permanent organization"* means an organization that is continuing, stable, and enduring, and was originally organized for purposes other than engaging in election activities.

10. *Election year defined.* As used in this section, *"election year"* means a year in which the name of the candidate or ballot issue that is expressly advocated for or against appears on any ballot to be voted on by the electors of the state of Iowa. For state and county statutory political committees, and all other political committees except for political committees that advocate for or against ballot issues, *"election year"* means a year in which primary and general elections are held.

[S13, §1137-a1, -a3; C24, 27, 31, 35, 39, §**972, 973, 975, 976;** C46, 50, 54, 58, 62, 66, 71, 73, §56.1, 56.2, 56.4, 56.5; C75, 77, 79, 81, §56.6; 81 Acts, ch 35, §6 – 8]

83 Acts, ch 139, §4 – 9, 14; 86 Acts, ch 1023, §5 – 9; 86 Acts, ch 1224, §38; 87 Acts, ch 112, §6, 7; 89 Acts, ch 107, §1; 90 Acts, ch 1233, §2; 91 Acts, ch 165, §1; 91 Acts, ch 226, §5; 92 Acts, ch 1228, §25; 93 Acts, ch 163, §33; 95 Acts, ch 198, §9, 10; 99 Acts, ch 136, §6, 17; 2002 Acts, ch 1073, §7, 8, 11; 2003 Acts, ch 40, §3, 9

CS2003, §68A.402

2004 Acts, ch 1114, §1; 2004 Acts, ch 1175, §363; 2005 Acts, ch 72, §8 – 11; 2007 Acts, ch 14, §6; 2007 Acts, ch 61, §1; 2007 Acts, ch 65, §1; 2007 Acts, ch 80, §3; 2008 Acts, ch 1032, §159, 201; 2008 Acts, ch 1184, §24, 28; 2009 Acts, ch 42, §4; 2010 Acts, ch 1025, §5, 6; 2018 Acts, ch 1059, §3; 2026 Acts, ch 1179, §4

Referred to in §68A.201, 68A.201A, 68A.202, 68A.304, 68A.401, 68A.402A, 68A.507, 68B.32A
Subsection 8, NEW paragraphs a and b

68A.402A Information disclosed on reports.

1. Each report filed under section 68A.402 shall disclose:

a. The amount of cash on hand at the beginning of the reporting period.

b. The name and mailing address of each person who has made one or more contributions of money to the committee when the aggregate amount in a calendar year exceeds the amount specified in the following schedule:

(1) For any candidate for school or other political subdivision office: ..... $ 25

(2) For any candidate for city office: ..... $ 25

(3) For any candidate for county office: ..... $ 25

(4) For any candidate for the general assembly: ..... $ 25

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(5) For any candidate for statewide office: ..... $ 25
(6) For any state statutory political committee: $200
(7) For any county statutory political committee: ..... $ 50
(8) For any political committee: ..... $ 25

c. The total amount of contributions made to the committee during the reporting period and not reported under paragraph *"b"*.

d. The name and mailing address of each person who has made one or more in-kind contributions to the committee when the aggregate market value of the in-kind contributions in a calendar year exceeds the applicable amount specified in paragraph *"b"*. In-kind contributions shall be designated on a separate schedule from schedules showing contributions of money and shall identify the nature of the contribution and provide its estimated fair market value. A committee receiving an in-kind contribution shall report the estimated fair market value of the in-kind contribution at the time it is provided to the committee. A person providing an in-kind contribution to a committee shall notify the committee of the estimated fair market value of the in-kind contribution at the time the in-kind contribution is provided to the committee. For purposes of this section, the estimated fair market value of the in-kind contribution shall be reported regardless of whether the person has been billed for the cost of the in-kind contribution.

e. Each loan to any person or committee within the calendar year if in the aggregate the amount of the loan or loans exceeds the applicable amount specified in paragraph *"b"*, together with the name and mailing address of the lender and endorsers, the date and amount of each loan received, and the date and amount of each loan repayment. Loans received and loan repayments shall be reported on a separate schedule.

f. The name and mailing address of each person to whom disbursements or loan repayments have been made by the committee from contributions during the reporting period and the amount, purpose, and date of each disbursement except that disbursements of less than five dollars may be shown as miscellaneous disbursements so long as the aggregate miscellaneous disbursements to any one person during a calendar year do not exceed one hundred dollars.

g. Disbursements made to a consultant and disbursements made by the consultant during the reporting period disclosing the name and address of the recipient, amount, purpose, and date.

h. The amount and nature of debts and obligations owed by the committee in excess of the applicable amounts specified in the schedule in paragraph *"b"*. Loans made to a committee and reported under paragraph *"e"* shall not be considered a debt or obligation under this paragraph. A loan made by a committee to any person shall be considered a disbursement.

i. If a person listed under paragraph *"b"*, *"d"*, *"e"*, or *"f"* as making a contribution or loan to or purchase from a candidate's committee is related to the candidate within the third degree of consanguinity or affinity, the existence of that person's family relationship shall be indicated on the report.

j. Campaign property belonging to a candidate's committee pursuant to section 68A.304.

k. Other pertinent information required by this chapter, by rules adopted pursuant to this chapter, or forms prescribed by the board.

2. If a report is the first report filed by a committee, the report shall include all information required under subsection 1 covering the period from the beginning of the committee's financial activity, even if from a different calendar year, through the end of the current reporting period. If no contributions have been accepted, no disbursements have been made, and no indebtedness has been incurred during that reporting period, the treasurer of the committee shall file a disclosure statement that discloses only the amount of cash on hand at the beginning of the reporting period.

2004 Acts, ch 1114, §2; 2010 Acts, ch 1119, §1, 7

68A.402B Committee dissolution — inactivity — reports.

1. If a committee, after having filed a statement of organization or one or more disclosure reports, dissolves or determines that it will no longer receive contributions or make

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disbursements, the committee shall notify the board within thirty days following such dissolution or determination by filing a dissolution report on forms prescribed by the board.

2. A committee shall not dissolve until all loans, debts, and obligations are paid, forgiven, or transferred and the remaining moneys in the committee's account are distributed according to sections 68A.302 and 68A.303. If a loan is transferred or forgiven, the amount of the transferred or forgiven loan must be reported as an in-kind contribution and deducted from the loans payable balance on the disclosure form. If, upon review of a committee's statement of dissolution and final report, the board determines that the requirements for dissolution have been satisfied, the dissolution shall be certified and the committee relieved of further filing requirements.

3. A person who makes one or more independent expenditures and files all statements required by section 68A.404 shall not be required to file a statement of dissolution under this section.

2004 Acts, ch 1114, §3; 2005 Acts, ch 72, §12; 2010 Acts, ch 1119, §2, 7; 2015 Acts, ch 82, §2

68A.403 Reports preserved.

A copy of every report or statement shall be preserved by the person filing it or the person's successor for at least three years following the filing of the report or statement.

[C75, 77, 79, 81, §56.7]
94 Acts, ch 1180, §35; 2003 Acts, ch 40, §9
CS2003, §68A.403
2004 Acts, ch 1042, §6; 2007 Acts, ch 80, §4; 2015 Acts, ch 54, §9; 2018 Acts, ch 1059, §4

68A.404 Independent expenditures.

1. As used in this section, *"independent expenditure"* means one or more expenditures in excess of one thousand dollars in the aggregate for a communication that expressly advocates the nomination, election, or defeat of a clearly identified candidate or the passage or defeat of a ballot issue that is made without the prior approval or coordination with a candidate, candidate's committee, or a ballot issue committee.

2. *a.* A person, other than an individual or individuals, shall not make an independent expenditure or disburse funds from its treasury to pay for, in whole or in part, an independent expenditure made by another person without the authorization of a majority of the person's board of directors, executive council, or similar organizational leadership body of the use of treasury funds for an independent expenditure involving a candidate or ballot issue committee. Such authorization must occur in the same calendar year in which the independent expenditure is incurred.

b. Such authorization shall expressly provide whether the board of directors, executive council, or similar organizational leadership body authorizes one or more independent expenditures that expressly advocate the nomination or election of a candidate or passage of a ballot issue or authorizes one or more independent expenditures that expressly advocate the defeat of a candidate or ballot issue.

c. A foreign national shall not make an independent expenditure, directly or indirectly, that advocates the nomination, election, or defeat of any candidate or the passage or defeat of any ballot issue.

d. This section does not apply to a candidate, candidate's committee, state statutory political committee, county statutory political committee, or a political committee. This section does not apply to a federal committee or an out-of-state committee that makes an independent expenditure. A person who makes one or more independent expenditures and files all statements required by this section shall not be required to organize a committee or file the statement of organization required under section 68A.201.

3. A person, other than a committee registered under this chapter, that makes one or more independent expenditures shall file an independent expenditure statement. All statements required by this section shall be filed in an electronic format as prescribed by rule.

4. *a.* An independent expenditure statement shall be filed within forty-eight hours of the making of an independent expenditure in excess of one thousand dollars in the aggregate, or within forty-eight hours of disseminating the communication to its intended audience,

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whichever is earlier. For purposes of this section, an independent expenditure is made when the independent expenditure communication is purchased or ordered regardless of whether or not the person making the independent expenditure has been billed for the cost of the independent expenditure.

b. An independent expenditure statement shall be filed with the board and the board shall immediately make the independent expenditure statement available for public viewing.

c. For purposes of this section, an independent expenditure is made at the time that the cost is incurred.

5. The independent expenditure statement shall contain all of the following information:

a. Identification of the individuals or persons filing the statement.

b. Description of the position advocated by the individuals or persons with regard to the clearly identified candidate or ballot issue.

c. Identification of the candidate or ballot issue benefited by the independent expenditure.

d. The dates on which the expenditure or expenditures took place or will take place.

e. Description of the nature of the action taken that resulted in the expenditure or expenditures.

f. The fair market value of the expenditure or expenditures.

g. A certification by an officer representing the person, if the person is other than an individual or individuals, that the board of directors, executive council, or similar organizational leadership body expressly authorized the independent expenditure or use of treasury funds for the independent expenditure by resolution or other affirmative action within the calendar year when the independent expenditure was incurred.

h. The name and address of every contributor or source of funding that provided anything of value that was provided for the purpose of furthering the independent expenditure. A person making an independent expenditure shall not be required to disclose the names and addresses of individual members who pay dues to a labor union, organization, or association or individual stockholders of a business corporation.

i. For an independent expenditure statement for a communication which expressly advocates the passage or defeat of a ballot issue, an affirmation that the person making the independent expenditure has not knowingly or willfully accepted funds in excess of one hundred thousand dollars in aggregate from one or more foreign nationals within the four years immediately preceding the date the expenditure was made and will not do so through the date of the election in which the ballot issue will appear on the ballot.

6. Any person making an independent expenditure shall comply with the attribution requirements of section 68A.405.

7. A person making an independent expenditure shall not engage or retain an advertising firm or consultant that has also been engaged or retained within the prior six months by the candidate, candidate's committee, or ballot issue committee that is benefited by the independent expenditure.

8. *a.* The board shall develop, prescribe, furnish, and distribute forms for the independent expenditure statements required by this section.

b. The board shall adopt rules pursuant to chapter 17A for the implementation of this section.

[C75, 77, 79, 81, §56.13; 81 Acts, ch 35, §11]

86 Acts, ch 1023, §10; 93 Acts, ch 163, §33; 94 Acts, ch 1180, §36; 95 Acts, ch 198, §12; 99 Acts, ch 136, §8, 17; 2002 Acts, ch 1073, §9, 11; 2003 Acts, ch 40, §4, 9

CS2003, §68A.404

2005 Acts, ch 72, §13 – 15; 2006 Acts, ch 1010, §41; 2008 Acts, ch 1191, §116, 117; 2009 Acts, ch 42, §5; 2010 Acts, ch 1119, §3, 7; 2015 Acts, ch 54, §10, 11; 2015 Acts, ch 82, §3 – 7; 2026 Acts, ch 1179, §5, 6

Referred to in §68A.201, 68A.402B, 68A.405, 68A.503, 68A.507
Subsection 2, paragraph c amended
Subsection 5, NEW paragraph i

68A.405 Attribution statement on published material.

1. *a.* For purposes of this subsection:

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(1) *"Individual"* includes a candidate for public office who has not filed a statement of organization under section 68A.201.

(2) *"Organization"* includes an organization established to advocate the passage or defeat of a ballot issue but that has not filed a statement of organization under section 68A.201.

(3) *"Published material"* means any newspaper, magazine, shopper, outdoor advertising facility, poster, direct mailing, brochure, internet site, campaign sign, or any other form of printed or electronic general public political advertising. *"Published material"* includes television, video, or motion picture advertising.

b. (1) Except as set out in subsection 2, published material designed to expressly advocate the nomination, election, or defeat of a candidate for public office or the passage or defeat of a ballot issue shall include on the published material an attribution statement disclosing who is responsible for the published material.

(2) The person who is responsible for the published material has the sole responsibility and liability for the attribution statement required by this section.

c. If the person paying for the published material is an individual, the words "paid for by" and the name and address of the person shall appear on the material.

d. If more than one individual is responsible, the words "paid for by", the names of the individuals, and either the addresses of the individuals or a statement that the addresses of the individuals are on file with the Iowa ethics and campaign disclosure board shall appear on the material.

e. If the person responsible is an organization, the words "paid for by", the name and address of the organization, and the name of one officer of the organization shall appear on the material.

f. If the person responsible is a corporation, the words "paid for by", the name and address of the corporation, and the name and title of the corporation's chief executive officer shall appear on the material.

g. If the person responsible is a committee that has filed a statement of organization pursuant to section 68A.201, the words "paid for by" and the name of the committee shall appear on the material.

h. If the published material is the result of an independent expenditure subject to section 68A.404, the published material shall include a statement that the published material was not authorized by any candidate, candidate's committee, or ballot issue committee.

2. The requirement to include an attribution statement does not apply to any of the following:

a. The editorials or news articles of a newspaper, magazine, television station, or other print or electronic media that are not paid political advertisements.

b. Small items upon which the inclusion of the statement is impracticable including but not limited to campaign signs as provided in section 68A.406, subsection 3, bumper stickers, pins, buttons, pens, political business cards, and matchbooks.

c. T-shirts, caps, and other articles of clothing.

d. Any published material that is subject to federal regulations regarding an attribution requirement.

e. Any material published by an individual, acting independently, who spends one hundred dollars or less of the individual's own money to advocate the passage or defeat of a ballot issue.

3. For television, video, or motion picture advertising, the attribution statement shall be displayed on the screen in a clearly readable manner for at least four seconds.

4. The board shall adopt rules relating to the placing of an attribution statement on published materials.

86 Acts, ch 1023, §11; 86 Acts, ch 1246, §620

C87, §56.14

87 Acts, ch 112, §8; 94 Acts, ch 1178, §1; 95 Acts, ch 198, §13; 96 Acts, ch 1079, §2; 99 Acts, ch 136, §9, 17; 2002 Acts, ch 1119, §125; 2003 Acts, ch 40, §9

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CS2003, §68A.405
2004 Acts, ch 1114, §4; 2005 Acts, ch 72, §16; 2009 Acts, ch 41, §27; 2010 Acts, ch 1025, §7; 2010 Acts, ch 1119, §4, 7; 2013 Acts, ch 90, §257; 2015 Acts, ch 30, §32
Referred to in §68A.404, 68A.406

68A.405A Self-promotion with taxpayer funds prohibited.

1. *a.* Except as provided in sections 29C.3 and 29C.6, a statewide elected official or member of the general assembly shall not permit the expenditure of public moneys under the control of the statewide elected official or member of the general assembly, including but not limited to moneys held in a private purpose trust fund as defined by section 8.2, for the purpose of any paid advertisement or promotion bearing the written name, likeness, or voice of the statewide elected official or member of the general assembly distributed through any of the following means:

(1) A paid direct mass mailing.
(2) A paid radio advertisement or promotion.
(3) A paid newspaper advertisement or promotion.
(4) A paid television advertisement or promotion.
(5) A paid internet advertisement or promotion.
(6) A paid exhibit display at the Iowa state fair or a fairground or grounds as defined in section 174.1.

b. Except as otherwise provided by law, paragraph *"a"* shall not apply to bona fide ministerial or ceremonial records or ordinary, common, and frequent constituent correspondence containing the name of the statewide elected official or member of the general assembly.

2. A person who willfully violates this section shall be subject to a civil penalty of an amount up to the amount of moneys withdrawn from a public account or private purpose trust fund as defined in section 8.2 used to fund the communication found to be in violation of this section by the board or, for members of the general assembly, by an appropriate legislative ethics committee. A penalty imposed pursuant to this section shall be paid by the candidate's committee. Such penalty shall be determined and assessed by the board or, for a member of the general assembly, the appropriate legislative ethics committee, and paid into the account from which such moneys were withdrawn. Additional criminal or civil penalties available under section 68A.701 or established by the board pursuant to section 68B.32A may also be determined and assessed by the board for violations of this section. Nothing in this section shall prevent the imposition of any penalty or sanction for a violation of this section by a legislative ethics committee.

3. For the purposes of this section, *"direct mass mailing"* means a mailing, regardless of whether the mailing was sent in response to a request or due to the recipient's enrollment in a program, that provides information to the recipient about a person, policy, product, service, program, initiative, law, legislation, event, or activity promoted by the statewide elected official that is all of the following:

a. Printed material delivered by the United States mail or other delivery service.
b. Sent to more than two hundred physical addresses.
c. Substantially similar or identical as regards each mailing.
d. Sent at the same time or within a thirty-day period.

4. Notwithstanding subsection 3, a mailing that is sent to any participant in a program or the participant's address within sixty days of an election in which an office listed in section 39.9 is to appear on the ballot shall be considered a direct mass mailing for the purposes of subsection 1 if the purpose of the mailing is to provide a participant with information relevant to the participant's existing account with a program sponsored and administered by the statewide elected official who sent the mailing.

2018 Acts, ch 1172, §70; 2022 Acts, ch 1153, §31; 2024 Acts, ch 1185, §115, 116

68A.406 Campaign signs — yard signs.

1. Campaign signs may be placed with the permission of the property owner or lessee on any of the following:

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a. Residential property.

b. Agricultural land owned by individuals or by a family farm operation as defined in section 9H.1, subsections 9, 10, and 11.

c. Property leased for residential purposes including but not limited to apartments, condominiums, college housing facilities, and houses if placed only on leased property space that is actually occupied.

d. Vacant lots owned by a person who is not a prohibited contributor under section 68A.503.

e. Property owned by an organization that is not a prohibited contributor under section 68A.503.

f. Property leased by a candidate, committee, or an organization established to advocate the nomination, election, or defeat of a candidate or the passage or defeat of a ballot issue that has not yet registered pursuant to section 68A.201, when the property is used as campaign headquarters or a campaign office and the placement of the sign is limited to the space that is actually leased.

2. *a.* Campaign signs shall not be placed on any of the following:

(1) Any property owned by the state or the governing body of a county, city, or other political subdivision of the state, including all property considered the public right-of-way. Upon a determination by the board that a sign has been improperly placed, the sign shall be removed by highway authorities as provided in section 318.5, or by county or city law enforcement authorities in a manner consistent with section 318.5.

(2) Property owned, leased, or occupied by a prohibited contributor under section 68A.503 unless the sign advocates the passage or defeat of a ballot issue or is exempted under subsection 1.

(3) On any property without the permission of the property owner or lessee.

(4) On election day either on the premises of any polling place or within three hundred feet of any outside door of any building affording access to any room where the polls are held, or of any outside door of any building affording access to any hallway, corridor, stairway, or other means of reaching the room where the polls are held.

(5) On the premises of or within three hundred feet of any outside door of any building affording access to an absentee voting site during the hours when absentee ballots are available in the office of the county commissioner of elections as provided in section 53.10.

(6) On the premises of or within three hundred feet of any outside door of any building affording access to a satellite absentee voting station during the hours when absentee ballots are available at the satellite absentee voting station as provided in section 53.11.

b. Paragraph "*a*", subparagraphs (4), (5), and (6) shall not apply to the posting of signs on private property not a polling place, except that the placement of a sign on a motor vehicle, trailer, or semitrailer, or any attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of any outside door of any building affording access to any room serving as a polling place, which sign is more than ninety square inches in size, is prohibited.

3. Campaign signs with dimensions of thirty-two square feet or less are exempt from the attribution statement requirement in section 68A.405. Campaign signs in excess of thirty-two square feet, or signs that are affixed to buildings or vehicles regardless of size except for bumper stickers, are required to include the attribution statement required by section 68A.405. The placement or erection of campaign signs shall be exempt from the requirements of chapter 480 relating to underground facilities information.

2004 Acts, ch 1114, §5; 2005 Acts, ch 3, §18; 2005 Acts, ch 72, §17 – 19; 2006 Acts, ch 1097, §13; 2007 Acts, ch 14, §7; 2007 Acts, ch 215, §244; 2008 Acts, ch 1032, §160; 2008 Acts, ch 1191, §118

Referred to in §68A.405, 68A.503

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SUBCHAPTER V

PROHIBITED ACTS — CONTRIBUTIONS,
PUBLIC MONEYS, CAMPAIGN PRACTICES

68A.501 Funds from unknown source — escheat.

The expenditure of funds from an unknown or unidentifiable source received by a candidate or committee is prohibited. Such funds received by a candidate or committee shall escheat to the state. Any candidate or committee receiving such contributions shall remit such contributions to the board which shall forward it to the treasurer of state for deposit in the general fund of the state. Persons requested to make a contribution at a fundraising event shall be advised that it is illegal to make a contribution in excess of twenty-five dollars unless the person making the contribution also provides the person's name and address.

[C77, 79, 81, §56.27]
C91, §56.3A
2003 Acts, ch 40, §9; 2003 Acts, ch 145, §286
CS2003, §68A.501
2007 Acts, ch 14, §8; 2015 Acts, ch 54, §12

68A.502 Contribution sources — identification — illegal contributions or expenditures — loans.

1. A person making a contribution in excess of twenty-five dollars shall provide the person's name and address to the candidate or committee receiving the contribution.

2. A person shall not make a contribution or expenditure in the name of another person, and a person shall not knowingly accept a contribution or expenditure made by one person in the name of another.

3. For the purpose of this section, an illegal contribution or expenditure is any of the following:

a. A contribution or expenditure made by one person which is ultimately reimbursed by another person who has not been identified as the ultimate source or recipient of the funds.

b. A contribution or expenditure made using a fictitious name. A name is fictitious in the case of an individual if the name does not include the individual's legal surname at the time of the contribution or expenditure.

c. A contribution or expenditure made by a person who borrowed the money from another person if the original source of said money is not disclosed.

4. Any candidate or committee receiving funds, the original source of which was a loan, shall be required to list the lender as a contributor. No candidate or committee shall knowingly receive funds from a contributor who has borrowed the money without listing the original source of said money.

[C75, 77, 79, 81, §56.12]
95 Acts, ch 198, §11; 2003 Acts, ch 40, §9
CS2003, §68A.502
2018 Acts, ch 1059, §5

68A.503 Financial institution, insurance company, and corporation contributions — sham newspapers.

1. Except as provided in subsections 3, 4, 5, and 6, an insurance company, savings association, bank, credit union, or corporation shall not make a monetary or in-kind contribution to a candidate or committee except for a ballot issue committee.

2. Except as provided in subsection 3, a candidate or committee, except for a ballot issue committee, shall not receive a monetary or in-kind contribution from an insurance company, savings association, bank, credit union, or corporation.

3. An insurance company, savings association, bank, credit union, or corporation may use money, property, labor, or any other thing of value of the entity for the purposes of soliciting its stockholders, administrative officers, professional employees, and members for contributions to a political committee sponsored by that entity and for financing the administration of a

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political committee sponsored by that entity. The entity's employees to whom the foregoing authority does not extend may voluntarily contribute to such a political committee but shall not be solicited for contributions. A candidate or committee may solicit, request, and receive money, property, labor, and any other thing of value from a political committee sponsored by an insurance company, savings association, bank, credit union, or corporation as permitted by this subsection.

4. The prohibitions in subsections 1 and 2 shall not apply to an insurance company, savings association, bank, credit union, or corporation engaged in any of the following activities:

a. Using its funds to encourage registration of voters and participation in the political process or to publicize public issues.

b. Using its funds to expressly advocate the passage or defeat of ballot issues.

c. Using its funds for independent expenditures as provided in section 68A.404.

d. Using its funds to place campaign signs as permitted under section 68A.406.

5. *a.* The prohibitions in subsections 1 and 2 shall not apply to media organizations when discussing candidates, nominations, public officers, or public questions.

b. Notwithstanding paragraph *"a"*, the board shall adopt rules requiring the owner, publisher, or editor of a sham newspaper that promotes in any way the candidacy of a person for any public office to comply with this section and section 68A.404. As used in this subsection, *"sham newspaper"* means a newspaper publication that is published for the primary purpose of evading the requirements of this section or section 68A.404, and *"owner"* means a person having an ownership interest exceeding ten percent of the equity or profits of the publication.

6. The prohibitions in subsections 1 and 2 shall not apply to a nonprofit organization communicating with its own members. The board shall adopt rules pursuant to chapter 17A to administer this subsection.

7. For purposes of this section *"corporation"* means a for-profit or nonprofit corporation organized pursuant to the laws of this state, the United States, or any other state, territory, or foreign country.

[S13, §1641-h, -i, -k; C24, 27, 31, 35, 39, §**8405 – 8407;** C46, 50, 54, 58, §491.69 – 491.71; C62, 66, 71, 73, 75, §491.69 – 491.71, 496A.145; C77, 79, 81, §56.29; 81 Acts, ch 35, §14]

83 Acts, ch 139, §13, 14

C91, §56.15

93 Acts, ch 142, §9; 94 Acts, ch 1178, §2; 95 Acts, ch 198, §14; 99 Acts, ch 136, §10, 11, 17; 2003 Acts, ch 40, §9

CS2003, §68A.503

2004 Acts, ch 1042, §7; 2004 Acts, ch 1114, §6; 2004 Acts, ch 1175, §364; 2005 Acts, ch 3, §19; 2005 Acts, ch 72, §20; 2007 Acts, ch 61, §2; 2008 Acts, ch 1031, §23; 2009 Acts, ch 41, §28; 2009 Acts, ch 42, §6; 2010 Acts, ch 1025, §8; 2010 Acts, ch 1119, §5, 7; 2012 Acts, ch 1017, §44

Referred to in §68A.201A, 68A.406

68A.504 Prohibiting contributions during the legislative session.

1. A lobbyist or political committee, other than a state statutory political committee, county statutory political committee, or a national political party, shall not contribute to, act as an agent or intermediary for contributions to, or arrange for the making of monetary or in-kind contributions to the campaign of an elected state official, member of the general assembly, or candidate for state office on any day during the regular legislative session and, in the case of the governor or a gubernatorial candidate, during the thirty days following the adjournment of a regular legislative session allowed for the signing of bills. Except as set out in subsection 2, an elected state official, member of the general assembly, or candidate for state office shall not accept a contribution as prohibited in this subsection.

2. The prohibition in subsection 1 shall not apply to the following:

a. The receipt of contributions by an elected state official, member of the general assembly, or candidate for state office who has taken affirmative action to seek nomination or election to a federal elective office so long as the contribution is placed in a federal campaign account.

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b. The receipt of contributions by a candidate for state office who filed nomination papers for an office for which a special election is called or held during the regular legislative session, if the candidate receives the contribution during the period commencing on the date that at least two candidates have been nominated for the office and ending on the date the election is held. A person who is an elected state official shall not solicit contributions during a legislative session from any lobbyist or political committee, other than a state statutory political committee, county statutory political committee, or a national political party, for another candidate for a state office for which a special election is held.

92 Acts, ch 1228, §26
C93, §56.15A
93 Acts, ch 129, §1; 2003 Acts, ch 40, §9
CS2003, §68A.504
2004 Acts, ch 1042, §8

68A.505 Use of public moneys for political purposes.

1. The state and the governing body of a county, city, or other political subdivision of the state shall not expend or permit the expenditure of public moneys for political purposes, including expressly advocating the passage or defeat of a ballot issue.

2. This section shall not be construed to limit the freedom of speech of officials or employees of the state or of officials or employees of a governing body of a county, city, or other political subdivision of the state. This section also shall not be construed to prohibit the state or a governing body of a political subdivision of the state from expressing an opinion on a ballot issue through the passage of a resolution or proclamation.

91 Acts, ch 226, §7
CS91, §56.12A
93 Acts, ch 142, §8; 99 Acts, ch 136, §7, 17; 2003 Acts, ch 40, §9
CS2003, §68A.505

68A.506 Use of false caller identification for campaign purposes prohibited.

1. A person shall not knowingly use or provide to another person either of the following:

a. False caller identification information with intent to defraud for purposes related to expressly advocating the nomination, election, or defeat of a clearly identified candidate or for the passage or defeat of a clearly identified ballot issue.

b. Caller identification information pertaining to an actual person without that person's consent and with intent to deceive the recipient of a call about the identity of the caller.

2. This section shall not apply to conduct that was lawfully authorized as investigative, protective, or intelligence activity of a law enforcement agency of the United States, a state, or a political subdivision of a state.

3. As used in this section:

a. "Caller identification information" means information regarding the origination of the telephone call, such as the name or the telephone number of the caller.

b. "Telephone call" means a call made using or received on a telecommunications service or voice over internet protocol service.

c. "Voice over internet protocol service" means a service to which all of the following apply:

(1) The service provides real-time two-way voice communications transmitted using internet protocol, or a successor protocol.

(2) The service is offered to the public, or such classes of users as to be effectively available to the public.

(3) The service has the capability to originate traffic to, or terminate traffic from, the public switched telephone network or a successor network.

4. The board shall adopt rules pursuant to chapter 17A to administer this section.

5. A person who violates this section is subject to sections 68A.701 and 68B.32D.

2009 Acts, ch 64, §1

68A.507 Influence by foreign national prohibited — investigation.

1. A foreign national shall not direct, dictate, control, or directly or indirectly participate

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in the decision-making process of a person regarding the person's activities to influence a ballot issue, including decisions concerning the making of contributions or expenditures to influence a ballot issue.

2. A foreign national shall not solicit, directly or indirectly, the making of a contribution or expenditure by another person to influence a ballot issue.

3. *a.* An investigation of a violation of this section, section 68A.203, subsection 5, section 68A.402, subsection 8, section 68A.404, subsection 2, paragraph "*c*", or section 68A.404, subsection 5, paragraph "*i*", or an investigation undertaken pursuant to a court order issued following a complaint submitted under section 68B.32B, shall, to the greatest extent possible, shield the identity of lawful donors to a tax-exempt organization.

b. A governmental entity or employee of a governmental entity engaged in the investigation of a violation of this chapter shall not collect, or require the submission of, information concerning the identity of a donor to a tax-exempt organization other than those directly related to a violation of this chapter.

c. In addition to the penalty provided in section 68A.701, a person who knowingly or willfully violates this section, section 68A.203, subsection 5, section 68A.402, subsection 8, section 68A.404, subsection 2, paragraph "*c*", or section 68A.404, subsection 5, paragraph "*i*", shall be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution or expenditure, whichever is greater, to be collected by the board and deposited in the general fund of the state.

4. A governmental entity or employee of a governmental entity shall not disclose information concerning the identity of a donor to a tax-exempt organization to the public or another governmental entity, other than to another governmental entity directly involved in an investigation described in subsection 3. This subsection does not apply to information concerning the identity of a donor after a final determination has been made that the donor violated a provision of this chapter.

2026 Acts, ch 1179, §7
NEW section

SUBCHAPTER VI

INCOME TAX CHECKOFF

68A.601 through 68A.609 Repealed by 2017 Acts, ch 144, §13, 14.

SUBCHAPTER VII

PENALTY

68A.701 Penalty.

Any person who willfully violates any provisions of this chapter shall, upon conviction, be guilty of a serious misdemeanor.

[S13, §1137-a6; C24, 27, 31, 35, 39, §**980;** C46, 50, 54, 58, 62, 66, 71, 73, §56.9; C75, 77, 79, 81, §56.16]

2003 Acts, ch 40, §9
CS2003, §68A.701
2023 Acts, ch 64, §13
Referred to in §68A.401A, 68A.405A, 68A.506, 68A.507

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Referred to in §28A.9, 99G.11, 123.5, 123.13, 261A.6, 602.1609

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SUBCHAPTER I

TITLE AND DEFINITIONS

68B.1 Short title.

This chapter shall be known as the *"Government Ethics and Lobbying Act"*.

[C71, 73, 75, 77, 79, 81, §68B.1]
2005 Acts, ch 76, §1

68B.2 Definitions.

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

1. *"Agency"* means a department, division, board, commission, bureau, authority, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, or any department, division, board, commission, bureau, or office of a political subdivision of the state, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.

2. *"Agency of state government"* or *"state agency"* means a department, division, board, commission, bureau, authority, or office of the executive or legislative branch of state government, the office of attorney general, the state board of regents, community colleges, and the office of the governor, including a regulatory agency, but does not include any agricultural commodity promotional board, which is subject to a producer referendum.

3. *"Board"* means the Iowa ethics and campaign disclosure board.

4. *"Candidate"* means a candidate under chapter 68A but does not include any judge standing for retention in a judicial election.

5. *"Candidate's committee"* means the committee designated by a candidate for a state, county, city, or school office, as provided under chapter 68A, to receive contributions in excess of one thousand dollars in the aggregate, expend funds in excess of one thousand dollars in the aggregate, or incur indebtedness on behalf of the candidate in excess of one thousand dollars in the aggregate in any calendar year.

6. *"Client"* means a private person or a state, federal, or local government entity that pays compensation to or designates an individual to be a lobbyist.

7. *"Compensation"* means any money, thing of value, or financial benefit conferred in return for services rendered or to be rendered.

8. *"Contribution"* means a loan, advance, deposit, rebate, refund, transfer of money, an in-kind transfer, or the payment of compensation for the personal services of another person.

9. *"Gift"* means a rendering of anything of value in return for which legal consideration of equal or greater value is not given and received.

10. *"Honorarium"* means anything of value that is accepted or given as consideration for an appearance, speech, or article.

11. *"Immediate family members"* means the spouse and dependent children of a public official or public employee.

12. *"Legislative employee"* means a permanent full-time employee of the general assembly but does not include members of the general assembly.

13. *a. "Lobbyist"* means an individual who, by acting directly, does any of the following:

(1) Receives compensation to encourage the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by the members of the general assembly, a state agency, or any statewide elected official.

(2) Is a designated representative of an organization which has as one of its purposes the encouragement of the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order before the general assembly, a state agency, or any statewide elected official.

(3) Represents the position of a federal, state, or local government agency, in which the person serves or is employed as the designated representative, for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order by members of the general assembly, a state agency, or any statewide elected official.

(4) Makes expenditures of more than one thousand dollars in a calendar year, other than to pay compensation to an individual who provides the services specified under subparagraph (1) or to communicate with only the members of the general assembly who represent the district in which the individual resides, to communicate in person with members of the general assembly, a state agency, or any statewide elected official for purposes of encouraging the passage, defeat, approval, veto, or modification of legislation, a rule, or an executive order.

b. "Lobbyist" does not mean:

(1) Officials and employees of a political party organized in the state of Iowa representing more than two percent of the total votes cast for governor in the last three preceding general elections, but only when representing the political party in an official capacity.

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(2) Representatives of the news media only when engaged in the reporting and dissemination of news and editorials.

(3) All federal, state, and local elected officials, while performing the duties and responsibilities of office.

(4) Persons whose activities are limited to appearances to give testimony or provide information or assistance at sessions of committees of the general assembly or at public hearings of state agencies or who are giving testimony or providing information or assistance at the request of public officials or employees.

(5) Members of the staff of the United States Congress or the Iowa general assembly.

(6) Agency officials and employees while they are engaged in activities within the agency in which they serve or are employed or with another agency with which the official's or employee's agency is involved in a collaborative project.

(7) An individual who is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, education, or charitable association, foundation, or organization who is not paid compensation and is not specifically designated as provided in paragraph *"a"*, subparagraph (1) or (2).

(8) Persons whose activities are limited to submitting data, views, or arguments in writing, or requesting an opportunity to make an oral presentation under section 17A.4, subsection 1.

14. *"Local employee"* means a person employed by a political subdivision of this state and does not include an independent contractor.

15. *"Local official"* means an officeholder of a political subdivision of this state.

16. *"Member of the general assembly"* means an individual duly elected to the senate or the house of representatives of the state of Iowa.

17. *"Official"* means all statewide elected officials, the executive or administrative head or heads of an agency of state government, the deputy executive or administrative head or heads of an agency of state government, members of boards or commissions as defined under section 7E.4, and heads of the major subunits of departments or independent state agencies whose positions involve a substantial exercise of administrative discretion or the expenditure of public funds as defined under rules of the board adopted in consultation with the department or agency and pursuant to chapter 17A. *"Official"* does not include officers or employees of political subdivisions of the state, members of the general assembly, legislative employees, officers or employees of the judicial branch of government who are not members or employees of the office of attorney general, members of state government entities which are or exercise the same type of authority that is exercised by councils or committees as defined under section 7E.4, or members of any agricultural commodity promotional board, if such board is subject to a producer referendum.

18. *"Person"* means, without limitation, any individual, corporation, business trust, estate, trust, partnership or association, labor union, or any other legal entity.

19. *"Public disclosure"* means a written report filed by a person as required by this chapter or required by rules adopted and issued pursuant to this chapter.

20. *"Public employee"* means state employees, legislative employees, and local employees.

21. *"Public office"* means any state, county, city, or school office or any other office of a political subdivision of the state that is filled by election.

22. *"Public official"* means officials, local officials, and members of the general assembly.

23. *"Regulatory agency"* means the department of agriculture and land stewardship, department of workforce development, department of insurance and financial services, department of public safety, department of education, state board of regents, department of health and human services, department of revenue, department of inspections, appeals, and licensing, department of administrative services, employment appeal board, state department of transportation, office of civil rights, department of public defense, department of homeland security and emergency management, Iowa ethics and campaign disclosure board, utilities commission, and department of natural resources.

24. *"Restricted donor"* means a person who is in any of the following categories:

a. Is or is seeking to be a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the agency in which the donee holds office or is employed.

b. Will personally be, or is the agent of a person who will be, directly and substantially

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affected financially by the performance or nonperformance of the donee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region.

c. Is personally, or is the agent of a person who is, the subject of or party to a matter which is pending before a subunit of a regulatory agency and over which the donee has discretionary authority as part of the donee's official duties or employment within the regulatory agency subunit.

d. Is a lobbyist or a client of a lobbyist with respect to matters within the donee's jurisdiction.

25. *"State employee"* means a person who is not an official and is a paid employee of the state of Iowa and does not include an independent contractor, an employee of the judicial branch who is not an employee of the office of attorney general, an employee of the general assembly, an employee of a political subdivision of the state, or an employee of any agricultural commodity promotional board, if such board is subject to a producer referendum.

26. *"Statewide elected official"* means the governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, secretary of agriculture, and attorney general of the state of Iowa.

[C71, 73, 75, 77, 79, 81, §68B.2; 82 Acts, ch 1199, §35, 96]

83 Acts, ch 96, §157, 159; 84 Acts, ch 1067, §13; 87 Acts, ch 213, §1; 92 Acts, ch 1228, §1; 93 Acts, ch 163, §1; 94 Acts, ch 1092, §2 – 4; 96 Acts, ch 1186, §23; 98 Acts, ch 1047, §14; 2002 Acts, ch 1073, §10, 11; 2003 Acts, ch 145, §286; 2004 Acts, ch 1091, §4; 2005 Acts, ch 76, §2; 2013 Acts, ch 29, §40; 2015 Acts, ch 54, §13; 2018 Acts, ch 1154, §1, 4; 2023 Acts, ch 19, §41, 1736, 2715; 2024 Acts, ch 1170, §177, 369; 2025 Acts, ch 30, §11; 2025 Acts, ch 123, §30

Referred to in §68B.22, 708.7

SUBCHAPTER II

CONFLICTS OF INTEREST

68B.2A Prohibited outside employment and activities — conflicts of interest.

1. Any person who serves or is employed by the state or a political subdivision of the state shall not engage in any of the following conduct:

a. Outside employment or an activity that involves the use of the state's or the political subdivision's time, facilities, equipment, and supplies or the use of the state or political subdivision badge, uniform, business card, or other evidences of office or employment to give the person or member of the person's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. This paragraph does not apply to off-duty peace officers who provide private duty security or fire fighters or emergency medical care providers certified under chapter 147A who provide private duty fire safety or emergency medical services while carrying their badge or wearing their official uniform, provided that the person has secured the prior approval of the agency or political subdivision in which the person is regularly employed to engage in the activity. For purposes of this paragraph, a person is not *"similarly situated"* merely by being or being related to a person who serves or is employed by the state or a political subdivision of the state.

b. Outside employment or an activity that involves the receipt of, promise of, or acceptance of money or other consideration by the person, or a member of the person's immediate family, from anyone other than the state or the political subdivision for the performance of any act that the person would be required or expected to perform as a part of the person's regular duties or during the hours during which the person performs service or work for the state or political subdivision of the state.

c. Outside employment or an activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person, during the performance of the person's duties of office or employment.

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2. If the outside employment or activity is employment or activity described in subsection 1, paragraph "*a*" or "*b*", the person shall immediately cease the employment or activity. If the outside employment or activity is employment or activity described in subsection 1, paragraph "*c*", or constitutes outside employment or an activity prohibited under rules adopted pursuant to subsection 4 or under the senate or house codes of ethics, unless otherwise provided by law, the person shall take one of the following courses of action:

a. Cease the outside employment or activity.

b. Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. For purposes of this paragraph, "*official action*" or "*official duty*" includes but is not limited to participating in any vote, taking affirmative action to influence any vote, granting any license or permit, determining the facts or law in a contested case or rulemaking proceeding, conducting any inspection, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

3. Unless otherwise specifically provided the requirements of this section shall be in addition to, and shall not supersede, any other rights or remedies provided by law.

4. The board shall adopt rules pursuant to chapter 17A further delineating particular situations where outside employment or activity of officials and state employees of the executive branch will be deemed to create an unacceptable conflict of interest.

93 Acts, ch 163, §2; 95 Acts, ch 41, §1; 2008 Acts, ch 1191, §38; 2009 Acts, ch 9, §1, 2, 6
Referred to in §68B.34
Incompatibility of offices, see Iowa Constitution, Art. III, §21 and 22 and §39.11 and 39.12
Economic development and conflict disclosure, see §15A.2

68B.2B Executive branch compensation.

1. Effective July 1, 2006, an official or state employee shall not receive compensation simultaneously from more than one executive branch agency, unless the official or state employee provides notice to the board within twenty business days of accepting employment with a second executive branch agency. Notice under this section shall include all of the following:

a. The name and contact information of the official or state employee and the name of the official's or employee's original executive branch agency.

b. The name of the second executive branch agency from which compensation may be received.

c. The amount of compensation to be received and a brief explanation of what services are to be performed for the second executive branch agency.

2. The board shall adopt rules pursuant to chapter 17A necessary for the administration of this section.

3. This section shall not apply to service in the Iowa national guard or service in the general assembly.

2006 Acts, ch 1149, §1
Referred to in §68B.34

68B.2C Prohibited outside employment and activities — agents of foreign principals.

Officials and state employees shall not engage in any outside employment or activity that requires the person to register under the federal Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §611 et seq.

2018 Acts, ch 1061, §7; 2018 Acts, ch 1172, §16
Referred to in §68B.34

68B.3 When public bids required — disclosure of income from other sales.

1. Except as part of official state duties, an official, a state employee, a member of the general assembly, or a legislative employee shall not sell, in any one occurrence, any goods or services having a value in excess of two thousand dollars to any state agency unless the sale is made pursuant to an award or contract let after public notice and competitive bidding.

2. This section does not apply to the publication of resolutions, advertisements, or other

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legal propositions or notices in newspapers designated pursuant to law for the publication of legal propositions or notices and for which rates are fixed pursuant to law.

3. This section does not apply to sales of services by a member of a board or commission as defined under section 7E.4 to state executive branch agencies or subunits of departments or independent agencies as defined in section 7E.4 that are not the subunit of the department or independent agency in which the person serves or are not a subunit of a department or independent agency with which the person has substantial and regular contact as part of the person's duties.

4. This section does not apply to a contract for professional services that is exempt from competitive bidding requirements in the Code or in administrative rules adopted pursuant to the Code.

5. An official or member of the general assembly who sells goods or services to a political subdivision of the state shall disclose whether income has been received from commissions from the sales in the manner provided under section 68B.35.

6. For purposes of this section, *"services"* does not include instruction at an accredited education institution if the person providing the instruction meets the minimum education and licensing requirements established for instructors at the education institution.

7. Except when performing official state duties, an official or a state employee making a permissible sale under this section shall file a report with the board within twenty days of making the sale. The report shall include but not be limited to the parties to the sale, the date of the sale, the total amount of the sale, and the type of goods or services being sold.

[C71, 73, 75, 77, 79, 81, §68B.3]

92 Acts, ch 1228, §2; 93 Acts, ch 163, §3; 2007 Acts, ch 5, §1; 2010 Acts, ch 1054, §2, 3, 6; 2014 Acts, ch 1141, §13; 2019 Acts, ch 54, §1

Referred to in §68B.34

68B.4 Sales or leases by regulatory agency officials and employees.

1. An official or employee of any regulatory agency shall not sell or lease, either directly or indirectly, any goods, real estate, or services to individuals, associations, or corporations subject to the regulatory authority of the agency of which the person is an official or employee, except when the official or employee has met all of the following conditions:

a. The consent of the regulatory agency for which the person is an official or employee is obtained and the person is not the official or employee with the authority to determine whether agency consent is to be given under this section.

b. The duties or functions performed by the official or employee for the regulatory agency are not related to the regulatory authority of the agency over the individual, association, or corporation, or the selling or leasing of goods, real estate, or services by the official or employee to the individuals, associations, or corporations does not affect the official's or employee's duties or functions at the regulatory agency.

c. The selling or leasing of any goods, real estate, or services by the official or employee to an individual, association, or corporation does not include advocacy on behalf of the individual, association, or corporation to the regulatory agency in which the person is an official or employee.

d. The selling or leasing of any goods, real estate, or services by the official or employee to an individual, association, or corporation does not cause the official or employee to sell or lease goods, real estate, or services to the regulatory agency on behalf of the individual, association, or corporation.

2. The board shall adopt rules specifying the method by which employees may obtain agency consent under this section. The board shall adopt rules specifying the method by which officials may obtain agency consent under this section, including situations when the person seeking to make the sale or lease is the executive or administrative head of the

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regulatory agency. A regulatory agency granting consent under this section shall file a copy of the consent with the board within twenty days of the consent being granted.

[C71, 73, 75, 77, 79, 81, §68B.4]

90 Acts, ch 1209, §1; 91 Acts, ch 79, §1; 2003 Acts, ch 145, §286; 2004 Acts, ch 1091, §5; 2005 Acts, ch 76, §3; 2006 Acts, ch 1149, §2; 2021 Acts, ch 67, §1

Referred to in §68B.34

68B.4A Sales by legislative employees.

A permanent legislative employee shall not sell, either directly or indirectly, any goods or services to individuals, associations, or corporations which employ persons who are registered lobbyists before the general assembly, except when the legislative employee has met all of the following conditions:

1. The consent of the person or persons responsible for hiring or approving the hiring of the legislative employee is obtained.

2. The duties and functions performed by the legislative employee for the general assembly are not related to the legislative authority of the general assembly over the individual, association, or corporation, or the selling of goods or services by the legislative employee to the individuals, associations, or corporations does not affect the employee's duties or functions at the general assembly.

3. The selling of any goods or services by the legislative employee to an individual, association, or corporation does not include lobbying of the general assembly.

4. The selling of any goods or services by the legislative employee does not cause the employee to sell goods or services to the general assembly on behalf of the individual, association, or corporation.

92 Acts, ch 1228, §3; 2008 Acts, ch 1031, §24

Referred to in §68B.34

68B.4B Sales or leases by members of the office of the governor.

A permanent full-time member of the office of the governor shall not sell or lease, either directly or indirectly, any goods or services to a registered lobbyist before the general assembly or the executive branch or to an individual, association, or corporation which employs a person who is a registered lobbyist before the general assembly or the executive branch, except when the member of the office of the governor has met all of the following conditions:

1. The consent of the person or persons responsible for hiring or approving the hiring of the member of the office of the governor is obtained. A copy of the consent shall be filed with the board within twenty days of the consent being granted.

2. The duties and functions performed by the member for the office of the governor are not related to the authority of the office of the governor over the individual, association, or corporation, or the selling or leasing of goods or services by the member of the office of the governor to the individuals, associations, or corporations does not affect the member's duties or functions at the office of the governor.

3. The selling or leasing of any goods or services by the member of the office of the governor to an individual, association, or corporation does not include lobbying of the office of the governor.

4. The selling or leasing of any goods or services by the member of the office of the governor does not cause the member to sell or lease goods or services to the office of the governor on behalf of the individual, association, or corporation.

92 Acts, ch 1228, §4; 2004 Acts, ch 1091, §6, 7; 2005 Acts, ch 76, §4; 2006 Acts, ch 1149, §3

Referred to in §68B.34

68B.5 Reserved.

68B.5A Ban on certain lobbying activities.

1. A person who serves as a statewide elected official, the executive or administrative head of an agency of state government, the deputy executive or administrative head of an agency of state government, or a member of the general assembly shall not act as a lobbyist during the

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time in which the person serves or is employed by the state unless the person is designated, by the agency in which the person serves or is employed, to represent the official position of the agency.

2. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, during the time in which the person serves or is employed by the state, act as a lobbyist before the agency in which the person is employed or before state agencies, officials, or employees with whom the person has substantial or regular contact as part of the person's duties, unless the person is designated, by the agency in which the person serves or is employed, to represent the official position of the agency.

3. A state or legislative employee who is not subject to the requirements of subsection 2 shall not act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person is directly concerned and personally participates as part of the person's employment, unless the person is designated, by the agency in which the person is employed, to represent the official position of the agency.

4. A person who is subject to the requirements of subsection 1 shall not within two years after the termination of service or employment become a lobbyist.

5. The head of a major subunit of a department or independent state agency whose position involves substantial exercise of administrative discretion or the expenditure of public funds, a full-time employee of an office of a statewide elected official whose position involves substantial exercise of administrative discretion or the expenditure of public funds, or a legislative employee whose position involves a substantial exercise of administrative discretion or the expenditure of public funds, shall not, within two years after termination of employment, become a lobbyist before the agency in which the person was employed or before state agencies or officials or employees with whom the person had substantial and regular contact as part of the person's former duties.

6. A state or legislative employee who is not subject to the requirements of subsection 2 shall not, within two years after termination of employment, act as a lobbyist in relation to any particular case, proceeding, or application with respect to which the person was directly concerned and personally participated as part of the person's employment.

7. This section shall not apply to a person who, within two years of leaving service or employment with the state, is elected to, appointed to, or employed by another office of the state, an office of a political subdivision of the state, or the federal government and appears or communicates on behalf or as part of the duties of that office or employment.

92 Acts, ch 1228, §5; 92 Acts, 1st Ex, ch 1002, §1; 93 Acts, ch 163, §4; 2008 Acts, ch 1191, §39

Referred to in §68B.34

68B.6 Services against state prohibited.

1. Officials, except for members of boards or commissions as defined under section 7E.4, state employees, and legislative employees shall not receive, directly or indirectly, or enter into any express or implied agreement for, any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the state of Iowa, any federal court, or any federal bureau, agency, commission, or department.

2. A person who is an official, but who is not subject to the requirements of subsection 1, shall not receive, directly or indirectly, or enter into any agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before the subunit of a department or independent agency in

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which the person serves, is employed, or with which the person has substantial and regular contact as part of the person's duties.

[C71, 73, 75, 77, 79, 81, §68B.6]

92 Acts, ch 1228, §6; 93 Acts, ch 163, §5; 2004 Acts, ch 1091, §8

Referred to in §13.2, 13B.4, 68B.34

68B.7 Prohibited use of influence.

1. A person who has served as an official, state employee of a state agency, member of the general assembly, or legislative employee shall not within a period of two years after the termination of such service or employment receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which the person was directly concerned and personally participated during the period of service or employment.

2. A person who has served as the head of or on a commission or board of a regulatory agency or as a deputy thereof, shall not, within a period of two years after the termination of such service do any of the following:

a. Accept employment with that commission, board, or agency.

b. Receive compensation for any services rendered on behalf of any person, firm, corporation, or association in any case, proceedings, or application before the department with which the person so served wherein the person's compensation is to be dependent or contingent upon any action by such agency with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit, or in promoting or opposing, directly or indirectly, the passage of bills or resolutions before either house of the general assembly.

3. Notwithstanding the provisions of this section, a person who has served as the workers' compensation commissioner, or any deputy thereof, may represent a claimant in a contested case before the division of workers' compensation at any point subsequent to termination of such service, regardless of whether the person charges a contingent fee for such representation, provided such case was not pending before the division during the person's tenure as commissioner or deputy.

[C71, 73, 75, 77, 79, 81, §68B.7]

89 Acts, ch 321, §24; 92 Acts, ch 1228, §7; 2006 Acts, ch 1182, §57; 2009 Acts, ch 9, §3, 6

Referred to in §68B.34

68B.8 Lobbying activities by state agencies.

1. A state agency of the executive branch of state government shall not employ a person through the use of its public funds whose position with the agency is primarily representing the agency relative to the passage, defeat, approval, or modification of legislation that is being considered by the general assembly.

2. A state agency of the executive branch of state government shall not use or permit the use of its public funds for a paid advertisement or public service announcement thirty days prior to or during a legislative session for the purpose of encouraging the passage, defeat, approval, or modification of a bill that is being considered, or was considered during the previous legislative session, by the general assembly.

2008 Acts, ch 1116, §1; 2011 Acts, ch 122, §4, 5

Referred to in §68B.34

68B.9 through 68B.20 Reserved.

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SUBCHAPTER III

GIFTS AND OFFERS —
GENERAL PENALTIES

68B.21 Legislative intent.

It is the goal of the general assembly that public officials and public employees of the state be extremely cautious and circumspect about accepting a gratuity or favor, especially from persons that have a substantial interest in the legislative, administrative, or political actions of the official or employee. Even where there is a genuine personal friendship, the acceptance of personal benefits from those who could gain advantage by influencing official actions raises suspicions that tend to undermine the public trust. It is therefore the intent of the general assembly that the provisions of this subchapter be construed to discourage all gratuities, but to prohibit only those that create unacceptable conflicts of interest or appearances of impropriety.

92 Acts, ch 1228, §8

68B.22 Gifts accepted or received.

1. Except as otherwise provided in this section, a public official, public employee, or candidate, or that person's immediate family member shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A public official, public employee, candidate, or the person's immediate family member shall not solicit any gift or series of gifts from a restricted donor at any time.

2. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, offer or make a gift or a series of gifts to a public official, public employee, or candidate. Except as otherwise provided in this section, a restricted donor shall not, directly or indirectly, join with one or more other restricted donors to offer or make a gift or a series of gifts to a public official, public employee, or candidate.

3. A restricted donor may give, and a public official, public employee, or candidate, or the person's immediate family member, may accept an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts and not be in violation of this section if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale. A person subject to section 68B.22A that receives a gift pursuant to this subsection shall file a report pursuant to section 68B.22A.

4. Notwithstanding subsections 1 and 2, the following gifts may be received by public officials, public employees, candidates, or members of the immediate family of public officials, public employees, or candidates:

a. Contributions to a candidate or a candidate's committee.

b. Informational material relevant to a public official's or public employee's official functions, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format.

c. Anything received from anyone related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

d. An inheritance.

e. Anything available or distributed free of charge to members of the general public without regard to the official status of the recipient. This paragraph shall not apply to functions described under paragraph *"s"*.

f. Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.

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g. Actual expenses of a donee for food, beverages, registration, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the donee has participation or presentation responsibilities.

h. Plaques or items of negligible resale value which are given as recognition for the public services of the recipient.

i. Food and beverages provided at a meal that is part of a bona fide event or program at which the recipient is being honored for public service.

j. Nonmonetary items with a value of three dollars or less that are received from any one donor during one calendar day.

k. Items or services solicited by or given to a state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given to state, national, or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees, for purposes of a business or educational conference, seminar, or other meeting.

l. Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar, or other meeting that is sponsored and directed by any state, national, or regional government organization in which the state of Iowa or a political subdivision of the state is a member, or received at such an event by members or representatives of members of state, national, or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees.

m. Funeral flowers or memorials to a church or nonprofit organization.

n. Gifts which are given to a public official or public employee for the public official's or public employee's wedding or twenty-fifth or fiftieth wedding anniversary.

o. Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council, or other subunit of the agency and the person is not entitled to receive compensation or reimbursement of expenses from the state or a political subdivision of the state for attending the meeting.

p. Food, beverages, travel, or lodging received by a public official or public employee if all of the following apply:

(1) The public official or public employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state, or to develop markets for Iowa businesses or products.

(2) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under section 68B.2, subsection 9, or this section.

(3) The public official or public employee plays a significant role in the presentation to the business or businesses on behalf of the public official's or public employee's agency.

q. Gifts other than food, beverages, travel, and lodging received by a public official or public employee which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the donee.

r. Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging, and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

s. Food, beverage, and entertainment received at a function where every member of the general assembly has been invited to attend, when the function takes place during a regular session of the general assembly. A sponsor of a function under this paragraph shall file a registration prior to the function taking place identifying the sponsor and the date, time, and

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location of the function. The registration shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board. After a function takes place, the sponsor of the function shall file a report disclosing the total amount expended, including in-kind expenditures, on food, beverage, and entertainment for the function. The report shall be filed with the person or persons designated by the secretary of the senate and the chief clerk of the house and with the board within twenty-eight calendar days following the date of the function.

5. For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the donee.

6. A gift shall not be considered to be received by a public official or public employee if the state is the donee of the gift and the public official or public employee is required to receive the gift on behalf of the state as part of the performance of the person's duties of office or employment.

7. A person shall not request, and a member of the general assembly shall not agree, that a member of the general assembly sell tickets for a community-related social event that is to be held for members of the general assembly in Polk county during the legislative session. This section shall not apply to Polk county or city of Des Moines events that are open to the public generally or are held only for Polk county or city of Des Moines legislators.

8. Except as otherwise provided in subsection 4, an organization or association which has as one of its purposes the encouragement of the passage, defeat, introduction, or modification of legislation shall not give and a member of the general assembly shall not receive food, beverages, registration, or scheduled entertainment with a per person value in excess of three dollars.

92 Acts, ch 1228, §9; 93 Acts, ch 163, §6; 94 Acts, ch 1092, §5 – 7; 2001 Acts, ch 24, §19; 2003 Acts, ch 145, §286; 2003 Acts, ch 161, §1, 2; 2005 Acts, ch 76, §5; 2007 Acts, ch 5, §2; 2008 Acts, ch 1191, §40; 2009 Acts, ch 133, §18; 2010 Acts, ch 1006, §1, 11; 2018 Acts, ch 1154, §2 – 4

Referred to in §68B.23, 68B.34
Solicitations for capitol complex projects, see §8A.108

68B.22A Reporting of gifts and bequests received.

All gifts and bequests with a value of fifty dollars or more received by a department or accepted by the governor on behalf of the state shall be reported within twenty days of receiving the gift or bequest to the board, using the board's internet reporting system. The board shall, by January 31 of each year, submit to the fiscal services division of the legislative services agency a written report listing all gifts and bequests received during the previous calendar year with a value over one thousand dollars and the purpose for each such gift or bequest. The submission shall also include a listing of all gifts and bequests received by a department from a person if the cumulative value of all gifts and bequests received by the department from the person during the previous calendar year exceeds one thousand dollars, and the board shall include, if available, the purpose for each such gift or bequest. However, the reports on gifts or bequests filed by the state board of regents and the Iowa state fair board pursuant to section 8.44 shall be deemed sufficient to comply with the requirements of this section.

2005 Acts, ch 173, §27
CS2005, §8.7
2008 Acts, ch 1191, §25; 2010 Acts, ch 1069, §1; 2011 Acts, ch 79, §1; 2019 Acts, ch 40, §1; 2024 Acts, ch 1185, §85
C2025, §68B.22A
2025 Acts, ch 30, §12
Referred to in §22.7(52)(d), 68B.22, 68B.32, 68B.32B, 68B.34
Gifts to state, see also §565.3

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68B.23 Honoraria — banned.

1. Except as provided in subsection 2, a public official or public employee shall not seek or accept an honorarium from a restricted donor.

2. A public official or public employee may accept an honorarium from any person under the following circumstances:

a. The honorarium consists of payment of actual expenses of a donee for registration, food, beverages, travel, and lodging paid in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the recipient has participation or presentation responsibilities.

b. The honorarium consists of a nonmonetary item or series of nonmonetary items that the public official or public employee donates within thirty days to a public body, a bona fide educational or charitable organization, or the department of administrative services as provided in section 68B.22, subsection 3.

c. The honorarium consists of a payment made to a public official or public employee for services rendered as part of a bona fide private business, trade, or profession in which the public official or public employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a public official or public employee, but, rather, because of some special expertise or other qualification.

92 Acts, ch 1228, §10; 93 Acts, ch 163, §7; 2003 Acts, ch 145, §286
Referred to in §68B.34

68B.24 Loans — receipt from lobbyists prohibited.

1. An official, member of the general assembly, state employee, legislative employee, or candidate for state office shall not, directly or indirectly, seek or accept a loan or series of loans from a person who is a lobbyist.

2. A lobbyist shall not, directly or indirectly, offer or make a loan or series of loans to an official, member of the general assembly, state employee, legislative employee, or candidate for state office. A lobbyist shall also not, directly or indirectly, join with one or more persons to offer or make a loan or series of loans to an official, member of the general assembly, state employee, legislative employee, or candidate for state office.

3. This section shall not apply to loans made in the ordinary course of business. For purposes of this section, a loan is *"made in the ordinary course of business"* when it is made by a person who is regularly engaged in a business that makes loans to members of the general public and the finance charges and other terms of the loan are the same or substantially similar to the finance charges and loan terms that are available to members of the general public.

92 Acts, ch 1228, §11; 93 Acts, ch 163, §8
Referred to in §68B.34

68B.25 through 68B.30 Reserved.

SUBCHAPTER IV

ENFORCEMENT — ENTITIES,
PROCEDURE, AND JURISDICTION

68B.31 Legislative ethics committee.

1. There shall be an ethics committee in the senate and an ethics committee in the house, each to consist of six members; three members to be appointed by the majority leader in each house, and three members by the minority leader in each house. A member of the ethics committee may disqualify himself or herself from participating in any proceeding upon submission of a written statement that the member cannot render an impartial and unbiased decision in a case. A member is ineligible to participate in committee meetings, as a member of the committee, in any proceeding relating to the member's own conduct. A member may be disqualified by a unanimous vote of the remaining eligible members of the committee. If a member of the ethics committee is disqualified from or is ineligible to participate in

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any committee proceedings, the authority responsible for the original appointment of the disqualified or ineligible member shall appoint a replacement member who shall serve during the period of the original member's disqualification or ineligibility.

2. Members shall receive a per diem and travel expenses at the same rate as paid members of interim committees for attending meetings held when the general assembly is not in session. The per diem and expenses shall be paid from funds appropriated by section 2.12.

3. The majority leader of each house shall designate the chairperson and vice chairperson, and the minority leader of each house shall designate the ranking member, of each committee. The chairperson of each committee shall have the following powers, duties and functions:

a. Preside over meetings of the committee.

b. Call meetings of the committee upon receipt of findings from the independent special counsel that there is probable cause to believe that a member of the general assembly or a lobbyist has committed a violation of a provision of this chapter or of the rules relating to ethical conduct that are adopted pursuant to this chapter.

4. *a.* The ethics committee of each house shall have the following powers, duties, and functions:

(1) Prepare a code of ethics within thirty days after the commencement of each general assembly.

(2) Prepare rules relating to lobbyists and lobbying activities in the general assembly.

(3) Issue advisory opinions interpreting the intent of constitutional and statutory provisions relating to legislators, lobbyists, and clients as well as interpreting the code of ethics and rules issued pursuant to this section. Opinions shall be issued when approved by a majority of the six members and may be issued upon the written request of a member of the general assembly or upon the committee's initiation. Opinions are not binding on the legislator, lobbyist, or client.

(4) Receive and hear complaints and charges against members of its house, lobbyists, or clients of a lobbyist alleging a violation of the code of ethics, rules governing lobbyists, this chapter, or other matters referred to it by its house or the independent special counsel. The committee shall recommend rules for the receipt and processing of findings of probable cause relating to ethical violations of members of the general assembly, lobbyists, or clients of lobbyists during the legislative session and those received after the general assembly adjourns.

(5) Recommend legislation relating to legislative ethics and lobbying activities.

b. The ethics committee may employ independent legal counsel to assist the committee in carrying out the committee's duties under this chapter. Payment of costs for the independent legal counsel shall be made from funds appropriated pursuant to section 2.12.

5. Any person may file a complaint with the ethics committee of either house alleging that a member of the general assembly, lobbyist, or client of a lobbyist before the general assembly has committed a violation of this chapter. The ethics committee shall prescribe and provide forms for this purpose. The complaint shall include the name and address of the complainant and a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

6. The ethics committee shall promptly notify any party alleged to have committed a violation of the code of ethics, rules governing lobbyists, or this chapter of the filing of a complaint by causing a copy of the complaint to be served or personally delivered to the party charged, unless service is waived by the party charged, and shall review the complaint to determine if the complaint meets the requirements for formal sufficiency. If the complaint is deficient as to form, the complaint shall be returned to the complainant with a statement of the nature of the deficiency and the party charged in the complaint shall be notified that the complaint has been returned. If a complaint, previously found to be deficient as to form, is refiled in different form, the party charged in the complaint shall be provided with a copy of the new document in the same manner as provided for service of the initial complaint. Any amendments to a complaint that are filed with the committee shall also be served or

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personally delivered, unless service is waived, to the party charged in the complaint. If the complaint is sufficient as to form, the ethics committee shall review the complaint to determine whether the complaint states a valid charge which may be investigated. A valid complaint must allege all of the following:

a. Facts, that if true, establish a violation of a provision of this chapter, the rules governing lobbyists, or the code of ethics for which penalties or other remedies are provided.

b. That the conduct providing the basis for the complaint occurred within three years of the filing of the complaint.

c. That the party charged with a violation is a party subject to the jurisdiction of the ethics committee.

7. *a.* If the ethics committee determines that a complaint is not valid, the complaint shall be dismissed and returned to the complainant with a notice of dismissal stating the reason or reasons for the dismissal. If the ethics committee determines that a complaint is valid and the ethics committee does not take action under rules adopted pursuant to paragraph "*b*", the ethics committee shall request that the chief justice of the supreme court appoint an independent special counsel to investigate the allegations contained in the complaint to determine whether there is probable cause to believe that a violation of this chapter has occurred and whether an evidentiary hearing on the complaint should be held. Payment of costs for the independent special counsel shall be made from section 2.12.

b. The ethics committee may adopt rules for purposes of taking action on valid complaints without requesting the appointment of an independent special counsel and without requiring action by the appropriate house pursuant to subsection 11. Such action may only be taken if the committee determines that no dispute exists between the parties regarding material facts that establish a violation.

8. If a hearing on the complaint is ordered, the ethics committee shall receive all admissible evidence, determine any factual or legal issues presented during the hearing, and make findings of fact based upon evidence received. Hearings shall be conducted in the manner prescribed in section 17A.12. The rules of evidence applicable under section 17A.14 shall also apply in hearings before the ethics committee. Clear and convincing evidence shall be required to support a finding that the member of the general assembly, lobbyist, or client before the general assembly has committed a violation of this chapter. Parties to a complaint may, subject to the approval of the ethics committee, negotiate for settlement of disputes that are before the ethics committee. Terms of any negotiated settlements shall be publicly recorded. If a complaint is filed or initiated less than ninety days before the election for a state office, for which the person named in the complaint is the incumbent officeholder, the ethics committee shall, if possible, set the hearing at the earliest available date so as to allow the issue to be resolved before the election. An extension of time for a hearing may be granted when both parties mutually agree on an alternate date for the hearing. The ethics committee shall make every effort to hear all ethics complaints within three months of the date that the complaints are filed. However, after three months from the date of the filing of the complaint, extensions of time for purposes of preparing for hearing may only be granted by the ethics committee when the party charged in the complaint with the ethics violation consents to an extension. If the party charged does not consent to an extension, the ethics committee shall not grant any extensions of time for preparation prior to hearing. All complaints alleging a violation of this chapter or the code of ethics shall be heard within nine months of the filing of the complaint. Final dispositions of violations, which the ethics committee has found to have been established by clear and convincing evidence, shall be made within thirty days of the conclusion of the hearing on the complaint.

9. The ethics committee of each house shall recommend rules for adoption by the respective house relating to the confidentiality of a complaint or information which has been filed or provided to the committee. Rules adopted shall provide for initial confidentiality of a complaint, unless the complaint has been publicly disclosed, and shall permit the ethics committee to treat some or all of the contents of a complaint or other information as confidential if the committee finds that the criteria established under section 22.7, subsection 18, for keeping certain information confidential, are met. If the existence of a complaint or a preliminary investigation is made public, the ethics committee shall publicly confirm the

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existence of the complaint or preliminary inquiry and, in the ethics committee's discretion, make public the complaint or investigation and any documents which were issued to any party to the complaint or investigation. However, this subsection shall not prevent the committee from furnishing the complaint or other information to the appropriate law enforcement authorities at any time. Upon commencement of a hearing on a complaint, all investigative material shall be made available to the subject of the hearing and any material that is introduced at the hearing shall be public information.

10. The code of ethics and rules relating to lobbyists and lobbying activities shall not become effective until approved by the members of the house to which the proposed code and rules apply. The code or rules may be amended either upon the recommendation of the ethics committee or by members of the general assembly.

11. Violation of a provision of this chapter or rules adopted relating to ethical conduct may result in censure, reprimand, or other sanctions as determined by a majority of the member's house. However, a member may be suspended or expelled and the member's salary forfeited only if directed by a two-thirds vote of the member's house. A suspension, expulsion, or forfeiture of salary shall be for the duration specified in the directing resolution. Violation of a rule relating to lobbyists and lobbying activities may result in censure, reprimand, or other sanctions as determined by a majority of the members of the house in which the violation occurred. However, a lobbyist may be suspended from lobbying activities for the duration provided in the directing resolution only if directed by a two-thirds vote of the house in which the violation occurred.

[C71, 73, 75, 77, 79, 81, §68B.10]

87 Acts, ch 213, §4 – 7; 90 Acts, ch 1223, §14; 90 Acts, ch 1256, §26; 92 Acts, ch 1228, §13

C93, §68B.31

93 Acts, ch 163, §11 – 13; 2008 Acts, ch 1032, §201; 2010 Acts, ch 1006, §2 – 5, 11

Referred to in §11.41, 22.7(29), 68B.31A

68B.31A Investigation by independent special counsel — probable cause.

The purpose of an investigation by the independent special counsel is to determine whether there is probable cause to proceed with an adjudicatory hearing on the matter. In conducting investigations and holding hearings, the independent special counsel may require by subpoena the attendance and testimony of witnesses and may subpoena books, papers, records, and any other real evidence relating to the matter before the independent special counsel. The independent special counsel shall have the additional authority provided in section 17A.13. If the independent special counsel determines at any stage in the proceedings that take place prior to hearing that the complaint is without merit, the independent special counsel shall report that determination to the appropriate ethics committee and the complaint shall be dismissed and the complainant and the party charged shall be notified. If, after investigation, the independent special counsel determines evidence exists which, if proven, would support a finding of a violation of this chapter, a finding of probable cause shall be made and reported to the ethics committee, and a hearing shall be ordered by the ethics committee as provided in section 68B.31. Independent special counsel investigations are not meetings of a governmental body within the meaning of chapter 21, and records and information obtained by independent special counsel during investigations are confidential until disclosed to a legislative ethics committee under section 68B.31.

2004 Acts, ch 1091, §9

Referred to in §11.41, 22.7(29)

68B.32 Independent ethics and campaign disclosure board — established.

1. An Iowa ethics and campaign disclosure board is established as an independent agency. The board shall administer this chapter and set standards for, investigate complaints relating to, and monitor the ethics of officials, employees, lobbyists, and candidates for office in the executive branch of state government. The board shall administer and set standards for, investigate complaints relating to, and monitor the campaign finance practices of candidates for public office. The board shall administer and establish standards for, investigate complaints relating to, and monitor the reporting of gifts and bequests under

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section 68B.22A. The board shall consist of six members and shall be balanced as to political affiliation as provided in section 4A.12. The members shall be appointed by the governor, subject to confirmation by the senate.

2. Members shall serve staggered six-year terms beginning and ending as provided in section 69.19. Any vacancy on the board shall be filled by appointment for the unexpired portion of the term, within ninety days of the vacancy and in accordance with the procedures for regular appointments. A member of the board may be reappointed to serve additional terms on the board. Members may be removed in the manner provided in chapter 69.

3. The board shall annually elect one member to serve as the chairperson of the board and one member to serve as vice chairperson. The vice chairperson shall act as the chairperson in the absence or disability of the chairperson or in the event of a vacancy in that office.

4. Members of the board shall receive a per diem as specified in section 7E.6 while conducting business of the board, and payment of actual and necessary expenses incurred in the performance of their duties. Members of the board shall file statements of financial interest under section 68B.35.

5. The board shall employ a full-time executive director who shall be the board's chief administrative officer. The board shall employ or contract for the employment of legal counsel notwithstanding section 13.7, and any other personnel as may be necessary to carry out the duties of the board. The board's legal counsel shall be the chief legal officer of the board and shall advise the board on all legal matters relating to the administration of this chapter and chapter 68A. The state may be represented by the board's legal counsel in any civil action regarding the enforcement of this chapter or chapter 68A, or at the board's request, the state may be represented by the office of the attorney general. Notwithstanding section 8A.412, all of the board's employees, except for the executive director and legal counsel, shall be employed subject to the merit system provisions of chapter 8A, subchapter IV. The salary of the executive director shall be fixed by the board, within the range established by section 8A.461. The salary of the legal counsel shall be fixed by the board, within a salary range established by the department of administrative services for a position requiring similar qualifications and experience.

92 Acts, ch 1228, §14; 93 Acts, ch 163, §14; 95 Acts, ch 198, §18; 2003 Acts, ch 145, §155, 286; 2006 Acts, ch 1035, §1; 2008 Acts, ch 1191, §41; 2024 Acts, ch 1182, §160, 168

Referred to in §68A.101, 68A.102, 331.210A
Confirmation, see §2.32

68B.32A Duties of the board.

The duties of the board shall include but are not limited to all of the following:

1. Adopt rules pursuant to chapter 17A and conduct hearings under sections 68B.32B and 68B.32C and chapter 17A, as necessary to carry out the purposes of this chapter and chapter 68A.

2. Develop, prescribe, furnish, and distribute any forms necessary for the implementation of the procedures contained in this chapter and chapter 68A for the filing of reports and statements by persons required to file the reports and statements under this chapter and chapter 68A.

3. Establish a process to assign signature codes to a person or committee for purposes of facilitating an electronic filing procedure. The assignment of signature codes shall be kept confidential, notwithstanding section 22.2. The board and persons electronically filing reports and statements shall keep assigned signature codes or subsequently selected signature codes confidential. Signature codes shall not be subject to state security policies regarding frequency of change.

4. Review the contents of all campaign finance disclosure reports and statements filed with the board and promptly advise each person or committee of errors found. The board may verify information contained in the reports with other parties to assure accurate disclosure. The board may also verify information by requesting that a candidate or committee produce copies of receipts, bills, logbooks, or other memoranda of reimbursements of expenses to a candidate for expenses incurred during a campaign. The board, upon its own motion, may initiate action and conduct a hearing relating to requirements under chapter 68A.

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5. Receive all registrations and reports that are required to be filed with the board under this chapter. The board, upon its own motion, may initiate action, conduct hearings, impose sanctions, and order administrative resolutions relating to reporting requirements under this chapter.

6. Prepare and publish a manual setting forth examples of approved uniform systems of accounts and approved methods of disclosure for use by persons required to file statements and reports under this chapter and chapter 68A. The board shall also prepare and publish other educational materials, and any other reports or materials deemed appropriate by the board. The board shall annually provide all officials and state employees with notification of the contents of this chapter and chapter 68A by distributing copies of educational materials to each agency of state government under the board's jurisdiction.

7. Assure that the statements and reports which have been filed in accordance with this chapter and chapter 68A are available for public inspection and copying during the regular office hours of the office in which they are filed and not later than by the end of the day during which a report or statement was received. Rules adopted relating to public inspection and copying of statements and reports may include a charge for any copying and mailing of the reports and statements, shall provide for the mailing of copies upon the request of any person and upon prior receipt of payment of the costs by the board, and shall prohibit the use of the information copied from reports and statements for any commercial purpose by any person.

8. Require that the candidate of a candidate's committee, or the chairperson of a political committee, is responsible for filing disclosure reports under chapter 68A, and shall receive notice from the board if the committee has failed to file a disclosure report at the time required under chapter 68A. A candidate of a candidate's committee, or the chairperson of a political committee, may be subject to a civil penalty for failure to file a disclosure report required under section 68A.402, subsection 1.

9. Establish and impose penalties, and recommendations for punishment of persons who are subject to penalties of or punishment by the board or by other bodies, for the failure to comply with the requirements of this chapter or chapter 68A.

10. Determine, in case of dispute, at what time a person has become a candidate.

11. Preserve copies of reports and statements filed with the board for a period of five years from the date of receipt.

12. Establish a procedure for requesting and issuing board advisory opinions to persons subject to the authority of the board under this chapter or chapter 68A. Local officials and local employees may also seek an advisory opinion concerning the application of the applicable provisions of this chapter. Advice contained in board advisory opinions shall, if followed, constitute a defense to a complaint alleging a violation of this chapter, chapter 68A, or rules of the board that is based on the same facts and circumstances.

13. Establish rules relating to ethical conduct for officials and state employees, including candidates for statewide office, and regulations governing the conduct of lobbyists of the executive branch of state government, including but not limited to conflicts of interest, abuse of office, misuse of public property, use of confidential information, participation in matters in which an official or state employee has a financial interest, and rejection of improper offers.

14. Impose penalties upon, or refer matters relating to, persons who discharge any employee, or who otherwise discriminate in employment against any employee, for the filing of a complaint with, or the disclosure of information to, the board if the employee has filed the complaint or made the disclosure in good faith.

15. Establish fees, where necessary, to cover the costs associated with preparing, printing, and distributing materials to persons subject to the authority of the board.

16. Establish an expedited procedure for reviewing complaints forwarded by the state commissioner of elections to the board for a determination as to whether a supervisor district plan adopted pursuant to section 331.210A that differs from a supervisor district plan prepared by the legislative services agency was drawn for improper political reasons as described in section 42.4, subsection 5. The expedited procedure shall be substantially similar to the process used for other complaints filed with the board except that the provisions of section 68B.32D shall not apply.

17. At the board's discretion, develop and operate a searchable internet site database that

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provides access to information on statements or reports filed with the board. For purposes of this subsection, *"searchable internet site database"* means an internet site database that allows the public to search and aggregate information and is in a downloadable format.

18. At the board's discretion, enter into an agreement with a political subdivision authorizing the board to enforce the provisions of a code of ethics adopted by that political subdivision.

19. Impose penalties upon, or refer matters relating to, persons who provide false information to the board during a board investigation of a potential violation of this chapter, chapter 68A, or rules of the board. The board shall adopt rules to administer this subsection.

93 Acts, ch 163, §15; 95 Acts, ch 198, §19; 2004 Acts, ch 1091, §10; 2005 Acts, ch 76, §6; 2006 Acts, ch 1035, §2 – 4, 9; 2006 Acts, ch 1185, §69; 2007 Acts, ch 5, §3; 2007 Acts, ch 126, §15; 2008 Acts, ch 1031, §85; 2008 Acts, ch 1115, §106; 2008 Acts, ch 1184, §25; 2008 Acts, ch 1191, §42; 2009 Acts, ch 181, §41; 2010 Acts, ch 1006, §6, 11; 2010 Acts, ch 1054, §4 – 6; 2018 Acts, ch 1151, §3, 6

Referred to in §68A.101, 68A.405A

68B.32B Complaint procedures.

1. Any person may file a complaint alleging that a candidate, committee, person holding a state office in the executive branch of state government, employee of the executive branch of state government, or other person has committed a violation of chapter 68A or rules adopted by the board. Any person may file a complaint alleging that a person holding a state office in the executive branch of state government, an employee of the executive branch of state government, or a lobbyist or a client of a lobbyist of the executive branch of state government has committed a violation of this chapter or rules adopted by the board. Any person may file a complaint alleging a violation of section 68B.22A or rules adopted by the board. The board shall prescribe and provide forms for purposes of this subsection. A complaint must include the name and address of the complainant, a statement of the facts believed to be true that form the basis of the complaint, including the sources of information and approximate dates of the acts alleged, and a certification by the complainant under penalty of perjury that the facts stated to be true are true to the best of the complainant's knowledge.

2. The board staff shall review the complaint to determine if the complaint is sufficient as to form. If the complaint is deficient as to form, the complaint shall be returned to the complainant with a statement of the deficiency and an explanation describing how the deficiency may be cured. If the complaint is sufficient as to form, the complaint shall be referred for legal review.

3. Unless the chairperson of the board concludes that immediate notification would prejudice a preliminary investigation or subject the complainant to an unreasonable risk, the board shall mail a copy of the complaint to the subject of the complaint within three working days of the acceptance of the complaint. If a determination is made by the chairperson not to mail a copy of the complaint to the subject of the complaint within the three working days time period, the board shall approve and establish the time and conditions under which the subject will be informed of the filing and contents of the complaint.

4. Upon completion of legal review, the chairperson of the board shall be advised whether, in the opinion of the legal advisor, the complaint states an allegation which is legally sufficient. A legally sufficient allegation must allege all of the following:

a. Facts that would establish a violation of a provision of this chapter, chapter 68A, or rules adopted by the board.

b. Facts that would establish that the conduct providing the basis for the complaint occurred within three years of the complaint.

c. Facts that would establish that the subject of the complaint is a party subject to the jurisdiction of the board.

5. After receiving an evaluation of the legal sufficiency of the complaint, the chairperson shall refer the complaint to the board for a formal determination by the board of the legal sufficiency of the allegations contained in the complaint.

6. If the board determines that none of the allegations contained in the complaint are legally sufficient, the complaint shall be dismissed. The complainant shall be sent a notice

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of dismissal stating the reason or reasons for the dismissal. If a copy of the complaint was sent to the subject of the complaint, a copy of the notice shall be sent to the subject of the complaint. If the board determines that any allegation contained in the complaint is legally sufficient, the complaint shall be referred to the board staff for investigation of any legally sufficient allegations.

7. Notwithstanding subsections 1 through 6, the board may, on its own motion and without the filing of a complaint by another person, initiate investigations into matters that the board believes may be subject to the board's jurisdiction. This section does not preclude persons from providing information to the board for possible board-initiated investigation instead of filing a complaint.

8. The purpose of an investigation by the board's staff is to determine whether there is probable cause to believe that there has been a violation of this chapter, chapter 68A, or of rules adopted by the board. To facilitate the conduct of investigations, the board may issue and seek enforcement of subpoenas requiring the attendance and testimony of witnesses and subpoenas requiring the production of books, papers, records, and other real evidence relating to the matter under investigation. Upon the request of the board, an appropriate county attorney or the attorney general shall assist the staff of the board in its investigation.

9. If the board determines on the basis of an investigation by board staff that there is probable cause to believe the existence of facts that would establish a violation of this chapter, chapter 68A, or of rules adopted by the board, the board may issue a statement of charges and notice of a contested case proceeding to the complainant and to the person who is the subject of the complaint, in the manner provided for the issuance of statements of charges under chapter 17A. If the board determines on the basis of an investigation by staff that there is no probable cause to believe that a violation has occurred, the board shall close the investigation, dismiss any related complaint, and the subject of the complaint shall be notified of the dismissal. If the investigation originated from a complaint filed by a person other than the board, the person making the complaint shall also be notified of the dismissal.

10. At any stage during the investigation or after the initiation of a contested case proceeding, the board may approve a settlement regarding an alleged violation. Terms of a settlement shall be reduced to writing and be available for public inspection. An informal settlement may provide for any remedy specified in section 68B.32D. However, the board shall not approve a settlement unless the board determines that the terms of the settlement are in the public interest and are consistent with the purposes of this chapter and rules of the board. In addition, the board may authorize board staff to seek informal voluntary compliance in routine matters brought to the attention of the board or its staff.

11. A complaint shall be a public record, but some or all of the contents may be treated as confidential under section 22.7, subsection 18, to the extent necessary under subsection 3 of this section. Information informally reported to the board and board staff which results in a board-initiated investigation shall be a public record but may be treated as confidential information consistent with the provisions of section 22.7, subsection 18. If the complainant, the person who provides information to the board, or the person who is the subject of an investigation publicly discloses the existence of an investigation, the board may publicly confirm the existence of the disclosed formal complaint or investigation and, in the board's discretion, make the complaint or the informal referral public, as well as any other documents that were issued by the board to any party to the investigation. However, investigative materials may be furnished to the appropriate law enforcement authorities by the board at any time. Upon the commencement of a contested case proceeding by the board, all investigative material relating to that proceeding shall be made available to the subject of the proceeding. The entire record of any contested case proceeding initiated under this section shall be a public record.

12. Board records used to achieve voluntary compliance to resolve discrepancies and deficiencies shall not be confidential unless otherwise required by law.

93 Acts, ch 163, §16; 94 Acts, ch 1092, §8; 2006 Acts, ch 1035, §5; 2007 Acts, ch 126, §16

Referred to in §68A.101, 68A.507, 68B.32A, 68B.32C

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68B.32C Contested case proceedings.

1. Contested case proceedings initiated as a result of the issuance of a statement of charges pursuant to section 68B.32B, subsection 9, shall be conducted in accordance with the requirements of chapter 17A. Clear and convincing evidence shall be required to support a finding that a person has violated this chapter or any rules adopted by the board pursuant to this chapter. A preponderance of the evidence shall be required to support a finding that a person has violated chapter 68A or any rules adopted by the board pursuant to chapter 68A. The case in support of the statement of charges shall be presented at the hearing by one of the board's attorneys or staff unless, upon the request of the board, the charges are prosecuted by another legal counsel designated by the attorney general. A person making a complaint under section 68B.32B, subsection 1, is not a party to contested case proceedings conducted relating to allegations contained in the complaint.

2. Hearings held pursuant to this chapter shall be heard by a quorum of the board, unless the board designates a board member or an administrative law judge to preside at the hearing. If a quorum of the board does not preside at the hearing, the board member or administrative law judge shall make a proposed decision. The board or presiding board member may be assisted by an administrative law judge in the conduct of the hearing and the preparation of a decision.

3. Upon a finding by the board that the party charged has violated this chapter, chapter 68A, or rules adopted by the board, the board may impose any penalty provided for by section 68B.32D. Upon a final decision of the board finding that the party charged has not violated this chapter, chapter 68A, or the rules of the board, the complaint shall be dismissed and the party charged and the original complainant, if any, shall be notified.

4. The right of an appropriate county attorney or the attorney general to commence and maintain a district court prosecution for criminal violations of the law is unaffected by any proceedings under this section.

5. The board shall adopt rules, pursuant to chapter 17A, establishing procedures to implement this section.

93 Acts, ch 163, §17; 2006 Acts, ch 1035, §6; 2007 Acts, ch 126, §17
Referred to in §68A.101, 68B.32A, 331.756(14)

68B.32D Penalties — recommended actions.

1. The board, after a hearing and upon a finding that a violation of this chapter, chapter 68A, or rules adopted by the board has occurred, may do one or more of the following:

a. Issue an order requiring the violator to cease and desist from the violation found.

b. Issue an order requiring the violator to take any remedial action deemed appropriate by the board.

c. Issue an order requiring the violator to file any report, statement, or other information as required by this chapter, chapter 68A, or rules adopted by the board.

d. Publicly reprimand the violator for violations of this chapter, chapter 68A, or rules adopted by the board in writing and provide a copy of the reprimand to the violator's appointing authority.

e. Make a written recommendation to the violator's appointing authority that the violator be removed or suspended from office, and include in the recommendation the length of the suspension.

f. If the violation is a violation of this chapter or rules adopted by the board pursuant to this chapter and the violator is an elected official of the executive branch of state government, other than an official who can only be removed by impeachment, make a written recommendation to the attorney general or the appropriate county attorney that an action for removal from office be initiated pursuant to chapter 66.

g. If the violation is a violation of this chapter or rules adopted by the board pursuant to this chapter and the violator is a lobbyist of the executive branch of state government, censure, reprimand, or impose other sanctions deemed appropriate by the board. A lobbyist may also be suspended from lobbying activities if the board finds that suspension is an appropriate sanction for the violation committed.

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h. Issue an order requiring the violator to pay a civil penalty of not more than two thousand dollars for each violation of this chapter, chapter 68A, or rules adopted by the board.

i. Refer the complaint and supporting information to the attorney general or appropriate county attorney with a recommendation for prosecution or enforcement of criminal penalties.

2. At any stage during an investigation or during the board's review of routine compliance matters, the board may resolve the matter by admonishment to the alleged violator or by any other means not specified in subsection 1 as a posthearing remedy.

3. If a person fails to comply with an action of the board under subsection 1, the board may petition the Polk county district court for an order for enforcement of the action of the board. The enforcement proceeding shall be conducted as provided in section 68B.33.

93 Acts, ch 163, §18; 2000 Acts, ch 1042, §2; 2006 Acts, ch 1035, §7, 8
Referred to in §68A.101, 68A.401, 68A.401A, 68A.506, 68B.32A, 68B.32B, 68B.32C, 331.756(14)

68B.33 Judicial review — enforcement.

Judicial review of the actions of the board may be sought in accordance with chapter 17A. Judicial enforcement of orders of the board may be sought in accordance with chapter 17A.

92 Acts, ch 1228, §15; 93 Acts, ch 163, §19
Referred to in §68B.32D

68B.34 Additional penalty.

In addition to any penalty contained in any other provision of law, a person who knowingly and intentionally violates a provision of sections 68B.2A through 68B.8, sections 68B.22 through 68B.24, or sections 68B.35 through 68B.38 is guilty of a serious misdemeanor and may be reprimanded, suspended, or dismissed from the person's position or otherwise sanctioned.

[C71, 73, 75, 77, 79, 81, §68B.8]
87 Acts, ch 213, §3; 92 Acts, ch 1228, §12
C93, §68B.25
93 Acts, ch 163, §9; 2008 Acts, ch 1116, §2; 2009 Acts, ch 9, §6
CS2009, §68B.34

68B.34A Actions commenced against local officials or employees.

1. Complaints alleging conduct of local officials or local employees which violates this chapter, except for sections 68B.36 and 68B.38, shall be filed with the county attorney in the county where the accused resides. However, if the county attorney is the person against whom the complaint is filed, or if the county attorney otherwise has a personal or legal conflict of interest, the complaint shall be referred to another county attorney.

2. Complaints alleging conduct of local officials or local employees which violates section 68B.36 or 68B.38 shall be filed with the ethics committee of the appropriate house of the general assembly if the conduct involves lobbying activities before the general assembly or with the board if the conduct involves lobbying activities before the executive branch.

[C71, 73, 75, 77, 79, 81, §68B.9]
C93, §68B.26
93 Acts, ch 163, §10; 2000 Acts, ch 1042, §1; 2009 Acts, ch 9, §4, 6
CS2009, §68B.34A
2010 Acts, ch 1006, §7, 11

SUBCHAPTER V

PERSONAL FINANCIAL DISCLOSURE

68B.35 Personal financial disclosure — certain officials, members of the general assembly, and candidates.

1. The persons specified in subsection 2 shall file a financial statement at times and in the manner provided in this section that contains all of the following:

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a. A list of each business, occupation, or profession in which the person is engaged and the nature of that business, occupation, or profession, unless already apparent.

b. A list of any other sources of income if the source produces more than one thousand dollars annually in gross income. Such sources of income listed pursuant to this paragraph may be listed under any of the following categories, or under any other categories as may be established by rule:

(1) Securities.
(2) Instruments of financial institutions.
(3) Trusts.
(4) Real estate.
(5) Retirement systems.
(6) Other income categories specified in state and federal income tax regulations.

2. The financial statement required by this section shall be filed by the following persons:

a. Any statewide elected official.

b. The executive or administrative head or heads of any agency of state government.

c. The deputy executive or administrative head or heads of an agency of state government.

d. The head of a major subunit of a department or independent state agency whose position involves a substantial exercise of administrative discretion or the expenditure of public funds as defined under rules adopted by the board, pursuant to chapter 17A, in consultation with the department or agency.

e. Members of the state banking council, the Iowa ethics and campaign disclosure board, the credit union review board, the economic development authority, the employment appeal board, the environmental protection commission, the Iowa finance authority, the Iowa public employees' retirement system investment board, the Iowa lottery commission created in section 99G.8, the natural resource commission, the board of parole, the state racing and gaming commission, the state board of regents, the transportation commission, the office of consumer advocate, the utilities commission, the Iowa telecommunications and technology commission, and any full-time members of other boards and commissions as defined under section 7E.4 who receive an annual salary for their service on the board or commission. The Iowa ethics and campaign disclosure board shall conduct an annual review to determine if members of any other board, commission, or authority should file a statement and shall require the filing of a statement pursuant to rules adopted pursuant to chapter 17A.

f. Members of the general assembly.

g. Candidates for state office.

h. Legislative employees who are the head or deputy head of a legislative agency or whose position involves a substantial exercise of administrative discretion or the expenditure of public funds.

3. The board, in consultation with each executive department or independent agency, shall adopt rules pursuant to chapter 17A to implement the requirements of this section that provide for the time and manner for the filing of financial statements by persons in the department or independent agency.

4. The ethics committee of each house of the general assembly shall recommend rules for adoption by each house for the time and manner for the filing of financial statements by members or employees of the particular house. The legislative council shall adopt rules for the time and manner for the filing of financial statements by legislative employees of the central legislative staff agencies. The rules shall provide for the filing of the financial statements with either the chief clerk of the house, the secretary of the senate, or other appropriate person or body.

5. *a.* A candidate for statewide office shall file a financial statement with the board, a candidate for the office of state representative shall file a financial statement with the chief clerk of the house of representatives, and a candidate for the office of state senator shall file a financial statement with the secretary of the senate. Statements shall contain information concerning the year preceding the year in which the election is to be held.

b. The board shall adopt rules pursuant to chapter 17A providing for the filing of the financial statements with the board and for the deposit, retention, and availability of the financial statements. The ethics committees of the house of representatives and the senate

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shall recommend rules for adoption by the respective houses providing for the filing of the financial statements with the chief clerk of the house or the secretary of the senate and for the deposit, retention, and availability of the financial statements. Rules adopted shall also include a procedure for notification of candidates of the duty to file disclosure statements under this section.

92 Acts, ch 1228, §17; 93 Acts, ch 163, §21; 94 Acts, ch 1092, §9; 96 Acts, ch 1200, §2; 2001 Acts, ch 61, §12; 2003 Acts, ch 178, §100, 121; 2003 Acts, ch 179, §142; 2004 Acts, ch 1091, §11; 2004 Acts, ch 1141, §34; 2009 Acts, ch 9, §5; 2011 Acts, ch 118, §84, 89; 2015 Acts, ch 109, §4, 75; 2017 Acts, ch 54, §23, 24; 2023 Acts, ch 19, §2294; 2024 Acts, ch 1054, §14; 2024 Acts, ch 1170, §178, 369; 2025 Acts, ch 30, §13; 2025 Acts, ch 120, §38

Referred to in §68B.3, 68B.32, 68B.34

68B.35A Personal financial disclosure statements of state officials and employees — internet access.

Personal financial disclosure statements filed with the chief clerk of the house or the secretary of the senate shall be recorded on the legislative internet site or copies of the personal financial disclosure statements shall be forwarded to the secretary of state for the recording of the information on an internet site. The board shall record personal financial disclosure statements filed with the board on an internet site.

93 Acts, ch 163, §22; 94 Acts, ch 1023, §82; 2004 Acts, ch 1091, §12; 2013 Acts, ch 90, §257

Referred to in §68B.34

SUBCHAPTER VI

LOBBYING REGULATION

68B.36 Applicability — lobbyist registration required.

1. All lobbyists shall, on or before the day their lobbying activity begins, register by electronically filing a lobbyist's registration statement at times and in the manner provided in this section. In addition to any other information required by the general assembly, a lobbyist shall identify in the registration statement all clients of the lobbyist and whether the lobbyist will also be lobbying the executive branch. Lobbyists engaged in lobbying activities before the general assembly and before the office of the governor or any state agency shall file the statement with the chief clerk of the house of representatives or the secretary of the senate. The chief clerk of the house and the secretary of the senate shall establish an internet site for the electronic filing of lobbyist registrations.

2. Registration shall be valid from the date of registration until the end of the calendar year. Any change in or addition to the information shall be registered within ten days after the change or addition is known to the lobbyist. Changes or additions for registrations of lobbyists shall be filed with either the chief clerk of the house or the secretary of the senate.

3. Beginning December 1 of each year, a person may preregister to lobby for the following calendar year.

4. If a lobbyist's service on behalf of all clients, employers, or causes is concluded prior to the end of the calendar year, the lobbyist may cancel the registration by electronically filing a notice of cancellation with the chief clerk of the house or the secretary of the senate. Upon cancellation of registration, a lobbyist is prohibited from engaging in any lobbying activity on behalf of any employer, client, or cause until reregistering.

5. Federal, state, and local officials who wish to lobby in opposition to the official position of their departments, commissions, boards, or agencies must indicate this on their lobbyist registration statements.

6. The chief clerk of the house or the secretary of the senate shall post all lobbyist registrations in a searchable database on an internet site. The board shall establish a link

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on the internet site of the board to the lobbyist registration information on the general assembly's internet site.

92 Acts, ch 1228, §18; 93 Acts, ch 163, §23; 94 Acts, ch 1023, §83; 94 Acts, ch 1092, §10; 2010 Acts, ch 1006, §8, 11; 2011 Acts, ch 86, §1

Referred to in §68B.34, 68B.34A

68B.37 Lobbyist reporting. Repealed by 2010 Acts, ch 1006, §10, 11.

68B.38 Lobbyist's client reporting.

1. On or before July 31 of each year, a lobbyist's client shall electronically file with the general assembly a report that contains information on all salaries, fees, retainers, and reimbursement of expenses paid by the lobbyist's client to the lobbyist for lobbying purposes during the preceding twelve calendar months, concluding on June 30 of each year. The amount reported to the general assembly shall include the total amount of all salaries, fees, retainers, and reimbursement of expenses paid to a lobbyist for lobbying both the legislative and executive branches.

2. The chief clerk of the house and the secretary of the senate shall establish an internet site for the filing of lobbyist's client reports in an electronic format.

3. The chief clerk of the house and the secretary of the senate shall post all lobbyist's client reports filed pursuant to this section in a searchable database on an internet site. The board shall establish a link on the internet site of the board to the lobbyist's client report information on the general assembly's internet site.

92 Acts, ch 1228, §20; 93 Acts, ch 163, §25; 2000 Acts, ch 1042, §3; 2001 Acts, ch 24, §20; 2003 Acts, ch 161, §3; 2004 Acts, ch 1091, §13; 2010 Acts, ch 1006, §9, 11; 2011 Acts, ch 86, §2

Referred to in §68B.34, 68B.34A

SUBCHAPTER VII

SUPREME COURT RULES

68B.39 Supreme court rules.

1. The supreme court of this state shall prescribe rules establishing a code of ethics for officials and employees of the judicial branch of this state, and the immediate family members of the officials and employees. Rules prescribed under this subsection shall include provisions relating to the receipt or acceptance of gifts and honoraria, interests in public contracts, services against the state, and financial disclosure which are substantially similar to the requirements of this chapter.

2. The supreme court of this state shall also prescribe rules which relate to activities by officials and employees of the judicial branch which constitute conflicts of interest.

[C81, §68B.11]

87 Acts, ch 213, §8; 92 Acts, ch 1228, §21

C93, §68B.39

93 Acts, ch 163, §26; 98 Acts, ch 1047, §15; 2003 Acts, ch 108, §21; 2018 Acts, ch 1041, §18

CHAPTER 69

VACANCIES — REMOVAL — TERMS

Referred to in §43.79, 63.8, 68B.32, 331.501, 331.551, 331.601, 331.651, 331.751

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69.1A	Holding over.	69.6	Vacancy in state boards.
69.2	What constitutes vacancy — hearing — appeal.	69.7	Duty of officer receiving resignation.
69.3	Possession of office.	69.8	Vacancies — how filled.
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69.10 Appointments.

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69.13 Vacancies — senator in Congress and elective state officers.

69.14 Special election to fill vacancies.

69.14A Filling vacancy of elected county officer.

69.15 Board members — nonattendance — vacancy. Transferred to §4A.11; 2024 Acts, ch 1170, §54.

69.16 Appointive boards — political affiliation. Transferred to §4A.12; 2024 Acts, ch 1170, §54.

69.16A Gender balance. Repealed by 2024 Acts, ch 1004, §48.

69.16B Statutory boards, commissions, councils, and committees — appointments by members of general assembly — terms — dissolution. Transferred to §4A.13; 2024 Acts, ch 1170, §54.

69.16C Minority representation. Transferred to §4A.14; 2024 Acts, ch 1170, §54.

69.16D Boards and commissions — criteria for establishing. Transferred to §4A.15; 2024 Acts, ch 1170, §54.

69.16E Young adult representation. Transferred to §4A.16; 2024 Acts, ch 1170, §54.

69.17 Employees as members — voting. Transferred to §4A.17; 2024 Acts, ch 1170, §54.

69.18 Salary of acting appointees.

69.19 Terms of appointments confirmed by the senate.

69.20 Temporary vacancy due to military service.

69.1 Definitions.

As used in this chapter, unless the context otherwise requires, *"book"*, *"list"*, *"record"*, or *"schedule"* kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2000 Acts, ch 1148, §1

69.1A Holding over.

Except when otherwise provided, every officer elected or appointed for a fixed term shall hold office until a successor is elected and qualified, unless the officer resigns, or is removed or suspended, as provided by law.

[C51, §241; C73, §784; C97, §1265; C24, 27, 31, 35, 39, §**1145;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.1]

C2001, §69.1A

Referred to in §46.5

69.2 What constitutes vacancy — hearing — appeal.

1. Every civil office shall be vacant if any of the following events occur:

a. A failure to elect at the proper election, or to appoint within the time fixed by law, unless the incumbent holds over.

b. A failure of the incumbent or holdover officer to qualify within the time prescribed by law.

c. The incumbent ceasing to be a resident of the state, district, county, township, city, or ward by or for which the incumbent was elected or appointed, or in which the duties of the office are to be exercised. This subsection shall not apply to appointed city officers.

d. The resignation or death of the incumbent, or of the officer-elect before qualifying.

e. The removal of the incumbent from, or forfeiture of, the office, or the decision of a competent tribunal declaring the office vacant.

f. The conviction of the incumbent of a felony or of any public offense involving the violation of the incumbent's oath of office.

g. The board of supervisors declares a vacancy in an elected county office upon finding that the county officer has been physically absent from the county for sixty consecutive days except in the case of a medical emergency; temporary active military duty; or temporary service with another government service, agency, or department.

h. The incumbent simultaneously holding more than one elective office at the same level

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of government. This paragraph does not apply to the county agricultural extension council or the soil and water conservation district commission.

i. An incumbent statewide elected official or member of the general assembly simultaneously holding more than one elective office.

2. If the status of an officeholder is in question, the entity or officer responsible for making an appointment to fill the vacancy shall decide whether a vacancy exists. The appointing entity or officer may act upon its own motion. If a petition signed by twenty-five registered voters of the jurisdiction is received, the appointing entity or officer shall convene within thirty days to consider whether a vacancy exists. The appointing entity or officer shall publish notice that a public hearing will be held to determine whether a vacancy exists. The notice shall include the time and place of the hearing and the name of the office and the officeholder whose status is in question. The public hearing shall be held not less than four nor more than fourteen days after publication of the notice. The officer whose status is in question shall be notified of the time and place of the hearing. Notice shall be sent by certified mail and must be postmarked at least fourteen days before the hearing. No later than seven days after the public hearing, the appointing entity or officer shall publish its decision. If the appointing entity or officer decides that the office is vacant, the publication shall state the date the vacancy occurred and what action will be taken to fill the vacancy.

3. The officer against whom the judgment was rendered may appeal to the district court no later than twenty days after official publication of the decision. However, the appeal will not supersede the execution of the judgment of the appointing entity or officer, unless the party gives a bond, with security to be approved by the district judge in a sum to be fixed by the judge. The amount of the bond shall be at least double the probable compensation of such officer for six months, which bond shall be conditioned that the officer will prosecute the appeal without delay and that, if the judgment appealed from is affirmed, the party will pay over to the successful party all compensation received by the party while in possession of the office after the judgment appealed from was rendered. The court shall hear the appeal in equity and determine anew all questions arising in the case.

4. If, upon appeal, the judgment is affirmed, the district court may render judgment upon the bond for the amount of damages awarded against the appellant and the sureties on the bond.

[C51, §334, 429; R60, §564, 662, 1132; C73, §504, 686, 781; C97, §1266; C24, 27, 31, 35, 39, §**1146;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.2]

91 Acts, ch 12, §1 – 3; 93 Acts, ch 143, §41; 98 Acts, ch 1223, §18, 38; 2001 Acts, ch 158, §11; 2002 Acts, ch 1134, §77, 115; 2018 Acts, ch 1149, §11, 12; 2020 Acts, ch 1063, §37

Referred to in §46.5, 331.214
Prohibitions concerning holding more than one office, §39.11, 39.12, 441.17(1)
Duty of holdover officer to requalify, §63.7
Removal from office; see also chapter 66
Vacancy on school board, §277.29
Vacancy on board of supervisors, §331.214

69.3 Possession of office.

When a vacancy occurs in a public office, possession shall be taken of the office room, books, papers, and all things pertaining to the office, to be held until the qualification of a successor, as follows:

1. Of the office of the county auditor, by the county treasurer.
2. Of the county treasurer, by the county auditor.
3. Of any of the state officers, by the governor, or, in the absence or inability of the governor at the time of the occurrence, as follows:

a. Of the secretary of state, by the treasurer of state.

b. Of the auditor of state, by the secretary of state.

c. Of the treasurer of state, by the secretary of state and auditor of state, who shall make an inventory of the money and warrants in the office, sign the inventory, and transmit it to the governor, and the secretary of state shall take the keys of the safe and desks, after depositing

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the books, papers, money, and warrants in them, and the auditor of state shall take the key to the office room.

[C51, §444; R60, §671; C73, §788; C97, §1267; C24, 27, 31, 35, 39, §**1147;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.3]

83 Acts, ch 186, §10034; 86 Acts, ch 1237, §3

Referred to in §331.502

69.4 Resignations.

Resignations in writing by civil officers may be made as follows, except as otherwise provided:

1. By the governor, to the general assembly, if in session, if not, to the secretary of state.

2. By state senators and representatives, and all officers appointed by the senate or house, or by the presiding officers thereof, to the respective presiding officers of the senate and house, when the general assembly is in session, and such presiding officers shall immediately transmit to the governor information of the resignation of any member thereof; when the general assembly is not in session, all such resignations shall be made to the governor.

3. By senators and representatives in Congress, all officers elected by the registered voters in the state or any district or division thereof larger than a county, or chosen by the general assembly, all judges of courts of record, all officers, trustees, inspectors, and members of all boards and commissions now or hereafter created under the laws of the state, and all persons filling any position of trust or profit in the state, for which no other provision is made, to the governor.

4. By all county and township officers, to the county auditor, except that of the auditor, which shall be to the board of supervisors.

5. By all council members and officers of cities, to the clerk or mayor.

[C51, §430; R60, §663; C73, §782; C97, §1268; C24, 27, 31, 35, 39, §**1148;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.4]

2001 Acts, ch 56, §7

69.5 Vacancy in general assembly.

When a vacancy shall occur in the office of senator or representative in the general assembly, except by resignation, the auditor of the county of the senator's or representative's residence shall notify the governor of such fact and the cause.

[C51, §443; R60, §672; C73, §789, 790; C97, §1269; C24, 27, 31, 35, 39, §**1149;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.5]

Referred to in §331.510

69.6 Vacancy in state boards.

In case of a vacancy from any cause, other than resignation or expiration of term, occurring in any of the governing boards of the state institutions, the secretary thereof shall immediately notify the governor.

[C97, §1270; C24, 27, 31, 35, 39, §**1150;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.6]

69.7 Duty of officer receiving resignation.

An officer receiving any resignation, or notice of any vacancy, shall forthwith notify the board, tribunal, or officer, if any, empowered to fill the same by appointment.

[C97, §1271; C24, 27, 31, 35, 39, §**1151;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.7]

69.8 Vacancies — how filled.

Vacancies shall be filled by the officer or board named, and in the manner, and under the conditions, following:

1. *United States senator.* In the office of United States senator, when the vacancy occurs when the senate of the United States is in session, or when such senate will convene prior to the next general election, by the governor. An appointment made under this subsection shall be for the period until the vacancy is filled by election pursuant to law.

2. *State offices.* In all state offices, judges of courts of record, officers, trustees, inspectors, and members of all boards or commissions, and all persons filling any position

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of trust or profit in the state, by the governor, except when some other method is specially provided. An appointment by the governor to fill a vacancy in the office of lieutenant governor shall be for the balance of the unexpired term. An appointment made under this subsection to a state office subject to section 69.13 shall be for the period until the vacancy is filled by election pursuant to law.

3. *County offices.* In county offices, by the board of supervisors, unless an election is called as provided in section 69.14A.

4. *Board of supervisors.* In the membership of the board of supervisors, by the treasurer, auditor, and recorder, or as provided in section 69.14A. If any of these offices have been abolished through consolidation, the county attorney shall serve on this committee.

5. *Elected township offices.*

a. When a vacancy occurs in the office of township clerk or township trustee, the vacancy shall be filled by appointment by the trustees. All appointments to fill vacancies in township offices shall be until a successor is elected at the next general election and qualifies by taking the oath of office. If the term of office in which the vacancy exists will expire within seventy days after the next general election, the person elected to the office for the succeeding term shall qualify by taking the oath of office within ten days after the election and shall serve for the remainder of the unexpired term, as well as for the next four-year term.

b. However, if the offices of two trustees are vacant the county board of supervisors shall fill the vacancies by appointment. If the offices of three trustees are vacant the board may fill the vacancies by appointment, or the board may adopt a resolution stating that the board will exercise all powers and duties assigned by law to the trustees of the township in which the vacancies exist until the vacancies are filled at the next general election. If a township office vacancy is not filled by the trustees within thirty days after the vacancy occurs, the board of supervisors may appoint a successor to fill the vacancy until the vacancy can be filled at the next general election.

[C51, §436; R60, §664; C73, §513, 783, 794; C97, §1272; S13, §1272; C24, 27, 31, 35, 39, §**1152;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §69.8; 81 Acts, ch 117, §1204]

83 Acts, ch 186, §10035 – 10037; 86 Acts, ch 1155, §2; 87 Acts, ch 68, §4; 89 Acts, ch 215, §2, 3; 94 Acts, ch 1180, §37; 2008 Acts, ch 1032, §161; 2009 Acts, ch 57, §73

Referred to in §69.14A, 331.322, 331.502
General power of governor; Iowa Constitution, Art. IV, §10
County auditor to act temporarily for other officers, §331.502(6)
Vacancies in city offices, §372.13(2)

69.9 Person removed not eligible.

No person can be appointed to fill a vacancy who has been removed from office within one year next preceding.

[C51, §441; R60, §669; C73, §787; C97, §1273; C24, 27, 31, 35, 39, §**1153;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.9]

Referred to in §331.322

69.10 Appointments.

Appointments under the provisions of this chapter shall be in writing, and filed in the office where the oath of office is required to be filed.

[C51, §439; R60, §667; C73, §785; C97, §1274; C24, 27, 31, 35, 39, §**1154;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.10]

Referred to in §331.322
Place of filing oath, §64.23

69.11 Tenure of vacancy appointee.

An officer filling a vacancy in an office which is filled by election of the people shall continue to hold until the next election at which such vacancy can be filled, as provided in section 69.12, and until a successor is elected and qualified. Appointments to all other offices, made under this chapter, shall continue for the remainder of the term of each office, and until a successor is appointed and qualified.

[C51, §429, 439; R60, §662, 667, 1101; C73, §530, 781, 785; C97, §1276; C24, 27, 31, 35, 39, §**1155;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.11]

Referred to in §69.13, 331.322

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69.12 Officers elected to fill vacancies — tenure.

When a vacancy occurs in any nonpartisan elective office of a political subdivision of this state, and the statutes governing the office in which the vacancy occurs require that it be filled by election or are silent as to the method of filling the vacancy, it shall be filled pursuant to this section. As used in this section, "*pending election*" means any election at which there will be on the ballot either the office in which the vacancy exists, or any other office to be filled or any public question to be decided by the voters of the same political subdivision in which the vacancy exists.

1. If the unexpired term in which the vacancy occurs has more than seventy days to run after the date of the next pending election, the vacancy shall be filled in accordance with this subsection. The fact that absentee ballots were distributed or voted before the vacancy occurred or was declared shall not invalidate the election.

a. A vacancy shall be filled at the next pending election if it occurs:

(1) Seventy-four or more days before the election, if it is a general election.

(2) Fifty-two or more days before the election, if it is a regularly scheduled or special city election. However, for those cities which may be required to hold a primary election, the vacancy shall be filled at the next pending election if it occurs seventy-three or more days before a regularly scheduled city election or fifty-nine or more days before a special city election.

(3) Forty-five or more days before the election, if it is a regularly scheduled school election.

(4) Sixty or more days before the election, if it is a special election.

b. Nomination papers on behalf of candidates for a vacant office to be filled pursuant to paragraph "*a*" of this subsection shall be filed, in the form and manner prescribed by applicable law, by 5:00 p.m. on:

(1) The final filing date for candidates filing with the state commissioner or commissioner, as the case may be, for a general election.

(2) The candidate filing deadline specified in section 376.4 for the regular city election or the filing deadline specified in section 372.13, subsection 2, for a special city election.

(3) The fortieth day before a regularly scheduled school election.

(4) The twenty-fifth day before a special election.

c. A vacancy which occurs at a time when paragraph "*a*" of this subsection does not permit it to be filled at the next pending election shall be filled by appointment as provided by law until the succeeding pending election.

2. When the unexpired term of office in which the vacancy occurs will expire within seventy days after the date of the next pending election, or after the date of a preceding election in which that office was on the ballot, the person elected to the office for the succeeding term shall also be deemed elected to fill the remainder of the unexpired term. If the vacancy is on a multimember body to which more than one nonincumbent is elected for the succeeding term, the nonincumbent who received the most votes shall be deemed elected to fill the remainder of the unexpired term. A person so elected to fill an unexpired term shall qualify within the time required by sections 63.3 and 63.8. Unless other requirements are imposed by law, qualification for the unexpired term shall also constitute qualification for the full term to which the person was elected.

[C51, §431 – 435; R60, §672, 1083, 1101; C73, §513, 530, 789, 794, 795; C97, §1277, 1278; C24, 27, 31, 35, 39, §**1156, 1157;** C46, 50, 54, 58, 62, 66, 71, §69.12, 69.13; C73, 75, 77, 79, 81, S81, §69.12; 81 Acts, ch 34, §45]

87 Acts, ch 221, §31; 89 Acts, ch 136, §59 – 61; 2002 Acts, ch 1134, §78, 79, 115; 2008 Acts, ch 1115, §27, 28, 71

Referred to in §69.11, 69.14A, 161A.5, 260C.11, 279.6, 331.322, 347A.1, 358.9, 358C.10, 372.13

69.13 Vacancies — senator in Congress and elective state officers.

1. If a vacancy occurs in the office of senator in the Congress of the United States, secretary of state, auditor of state, treasurer of state, secretary of agriculture, or attorney general eighty-nine or more days before a general election, and the unexpired term in which the vacancy exists has more than seventy days to run after the date of that general election, the vacancy shall be filled for the balance of the unexpired term at that general election and

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the person elected to fill the vacancy shall assume office as soon as a certificate of election has been issued and the person has qualified.

2. If the unexpired term of office in which the vacancy occurs will expire within seventy days after the date of the next pending election, section 69.11 applies.

[C77, 79, 81, §69.13]

89 Acts, ch 136, §62; 91 Acts, ch 129, §21; 92 Acts, ch 1067, §1; 97 Acts, ch 170, §79; 2020 Acts, ch 1062, §94

Referred to in §43.6, 43.77, 69.8

69.14 Special election to fill vacancies.

A special election to fill a vacancy shall be held for a representative in Congress, or senator or representative in the general assembly, when the body in which such vacancy exists is in session, or will convene prior to the next general election, and the governor shall order, not later than five days from the date the vacancy exists, a special election, giving not less than forty days' notice of such election. In the event the special election is to fill a vacancy in the general assembly while it is in session or within forty-five days of the convening of any session, the time limit provided in this section shall not apply and the governor shall order such special election at the earliest practical time, giving at least eighteen days' notice of the special election. Any special election called under this section must be held on a Tuesday and shall not be held on the same day as a school election within the district.

[C51, §443; R60, §672; C73, §789; C97, §1279; C24, 27, 31, 35, 39, §**1158;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §69.14]

86 Acts, ch 1224, §33; 95 Acts, ch 189, §17

Referred to in §42.4, 43.24, 43.73, 43.78, 44.4, 49.11, 50.30A, 50.46, 53.4, 53.22, 53.53

69.14A Filling vacancy of elected county officer.

1. A vacancy on the board of supervisors shall be filled by one of the following procedures:

a. If the population of the county is less than one hundred twenty-five thousand based on the most recent federal decennial census and if the county does not include the main campus of an institution of higher learning governed by the state board of regents, by appointment by the committee of county officers designated to fill the vacancy in section 69.8.

(1) The appointment shall be for the period until the next pending election as defined in section 69.12, and shall be made within forty days after the vacancy occurs. If the committee of county officers designated to fill the vacancy chooses to proceed under this paragraph, the committee shall publish notice in the manner prescribed by section 331.305 stating that the committee intends to fill the vacancy by appointment but that the electors of the district or county, as the case may be, have the right to file a petition requiring that the vacancy be filled by special election. The committee may publish notice in advance if an elected official submits a resignation to take effect at a future date. The committee may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection shall have actually resided in the county which the appointee represents sixty days prior to appointment.

(2) However, if within fourteen days after publication of the notice or within fourteen days after the appointment is made, a petition is filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "*b*". The petition shall meet the requirements of section 331.306, except that in counties where supervisors are elected under plan "three", the number of signatures calculated according to the formula in section 331.306 shall be divided by the number of supervisor districts in the county.

b. If the population of the county is one hundred twenty-five thousand or more based on the most recent federal decennial census or the county includes the main campus of an institution of higher learning governed by the state board of regents, by special election held to fill the office for the remaining balance of the unexpired term.

(1) The committee of county officers designated to fill the vacancy in section 69.8 may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "*a*", call for a special election to fill the vacancy in lieu of appointment. The committee shall order the

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special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county.

(2) However, if a vacancy on the board of supervisors occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the committee or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

(3) If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

c. For a vacancy declared by the board pursuant to section 331.214, subsection 2, by special election held to fill the office if the remaining balance of the unexpired term is two and one-half years or more. The committee of county officers designated to fill the vacancy in section 69.8 shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday and shall not be held on the same day as a school election within the county. The office shall be listed on the ballot, as "For Board of Supervisors, To Fill Vacancy". The person elected at the special election shall serve the balance of the unexpired term.

2. A vacancy in any of the offices listed in section 39.17 shall be filled by one of the two following procedures:

a. By appointment by the board of supervisors.

(1) The appointment shall be for the period until the next general election, and shall be made within forty days after the vacancy occurs. If the board of supervisors chooses to proceed under this paragraph, the board shall publish notice in the manner prescribed by section 331.305 stating that the board intends to fill the vacancy by appointment but that the electors of the county have the right to file a petition requiring that the vacancy be filled by special election. The board may publish notice in advance if an elected official submits a resignation to take effect at a future date. The board may make an appointment to fill the vacancy after the notice is published or after the vacancy occurs, whichever is later. A person appointed to an office under this subsection, except for a county attorney, shall have actually resided in the county which the appointee represents sixty days prior to appointment. A person appointed to the office of county attorney shall be a resident of the county at the time of appointment.

(2) However, if within fourteen days after the appointment is made, a petition is circulated and filed with the county auditor requesting a special election to fill the vacancy, the appointment is temporary and a special election shall be called as provided in paragraph "*b*". The petition shall meet the requirements of section 331.306. A signature shall not be considered valid if the signature is dated prior to the date on which the appointment was made.

b. By special election held to fill the office for the remaining balance of the unexpired term.

(1) The board of supervisors may, on its own motion, or shall, upon receipt of a petition as provided in paragraph "*a*", call for a special election to fill the vacancy in lieu of appointment. The supervisors shall order the special election at the earliest practicable date, but giving at least thirty-two days' notice of the election. A special election called under this section shall be held on a Tuesday.

(2) If a vacancy in an elective county office occurs after the date of the primary election and more than seventy-three days before the general election, a special election to fill the vacancy shall not be called by the board of supervisors or by petition. If the term of office in which the vacancy exists will expire more than seventy days after the general election, the office shall be listed on the ballot with the name of the office and the additional description,

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"To Fill Vacancy". The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office. The person shall serve the balance of the unexpired term.

(3) If the term of office in which the vacancy exists will expire within seventy days after the general election, the person elected to the succeeding term shall also serve the balance of the unexpired term. The person elected at the general election shall assume office as soon as a certificate of election is issued and the person has qualified by taking the oath of office.

3. Notwithstanding subsection 2, in the event of a vacancy for which no eligible candidate residing in the county comes forward for appointment, a county board of supervisors may employ a person to perform the duties of the office for at least sixty days but no more than ninety days. After ninety days, the board shall proceed under subsection 2.

4. Notwithstanding subsections 1 and 2, if a nomination has been made at the primary election for an office in which a vacancy has been filled by appointment, the office shall be filled at the next general election, and not at any special election in the same political subdivision.

89 Acts, ch 215, §4; 90 Acts, ch 1238, §33; 92 Acts, ch 1067, §2; 94 Acts, ch 1180, §38 – 40; 97 Acts, ch 170, §80 – 83; 2002 Acts, ch 1134, §80, 115; 2004 Acts, ch 1002, §1; 2006 Acts, ch 1065, §1, 2; 2008 Acts, ch 1032, §162; 2021 Acts, ch 12, §69, 70, 73; 2025 Acts, ch 15, §5, 6, 9

Referred to in §43.6, 43.78, 44.4, 69.8, 331.201, 331.214, 331.322

69.15 Board members — nonattendance — vacancy. Transferred to §4A.11; 2024 Acts, ch 1170, §54.

69.16 Appointive boards — political affiliation. Transferred to §4A.12; 2024 Acts, ch 1170, §54.

69.16A Gender balance. Repealed by 2024 Acts, ch 1004, §48.

69.16B Statutory boards, commissions, councils, and committees — appointments by members of general assembly — terms — dissolution. Transferred to §4A.13; 2024 Acts, ch 1170, §54.

69.16C Minority representation. Transferred to §4A.14; 2024 Acts, ch 1170, §54.

69.16D Boards and commissions — criteria for establishing. Transferred to §4A.15; 2024 Acts, ch 1170, §54.

69.16E Young adult representation. Transferred to §4A.16; 2024 Acts, ch 1170, §54.

69.17 Employees as members — voting. Transferred to §4A.17; 2024 Acts, ch 1170, §54.

69.18 Salary of acting appointees.

If a vacancy occurs in a position which is appointed by the governor subject to confirmation by the senate and the governor designates a person to serve in that position in an acting capacity, that person shall not receive compensation in excess of that authorized by law for a person holding that position.

[C81, §69.18]

Confirmation, see §2.32

69.19 Terms of appointments confirmed by the senate.

All terms of office of positions which are appointed by the governor, have a fixed term, and are subject to confirmation by the senate shall begin at 12:01 a.m. on May 1 in the year of appointment and expire at 12:00 midnight on April 30 in the year of expiration, except

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terms of office of members of the state transportation commission shall begin and expire as provided in section 307A.1A, subsection 1.

[C81, §69.19]

2018 Acts, ch 1065, §1, 3, 4

Referred to in §8A.203, 8A.221, 8D.3, 10A.601, 15.105, 15.117A, 15.120, 16.2, 16.2C, 23.3, 29A.11, 35A.2, 46.1, 68B.32, 80.28, 80B.6, 84A.1A, 89.14, 89A.13, 97B.3, 97B.8A, 99D.5, 99D.6, 99G.8, 103.3, 123.5, 147.19, 159A.13, 169.5, 216.3, 216A.113, 216B.2, 217.2, 237.16, 256.3, 256.5A, 256.148, 257.30, 261A.6, 262.2, 368.9, 384.13, 418.5, 421.1A, 455A.5, 455A.6, 474.1, 505.2, 533.107, 542.4, 542B.4, 543B.8, 544A.1, 544B.3, 544C.2, 602.2102, 904A.1

Confirmation, see §2.32

69.20 Temporary vacancy due to military service.

1. A temporary vacancy in an elective office of a political subdivision, community college, or hospital board of trustees of this state occurs on the date when the person filling that office is placed on national guard duty or federal active duty, as those terms are defined in section 29A.1, and when such a person will not be able to attend to the duties of that person's elective position for a period greater than sixty consecutive days. The temporary vacancy terminates on the date when such person is released from such service, or the term of office expires.

2. A temporary vacancy on an elective board, council, or other multimember body of a political subdivision may be filled by appointment by a majority of the remaining members of the body. A temporary vacancy in any other elective office in a political subdivision, community college, or hospital board of trustees may be filled by the governing body of that political subdivision, community college, or hospital board of trustees.

3. Upon the termination of a temporary vacancy due to a person's release from national guard duty or federal active duty, the person who held the elective office just prior to the temporary vacancy shall immediately be deemed to have been reinstated to that position and the person who filled the temporary vacancy shall immediately be deemed to have been removed from that office.

4. A person filling a temporary vacancy or a person reinstated to office as described in this section shall qualify for that office as provided in chapter 63.

5. Upon the resignation or death of the person replaced under this section, a permanent vacancy occurs and shall be filled as otherwise provided by law.

2004 Acts, ch 1076, §1, 2; 2006 Acts, ch 1010, §42, 169, 177; 2012 Acts, ch 1072, §30

CHAPTER 70

RESERVED

CHAPTER 70A

FINANCIAL AND OTHER PROVISIONS FOR PUBLIC OFFICERS AND EMPLOYEES

Referred to in §256.103A

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70A.40	Elective public officer contact information.
70A.41	Public employee health insurance.

70A.1 Salaries — payment — vacations — sick leave — educational leave.

1. Salaries specifically provided for in an appropriation Act of the general assembly shall be in lieu of existing statutory salaries, for the positions provided for in the Act, and all salaries, including longevity where applicable by express provision in the Code, shall be paid according to the provisions of chapter 91A and shall be in full compensation of all services, including any service on committees, boards, commissions or similar duty for Iowa government, except for members of the general assembly. A state employee on an annual salary shall not be paid for a pay period an amount which exceeds the employee's annual salary transposed into a rate applicable to the pay period by dividing the annual salary by the number of pay periods in the fiscal year. Salaries for state employees covered by the overtime payment provisions of the federal Fair Labor Standards Act shall be established on an hourly basis.

2. *a.* All employees of the state earn two weeks' vacation per year during the first year of employment and through the fourth year of employment, and three weeks' vacation per year during the fifth and through the eleventh year of employment, and four weeks' vacation per year during the twelfth year through the nineteenth year of employment, and four and four-tenths weeks' vacation per year during the twentieth year through the twenty-fourth year of employment, and five weeks' vacation per year during the twenty-fifth year and all subsequent years of employment, with pay. One week of vacation is equal to the number of hours in the employee's normal workweek. Vacation allowances accrue according to chapter 91A as provided by the rules of the department of administrative services.

b. The vacations shall be granted at the discretion and convenience of the head of the department, agency, or commission, except that an employee shall not be granted vacation in excess of the amount earned by the employee. Vacation leave earned under this subsection shall not be cumulated to an amount in excess of twice the employee's annual rate of accrual. The head of the department, agency, or commission shall make every reasonable effort to schedule vacation leave sufficient to prevent any loss of entitlements.

c. (1) If the employment of an employee of the state is terminated, the provisions of chapter 91A relating to the termination apply.

(2) If the termination of employment is by reason of the death of the employee, the vacation allowance shall be paid to the estate of the deceased employee if the estate is opened for probate. If an estate is not opened, the allowance shall be paid to the surviving spouse, if any, or to the legal heirs if no spouse survives.

3. Payments authorized by this section shall be approved by the department subject to

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rules of the department of administrative services and paid from the appropriation or fund of original certification of the claim.

4. Effective July 1, 2006, permanent full-time and permanent part-time employees of state departments, boards, agencies, and commissions shall accrue sick leave as provided in this subsection which shall be credited to the employee's sick leave account. The sick leave accrual rate for part-time employees shall be prorated to the accrual rate for full-time employees. The sick leave accrual rate for each complete month of full-time employment, excluding employees covered under a collective bargaining agreement which provides for a different rate of accrual, shall be as follows:

a. For employees of the state board of regents, one and one-half days.

b. For employees who are peace officers employed within the department of public safety or department of natural resources and who are not covered under a collective bargaining agreement, the rate shall be the same as the rate provided under the state police officers council collective bargaining agreement.

c. For all other employees, the rate shall be as follows:

(1) If the employee's accrued sick leave balance is seven hundred fifty hours or less, one and one-half days.

(2) If the employee's accrued sick leave balance is one thousand five hundred hours or less but more than seven hundred fifty hours, one day.

(3) If the employee's accrued sick leave balance is more than one thousand five hundred hours, one-half day.

5. Sick leave shall not accrue during any period of absence without pay. Employees may use accrued sick leave for physical or mental personal illness, bodily injury, medically related disabilities, including disabilities resulting from pregnancy and childbirth, or contagious disease, which result in any of the following:

a. The employee's confinement is required.

b. The employee is rendered unable to perform assigned duties.

c. The performance of assigned duties would jeopardize the employee's health or recovery.

6. Except as provided in section 70A.23, all unused accrued sick leave in an employee's sick leave account is canceled upon the employee's separation from state employment. However, if an employee is laid off and the employee is reemployed by any state department, board, agency, or commission within one year of the date of the layoff, accrued sick leave of the employee shall be restored.

7. *a.* During the first four years of employment, state employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated ten days of sick leave, and who do not use sick leave during a full month of employment, may elect to have up to one-half day of additional vacation added to the employee's accrued vacation account.

b. After the fourth year of employment, state employees, excluding state board of regents' faculty members with nine-month appointments, and employees covered under a collective bargaining agreement negotiated with the public safety bargaining unit who are eligible for accrued vacation benefits and accrued sick leave benefits, who have accumulated thirty days of sick leave, and who do not use sick leave during a full month of employment, may elect to have up to one-half day of additional vacation added to the employee's accrued vacation account.

c. The additional vacation time added to an employee's accrued vacation account for not using sick leave during a month is in lieu of the accrual of sick leave for that month. The amount of additional vacation for part-time employees shall be prorated to the amount of additional vacation authorized for full-time employees. The director of the department of administrative services may adopt the necessary rules and procedures for the implementation of this program for all state employees except employees of the state board of regents. The state board of regents may adopt necessary rules for the implementation of this program for its employees.

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8. The head of any department, agency, or commission, subject to rules of the department of administrative services, may grant an educational leave to employees for whom the head of the department, agency, or commission is responsible pursuant to section 70A.25 and funds appropriated by the general assembly may be used for this purpose. The head of the department, agency, or commission shall notify the legislative council and the director of the department of administrative services of all educational leaves granted within fifteen days of the granting of the educational leave. If the head of a department, agency, or commission fails to notify the legislative council and the director of the department of administrative services of an educational leave, the expenditure of funds appropriated by the general assembly for the educational leave shall not be allowed.

9. A specific annual salary rate or annual salary adjustment commencing with a fiscal year shall commence on July 1 except that if a pay period overlaps two fiscal years, a specific annual salary rate or annual salary adjustment shall commence with the first day of a pay period as specified by the general assembly.

[C73, §3780; C97, §1289; C24, 27, 31, 35, 39, §**1218;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.1; 81 Acts, ch 20, §2]

85 Acts, ch 215, §1; 86 Acts, ch 1244, §13; 86 Acts, ch 1245, §231, 232; 87 Acts, ch 227, §16; 89 Acts, ch 303, §17

C93, §70A.1

97 Acts, ch 28, §7; 2003 Acts, ch 145, §286; 2006 Acts, ch 1020, §1; 2008 Acts, ch 1032, §201; 2025 Acts, ch 115, §1

Referred to in §1C.2, 8A.413, 218.17, 602.1401, 602.11102
Paid holidays; §1C.2

70A.2 Promotion, discharge, demotion, or suspension — absence for medically related disability not considered.

When supported by the verification of the attending physician that an absence is necessary in the best interest of the health and well-being of the employee, an absence for medically related disability shall not be considered in actions for promotion, discharge, demotion, or suspension of the employee.

[C77, 79, 81, §79.2]

C93, §70A.2

70A.3 Appraisers of property.

The appraisers appointed by authority of law to appraise property for any purpose shall be paid a reasonable amount determined by the sheriff of the county in which the property appraised is located. Unless otherwise provided, the amount paid shall be paid out of the property appraised or by the owner thereof.

[C51, §2550; R60, §4158; C73, §3813; C97, §1290; SS15, §1290-a; C24, 27, 31, 35, 39, §**1219;** C46, 50, 54, 58, 62, 66, 71, 73, 75, §79.2; C77, 79, 81, §79.3]

87 Acts, ch 17, §4

C93, §70A.3

70A.4 When fees payable.

When no other provision is made on the subject, the party requiring any service shall pay the fees therefor upon the same being rendered, and a bill of particulars being presented, if required.

[C51, §2557; R60, §4164; C73, §3837; C97, §1295; C24, 27, 31, 35, 39, §**1221;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.4]

C93, §70A.4

70A.5 Fees payable in advance.

All fees, unless otherwise specifically provided, are payable in advance, if demanded, except in the following cases:

1. When the fees grow out of a criminal prosecution.
2. When the fees are payable by the state or county.
3. When the orders, judgments, or decrees of a court are to be entered, or performed in

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divorce-related matters including child support, temporary custody, restraining orders, and writs of habeas corpus.

[C73, §3842; C97, §1298; C24, 27, 31, 35, 39, §**1222;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.5]

88 Acts, ch 1133, §1

C93, §70A.5

70A.6 Receipt for fees paid.

Every person charging fees shall, if required by the person paying them, give that person a receipt therefor, setting forth the items, and the date of each.

[C51, §2549; R60, §4157; C73, §3836; C97, §1294; C24, 27, 31, 35, 39, §**1223;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.6]

C93, §70A.6

70A.7 Report of fees.

All officers required by the provisions of this Code to collect and pay over fines and fees shall, except as otherwise provided, on the first Monday in July in each year, make report thereof under oath to the board of supervisors of the proper county, showing the amount of fines assessed, and the amount of fines and fees collected, together with vouchers for the payment of all sums collected to the proper officer.

[R60, §4314; C73, §3973; C97, §1301; C24, 27, 31, 35, 39, §**1224;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.7]

C93, §70A.7

70A.8 State accounts — inspection.

The books, accounts, vouchers, and funds belonging to, or kept in, any state office or institution, or in the charge or under the control of any state officer or person having charge of any state funds or property, shall, at all times, be open or subject to the inspection of the governor or any committee appointed by the governor, or by the general assembly or either house thereof; and the governor shall see that such inspection of the office of state treasurer is made at least four times in every twelve months.

[C57, §59, 69; R60, §80, 90; C73, §132; C97, §184; C24, 27, 31, 35, 39, §**1225;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.8]

C93, §70A.8

70A.9 Charge for use of automobile by other than state officer or employee.

When a public officer or employee, other than a state officer or employee, is entitled to be paid for expenses in performing a public duty, a charge shall be made, allowed and paid for the use of an automobile, as determined by the local governing body, in an amount which may be the maximum allowable under federal internal revenue service rules per mile, notwithstanding established mileage requirements or depreciation allowances. A statutory provision stipulating necessary mileage, travel, or actual reimbursement to a local public officer or employee falls within the mileage reimbursement limitation specified in this section unless specifically provided otherwise. A political subdivision may authorize the use of private vehicles for the conduct of official business of the political subdivision at an annual amount in lieu of actual and necessary travel expense reimbursement provided in this section. A peace officer, other than a state officer or employee as defined in section 801.4, who is required to use a private vehicle in the performance of official duties shall receive reimbursement for mileage expense at the rate specified in this section.

[C31, 35, §1225-d1; C39, §**1225.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.9; 81 Acts, ch 9, §23]

86 Acts, ch 1246, §773; 91 Acts, ch 267, §604

C93, §70A.9

Referred to in §42.5, 161A.6, 309.20, 331.210A, 331.215, 331.324, 331.655, 358.12, 468.232

State officers and employees mileage allowance, see §8A.363

Expenses for judicial officers, court employees, and others, see §602.1509

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70A.10 Mileage and expenses — prohibition.

No law shall be construed to give to a public officer or employee both mileage and expenses for the same transaction.

[C31, 35, §1225-d2; C39, §**1225.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.10]
C93, §70A.10
Referred to in §331.324

70A.11 Mileage and expenses — when unallowable.

No public officer or employee shall be allowed either mileage or transportation expense when gratuitously transported by another, nor when transported by another public officer or employee who is entitled to mileage or transportation expense.

[C31, 35, §1225-d3; C39, §**1225.03;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.11]
C93, §70A.11
Referred to in §331.324

70A.12 Out-of-state warrants limited.

A warrant requiring a peace officer to go beyond the boundaries of the state at public expense shall not be issued except with the approval of a district judge.

[C35, §1225-e1; C39, §**1225.04;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.12]
83 Acts, ch 186, §10038, 10201
C93, §70A.12
Referred to in §331.324

70A.13 Particulars required by county board.

The board of supervisors shall not approve any claim for mileage or other traveling expenses presented by any peace officer including the sheriff and the sheriff's deputies unless the destinations, and number of miles covered in each trip are given, or, in the case of extended trips, unless railroad, hotel, and other traveling expenses, excepting meals, are verified by receipts.

[C35, §1225-e2; C39, §**1225.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §79.13]
C93, §70A.13
Referred to in §331.324

70A.14 Definitions.

As used in this section and section 70A.15, unless the context otherwise requires:

1. *"Charitable organization"* means an organization that is eligible to receive contributions which may be deducted on the contributor's Iowa individual tax return and that has been designated, at the request of one hundred or more eligible state officers and employees, or the number of employees required by subsection 3 of this section, by a responsible official of the payroll system under which the officers or employees are compensated, to receive contributions pursuant to section 70A.15.

2. *"Enrollment period"* means the time during which the charitable organization conducts an annual consolidated effort to secure funds.

3. *"Number of persons required"* means:

a. In the case of employees at the Iowa state university of science and technology and the state university of Iowa, one hundred or more participants.

b. In the case of employees at the university of northern Iowa, fifty or more participants.

[C66, 71, 73, 75, 77, 79, 81, §79.14]
C93, §70A.14
2023 Acts, ch 19, §2476

70A.15 Payroll deduction.

1. The responsible official in charge of the payroll system may deduct from the salary or wages of a state officer or employee an amount specified by the officer or employee for payment to a charitable organization if:

a. The request for the payroll deduction is made in writing during the enrollment period for the charitable organization.

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b. The deduction shall not continue in effect for a period of time exceeding one year unless a new written request is filed according to the requirements of this section.

c. The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.

2. Moneys deducted pursuant to this section shall be paid over promptly to the appropriate charitable organization. The deduction may be made notwithstanding that the compensation actually paid to the officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full and complete discharge of claims and demands for services rendered by the employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the responsible official in charge of the payroll system.

[C66, 71, 73, 75, 77, 79, 81, §79.15]
C93, §70A.15
2008 Acts, ch 1032, §201
Referred to in §70A.14
Combined charitable campaign program administered by department of administrative services; §8A.432

70A.15A Charitable giving payroll deduction by other than state officer or employee.

1. For purposes of this section, unless the context otherwise requires:

a. "Applicable public employer" means a board of directors of a school district, a community college, a county board of supervisors, or a governing body of a city.

b. "Eligible charitable organization" means a not-for-profit federation of health and human services, social welfare, or environmental agencies or associations that meets all of the following conditions:

(1) The federation is tax exempt under section 501(c)(3) of the Internal Revenue Code and contributions to the federation are deductible under section 170 of the Internal Revenue Code.

(2) The federation has had an office in this state for the last five years.

(3) The federation represents at least ten health and human services, social welfare, or environmental agencies or associations that are located in this state.

(4) The federation is governed by an active, voluntary board, which exercises administrative control over the federation.

(5) The federation is not a charitable foundation.

(6) The federation is registered with the secretary of state's office.

2. An applicable public employer may authorize deductions from the salaries or wages of its employees of an amount specified by an employee for payment to an eligible charitable organization. The authorization by an employee for deductions from the employee's salary or wages shall be evidenced by a written request signed by the employee directed to and filed with the treasurer, or official in charge of the payroll system, of the applicable public employer and the treasurer or responsible official shall deduct from the salary or wages of the employee the amount specified for payment to the eligible charitable organization. The request for the deduction may be withdrawn by the employee at any time by filing a written notification of withdrawal with the applicable treasurer or responsible official in charge of the payroll system.

3. If an applicable public employer authorizes deductions from the salaries or wages of its employees for payment to any eligible charitable organization, the applicable public employer shall ensure that an employee shall be permitted to authorize a deduction to any eligible charitable organization.

2006 Acts, ch 1185, §70; 2013 Acts, ch 28, §1

70A.16 Interview and moving expenses.

1. If approved by the appointing authority, a person who interviews for employment by the state shall be reimbursed for expenses incurred in the interview.

2. A state employee who is reassigned shall be reimbursed for moving expenses

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incurred in accordance with rules and policies adopted by the director of the department of administrative services when all of the following circumstances exist:

a. The employee is reassigned at the direction of the appointing authority.

b. The reassignment constitutes a permanent change of duty station.

c. The reassignment requires the employee to change the place of personal residence beyond a reasonable commuting distance.

d. The reassignment is not primarily for the benefit or convenience of the employee.

3. If approved by the appointing authority, a person newly hired for a state position shall receive reimbursement for moving expenses incurred after the person is hired at the same rate provided for a state employee.

4. Reimbursement for moving expenses authorized under this section does not include reimbursement for the expense of moving animals.

[C77, 79, 81, §79.16; 81 Acts, ch 9, §25]
86 Acts, ch 1245, §233
C93, §70A.16
97 Acts, ch 28, §8; 2000 Acts, ch 1171, §21; 2003 Acts, ch 145, §286

70A.17 Payroll deduction for additional insurance coverage.

1. The state officer in charge of any of the state payroll systems shall deduct from the wages or salaries of a state officer or employee an amount specified by the officer or employee for payment to any company authorized to do business in this state for the purpose of purchasing insurance if all of the following conditions are met:

a. At least five hundred state officers or employees request the deduction to purchase insurance from the same company.

b. The request for the payroll deduction is made by the state officer or employee in writing to the officer in charge of the program.

c. The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.

d. The insurance coverage to be purchased is not provided by the state.

e. The company providing the insurance enters into a written agreement with the state delineating each party's rights and responsibilities.

2. The moneys deducted under this section shall be paid to the company designated by the requesting state officers or employees. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of any of the state payroll systems.

3. The department of administrative services reserves the right to terminate an insurance company's participation in the program if the department receives complaints regarding the actions of the insurance company or its agents in relation to the program and such termination would be in the best interest of the state officers and employees; the department makes a determination that the insurance company has engaged in a pattern or practice of unfair, misleading, or fraudulent acts and such termination would be in the best interest of the state officers and employees; or the commissioner of insurance determines that the company has engaged in practices that would otherwise disqualify the company from providing insurance coverage in Iowa.

4. The department is authorized to establish and collect an administrative fee as deemed necessary and appropriate in an amount not to exceed the state's actual cost of providing the payroll deduction service.

2004 Acts, ch 1103, §75

70A.17A Payroll deduction for dues.

1. The state officer in charge of the payroll system shall deduct from the salary or wages

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of a state officer or employee an amount specified by the officer or employee for payment to a professional or trade organization for dues or membership fees if:

a. The professional or trade organization consents to payment of dues in this manner.

b. The employee requests in writing that payment of dues or membership fees be made in this manner.

c. The pay period during which the deduction is made, the frequency, and the amount of the deduction are compatible with the payroll system.

d. The following number of state officers or employees request the deduction for the same professional or trade organization:

(1) One hundred or more state officers or employees employed outside the jurisdiction of the state board of regents, or employed at Iowa state university of science and technology or the state university of Iowa.

(2) Fifty or more state officers or employees employed at the university of northern Iowa.

2. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of the payroll system.

94 Acts, ch 1188, §36; 2017 Acts, ch 2, §21, 26, 27; 2023 Acts, ch 19, §2477

70A.17B Payroll deduction for eligible qualified tuition program contributions.

1. The state officer in charge of any of the state payroll systems shall deduct from the wages or salaries of a state officer or employee an amount specified by the officer or employee for payment to an eligible qualified tuition program in a method consistent with current discretionary payroll deductions and on forms prescribed by the payroll administrator. For purposes of this section, an *"eligible qualified tuition program"* is a program that meets the requirements of a qualified tuition program under section 529 of the Internal Revenue Code and is a program in which at least five hundred state officers or employees request a payroll deduction and the request for the payroll deduction is made by the state officer or employee in writing to the officer in charge of the program.

2. The moneys deducted under this section shall be paid to the eligible qualified tuition program for the benefit of the officer's or employee's account no later than thirty days following the payroll deduction from the wages of the officer or employee. The deduction may be made even though the compensation paid to an officer or employee is reduced to an amount below the minimum prescribed by law. Payment to an officer or employee of compensation less the deduction shall constitute a full discharge of claims and demands for services rendered by the officer or employee during the period covered by the payment. The request for the deduction may be withdrawn at any time by filing a written notification of withdrawal with the state officer in charge of any of the state payroll systems.

2005 Acts, ch 75, §1

70A.18 Compensation based on comparable worth.

It is the policy of this state that a state department, board, commission, or agency shall not discriminate in compensation for work of comparable worth between jobs held predominantly by women and jobs held predominantly by men. *"Comparable worth"* means the value of work as measured by the composite of the skill, effort, responsibility, and working conditions normally required in the performance of work.

83 Acts, ch 170, §1 – 4
CS83, §79.18
C93, §70A.18

70A.19 Payroll deduction for employee organization dues prohibited.

The state, a state agency, a regents institution, a board of directors of a school district, a community college, or an area education agency, a county board of supervisors, a governing

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body of a city, or any other public employer as defined in section 20.3 shall not authorize or administer a deduction from the salaries or wages of its employees for membership dues to an employee organization as defined in section 20.3.

86 Acts, ch 1245, §234
C87, §79.19
C93, §70A.19
2017 Acts, ch 2, §22, 26, 27

70A.20 Employees disability program.

1. As used in this section, unless the context otherwise requires:

a. "Adult" means a person who is eighteen years of age or older.

b. "Primary and family social security" shall not include social security benefits awarded to an adult child with a disability of the state employee with a disability who does not reside with the state employee with a disability if the social security benefits were awarded to the adult child with a disability prior to the approval of the state employee's benefits under this section, regardless of whether the United States social security administration records the benefits to the social security number of the adult child with a disability, the state employee with a disability, or any other family member, and such social security benefits shall not reduce the benefits payable pursuant to this section.

2. A state employees disability insurance program is created, which shall be administered by the director of the department of administrative services and which shall provide disability benefits in an amount and for the employees as provided in this section. The monthly disability benefits shall, at a minimum, provide twenty percent of monthly earnings if employed less than one year, forty percent of monthly earnings if employed one year or more but less than two years, and sixty percent of monthly earnings thereafter, reduced by primary and family social security determined at the time social security disability payments commence, railroad retirement disability income, workers' compensation if applicable, and any other state-sponsored sickness or disability benefits payable. However, the amount of benefits payable under the Iowa public employees' retirement system pursuant to chapter 97B shall not reduce the benefits payable pursuant to this section. Subsequent social security or railroad retirement increases shall not be used to further reduce the insurance benefits payable. State employees shall receive credit for the time they were continuously employed prior to and on July 1, 1974.

3. The following provisions apply to the employees disability insurance program:

a. Waiting period of no more than ninety working days of continuous sickness or accident disability or the expiration of accrued sick leave, whichever is greater.

b. Maximum period benefits paid for both accident or sickness disability:

(1) If the disability occurs prior to the time the employee attains the age of sixty-one years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of sixty-five years, whichever is later.

(2) If the disability occurs on or after the time the employee attains the age of sixty-one years but prior to the age of sixty-nine years, the maximum benefit period shall end sixty months after continuous benefit payments begin or on the date on which the employee attains the age of seventy years, whichever is earlier.

(3) If the disability occurs on or after the time the employee attains the age of sixty-nine years, the maximum benefit period shall end twelve months after continuous benefit payments begin.

c. (1) Minimum and maximum benefits of not less than fifty dollars per month and not exceeding three thousand dollars per month.

(2) In no event shall benefits exceed one hundred percent of the claimant's predisability covered monthly compensation.

d. All probationary and permanent full-time state employees shall be covered under the employees disability insurance program, except board members and members of commissions who are not full-time state employees, and state employees who on July 1, 1974, are under another disability program financed in whole or in part by the state, and state employees who have agreed to participation in another disability program through

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a collective bargaining agreement. For purposes of this section, members of the general assembly serving on or after January 1, 1989, are eligible for the plan during their tenure in office, on the basis of enrollment rules established for full-time state employees excluded from collective bargaining as provided in chapter 20.

[C75, 77, 79, 81, §79.20]

84 Acts, ch 1146, §2; 86 Acts, ch 1245, §235; 88 Acts, ch 1267, §15, 16

C93, §70A.20

93 Acts, ch 7, §1; 94 Acts, ch 1022, §1; 95 Acts, ch 162, §9; 96 Acts, ch 1129, §17; 2003 Acts, ch 145, §286; 2006 Acts, ch 1177, §27; 2018 Acts, ch 1041, §20

Referred to in §602.11103

70A.21 and 70A.22 Reserved.

70A.23 Credit for accrued sick leave.

1. For purposes of this section:

a. "Eligible retirement system" means a retirement system authorized under chapter 97A or 97B, including the teachers insurance and annuity association-college retirement equities fund (TIAA-CREF).

b. "Eligible state employee" means a state employee eligible to receive retirement benefits under an eligible retirement system.

2. An eligible state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise, who retires and has applied for retirement benefits under an eligible retirement system, or who dies while in active employment, shall be credited with the number of accrued days of sick leave of the employee. The employee, or the employee's estate, shall receive a cash payment of the monetary value of the employee's accrued sick leave balance, not to exceed two thousand dollars. The value of the employee's accrued sick leave balance shall be calculated by multiplying the number of hours of accrued sick leave by the employee's regular hourly rate of pay at the time of retirement.

3. *a.* An eligible state employee, excluding an employee covered under a collective bargaining agreement which provides otherwise or an employee of the state board of regents, who retires and receives a payment as provided in subsection 2 shall be entitled to elect to have the employee's available remaining value of sick leave used to pay the state share for the employee's continuation of state group health insurance coverage pursuant to the requirements of this subsection.

b. An eligible state employee's available remaining value of sick leave shall be calculated as follows:

(1) If the employee's accrued sick leave balance prior to payment as provided in subsection 2 is seven hundred fifty hours or less, sixty percent of the value of the remaining accrued sick leave balance.

(2) If the employee's accrued sick leave balance prior to payment as provided in subsection 2 is one thousand five hundred hours or less but more than seven hundred fifty hours, eighty percent of the value of the remaining accrued sick leave balance.

(3) If the employee's accrued sick leave balance prior to payment as provided in subsection 2 is more than one thousand five hundred hours, one hundred percent of the value of the remaining accrued sick leave balance.

c. An eligible state employee's available remaining value of sick leave shall be available to pay for that portion of the employee's state group health insurance premium that would otherwise be paid for by the state if the employee were still a state employee. The benefits provided for in this subsection have no cash value and are not transferable to any other person, including the retiree's spouse. Payment of state group health insurance premiums pursuant to this subsection continues until the earliest of when the eligible state employee's available remaining value of sick leave is exhausted, the employee otherwise becomes eligible for federal Medicare program benefits, or the employee dies. In addition, an employee electing benefits pursuant to this subsection who is reinstated or reemployed in a permanent full-time or permanent part-time position within state government forfeits any remaining benefits for payment of state group health insurance benefits, and such employee

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is not eligible for restoration of the unused sick leave accrued during the employee's prior employment with the state.

4. Notwithstanding any provision of this section to the contrary, peace officers employed within the department of public safety and the department of natural resources that are not covered under a collective bargaining agreement shall have a sick leave conversion program extended to them that is equivalent to the sick leave conversion program negotiated under chapter 20 between the state and the state police officers council labor union for peace officers. In addition, an employee of the department of public safety or the department of natural resources who has earned benefits of payment of premiums under a collective bargaining agreement and who becomes a manager or supervisor and is no longer covered by the agreement shall not lose the benefits of payment of premiums earned while covered by the agreement. The payment shall be calculated by multiplying the number of hours of accumulated, unused sick leave by the employee's hourly rate of pay at the time of retirement.

[C79, 81, §79.23; 82 Acts, ch 1184, §1]
84 Acts, ch 1146, §1; 88 Acts, ch 1158, §9
C93, §70A.23
2003 Acts, ch 108, §22; 2006 Acts, ch 1020, §2; 2006 Acts, ch 1185, §116
Referred to in §70A.1, 80.42, 602.1401, 602.11102

70A.24 Paid parental leave.

1. A state employee shall be provided paid leave for such time as specified in this section for the birth of a child or placement of a child for adoption with the employee if the leave is taken within twelve months following any such birth or adoption.

2. *a.* For the birth of a child, a state employee parent who gave birth shall be entitled to up to four weeks of paid leave and a state employee parent who did not give birth shall be entitled to up to one week of paid leave.

b. For the placement of a child for adoption, a state employee parent shall be entitled to up to four weeks of paid leave.

3. The department of administrative services shall adopt rules pursuant to chapter 17A to implement this section.

2025 Acts, ch 115, §2; 2026 Acts, ch 1059, §1, 2
Subsection 1 amended

70A.25 Educational leave — educational assistance.

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. "Educational assistance" means reimbursement for tuition, fees, books or other expenses incurred by a state employee in taking coursework at an educational institution or attending a workshop, seminar, or conference without a reduction in ordinary job responsibilities and that the appointing authority determines contributes to the growth and development of the employee in the employee's present position or in a position to which the employee may reasonably be assigned.

b. "Educational leave" means full or partial absence from an employee's ordinary job responsibilities either with full or partial pay or without pay, to attend a course of study at an educational institution or a course of study conducted by a reputable sponsor on behalf of an educational institution. Educational leave may include reimbursement for all or a portion of educational expenses incurred.

c. "Educational leave" and *"educational assistance"* do not apply to job training, employee development programs, or departmental seminars that are conducted or sponsored by a state agency.

2. *General applicability.*

a. The purpose of educational leave with full or partial pay and educational assistance is to assist state employees to develop skills that will improve their ability to perform state job responsibilities or in the case of educational leave to also provide training and educational opportunities for employees of a state agency that will enable the agency director to better meet the staffing needs of the state agency.

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b. The director of the department of administrative services shall not allow the payment of expenses for courses unless the department, agency, or commission can demonstrate a relationship between the employee's job responsibilities and the courses to be taken or that the employee is required to learn new skills for which the department, agency, or commission has a need.

85 Acts, ch 215, §2
CS85, §79.25
86 Acts, ch 1245, §237 – 239
C93, §70A.25
2000 Acts, ch 1171, §22 – 24; 2003 Acts, ch 145, §286; 2008 Acts, ch 1032, §201; 2014 Acts, ch 1036, §14
Referred to in §70A.1

70A.26 Disaster service volunteer leave.

1. An employee of an appointing authority who is a certified disaster service volunteer of the American red cross may be granted leave with pay from work for not more than fifteen working days in any twelve-month period to participate in disaster relief services for the American red cross at the request of the American red cross for the services of that employee and upon the approval of the employee's appointing authority without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The appointing authority shall compensate an employee granted leave under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

2. An employee granted leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation. An employee granted leave under this section shall not be deemed to be an employee of the state for purposes of the Iowa tort claims Act, chapter 669.

3. Leave under this section shall be granted only for services relating to a disaster in the state of Iowa.

95 Acts, ch 132, §1; 2014 Acts, ch 1026, §15; 2018 Acts, ch 1026, §27

70A.27 Leave of absence for charge of a crime — civil penalty.

1. For the purposes of this section:

a. "Convicted" means convicted of an indictable offense and includes a guilty plea or other finding of guilt by a court of competent jurisdiction.

b. "Public employee" means any individual employed by a public employer. *"Public employee"* includes heads of executive branch agencies.

c. "Public employer" means the state, its boards, commissions, agencies, and departments, and its political subdivisions including school districts and other special purpose districts. *"Public employer"* includes the general assembly and the governor.

2. *a.* A public employee on a leave of absence with full or partial compensation because the public employee is charged, by indictment or information, with the commission of a public offense classified as a class "D" felony or greater offense shall pay to the public employer employing the public employee a civil penalty equal to the cash wages that the public employee received during the period of the leave of absence if the public employee is convicted of a public offense classified as a class "D" felony or greater offense.

b. A public employee shall pay to the public employer employing the public employee a civil penalty equal to any payments that the public employee received pursuant to the terms of the public employee's employment contract that result from the termination of the contract, if the termination was caused by the employee being charged, by indictment or information, with the commission of a public offense classified as a class "D" felony or greater offense, and if the public employee is convicted of a public offense classified as a class "D" felony or greater offense.

2011 Acts, ch 88, §1

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70A.28 Prohibitions relating to certain actions by state employees — penalty — civil remedies.

1. A person who serves as the head of a state department or agency or otherwise serves in a supervisory capacity within the executive or legislative branch of state government shall not require an employee of the state to inform the person that the employee made a disclosure of information permitted by this section and shall not prohibit an employee of the state from disclosing any information to a member or employee of the general assembly or from disclosing 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.

2. 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 state employment system administered by, or subject to approval of, a state agency 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, a disclosure of information to the office of ombudsman, a disclosure of information to a person providing human resource management for the state, or a disclosure of information to any other public official or law enforcement agency if the employee, in good faith, 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.

3. Subsections 1 and 2 do not apply if the disclosure of the information is prohibited by statute.

4. A person who violates subsection 1 or 2 commits a simple misdemeanor.

5. Subsection 2 may be enforced through a civil action.

a. A person who violates subsection 2 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved employee prior to the violation of subsection 2, and any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of subsection 2, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, the attorney general, or a person providing human resource management for the state.

6. Subsection 2 may also be enforced by an employee through an administrative action pursuant to the requirements of this subsection if the employee is not a merit system employee or an employee covered by a collective bargaining agreement. An employee eligible to pursue an administrative action pursuant to this subsection who is discharged, suspended, demoted, or otherwise receives a reduction in pay and who believes the adverse employment action was taken as a result of the employee's disclosure of information that was authorized pursuant to subsection 2, may file an appeal of the adverse employment action with the employment appeal board within thirty calendar days following the later of the effective date of the action or the date a finding is issued to the employee by the office of ombudsman pursuant to section 2C.11A. The findings issued by the ombudsman may be introduced as evidence before the employment appeal board. The employee has the right to a hearing closed to the public, but may request a public hearing. The hearing shall otherwise be conducted in accordance with the rules of the employment appeal board and the Iowa administrative procedure Act,

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chapter 17A. If the employment appeal board finds that the action taken in regard to the employee was in violation of subsection 2, the employee may be reinstated without loss of pay or benefits for the elapsed period, or the employment appeal board may provide other appropriate remedies. Decisions by the employment appeal board constitute final agency action.

7. 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 state employment system administered by, or subject to approval of, a state agency as a reprisal for the employee's declining to participate in contributions or donations to charities or community organizations.

8. The director of the department of administrative services or, for employees of the general assembly or of the state board of regents, the legislative council or the state board of regents, respectively, shall provide procedures for notifying new state employees of the provisions of this section and shall periodically conduct promotional campaigns to provide similar information to state employees. The information shall include the toll-free telephone number of the ombudsman.

9. For purposes of this section, *"state employee"* and *"employee"* include, but are not limited to, persons employed by the general assembly and persons employed by the state board of regents.

84 Acts, ch 1219, §4
C85, §79.28
85 Acts, ch 20, §1; 87 Acts, ch 19, §4; 87 Acts, ch 27, §2; 89 Acts, ch 124, §2
C93, §70A.28
96 Acts, ch 1100, §2 – 5; 2003 Acts, ch 145, §286; 2006 Acts, ch 1153, §14, 15; 2007 Acts, ch 126, §18; 2013 Acts, ch 10, §28; 2013 Acts, ch 140, §55; 2019 Acts, ch 109, §1; 2024 Acts, ch 1170, §179
Referred to in §2C.11A, 8F.3, 10A.601, 20.8
Prohibited actions relating to state merit system, see §8A.417

70A.29 Reprisals prohibited — political subdivisions — penalty — civil remedies.

1. 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 employment by a political subdivision of this state as a reprisal for a disclosure of any information by that employee to a member or employee of the general assembly, an official of that political subdivision, a person providing human resource management for that political subdivision, or a state official, or for a disclosure of information to any other public official or law enforcement agency if the employee, in good faith, 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. This section does not apply if the disclosure of the information is prohibited by statute.

2. A person who violates subsection 1 commits a simple misdemeanor.

3. Subsection 1 may be enforced through a civil action.

a. A person who violates subsection 1 is liable to an aggrieved employee for affirmative relief including reinstatement, with or without back pay, civil damages in an amount not to exceed three times the annual wages and benefits received by the aggrieved employee prior to the violation of subsection 1, and any other equitable relief the court deems appropriate, including attorney fees and costs.

b. When a person commits, is committing, or proposes to commit an act in violation of subsection 1, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved employee, the county attorney, or the person providing human resource management for the political subdivision.

4. Each political subdivision of this state subject to the requirements of this section shall provide procedures for notifying new employees of the authority of the office of ombudsman

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to investigate complaints under chapter 2C and shall provide information to all employees of the political subdivision, including the toll-free telephone number of the ombudsman.

85 Acts, ch 60, §1
CS85, §79.29
89 Acts, ch 124, §3
C93, §70A.29
2019 Acts, ch 109, §2 – 4
Referred to in §20.8, 279.51A, 279.73
Reprisals relating to state merit system prohibited, see §8A.417

70A.30 Establishment of phased retirement program.

1. The department of administrative services may establish a voluntary employee phased retirement incentive program for full-time state employees.

2. A phased retirement incentive program established by the department of administrative services is a retirement system for purposes of section 20.9, but is not retirement for purposes of chapter 97A, 97B, or 602 or for the employees who are members of the teachers insurance annuity association-college retirement equities fund (TIAA-CREF).

84 Acts, ch 1180, §1
C85, §79.30
C93, §70A.30
2003 Acts, ch 108, §23; 2013 Acts, ch 129, §35

70A.31 through 70A.34 Repealed by 2013 Acts, ch 129, §36.

70A.35 and 70A.36 Reserved.

70A.37 Collective bargaining agreements.

Administrative rules adopted by the director of the department of administrative services pursuant to this chapter shall not supersede provisions of collective bargaining agreements negotiated under chapter 20.

86 Acts, ch 1245, §240
C87, §79.37
C93, §70A.37
2003 Acts, ch 145, §286

70A.38 Years of service incentive program. Repealed by its own terms; 2003 Acts, ch 145, §156, 293.

70A.39 Blood, bone marrow, and living organ donation incentive program.

1. For the purposes of this section:

a. "Blood" means whole blood, power red, platelets, or plasma.

b. "Bone marrow" means the soft tissue that fills human bone cavities.

c. "Living organ" means one of two kidneys, one of two lobes of a liver, a lung or part of a lung, part of the pancreas, or part of the intestines.

2. State employees, excluding employees covered under a collective bargaining agreement which provides otherwise, shall be granted leaves of absence in accordance with the following:

a. A leave of absence of up to five workdays for an employee who requests a leave of absence to serve as a bone marrow donor if the employee provides written verification from the employee's physician or the hospital involved with the bone marrow donation that the employee will serve as a bone marrow donor.

b. A leave of absence of up to thirty workdays for an employee who requests a leave of absence to serve as a living organ donor if the employee provides written verification from the employee's physician or the hospital involved with the living organ donation that the employee will serve as a living organ donor.

c. A leave of absence of up to two consecutive hours in a workday for an employee who

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requests a leave of absence to serve as a voluntary blood donor if the employee provides written verification from the employee's physician or the facility involved with the blood donation that the employee will serve as a voluntary blood donor. An employee may submit a request for a leave of absence under this paragraph no more than four times in a year.

3. An employee who is granted a leave of absence under this section shall receive leave without loss of seniority, pay, vacation time, personal days, sick leave, insurance and health coverage benefits, or earned overtime accumulation. The employee shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

4. An employee deemed to be on leave under this section shall not be deemed to be an employee of the state for purposes of workers' compensation or for purposes of the Iowa tort claims Act, chapter 669.

2003 Acts, ch 32, §1; 2003 Acts, 1st Ex, ch 2, §37, 209; 2014 Acts, ch 1026, §16; 2021 Acts, ch 85, §1; 2022 Acts, ch 1021, §24

70A.40 Elective public officer contact information.

1. Within thirty days of an elective public officer swearing to an oath of office, the governmental entity the officer serves shall provide the officer with designated contact information with the governmental entity. A governmental entity that maintains an internet site shall cause to be published the contact information for each of the entity's elective public officers on the internet site maintained by the entity. An elective public officer may provide additional contact information that would normally be used to make contact with the officer to the governmental entity to be published as provided in this section for designated contact information.

2. *a.* For the purposes of this section, "*contact information*" means a telephone number or an electronic mail address.

b. For the purposes of this section, *"elective public officer"* or *"officer"* means all of the following:

(1) Members of the general assembly.
(2) Members of a county board of supervisors.
(3) Members of a city council.
(4) Members of a board of directors of a school district.

2015 Acts, ch 113, §1

70A.41 Public employee health insurance.

A public employer shall offer health insurance to all permanent, full-time public employees employed by the public employer. A public employer may offer health insurance to any other public employees employed by the public employer. All costs of such health insurance shall be determined as otherwise provided by law. For purposes of this section, *"public employer"* and *"public employee"* mean the same as defined in section 20.3.

2017 Acts, ch 2, §65, 67

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CHAPTER 71

NEPOTISM

71.1 Employments prohibited. 71.2 Payment prohibited.

71.1 Employments prohibited.

It shall hereafter be unlawful for any person elected or appointed to any public office or position under the laws of the state or by virtue of the ordinance of any city in the state, to appoint as deputy, clerk, or helper in said office or position to be paid from the public funds, any person related by consanguinity or affinity, within the third degree, to the person elected, appointed, or making said appointment, unless such appointment shall first be

approved by the officer, board, council, or commission whose duty it is to approve the bond of the principal; provided this provision shall not apply in cases where such person appointed receives compensation at the rate of six hundred dollars per year or less, nor shall it apply to persons teaching in public schools, nor shall it apply to the employment of clerks of members of the general assembly.

[C24, 27, 31, 35, 39, §**1166;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §71.1]

Approving officers and boards, §64.19
Computation of degrees, §4.1(4)

71.2 Payment prohibited.

No person so unlawfully appointed or employed shall be paid or receive any compensation from the public money and such appointment shall be null and void and any person or persons so paying the same or any part thereof, together with their surety, shall be liable for any and all moneys so paid.

[C24, 27, 31, 35, 39, §**1167;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §71.2]

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SUBTITLE 3

PUBLIC CONTRACTS AND BONDS

CHAPTER 72

DUTIES RELATING TO PUBLIC CONTRACTS

72.1 Contracts for excess expenditures — exception for coal.
72.2 Executive council may authorize indebtedness.
72.3 Divulging contents of sealed bids.
72.4 Penalty.
72.5 Life cycle cost.

72.1 Contracts for excess expenditures — exception for coal.

Officers empowered to expend, or direct the expenditure of, public money of the state shall not make any contract for any purpose which contemplates an expenditure of such money in excess of that authorized by law. However, the state or an agency of the state may enter into a contract of not exceeding ten years in duration for the purchase of coal to be used in facilities under the jurisdiction of the state or the state agency. The execution of the contract shall be contingent upon appropriations by the general assembly in sufficient amounts to meet the terms of the contract.

[R60, §2181; C73, §127; C97, §185, 186; C24, 27, 31, 35, 39, §**1168;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §72.1]

72.2 Executive council may authorize indebtedness.

Nothing in this chapter shall prevent the incurring of an indebtedness on account of support funds for state institutions, upon the prior written direction of the executive council, specifying the items and amount of such indebtedness to be increased, and the necessity therefor.

[C97, §186; C24, 27, 31, 35, 39, §**1169;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §72.2]
2024 Acts, ch 1043, §32

72.3 Divulging contents of sealed bids.

No public officer or deputy thereof, if any, shall directly or indirectly or in any manner whatsoever, at any other time or in any other manner than as provided by law, open any sealed bid or convey or divulge to any person any part of the contents of a sealed bid, on any proposed contract concerning which a sealed bid is required or permitted by law.

[S13, §1279-a; C24, 27, 31, 35, 39, §**1170;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §72.3]
Referred to in §8A.311, 72.4

72.4 Penalty.

A violation of the provisions of section 72.3 shall, in addition to criminal liability, render the violator liable, personally and on the violator's bond, if any, to liquidated damages in the sum of one thousand dollars for each violation, to inure to and be collected by the state, county, city, school corporation, or other municipal corporation of which the violator is an officer or deputy.

[S13, §1279-a; C24, 27, 31, 35, 39, §**1171;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §72.4]
2024 Acts, ch 1043, §33

72.5 Life cycle cost.

1. *a.* A contract for a public improvement or construction of a public building, including new construction or renovation of an existing public building, by the state, or an agency of the state, shall not be let without satisfying the following requirements:

(1) A design professional submitting a design development proposal for consideration of the public body shall at minimum prepare one proposal meeting the design program's space

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and use requirements which reflects the lowest life cycle cost possible in light of existing commercially available technology.

(2) Submission of a cost-benefit analysis of any deviations from the lowest life cycle cost proposal contained in other design proposals requested by or prepared for submission to the public body.

b. The public body may request additional design proposals in light of funds available for construction, aesthetic considerations, or any other reason.

c. This subsection applies for all design development proposals requested on or after January 1, 1991.

2. The director of the economic development authority, in consultation with the department of management and the state building code commissioner, shall develop standards and methods to evaluate design development documents and construction documents based upon life cycle cost factors to facilitate fair and uniform comparisons between design proposals and informed decision making by public bodies.

3. The department of management shall develop a proposal for submission to the general assembly on or before January 10, 1991, to create a division within the department of management to evaluate life cycle costs on design proposals submitted on public improvement and construction contracts for agencies of the state, to assure uniform comparisons and professional evaluations of design proposals by an independent agency. The report shall also address potential redundancy and conflicts within existing state law regarding life cycle cost analysis and recommend the resolution of any problems which are identified.

4. It is the intent of the general assembly to discourage construction of public buildings based upon lowest acquisition cost, and instead to require that such decisions be based upon life cycle costs to reduce energy consumption, maintenance requirements, and continuing burdens upon taxpayers.

90 Acts, ch 1252, §5; 94 Acts, ch 1173, §5; 2004 Acts, ch 1086, §17; 2006 Acts, ch 1014, §1; 2007 Acts, ch 22, §17; 2008 Acts, ch 1032, §201; 2009 Acts, ch 108, §5, 41; 2011 Acts, ch 118, §50, 89; 2023 Acts, ch 19, §1484

Referred to in §476.10B

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CHAPTER 73

PREFERENCES

Referred to in §8A.311B, 84A.1B, 331.341

Competitive bidding preferences, see §8A.311, 8A.311B

SUBCHAPTER I

IOWA PRODUCTS AND LABOR

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73.2 Advertisements for bids — form.
73.3 and 73.4 Repealed by 2011 Acts, ch 133, §9 – 11.
73.5 Violations — criminal penalty.
73.6 Iowa coal.
73.7 and 73.8 Reserved.
73.9 Violations — remedy.
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SUBCHAPTER II

MINORITY-OWNED, SERVICE-DISABLED VETERAN-OWNED, AND FEMALE-OWNED BUSINESSES

73.14 Minority-owned, service-disabled veteran-owned, and female-owned businesses — bond issuance services.

SUBCHAPTER III

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SUBCHAPTER I

IOWA PRODUCTS AND LABOR

73.1 Preference — conditions.

1. Every commission, board, committee, officer, or other governing body of the state, or of any county, township, school district or city, and every person acting as contracting or purchasing agent for any such commission, board, committee, officer, or other governing body shall use only those products and provisions grown and coal produced within the state of Iowa, when they are found in marketable quantities in the state and are of a quality reasonably suited to the purpose intended, and can be secured without additional cost over foreign products or products of other states. This section shall apply to horticultural products grown in this state even if the products are not in the stage of processing that the agency usually purchases the product. However, this section does not apply to a school district purchasing food while the school district is participating in the federal school lunch or breakfast program.

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

[C27, 31, 35, §1171-b1; C39, §**1171.01;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §73.1]
86 Acts, ch 1096, §10; 2004 Acts, ch 1046, §1; 2010 Acts, ch 1069, §8

73.2 Advertisements for bids — form.

1. *a.* All requests made for bids and proposals for materials, products, supplies, provisions, and other needed articles to be purchased at public expense, shall be made in general terms and by general specifications and not by brand, trade name, or other individual mark.

b. All such requests and bids shall contain a paragraph in easily legible print, reading as follows:

> By virtue of statutory authority, a preference will be given to products and provisions grown and coal produced within the state of Iowa.

2. In addition to any method of advertisement required by law, any executive branch agency, the general assembly, and the judicial branch shall advertise any request for bids and proposals on the official state internet site operated by the department of administrative services. An electronic link to an internet site maintained by an executive branch agency, the general assembly, or the judicial branch on which requests for bids and proposals for that agency or for the general assembly or judicial branch are posted satisfies the requirements of this subsection.

[C27, 31, 35, §1171-b2; C39, §**1171.02;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §73.2]
2002 Acts, ch 1072, §1; 2003 Acts, ch 145, §286; 2008 Acts, ch 1032, §163; 2018 Acts, ch 1026, §28
Referred to in §8A.311

73.3 and 73.4 Repealed by 2011 Acts, ch 133, §9 – 11.

73.5 Violations — criminal penalty.

An officer or person who is connected with, or is a member or agent or representative of a commission, board, committee, officer or other governing body of this state, or of any county, township, school district, city, or contractor, who fails to give preference as required in this chapter is guilty of a simple misdemeanor. Each separate case of failure to give preference is a separate offense.

[C31, 35, §1171-d3; C39, §**1171.05;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §73.5]
86 Acts, ch 1096, §11

73.6 Iowa coal.

It shall be unlawful for any commission, board, county officer or other governing body of the state, or of any county, township, school district or city, to purchase or use any coal, except that mined or produced within the state by producers who are, at the time such coal is purchased and produced, complying with all the workers' compensation and mining laws of the state. The provisions of this section shall not be applicable if coal produced within the state cannot be procured of a quantity or quality reasonably suited to the needs of such purchaser, nor if the equipment now installed is not reasonably adapted to the use of coal produced within the state, nor if the use of coal produced within the state would materially lessen the efficiency or increase the cost of operating such purchaser's heating or power plant, nor to mines employing miners not now under the provisions of the workers' compensation Act or who permit the miners to work in individual units in their own rooms.

[C39, §**1171.06;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §73.6]
Referred to in §73.9, 73.10

73.7 and 73.8 Reserved.

73.9 Violations — remedy.

Any contract entered into or carried out in whole or in part, in violation of the provisions of section 73.6, shall be void and the contract or any claim growing out of the sale, delivery, or use of the coal specified in the contract, shall be unenforceable in any court. In addition to any other proper party or parties, any unsuccessful bidder at a letting provided for in section 73.6 shall have the right to maintain an action in equity to prevent the violation of the terms of section 73.6.

[C39, §**1171.09;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §73.9]
95 Acts, ch 71, §1
Referred to in §73.10

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73.10 Exceptions.

The provisions of sections 73.6 and 73.9 shall not apply to municipally owned and operated public utilities.

[C39, §**1171.10;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §73.10]

2002 Acts, ch 1050, §8

73.11 Inconsistency with federal law.

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, or would otherwise be inconsistent with requirements of federal law, such provision shall be suspended, but only to the extent necessary to prevent denial of such funds or services or to eliminate the inconsistency with federal requirements.

[C75, 77, 79, 81, §73.11]

73.12 and 73.13 Reserved.

SUBCHAPTER II

MINORITY-OWNED, SERVICE-DISABLED VETERAN-OWNED, AND FEMALE-OWNED BUSINESSES

73.14 Minority-owned, service-disabled veteran-owned, and female-owned businesses — bond issuance services.

1. The state, board of regents institutions, counties, townships, school districts, community colleges, cities, and other public entities, and every person acting as contracting agent for any such entity, shall, when issuing bonds or other obligations, make a good-faith effort to utilize minority-owned, service-disabled veteran-owned, and female-owned businesses for attorneys, accountants, financial advisors, banks, underwriters, insurers, and other occupations necessary to carry out the issuance of bonds or other obligations by the entity.

2. For purposes of this section:

a. "Female-owned business" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more women.

b. "Minority-owned business" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more minority persons.

c. "Service-disabled veteran-owned business" means a business that is fifty-one percent or more owned, operated, and actively managed by one or more service-disabled veterans, as defined in 15 U.S.C. §632.

2010 Acts, ch 1184, §91; 2015 Acts, ch 136, §35, 36, 54, 55

Referred to in §73.16

SUBCHAPTER III

TARGETED SMALL BUSINESS PROCUREMENT

73.15 Title and definitions.

1. This subchapter may be cited as the *"Iowa Targeted Small Business Procurement Act"*.

2. As used in this subchapter, unless the context requires otherwise, *"small business"* and *"targeted small business"* mean as defined in section 15.102.

86 Acts, ch 1245, §831; 2014 Acts, ch 1026, §143

Referred to in §8A.311, 11.26, 12E.12, 15.108, 97B.7A

73.16 Procurements from small businesses and targeted small businesses — goals.

Notwithstanding any provision of law or rule relating to competitive bidding procedures:

1. Every agency, department, commission, board, committee, officer, or other governing

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body of the state shall purchase goods and services supplied by small businesses and targeted small businesses in Iowa. In addition to the other provisions of this section relating to procurement contracts for targeted small businesses, all purchasing authorities shall assure that a proportionate share of small businesses and targeted small businesses identified under the uniform small business vendor application program of the economic development authority are given the opportunity to bid on all solicitations issued by agencies and departments of state government.

2. *a.* Prior to the commencement of a fiscal year, the director of each agency or department of state government having purchasing authority, in cooperation with the targeted small business project manager of the economic development authority, shall establish for that fiscal year a procurement goal from certified targeted small businesses identified pursuant to section 15.108, subsection 6, paragraph *"d"*.

(1) The procurement goal shall include the procurement of all goods and services, including construction, but not including utility services.

(2) A procurement goal shall be stated in terms of a dollar amount of certified purchases and shall be established at a level that exceeds the procurement levels from certified targeted small businesses during the previous fiscal year.

b. The director of an agency or department of state government that has established a procurement goal as required under this subsection shall provide a report within fifteen business days following the end of each calendar quarter to the targeted small business marketing and compliance manager of the economic development authority, providing the total dollar amount of certified purchases from certified targeted small businesses during the previous calendar quarter. The required report shall be made in a form approved by the targeted small business marketing and compliance manager.

c. (1) The director of each department and agency of state government shall cooperate with the director of the department of inspections, appeals, and licensing, the director of the economic development authority, and the director of the department of management and do all acts necessary to carry out the provisions of this subchapter.

(2) The director of each agency or department of state government having purchasing authority shall issue electronic bid notices for distribution to the targeted small business internet site located at the economic development authority if the director releases a solicitation for bids for procurement of equipment, supplies, or services. The notices shall be provided to the targeted small business marketing manager forty-eight hours prior to the issuance of all bid notices. The notices shall contain a description of the subject of the bid, a point of contact for the bid, and any subcontract goals included in the bid.

(3) A community college, area education agency, or school district shall establish a procurement goal from certified targeted small businesses, identified pursuant to section 15.108, subsection 6, paragraph *"d"*, of at least ten percent of the value of anticipated procurements of goods and services including construction, but not including utility services, each fiscal year.

d. Of the total value of anticipated procurements of goods and services under this subsection, an additional goal shall be established to procure at least forty percent from minority-owned businesses and forty percent from female-owned businesses and forty percent from service-disabled veteran-owned businesses, as defined in section 73.14, that are targeted small businesses.

86 Acts, ch 1245, §832; 88 Acts, ch 1273, §11; 90 Acts, ch 1156, §6; 94 Acts, ch 1076, §5; 2000 Acts, ch 1231, §35; 2007 Acts, ch 207, §10, 18; 2008 Acts, ch 1032, §164; 2009 Acts, ch 133, §19; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 90, §257; 2014 Acts, ch 1026, §143; 2015 Acts, ch 136, §37, 54, 55; 2017 Acts, ch 160, §10, 11; 2023 Acts, ch 19, §1737

Referred to in §8A.111, 8A.311, 11.26, 12E.12, 15.107B, 15.108, 73.22, 97B.7A, 262.34A
State board of regents' bid procedure, §262.34A

73.17 Targeted small business procurement goals — preliminary procedures.

1. Quarterly the director of each agency and department of state government shall review the agency's or department's anticipated purchasing requirements. The directors shall notify the director of the economic development authority of their anticipated purchases and

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recommended procurements with unit quantities and total costs for procurement contracts designated to satisfy the targeted small business procurement goal not later than August 15 of each fiscal year and quarterly thereafter. The directors may divide the procurements so designated into contract award units of economically feasible production runs to facilitate offers or bids from targeted small businesses. In designating procurements intended to satisfy the targeted small business procurement goal, the directors may vary the included procurements so that a variety of goods and services produced by different targeted small businesses may be procured each year. The director of the economic development authority, in conjunction with the director of the department of management, shall review the information submitted and may require modifications from the agencies and departments.

2. A community college or area education agency shall, on a quarterly basis, and a school district shall, on an annual basis, review the community college's, area education agency's, or school district's anticipated purchasing requirements. A community college, area education agency, or school district shall notify the department of education, which shall report to the economic development authority, of their anticipated purchases and recommended procurements with unit quantities and total costs for procurement contracts designated to satisfy the targeted small business procurement goal not later than August 15 of each fiscal year and quarterly thereafter, except that school districts shall report annually.

86 Acts, ch 1245, §833; 90 Acts, ch 1156, §7; 91 Acts, ch 267, §223; 2011 Acts, ch 118, §85, 89

Referred to in §8A.311, 11.26, 12E.12, 15.108, 97B.7A, 262.34A
Purchases by regents institutions, §262.34A

73.18 Notice of solicitation for bids — identification of targeted small businesses.

The director of each agency or department, the administrator of each area education agency, the president of each community college, and the superintendent of each school district releasing a solicitation for bids or request for proposal under the targeted small business procurement goal program shall consult a directory of certified targeted small businesses produced by the economic development authority that lists all certified targeted small businesses by category of goods or services provided prior to or upon release of the solicitation and shall send a copy of the request for proposal or solicitation to any appropriate targeted small business listed in the directory. The economic development authority may charge the department, agency, area education agency, community college, or school district a reasonable fee to cover the cost of producing, distributing, and updating the directory.

86 Acts, ch 1245, §834; 88 Acts, ch 1273, §12; 90 Acts, ch 1156, §8; 91 Acts, ch 267, §224; 92 Acts, ch 1244, §36; 2011 Acts, ch 118, §85, 89

Referred to in §8A.311, 11.26, 12E.12, 15.108, 97B.7A

73.19 Negotiated price or bid contract.

In awarding a contract under the targeted small business procurement goal program, a director of an agency or department, or community college, area education agency, or school district, having purchasing authority may use either a negotiated price or bid contract procedure. A director of an agency or department, or community college, area education agency, or school district, using a negotiated contract shall consider any targeted small business engaged in that business. The director of the economic development authority or the director of the department of management may assist in the negotiation of a contract price under this section. Surety bonds guaranteed by the United States small business administration are acceptable security for a construction award under this section.

86 Acts, ch 1245, §835; 90 Acts, ch 1156, §9; 91 Acts, ch 267, §225; 2011 Acts, ch 118, §85, 89

Referred to in §8A.311, 11.26, 12E.12, 15.108, 97B.7A

73.20 Determination of ability to perform.

Before announcing a contract award pursuant to the targeted small business procurement goal program, the purchasing authority shall evaluate whether the targeted small business scheduled to receive the award is able to perform the contract. This determination shall include consideration of production and financial capacity and technical competence. If the

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purchasing authority determines that the targeted small business may be unable to perform, the director of the economic development authority shall be notified.

86 Acts, ch 1245, §836; 90 Acts, ch 1156, §10; 2011 Acts, ch 118, §85, 89; 2013 Acts, ch 13, §8

Referred to in §8A.311, 11.26, 12E.12, 15.108, 97B.7A

73.21 Other procurement procedures.

All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters apply to procurement contracts for targeted small businesses to the extent there is no conflict. If this subchapter conflicts with other laws or rules, then this subchapter governs.

86 Acts, ch 1245, §837; 90 Acts, ch 1156, §11; 2014 Acts, ch 1026, §143

Referred to in §8A.311, 11.26, 12E.12, 15.108, 97B.7A

73.22 Reports.

1. By December 1 of each calendar year, the department of administrative services shall provide a written summary to the economic development authority of all activities undertaken by the department of administrative services to maximize the purposes of this subchapter during the immediately preceding fiscal year.

2. By December 1 of each calendar year, the economic development authority shall compile a list of the procurement goals established pursuant to section 73.16, subsection 2, for the prior fiscal year, and the performance of each agency or department of state government having purchasing authority in meeting the goals. The compilation shall be based upon the reports required to be filed under section 73.16, subsection 2.

3. By January 15 of each calendar year, the economic development authority shall submit to the governor and the general assembly a summary of all reports required under this section.

4. The director of the economic development authority, in cooperation with the department of administrative services and other state agencies shall do all of the following:

a. Publicize the targeted small business procurement goal program to targeted small businesses and to agencies of state government.

b. Identify targeted small businesses able to perform contracts under the program.

c. Encourage targeted small businesses to participate in the program.

2024 Acts, ch 1167, §13

Referred to in §15.108, 19B.7

CHAPTER 73A

PUBLIC CONTRACTS AND BONDS

Referred to in §8.5, 12.81, 12.87, 12.91, 12A.4, 12E.11, 16.177, 24.24, 161C.2, 346.27, 384.25, 384.83, 386.14, 390.3, 468.543, 468.545

This chapter not enacted as a part of this title; transferred from chapter 23 in Code 1993

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SUBCHAPTER II

RECIPROCAL RESIDENT BIDDER AND LABOR FORCE PREFERENCE

73A.21 Reciprocal resident bidder and resident labor force preference by state, its agencies, and political subdivisions — penalties. Transferred to §8A.311B; 2023 Acts, ch 19, §1459.

73A.22 through 73A.24 Reserved.

SUBCHAPTER III

FAIR AND OPEN COMPETITION

73A.25 Title.
73A.26 Purpose.
73A.27 Definitions.
73A.28 Public improvement contracts — prohibited terms and exemptions.

SUBCHAPTER I

GENERAL PROVISIONS

73A.1 Definitions.

As used in this subchapter:

1. *"Appeal board"* means the state appeal board, composed of the auditor of state, treasurer of state, and the director of the department of management.

2. *"Municipality"* means township or the state fair board.

3. *"Public improvement"* means a building or other construction work to be paid for in whole or in part by the use of funds of any municipality.

[C24, 27, 31, 35, 39, §**351;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §23.1; 81 Acts, ch 117, §1001]

83 Acts, ch 96, §157, 159; 85 Acts, ch 195, §5; 86 Acts, ch 1245, §311

C93, §73A.1

2005 Acts, ch 179, §148; 2006 Acts, ch 1017, §19, 42, 43; 2017 Acts, ch 65, §3, 9, 10

Referred to in §390.3, 669.2

State appeal board, §24.26

73A.2 Notice of hearing.

Before any municipality shall enter into any contract for any public improvement to cost in excess of the competitive bid threshold in section 26.3, or as established in section 314.1B, the governing body proposing to make the contract shall adopt proposed plans and specifications and proposed form of contract, fix a time and place for hearing at the municipality affected or other nearby convenient place, and give notice by publication in at least one newspaper of general circulation in the municipality at least ten days before the hearing.

[C24, 27, 31, 35, 39, §**352;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, S81, §23.2; 81 Acts, ch 28, §1]

C93, §73A.2

2006 Acts, ch 1017, §20, 42, 43

Referred to in §390.3, 427.1(22)(d), 427.16

73A.3 Objections — hearing — decision.

At such hearing, any person interested may appear and file objections to the proposed plans, specifications or contract for, or cost of such improvement. The governing body of the municipality proposing to enter into such contract shall hear said objections and any evidence for or against the same, and forthwith enter of record its decision thereon.

[C24, 27, 31, 35, 39, §**353;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.3]

C93, §73A.3

Referred to in §390.3

73A.4 Appeal.

1. Interested objectors in any municipality equal in number to one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but in no event less than twenty-five, may appeal from

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the decision to the appeal board by serving notice thereof on the clerk or secretary of such municipality within ten days after such decision is entered of record.

2. The notice shall be in writing and shall set forth the objections to such decision and the grounds for such objections; provided that at least three of the persons signing said notice shall have appeared at the hearing and made objection, either general or specific, to the adoption of the proposed plans, specifications or contract for, or cost of such improvement.

[C24, 27, 31, 35, 39, §**354;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.4]
C93, §73A.4
Referred to in §390.3

73A.5 Information certified to appeal board.

In case an appeal is taken, such body shall forthwith certify and submit to the appeal board for examination and review the following:

1. A copy of the plans and specifications for such improvement.
2. A copy of the proposed contract.
3. An estimate of the cost of such improvement.
4. A report of the kind and amount of security proposed to be given for the faithful performance of the contract and the cost of such security.
5. A copy of the objections, if any, which have been urged by any taxpayer against the proposed plans, specifications or contract, or the cost of such improvement.
6. A separate estimate of the architect's or engineer's fees and cost of supervision.
7. A statement of the taxable value of the property within the municipality proposing to make such improvement.
8. A statement of the several rates of levy of taxes in such municipality for each fund.
9. A detailed statement of the bonded and other indebtedness of such municipality.
10. In case of state institutions and state fair board, the last three requirements may be omitted.

[C24, 27, 31, 35, 39, §**355;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.5]
C93, §73A.5
Referred to in §390.3

73A.6 Notice of hearing on appeal.

1. The appeal board shall forthwith fix a time and place in the municipality or nearby convenient place for hearing said appeal, and notice of such hearing shall be given by certified mail to the executive officer of the municipality, and to the first five persons whose names appear upon the notice of appeal, at least ten days before the date fixed for such hearing.
2. The hearing on contracts for the state institutions and state fair board shall be at the seat of government.

[C24, 27, 31, 35, 39, §**356;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.6]
C93, §73A.6
Referred to in §390.3

73A.7 Hearing and decision.

1. At such hearing, the appellants and any other interested person may appear and be heard. The appeal board shall examine, with the aid of competent assistants, the entire record, and if it shall find that the form of contract is suitable for the improvement proposed, that the improvement and the method of providing for payment therefor is for the best interests of the municipality and the taxpayers therein, and that such improvements can be made within the estimates therefor, it shall approve the same. Otherwise, it may reject the same as a whole or, it shall recommend such modifications of the plans, specifications, or contract, as in its judgment shall be for the public benefit, and if such modifications are so made, it shall approve the same.
2. The appeal board shall certify its decision to the body proposing to enter into such contract unless it shall have rejected the same as a whole, whereupon the municipality shall

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advertise for bids and let the contract subject to the approval of the appeal board which shall at once render its final decision thereon and transmit the same to the municipality.

[C24, 27, 31, 35, 39, §**357;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.7]
C93, §73A.7
Referred to in §390.3

73A.8 Enforcement of performance.

After any contract for any public improvement has been completed and any five persons interested request it, the appeal board shall examine into the matter as to whether or not the contract has been performed in accordance with its terms, and if on such investigation it finds that said contract has not been so performed, and so reports to the body letting such contract, it shall at once institute proceedings on the contractor's bond for the purpose of compelling compliance with the contract in all of its provisions.

[C24, 27, 31, 35, 39, §**358;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.8]
C93, §73A.8
Referred to in §390.3

73A.9 Nonapproved contracts void.

If an appeal is taken, no contract for public improvements shall be valid unless the same is finally approved by the appeal board. In no case shall any municipality expend for any public improvement any sum in excess of five percent more than the contract price without the approval of the appeal board.

[C24, 27, 31, 35, 39, §**359;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.9]
C93, §73A.9
Referred to in §390.3

73A.10 Witness fees — costs.

Witness fees and mileage for witnesses on hearing appeals shall be the same as in the district court; but objectors or appellants shall not be allowed witness fees or mileage. Costs of hearings and appeals shall be paid by the municipality.

[C24, 27, 31, 35, 39, §**361;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.10]
C93, §73A.10
Referred to in §390.3
Witness fees, §622.69

73A.11 Report on completion.

Upon the completion of the improvement the executive officer or governing board of the municipality shall file with the appeal board a verified report showing:

1. The location and character of the improvement.
2. The total contract price for the completed improvement.
3. The total actual cost of the completed improvement.
4. By whom, if anyone, the construction was supervised.
5. By whom final inspection was made.
6. Whether or not the improvement complies with its contract, plans, and specifications.
7. Any failure of the contractor to comply with the plans and specifications.

[C24, 27, 31, 35, 39, §**362;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.11]
C93, §73A.11
Referred to in §390.3

73A.12 Issuance of bonds — notice.

Before any municipality shall institute proceedings for the issuance of any bonds or other evidence of indebtedness payable from taxation, excepting such bonds or other evidence of indebtedness as have been authorized by a vote of the people of such municipality, and except such bonds or obligations as it may be by law compelled to issue, a notice of such action, including a statement of the amount and purpose of said bonds or other evidence of indebtedness shall be published at least once in a newspaper of general circulation within

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such municipality at least ten days before the meeting at which it is proposed to issue such bonds.

[C24, 27, 31, 35, 39, §**363;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.12]
C93, §73A.12
Referred to in §12.28, 260C.67, 262.65, 262A.14, 263A.12, 357B.4, 419.13, 483A.51
Sixty percent vote required, §75.1

73A.13 Objections.

At any time before the date fixed for the issuance of such bonds or other evidence of indebtedness, interested objectors in any municipality equal in number to one percent of those voting for the office of president of the United States or governor, as the case may be, at the last general election in said municipality, but in no event less than twenty-five, may file a petition in the office of the clerk or secretary of the municipality setting forth their objections thereto.

[C24, 27, 31, 35, 39, §**364;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.13]
C93, §73A.13
Referred to in §357B.4, 419.13, 483A.51

73A.14 Notice of hearing.

Upon the filing of any such petition, the clerk or secretary of such municipality shall immediately certify a copy thereof, together with such other data as may be necessary in order to present the questions involved, to the appeal board, and upon receipt of such certificate, petition, and information, it shall fix a time and place for the hearing of such matter, which shall be not less than ten nor more than thirty days thereafter. Said hearing shall be held in the municipality in which it is proposed to issue such bonds or other evidence of indebtedness, or in some other nearby convenient place fixed by the appeal board. Notice of such hearing shall be given by certified mail to the executive officer of the municipality and to the five persons whose names first appear on the petition at least ten days before the date of such hearing.

[C24, 27, 31, 35, 39, §**365;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.14]
C93, §73A.14
Referred to in §357B.4, 419.13, 483A.51

73A.15 Decision.

1. The appeal board shall determine the matters involved in such appeal. Its decision shall be certified to the executive officer of the municipality affected. Judicial review of the action of the appeal board may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

2. In case there is no appeal, the board of the municipality affected may issue such bonds or other evidence of indebtedness, if legally authorized so to do, in accordance with the proposition published, but in no greater amount.

3. In case of an appeal, the municipality may issue such bonds or other evidence of indebtedness in accordance with the decision of the appeal board.

[C24, 27, 31, 35, 39, §**366;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.15]
C93, §73A.15
2003 Acts, ch 44, §114; 2017 Acts, ch 54, §76
Referred to in §357B.4, 419.13, 483A.51

73A.16 Bonds and taxes void.

Any bonds or other evidence of indebtedness issued contrary to the provisions of this subchapter, and any tax levied or attempted to be levied for the payment of any such bonds or interest thereon, shall be null and void.

[C24, 27, 31, 35, 39, §**367;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §23.16]
C93, §73A.16
2017 Acts, ch 65, §4, 9, 10
Referred to in §357B.4, 419.13, 483A.51

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73A.17 Unpaid revenue bonds — effect.

It shall be lawful for any municipality to issue revenue bonds, the principal and interest of which are to be paid solely from revenue derived from the operations of the project for which such bonds are issued, notwithstanding that there are other revenue bonds remaining unpaid which have not matured, provided payment of principal and interest of such other revenue bonds is not impaired thereby.

[C62, 66, 71, 73, 75, 77, 79, 81, §23.17]
C93, §73A.17

73A.18 When bids required — advertisement — deposit.

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 municipality shall advertise for bids on the proposed improvement by two publications in a newspaper published in the county in which the work is to be done. The first advertisement for bids shall be not less than fifteen days prior to the date set for receiving bids. The municipality shall let the work to the lowest responsible bidder submitting a sealed proposal. However, if in the judgment of the municipality bids received are not acceptable, all bids may be rejected and new bids requested. A bid shall be accompanied, in a separate envelope, by a deposit of money or a certified check or credit union certified share draft in an amount to be named in the advertisement for bids as security that the bidder will enter into a contract for the doing of the work. The municipality shall fix 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 checks, share drafts or deposits of money of the unsuccessful bidders shall be returned as soon as the successful bidder is determined, and the check, share draft or deposit of money of the successful bidder shall be returned upon execution of the contract documents.

[C62, 66, 71, 73, 75, 77, 79, 81, S81, §23.18; 81 Acts, ch 28, §2]
84 Acts, ch 1055, §3
C93, §73A.18
2006 Acts, ch 1017, §21, 42, 43
Referred to in §314.1, 314.1B, 346.27

73A.19 Sale of municipal bonds without hearing or contract.

Any other law to the contrary notwithstanding, any municipality may authorize, sell, issue and deliver its bonds without regard to whether or not notice and hearing on the plans, specifications and form of contract for the public improvement to be paid for in whole or in part from the proceeds of said bonds has theretofore been given, and without regard to whether or not any contract has theretofore been awarded for the construction of said improvement. The foregoing provision shall not apply to bonds which are payable solely from special assessment levied against benefited property.

[C66, 71, 73, 75, 77, 79, 81, §23.19]
C93, §73A.19

73A.20 Bid bonds.

Notwithstanding any other provisions of the Code, any contracting authority may authorize the use of bid bonds executed by corporations authorized to contract as surety in Iowa and on a form prescribed by the contracting authority, in lieu of certified or cashiers checks or any other form of security otherwise required of a bidder to accompany a bid on a public improvement project. The full amount of the bid bond shall be forfeited to the contracting authority in liquidation of damages sustained in the event that the bidder fails to execute the contract as provided in the specifications or by law in the same manner and amount as other forms of authorized security.

[C73, 75, 77, 79, 81, §23.20]
C93, §73A.20
Referred to in §468.35

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SUBCHAPTER II

RECIPROCAL RESIDENT BIDDER AND LABOR FORCE PREFERENCE

73A.21 Reciprocal resident bidder and resident labor force preference by state, its agencies, and political subdivisions — penalties. Transferred to §8A.311B; 2023 Acts, ch 19, §1459.

73A.22 through 73A.24 Reserved.

SUBCHAPTER III

FAIR AND OPEN COMPETITION

73A.25 Title.

This subchapter shall be known as the *"Fair and Open Competition in Governmental Construction Act"*.

2017 Acts, ch 65, §5, 9, 10

73A.26 Purpose.

The purpose of this subchapter is to provide for more economical, nondiscriminatory, neutral, and efficient procurement of construction-related goods and services by this state and political subdivisions of this state.

2017 Acts, ch 65, §6, 9, 10; 2017 Acts, ch 170, §32, 43

73A.27 Definitions.

As used in this subchapter, unless the context clearly indicates otherwise:

1. *"Governmental entity"* means the state, political subdivisions of the state, public school corporations, and all officers, boards, or commissions empowered by law to enter into contracts for the construction of public improvements.
2. *"Public improvement"* means any building or construction work which is constructed, repaired, remodeled, or demolished under the control of a governmental entity and is paid for in whole or in part with funds of the governmental entity, including a building or improvement constructed or operated jointly with any other public or private agency.

2017 Acts, ch 65, §7, 9, 10

73A.28 Public improvement contracts — prohibited terms and exemptions.

1. A governmental entity awarding a contract for the construction, repair, remodeling, or demolition of a public improvement and any construction manager acting on its behalf shall not, in any bid specifications, project agreements, or other controlling documents do any of the following:

a. Require a bidder, offeror, contractor, or subcontractor to enter into or adhere to an agreement with one or more labor organizations in regard to the public improvement or a related public improvement project.

b. Prohibit a bidder, offeror, contractor, or subcontractor from entering into or adhering to an agreement with one or more labor organizations in regard to the public improvement or a related public improvement project.

c. Discriminate against a bidder, offeror, contractor, or subcontractor for becoming or remaining or refusing to become or remain a signatory to, or for adhering or refusing to adhere to, an agreement with one or more labor organizations in regard to the public improvement or a related public improvement project.

2. A governmental entity shall not award a grant, tax abatement, or tax credit that is conditioned upon a requirement that the awardee include a term described in subsection 1 in a contract document for any construction, improvement, maintenance, or renovation to real property or fixtures that is the subject of the grant, tax abatement, or tax credit.

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3. This section shall not be construed to do any of the following:

a. Prohibit a governmental entity from awarding a contract, grant, tax abatement, or tax credit to a private owner, bidder, contractor, or subcontractor who enters into or who is party to an agreement with a labor organization, if being or becoming a party or adhering to an agreement with a labor organization is not a condition for award of the contract, grant, tax abatement, or tax credit, and if the governmental entity does not discriminate against a private owner, bidder, contractor, or subcontractor in the awarding of that contract, grant, tax abatement, or tax credit based upon the private owner's, bidder's, contractor's, or subcontractor's status as being or becoming, or the willingness or refusal to become, a party to an agreement with a labor organization.

b. Prohibit a contractor or subcontractor from voluntarily entering into or complying with an agreement entered into with one or more labor organizations in regard to a contract with a governmental entity or funded in whole or in part from a grant, tax abatement, or tax credit from the governmental entity.

c. Prohibit employers or other parties from entering into agreements or engaging in any other activity protected by the federal National Labor Relations Act, 29 U.S.C. §151 et seq.

d. Interfere with labor relations of parties that are not regulated under the federal National Labor Relations Act, 29 U.S.C. §151 et seq.

2017 Acts, ch 65, §8 – 10
Referred to in §26A.3

CHAPTER 74

PUBLIC OBLIGATIONS NOT PAID FOR WANT OF FUNDS

Referred to in §7D.8, 12.81, 12.87, 12.91, 12A.4, 12E.11, 16.177, 28E.41, 28E.42, 76.2, 273.3, 331.402, 331.477, 331.478, 331.554, 384.10

74.1 Applicability.
74.2 Endorsement and interest.
74.3 Record of obligations.
74.4 Assignment of obligation.
74.5 Call for payment.
74.6 Notice of call — termination of interest.
74.7 Endorsement of interest.
74.8 Designation of tax-exempt public warrants.
74.9 Payment in case of default by school.

74.1 Applicability.

1. This chapter applies to all warrants which are legally drawn on a public treasury, including the treasury of a city or county, and which, when presented for payment, are not paid for want of funds.

2. This chapter also applies when a municipality as defined in section 24.2, or a city or county determines that there are not or will not be sufficient funds on hand to pay the legal obligations of a fund. A municipality, city, or county may provide for the payment of such an obligation by drawing an anticipatory warrant payable to a bank or other business entity authorized by law to loan money in an amount legally available and believed to be sufficient to cover the anticipated deficiency. The duties imposed on the treasurer by this chapter may be assigned by a city council to another city officer.

3. The procedures of this chapter also apply to the issuance of anticipatory warrants by the state under section 7D.8.

4. This chapter also applies to anticipatory warrants, improvement certificates, anticipatory certificates or similar obligations payable from special assessments against benefited properties, or payable from charges, fees or other operating income from a publicly owned enterprise or utility.

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5. The procedures of this chapter also apply to the issuance of warrants or the issuance of anticipatory warrants of an area education agency established under chapter 273.

[C35, §1171-f1; C39, §**1171.11;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.1]

83 Acts, ch 90, §10; 83 Acts, ch 123, §48, 209; 84 Acts, ch 1010, §1

Referred to in §74.2, 74A.7, 331.554

74.2 Endorsement and interest.

1. If a warrant other than an anticipatory warrant is presented for payment, and is not paid for want of funds, or is only partially paid, the treasurer shall endorse the fact on the warrant, with the date of presentation, and sign the endorsement. After the date of presentation, the warrant or the balance due on the warrant shall bear interest at the rate specified in section 74A.2.

2. An anticipatory warrant issued under the authority of section 74.1, subsection 1, shall bear interest at a rate determined by the issuing governmental body, but not exceeding that permitted by chapter 74A.

[C51, §65, 153; R60, §86, 361; C73, §78, 328, 1748; C97, §104, 483, 660, 2768; S13, §104, 483; C24, 27, 31, §135, 4318, 5160, 5645, 7496; C35, §1171-f2; C39, §**1171.12;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.2]

2021 Acts, ch 80, §27

Referred to in §331.554

74.3 Record of obligations.

The treasurer shall keep a record of each interest-bearing obligation which shall show the number and amount, the date interest commences, the rate of interest, and the name and post office address of the holder of the obligation.

[C51, §66, 153; R60, §87, 361; C73, §79, 328; C97, §105, 483, 660; S13, §483; C24, 27, 31, §136, 5160, 5646, 7496; C35, §1171-f3; C39, §**1171.13;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.3]

Referred to in §74.4, 74.6, 74.7, 331.554

74.4 Assignment of obligation.

When a nonnegotiable interest-bearing obligation is assigned or transferred, the assignee or transferee shall notify the treasurer in writing of the assignment or transfer and of the post office address of the assignee or transferee. Upon receiving notification, the treasurer accordingly shall correct the record maintained under section 74.3 or 331.554, subsection 5, paragraph *"b"* as applicable.

[C24, 27, 31, §7497; C35, §1171-f4; C39, §**1171.14;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.4; 82 Acts, ch 1048, §2]

Referred to in §331.554

74.5 Call for payment.

When a fund contains sufficient money to pay one or more interest-bearing obligations which are outstanding against the fund, the treasurer shall call those obligations for payment. Obligations may be paid in the order of presentation. This section does not authorize a fixed-term obligation to be called at a date earlier than is provided by the conditions and terms upon which it was issued.

[C51, §66, 153; R60, §87, 361; C73, §79, 328; C97, §105, 484, 660; C24, 27, 31, §136, 5161, 5647, 7496; C35, §1171-f5; C39, §**1171.15;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.5]

Referred to in §74.6, 331.554

74.6 Notice of call — termination of interest.

1. The treasurer shall make a call for payment under section 74.5 by mailing to the holder of the obligation, as shown in the records maintained under section 74.3 or 331.554, subsection 5, paragraph *"b"* as applicable, a notice of call which describes the obligation by number and amount, and which specifies a date not more than ten days thereafter when interest ceases to accrue on the obligation. The treasurer shall enter the date of mailing of the notice in the records maintained under section 74.3 or 331.554, subsection 5, paragraph *"b"* as applicable.

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2. Interest on an interest-bearing obligation shall cease to accrue as of the date specified in the notice of call issued under subsection 1.

3. This section does not apply if the parties have otherwise agreed in writing.

[C51, §66, 153; R60, §87, 361; C73, §79, 328; C97, §105, 484, 660; C24, 27, 31, §136, 5161, 5647, 7496, 7498; C35, §1171-f6; C39, §**1171.16;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.6; 82 Acts, ch 1048, §3]

Referred to in §331.554

74.7 Endorsement of interest.

When an obligation which legally draws interest is paid, the treasurer shall endorse upon it the date of payment, and the amount of interest paid. The treasurer shall enter into the records maintained under section 74.3 or 331.554, subsection 5, paragraph *"b"* as applicable, the date of payment and the amount of interest paid.

[C51, §153; R60, §361; C73, §328; C97, §484, 660; C24, 27, 31, §5161, 5646, 5648, 7496; C35, §1171-f7; C39, §**1171.17;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §74.7; 82 Acts, ch 1048, §4]

Referred to in §331.554

74.8 Designation of tax-exempt public warrants.

Each public issuer of warrants may designate the warrants as tax-exempt public warrants if the issuer complies with the tax-exempt reporting requirements of the federal Internal Revenue Code.

87 Acts, ch 104, §1

74.9 Payment in case of default by school.

In the event a school corporation which has issued anticipatory warrants fails to pay principal or interest of its anticipatory warrants when due, upon certification by the trustee or the paying agent designated pursuant to section 76.10 to the director of the department of administrative services, the director of the department of administrative services shall withhold and directly apply, from any state appropriation to which the school corporation is entitled, so much as is certified to the trustee or the paying agent to the payment of the principal and interest on the anticipatory warrants of the school corporation then due. The obligation of the director of the department of administrative services to withhold and directly apply moneys from any state appropriation to which the school corporation is entitled does not create any moral or legal obligations of the state to pay, when due, the principal and interest on the anticipatory warrants of a school corporation. All appropriations for school corporations shall be subject to the provisions of this section.

89 Acts, ch 319, §37; 2003 Acts, ch 145, §286

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CHAPTER 74A

INTEREST RATES FOR PUBLIC OBLIGATIONS AND ASSESSMENTS

Referred to in §7D.8, 12.26, 12.28, 12.81, 12.87, 12.91, 12A.4, 12E.11, 16.177, 28A.18, 28F.8, 28F.9, 28J.21, 37.28, 74.2, 76.13, 145A.17, 161A.33, 161A.35, 257B.12, 260C.20, 260C.22, 296.1, 297.36, 298.22, 309.47, 311.16, 311.17, 311.28, 330A.9, 331.301, 331.402, 331.446, 331.463, 331.464, 346.27, 353.5, 353.6, 354.17, 357.20, 357A.11, 357B.4, 357C.10, 357D.11, 357E.11, 357F.11, 357G.11, 357I.12, 357J.16, 358.21, 358C.16, 364.4, 384.24A, 384.57, 384.60, 384.68, 384.83, 386.12, 394.1, 403.9, 403A.13, 418.14, 423B.9, 468.50, 468.52, 468.57, 468.70, 468.76, 468.163, 468.212, 468.341, 468.368, 468.549, 468.578

74A.1 Applicability.
74A.2 Unpaid warrants.
74A.3 Interest rates for public obligations.
74A.4 Maximum rates on special assessments.
74A.5 Repealed by 87 Acts, ch 104, §6.
74A.6 Rates established.
74A.7 School district warrants.
74A.8 Interest rate on issue date.

74A.1 Applicability.

1. Except as otherwise provided by law, this chapter establishes the interest rates which are applicable to all bonds, warrants, anticipatory warrants, pledge orders, improvement certificates, and anticipation certificates issued by a governmental body or agency under the laws of this state, and the interest rates which are applicable to assessments levied by a governmental body or agency under the laws of this state against benefited properties for the retirement of public debt.

2. This chapter does not authorize the issuance of a public obligation or the levying of an assessment, and does not create an obligation to pay interest, and does not determine when interest commences or ceases to accrue.

3. This chapter does not impose an interest rate or interest rate limitation where by law the rate of interest payable on an obligation is within the discretion of the governmental body or agency, unless that discretion is expressly made subject to the limitations contained in this chapter.

[C81, §74A.1]

74A.2 Unpaid warrants.

A warrant not paid upon presentation for want of funds bears interest on unpaid balances at the rate in effect at the time the warrant is first presented for payment, as established by rule pursuant to section 74A.6, subsection 2. This section does not apply to an obligation which by law bears interest from the time it is issued.

[C51, §65, 153; R60, §86, 361; C73, §78, 328, 1748, 1824; C97, §104, 483, 660, 2768; S13, §104, 483; C24, 27, 31, §135, 4318, 5160, 5645, 7496; C35, §1171-f2; C39, §**1171.12;** C46, 50, 54, 58, 62, 66, §74.2; C71, 73, 75, 77, 79, §74.2, 455.198; C81, §74A.2]

Referred to in §74.2, 74A.6, 273.3, 285.10

74A.3 Interest rates for public obligations.

1. Except as otherwise provided by law, the rates of interest on obligations issued by this state, or by a county, school district, city, special improvement district, or any other governmental body or agency are as follows:

a. General obligation bonds, warrants, or other evidences of indebtedness which are payable from general taxation or from the state's sinking fund for public deposits may bear interest at a rate to be set by the issuing governmental body or agency.

b. Revenue bonds, warrants, pledge orders or other obligations, the principal and interest of which are to be paid solely from the revenue derived from the operations of the publicly owned enterprise or utility for which the bonds or obligations are issued, may bear interest at a rate to be set by the issuing governmental body or agency.

c. Special assessment bonds, certificates, warrants or other obligations, the principal and interest of which are payable from special assessments levied against benefited property may bear interest at a rate to be set by the issuing governmental body or agency.

2. The interest rates authorized by this section to be set by the issuing governmental body or agency shall be set in each instance by the governing body which, in accordance with

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applicable provisions of law then in effect, authorizes the issuance of the bonds, warrants, pledge orders, certificates, obligations, or other evidences of indebtedness.

[C73, §289, 1821, 1822, 1843]

[C97, §403, 827, 843, 982, 987, 1953, 2812, 2847]

[S13, §170-a, 403, 409-f, 825, 1989-a26, -a27, 2812-e, 2820-d4]

[SS15, §1989-a12, 2812-e]

[C24, §287, 488, 4407, 4480, 4717, 5277, 5351, 6113, 6261, 6923, 7484, 7501, 7505, 7644, 7664]

[C27, §287, 488, 1090-b4, 4407, 4480, 4753-a9, 5277, 5351, 6113, 6261, 6923, 7484, 7501, 7505, 7644, 7664, 7714-b10]

[C31, §287, 488, 4407, 4480, 4644-c49, 4753-a9, 5277, 5351, 6113, 6249, 6261, 6610-c65, 6923, 7420-b4, 7484, 7501, 7505, 7590-c4, 7644, 7664, 7714-b10]

[C35, §287, 488, 4407, 4480, 4644-c49, 4753-a9, 5277, 5351, 6113, 6249, 6261, 6610-c65, 6923, 7420-b4, 7484, 7501, 7505, 7590-c4, 7644, 7664, 7714-b10, 7714-f10]

[C39, §**287, 488, 3142.14, 4407, 4480, 4644.47, 4753.09, 5277, 5351, 5570.4, 6113, 6249, 6261, 6610.71, 6923, 7420.28, 7484, 7501, 7505, 7590.4, 7644, 7664, 7714.10, 7714.37**]

[C46, §19.8, 37.6, 202.6, 298.22, 302.12, 309.47, 311.19, 346.3, 347.5, 357.20, 359.45, 396.10, 408.10, 417.68, 420.276, 454.20, 455.64, 455.79, 455.83, 455.175, 460.7, 461.14, 463.10, 464.9]

[C50, §19.8, 37.6, 202.6, 298.22, 302.12, 309.47, 311.28, 346.3, 347.5, 347A.2, 357.20, 359.45, 368.59, 391A.19, 391A.30, 396.10, 408.10, 417.68, 420.276, 454.20, 455.64, 455.175, 455.212, 460.7, 461.14, 463.10, 464.9]

[C54, §19.8, 37.6, 202.6, 298.22, 302.12, 309.47, 311.28, 330.7, 330.16, 346.3, 347.5, 347A.2, 357.20, 358.21, 359.45, 368.21, 391A.22, 391A.33, 396.10, 417.68, 420.276, 454.20, 455.64, 455.79, 455.83, 455.175, 455.212, 460.7, 461.14, 463.10, 464.9]

[C58, §19.8, 37.6, 202.6, 298.22, 302.12, 309.47, 311.28, 330.7, 330.16, 346.3, 347.5, 347A.2, 357.20, 357A.12, 358.21, 359.45, 368.21, 386B.10, 391A.22, 391A.33, 396.10, 403.9, 417.68, 420.276, 454.20, 455.64, 455.79, 455.83, 455.175, 455.212, 460.7, 461.14, 463.10, 464.9]

[C62, §19.8, 37.6, 111A.6, 202.6, 298.22, 302.12, 309.47, 311.28, 330.7, 330.16, 346.3, 347.5, 347A.7, 357.20, 357A.12, 358.21, 359.45, 368.21, 386B.10, 391A.22, 391A.33, 396.10, 403.9, 403A.13, 417.68, 420.276, 454.20, 455.64, 455.79, 455.83, 455.175, 455.212, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

[C66, §19.8, 37.6, 111A.6, 202.6, 296.1, 298.22, 302.12, 309.47, 309.73, 311.28, 330.7, 330.16, 346.3, 347.5, 347A.2, 347A.7, 357.20, 357A.12, 358.21, 359.45, 368.21, 368.66, 386B.10, 391A.22, 391A.33, 396.10, 403.9, 403A.13, 417.68, 420.276, 454.20, 455.64, 455.79, 455.83, 455.175, 455.212, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

[C71, §19.8, 28F.8, 37.6, 111A.6, 145A.17, 202.6, 296.1, 298.22, 302.12, 309.47, 309.73, 311.28, 330.7, 330.14, 330.16, 330A.9, 345.16, 346.3, 346.23, 346A.3, 347.5, 347A.2, 347A.7, 357.20, 357A.11, 357B.12, 357C.10, 358.21, 359.45, 368.21, 368.66, 386B.10, 391A.22, 391A.33, 394.13, 396.10, 403.9, 403A.13, 417.68, 420.276, 454.20, 455.64, 455.77, 455.79, 455.83, 455.175, 455.213, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

[C73, §19.8, 28F.8, 37.6, 111A.6, 145A.17, 202.6, 280A.22, 296.1, 298.22, 302.12, 309.47, 309.73, 311.28, 330.7, 330.14, 330.16, 330A.9, 345.16, 346.3, 346.23, 346A.3, 347.5, 347.27, 347A.2, 347A.7, 357.20, 357A.11, 357B.12, 357C.10, 358.21, 359.45, 368.21, 368.66, 386B.10, 391A.22, 391A.33, 394.13, 396.10, 403.9, 403A.13, 417.68, 420.276, 454.20, 455.64, 455.77, 455.79, 455.83, 455.175, 455.213, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

[C75, §19.8, 28F.8, 37.6, 111A.6, 145A.17, 202.6, 280A.22, 296.1, 298.22, 302.12, 309.47, 309.73, 311.28, 330.7, 330.14, 330.16, 330A.9, 332.44, 345.16, 346.3, 346.23, 346.26, 346.27, 346A.3, 347.5, 347.27, 347A.2, 347A.7, 357.20, 357A.11, 357B.12, 357C.10, 358.21, 359.45, 384.57, 384.60, 384.68, 384.83, 394.1, 403.9, 403A.13, 454.20, 455.64, 455.77, 455.79, 455.83, 455.175, 455.213, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

[C77, §19.8, 28F.8, 37.6, 75.12, 111A.6, 145A.17, 202.6, 280A.22, 296.1, 298.22, 302.12, 309.47, 309.73, 311.28, 330.7, 330.14, 330.16, 330A.9, 332.44, 345.16, 346.3, 346.23, 346.26, 346.27, 346A.3, 347.5, 347.27, 347A.2, 347A.7, 357.20, 357A.11, 357B.4, 357C.10, 358.21, 359.45, 384.57, 384.60, 384.68, 384.83, 386.12, 394.1, 403.9, 403A.13, 454.20, 455.64, 455.77, 455.79, 455.83, 455.175, 455.213, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

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[C79, §19.8, 28F.8, 37.6, 37.28, 75.12, 111A.6, 145A.17, 202.6, 280A.22, 296.1, 298.22, 302.12, 309.47, 309.73, 311.28, 330.7, 330.14, 330.16, 330A.9, 332.44, 345.16, 346.3, 346.23, 346.26, 346.27, 346A.3, 347.5, 347.27, 347A.2, 347A.7, 357.20, 357A.11, 357B.4, 357C.10, 358.21, 359.45, 384.57, 384.60, 384.68, 384.83, 386.12, 394.1, 403.9, 403A.13, 454.20, 455.64, 455.77, 455.79, 455.83, 455.175, 455.213, 460.7, 461.14, 463.10, 464.9, 467A.33, 467A.35]

[C81, §74A.3]

83 Acts, ch 90, §11; 2008 Acts, ch 1032, §165

Referred to in §74A.6, 273.3, 279.48

See construction by 80 Acts, ch 1025, §77

See 80 Acts, ch 1025, §78 for bonds sold on or after June 11, 1980, to finance an improvement

74A.4 Maximum rates on special assessments.

Except as otherwise provided by law, the rate of interest payable on unpaid balances of special assessments levied against benefited properties shall not exceed the maximum rate in effect at the time of adoption of the final assessment schedule, as established by rule pursuant to section 74A.6, subsection 2.

[C24, §47.10; C27, 31, 35, §4753-a3; C39, §**3142.13, 4753.03;** C46, §202.5, 311.13; C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, §202.5, 311.16, 311.17; C81, §74A.4]

Referred to in §74A.6

74A.5 Repealed by 87 Acts, ch 104, §6.

74A.6 Rates established.

1. The authority contained in this section shall be exercised by a committee composed of the treasurer of state, the superintendent of banking, the superintendent of credit unions, and the auditor of state or a designee.

2. The committee shall establish the maximum interest rate to be applicable to obligations referred to in section 74A.2, and this rate shall apply unless the parties agree to a lesser interest rate. The committee shall establish the maximum interest rate to be applicable to obligations referred to in section 74A.4.

3. The committee shall establish recommended interest rates, or formulae for determining recommended interest rates, to be applicable to obligations referred to in sections 74A.3 and 74A.7.

4. The committee from time to time shall establish one or more of the interest rates referred to in subsections 2 and 3 as may be necessary in the opinion of the committee to permit the orderly financing of governmental activities, and to minimize interest costs to governmental bodies while permitting a fair return to persons whose funds are used to finance governmental activities. The committee shall consider relevant indices of actual interest rates in the economy when establishing rates under this section, including but not necessarily limited to maximum lawful interest rates payable by depository financial institutions on customer deposits, interest rates payable on obligations issued by the United States government, and interest rates payable on obligations issued by governmental bodies other than those of this state.

5. An interest rate established by the committee under this section shall be in effect commencing on the eighth calendar day following the day the rate is established and until a new rate is established and takes effect. The committee shall give advisory notice of an interest rate established under this section. This notice may be given by publication in one or more newspapers, by publication in the Iowa administrative bulletin, by ordinary mail to persons directly affected by any other method determined by the committee, or by a combination of these. Actions of the committee under this section are exempt from chapter 17A.

6. The committee shall not establish interest rates for types or categories of obligations other than as specified in this section.

[C81, §74A.6; 81 Acts, ch 39, §1]

97 Acts, ch 33, §1

Referred to in §74A.2, 74A.4, 331.554

See §12C.6 for interest rates on public deposits

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74A.7 School district warrants.

1. The treasurer of a school district shall sell anticipatory warrants authorized by section 74.1, subsection 2 at a rate of interest to be determined by the board of the school district.

2. The treasurer may offer the warrants for public sale at par, by publishing notice of the sale for two consecutive weeks in a newspaper of general circulation in the jurisdiction of the school district issuing the warrants, giving not less than ten days' notice of the time and place of the sale. The notice shall include a statement of the amount of the warrants offered for sale.

3. Sealed bids may be received at any time up to the time all bids are opened. The treasurer shall sell the warrants to the bidder offering the lowest interest rate, provided that the treasurer may reject all bids and readvertise the sale of the warrants pursuant to the provisions of this section.

4. This section applies only to school districts whose anticipated receipts allocable to the current budget are at least equal to their legally approved budget for the current year.

[C71, 73, 75, 77, 79, §74.8; C81, §74A.7]

Referred to in §74A.6, 273.3

See construction by 80 Acts, ch 1025, §77

74A.8 Interest rate on issue date.

An interest rate limit, provision that no interest rate limit exists, or authorization to set interest rates, as provided by this chapter or any other law, applies to all bonds, warrants, pledge orders, certificates, obligations, or other evidences of indebtedness issued and delivered after the effective date of the provision, regardless of whether the bonds, warrants, pledge orders, certificates, obligations, or other evidences of indebtedness were authorized to be issued pursuant to election, public hearing, or otherwise before the effective date of the provision. This section operates both retroactively and prospectively.

83 Acts, ch 90, §12

CHAPTER 75

AUTHORIZATION AND SALE OF PUBLIC BONDS

Referred to in §12.26, 12.28, 12.81, 12.87, 12.91, 12A.4, 12E.11, 16.177, 28E.41, 28E.42, 145A.17, 260E.6, 262.57, 262A.5, 263A.3, 274.37, 279.48, 309.52, 313A.13, 331.301, 331.402, 331.444, 331.463, 346.27, 357H.8, 364.4, 384.24A, 384.27, 384.29, 384.68, 384.82, 386.14, 390.13, 394.2, 403.12, 423F.4, 483A.51

75.1	Bonds — election — vote required.	75.7	Penalty.
75.2	Notice of sale.	75.8	Sale of state bonds.
75.3	Sealed and open bids.	75.9	Exchange of bonds.
75.4	Rejection of bids.	75.10	Denominations of bonds.
75.5	Selling price.	75.11 and 75.12	Reserved.
75.6	Commission and expense.	75.13	Sale of bonds at private sale.
		75.14	Electronic bidding.

75.1 Bonds — election — vote required.

1. When a proposition to authorize an issuance of bonds by a county, township, school corporation, city, or by any local board or commission, is submitted to the electors, such proposition shall not be deemed carried or adopted, anything in the statutes to the contrary notwithstanding, unless the vote in favor of such authorization is equal to at least sixty percent of the total vote cast for and against said proposition at said election. All elections on such proposition shall be held on the date specified in section 39.2, subsection 4, paragraph *"d"*.

2. Ballots cast but not counted as a vote for or against the proposition shall not be used in computing the total vote cast for and against said proposition.

[C31, 35, §1171-d4; C39, §**1171.18;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.1]

2008 Acts, ch 1115, §29, 71; 2009 Acts, ch 133, §20; 2023 Acts, ch 71, §118, 119, 136

2023 amendments apply July 1, 2023, for elections on propositions relating to the issuing of bonds or other indebtedness occurring on or after that date; 2023 Acts, ch 71, §136

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75.2 Notice of sale.

When public bonds are offered for sale, the official in charge of the bond issue shall, by advertisement published at least once, the last one of which shall be not less than four nor more than twenty days before the sale in a newspaper located in the county or a county contiguous to the place of sale, give notice of the time and place of sale of the bonds, the amount to be offered for sale, and any further information which the official deems pertinent.

[C24, 27, 31, 35, 39, §**1172;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.2]

83 Acts, ch 90, §13; 87 Acts, ch 43, §1

75.3 Sealed and open bids.

Sealed bids may be received at any time prior to the calling for open bids, if open bids are provided for in the notice of sale. After the sealed bids are all filed, the official or officials shall call for open bids, if open bids are provided for in the notice of sale. After all of the open bids have been received the substance of the best open bid shall be noted in the minutes. If open bids are not permitted in the notice of sale, sealed bids may be received until it is announced that all sealed bids shall be opened. The official or officials shall then open any sealed bids that have been filed and they shall note in the minutes the substance of the best sealed bid.

[C24, 27, 31, 35, 39, §**1173;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.3]

83 Acts, ch 90, §14

75.4 Rejection of bids.

Any or all bids may be rejected, and the sale may be advertised anew, in the same manner, or the bonds or any portion thereof may thereafter be sold at private sale to any one or more of such bidders, or other persons, by popular subscription or otherwise. In case of private sales, the said bonds shall be sold upon terms not less favorable to the public than the most favorable bid made by a bona fide and responsible bidder at the last advertised sale.

[C24, 27, 31, 35, 39, §**1174;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.4]

75.5 Selling price.

All public bonds issued under this chapter may be sold at a price not less than ninety-eight percent of par, plus accrued interest from the date of the bonds to the date of delivery of the bonds.

[C24, 27, 31, 35, 39, §**1175;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.5]

83 Acts, ch 90, §15

75.6 Commission and expense.

No commission shall be paid, directly or indirectly, in connection with the sale of a public bond. No expense shall be contracted or paid in connection with such sale other than the expenses incurred in advertising such bonds for sale.

[C24, 27, 31, 35, 39, §**1176;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.6]

75.7 Penalty.

Any public officer who fails to perform any duty required by this chapter or who does any act prohibited by this chapter, where no other penalty is provided, shall be guilty of a simple misdemeanor.

[C24, 27, 31, 35, 39, §**1177;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.7]

75.8 Sale of state bonds.

All contracts for the sale of bonds issued by the state shall be subject to the approval of the executive council.

[C24, 27, 31, 35, 39, §**1178;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.8]

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75.9 Exchange of bonds.

This chapter does not prevent the exchange of bonds for legal indebtedness evidenced by bonds, warrants, judgments, or otherwise as provided by law. Bonds shall not be exchanged for notes issued pursuant to section 76.13 in anticipation of the issuance of bonds.

[C24, 27, 31, 35, 39, §**1179;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §75.9]

83 Acts, ch 90, §16

75.10 Denominations of bonds.

Notwithstanding any contrary provision in the Code, public bonds may be in one or more denominations as provided by the proceedings of the governing body authorizing their issuance.

[C66, 71, 73, 75, 77, 79, 81, §75.10]

83 Acts, ch 90, §17

75.11 and 75.12 Reserved.

75.13 Sale of bonds at private sale.

Any other provisions of this chapter or any other law to the contrary notwithstanding, if the principal amount of an issue of public revenue bonds is fifteen million dollars or greater, the official or governing body in charge of the bond sale may, if the official or governing body deems it advisable and in the best interests of the public, sell the bonds at private sale without the necessity of public advertisement or the taking of competitive bids and at a price above, at, or below par, plus accrued interest, as the official or governing body deems advisable and in the best interests of the public.

[81 Acts, ch 40, §1]

75.14 Electronic bidding.

Notwithstanding contrary provisions of this chapter, a public body authorized to issue bonds, notes, or other obligations may elect to receive bids to purchase such bonds, notes, or other obligations by means of electronic, internet or wireless communication; a proprietary bidding procedure or system; or by facsimile transmission to a location deemed appropriate by the governing body, in each instance as may be approved by the governing body and provided for in the notice of sale. An electronic bid shall be submitted in substantial conformity with the requirements of chapter 554D and any rules adopted pursuant to that chapter with respect to the acceptance of electronic records by a governmental agency. Additionally, before approving the use of an electronic bidding procedure, the public body shall find and determine that the specific procedure to be used will provide reasonable security and maintain the integrity of the competitive bidding process, and facilitate the delivery of bids by interested parties under the circumstances of the particular sale.

2000 Acts, ch 1189, §26

UNOFFICIAL VERSION: 2021 CODE RELEASE

CHAPTER 76

PROVISIONS RELATED TO PUBLIC BONDS AND DEBT OBLIGATIONS

Referred to in §12A.4, 145A.18, 260C.20, 296.1, 298.18, 331.447, 357E.11A, 384.32, 386.11, 394.1, 423A.7, 423B.9

76.1 Mandatory retirement.
76.2 Mandatory levy — obligations in anticipation of levy.
76.3 Tax limitations.
76.4 Permissive application of funds.
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76.1 Mandatory retirement.

1. Issues of bonds of every kind and character by counties, cities, and school corporations shall be consecutively numbered.

2. *a.* The annual levy shall be sufficient to pay the interest and approximately such portion of the principal of the bonds as will retire them in a period not exceeding twenty years from date of issue, except as provided in paragraph *"b"*.

b. General obligation bonds issued for any of the following purposes may mature and be retired in a period not exceeding thirty years from date of issue:

(1) Purposes specified in section 331.441, subsection 2, paragraph *"b"*, subparagraphs (18) and (19).

(2) Purposes specified in section 384.24, subsection 3, paragraphs *"w"* and *"x"*.

(3) Purposes specified in section 384.24, subsection 3, paragraph *"i"*, if the bonds are issued in conjunction with a project approved by the flood mitigation board under chapter 418 and if the estimated useful life of the project, independently determined by a licensed professional engineer, is at least two hundred percent of the maturity and retirement period for the bonds.

(4) Bonds issued to refund or refinance bonds issued for the purposes specified in subparagraph (1), (2), or (3).

3. Each issue of bonds shall be scheduled to mature in the same order as numbered.

[C27, 31, 35, §1179-b1; C39, §**1179.1;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.1]
2009 Acts, ch 100, §5, 21; 2019 Acts, ch 150, §1, 2; 2020 Acts, ch 1063, §39
Referred to in §76.2, 76.5

76.2 Mandatory levy — obligations in anticipation of levy.

1. *a.* The governing authority of a political subdivision specified in section 76.1, subsection 1, before issuing bonds shall, by resolution, provide for the assessment of an annual levy upon all the taxable property in the political subdivision sufficient to pay the interest and principal of the bonds within a period named not exceeding the applicable period of time specified in section 76.1. A certified copy of this resolution shall be filed with the county auditor or the auditors of the counties in which the political subdivision is located; and the filing shall make it a duty of the auditors to enter annually this levy for collection from the taxable property within the boundaries of the political subdivision until funds are realized to pay the bonds in full. The levy shall continue to be made against property that is severed from the political subdivision after the filing of the resolution until funds are realized to pay the bonds in full.

b. If the resolution is filed prior to April 1, or April 15 if the political subdivision is a county or a city, or May 1 if the political subdivision is a school district, the annual levy shall begin with the tax levy for collection commencing July 1 of that year. If the resolution is filed on or after April 1, or April 15 in the case of a county or a city, or May 1 in the case of a school

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district, the annual levy shall begin with the tax levy for collection in the next succeeding fiscal year. However, the governing authority of a political subdivision may adjust a levy of taxes made under this section for the purpose of adjusting the annual levies and collections for property severed from the political subdivision, subject to the approval of the director of the department of management.

2. If funds, including reserves and amounts available for temporary transfer, are found to be insufficient to pay in full any installment of principal or interest, a public issuer of bonds may anticipate the next levy of taxes pursuant to this section in the manner provided in chapter 74, whether the taxes so anticipated are to be collected in the same or a future fiscal year.

[C27, 31, 35, §1179-b2; C39, §**1179.2;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.2]

83 Acts, ch 188, §1; 85 Acts, ch 195, §7; 85 Acts, ch 240, §1; 88 Acts, ch 1134, §20; 93 Acts, ch 1, §2; 2009 Acts, ch 100, §6, 21; 2010 Acts, ch 1061, §10; 2019 Acts, ch 59, §33; 2019 Acts, ch 165, §4, 17

Referred to in §24.9, 76.5, 275.29, 275.31, 331.512, 358.40, 423A.7, 423B.9

76.3 Tax limitations.

Tax limitations in any law or proposition for the issuance of bonds or obligations, including any law or proposition for the issuance of bonds or obligations in anticipation of levies or collections of taxes or both, shall be based on the latest equalized actual valuation then existing and shall only restrict the amount of bonds or obligations which may be issued. For the sole purpose of computing the amount of bonds which may be issued as a result of the application of a tax limitation, all interest on the bonds or obligations in excess of that accruing in the first twelve months may be excluded from the first annual levy of taxes, so that the need for including more than one year's interest in the first annual levy of taxes to pay the bonds or obligations and interest does not operate to further restrict the amount of bonds or obligations which may be issued, and in certifying the annual levies to the county auditor or auditors the first annual levy of taxes shall be sufficient to pay all principal of and interest on the bonds or obligations becoming due prior to the next succeeding annual levy and the full amount of the first annual levy shall be entered for collection by the auditor or auditors, as provided in this chapter.

[C31, 35, §1179-c1; C39, §**1179.3;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.3]

83 Acts, ch 90, §7

Referred to in §76.5, 331.512, 423A.7, 423B.9

76.4 Permissive application of funds.

Whenever the governing authority of such political subdivision shall have on hand funds derived from any other source than taxation which may be appropriated to the payment either of interest or principal, or both principal and interest of such bonds, such funds may be so appropriated and used and the levy for the payment of the bonds correspondingly reduced. This section shall not restrict the authority of a political subdivision to apply sales and services tax receipts collected pursuant to chapter 423B for such purpose. Notwithstanding section 423F.3, a school district may apply tax receipts received pursuant to chapter 423F for the purposes of this section.

[C27, 31, 35, §1179-b3; C39, §**1179.4;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.4]

2001 Acts, ch 151, §1; 2008 Acts, ch 1134, §38

Referred to in §76.5

76.5 Application.

Sections 76.1 through 76.4 apply only to bonds or other obligations payable from taxation, other than bonds which are payable out of the primary road fund.

[C27, 31, 35, §1179-b4; C39, §**1179.5;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.5]

84 Acts, ch 1021, §1

76.6 Place of payment.

The principal and interest of all public bonds or obligations of a public corporation in this state are payable at the office of the treasurer or public official charged with the duty of

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making payment, unless the proceedings of the governing body authorizing the issuance of the public bonds or obligations provide that the public bonds or obligations and interest on the public bonds or obligations are payable at one or more banks or trust companies within or without the state of Iowa, or as otherwise provided by chapter 419, or by mail, wire transfer, or similar means.

[C35, §1179-f1; C39, §**1179.6;** C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.6]
83 Acts, ch 90, §8

76.7 Particular bonds affected — payment.

Counties, cities, and school corporations may at any time or times extend or renew any legal indebtedness or any part thereof they may have represented by bonds or certificates where such indebtedness is payable from a limited annual tax or from a voted annual tax, and may by resolution fund or refund the same and issue bonds therefor running not more than twenty years to be known as funding or refunding bonds, and make provision for the payment of the principal and interest thereof from the proceeds of an annual tax for the period covered by such bonds similar to the tax authorized by law or by the electors for the payment of the indebtedness so extended or renewed.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.7]
2024 Acts, ch 1043, §34
Referred to in §76.9

76.8 Laws applicable.

All laws relating to the issuance of funding or refunding bonds by counties, cities, and school corporations, as the case may be, not inconsistent with the provisions herein contained and to the extent the same may be applicable, shall govern the issuance of the funding and refunding bonds for the purpose herein authorized.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.8]
2024 Acts, ch 1043, §35
Referred to in §76.9

76.9 No limit of former power.

Sections 76.7 and 76.8 shall be construed as granting additional power without limiting the power already existing in counties, cities, and school corporations.

[C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §76.9]
2024 Acts, ch 1043, §36

76.10 Registration — immobilization — standards — tax — records.

Notwithstanding any other provision in the Code:

1. All public bonds or obligations issued before or after July 1, 1983, may be in registered form. An issuer of public bonds or obligations may designate for a term as agreed upon, one or more persons, corporations, partnerships, or other associations located within or without the state to serve as trustee, transfer agent, registrar, depository, or paying or other agent in connection with the public bonds or obligations and to carry out services and functions which are customary in such capacities or convenient or necessary to comply with the intent and provisions of this chapter.

2. An issuer of public bonds or obligations may provide for the immobilization of the bonds through the designation of a bond depository or through a book-entry system of registration.

3. Any designated trustee, transfer agent, registrar, depository, or paying or other agent may serve in multiple capacities with respect to an issue of public bonds or obligations.

4. Public bonds or obligations or certificates of ownership of the public bonds or obligations may be issued in any form or pursuant to any system necessary to be in compliance with standards issued from time to time by the municipal securities rulemaking board of the United States, the American national standards institute, any other securities industry standard, or the requirements of section 103 of the Internal Revenue Code.

5. Registration or immobilization of a public bond or obligation does not disqualify it as

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a lawful investment for depository institutions, trustees, public bodies, or other investors regulated by law.

6. An issuer of public bonds or obligations may provide for the payment of the costs of registration of its public bonds or obligations by the levy of additional taxes for the payment from the fund for the payment of the principal and interest of general obligation bonds or from any revenue source from which the principal and interest of the public bonds or obligations are payable.

7. *a.* Records and documents pertaining to cancellation, transfer, redemption, or replacement of public bonds or obligations shall be preserved by the issuer or its agent for a period of not less than eleven years. Thereafter, the records and documents may be destroyed by the issuer or its agent, preserving confidentiality as necessary.

b. An action with respect to the cancellation, transfer, redemption, or replacement of public bonds or obligations shall not be brought against an issuer, trustee, transfer agent, registrar, depository, paying agent, or other agent unless it is commenced within eleven years of the cancellation, transfer, redemption, or replacement of the bonds or obligations.

83 Acts, ch 90, §2; 84 Acts, ch 1021, §2; 93 Acts, ch 89, §1; 2023 Acts, ch 64, §14
Referred to in §22.7(17), 74.9, 76.11, 372.13, 390.17

76.11 Confidentiality of bond holders — exceptions.

Records of identity of owners of public bonds or obligations maintained as provided in section 76.10 or by the issuer of the bonds are confidential records entitled to protection under section 22.7, subsection 17. However, the issuer of the bonds or a state or federal agency may obtain information as necessary.

83 Acts, ch 90, §3

76.12 Reproduction and validity of signatures.

1. A provision requiring that public bonds or obligations or certificates of ownership of public bonds or obligations issued by a public entity be executed or signed by particular public officers permits the signatures to be affixed by printing or other mechanical means. However, each instrument shall bear at least one original and manual signature, which may be the signature of any officer designated by law to execute the instrument or the signature of a registrar or trustee authenticating the instrument.

2. Public bonds and obligations are valid and binding if they bear the signature of the officials in office on the date of execution of the bonds, notwithstanding that any or all of the persons whose signatures appear on the public bonds or obligations have ceased to hold the office before the delivery of the public bonds or obligations. Reprinted or reissued bonds are valid and binding if they bear facsimiles of the signatures of either the public officials who executed the original issue of the bonds or the officials in office at the time of execution of the reprinted or reissued bonds.

83 Acts, ch 90, §4

76.13 Interim financing.

1. A public body authorized to issue bonds may issue project notes in anticipation of the receipt of any of the following:

a. Proceeds from the issuance of public bonds or obligations previously authorized.

b. Proceeds to be received pursuant to law or agreement from any state or federal agency.

c. Income or revenues from sources to be received and expended for the project during the project construction or acquisition period.

d. Any combination of paragraphs "*a*" through "*c*".

2. Notes shall be issued in the form and manner provided in a resolution of the governing body of the issuer. The resolution may set forth and appropriate the moneys anticipated by the notes.

3. The resolution may provide that to the extent issued in anticipation of public bonds or obligations, notes shall be paid from the proceeds of the issuance of public bonds or obligations. To the extent issued in anticipation of bonds, note proceeds shall be expended only for the purposes for which the bond proceeds may be expended.

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4. Notes shall not be issued in anticipation of public bonds or obligations in an amount greater than the authorized amount of the public bonds or obligations and moneys appropriated for the same purposes.

5. *a.* Notes may be sold at public or private sale and bear interest at rates set by the governing body of the issuer at the time of their issuance notwithstanding chapter 74A.

b. The authority of a public body to issue project notes under this section is in addition to any other authority of the public body to issue other obligations as otherwise provided by law.

83 Acts, ch 90, §5
Referred to in §75.9

76.14 Definition.

As used in this chapter, unless the context otherwise requires, *"public bond or obligation"* means any obligation issued by or on behalf of the state, an agency of the state, or a political subdivision of the state.

83 Acts, ch 90, §6
Referred to in §390.9

76.15 Underwriters doing business in Iowa.

An underwriter employed to assist in the issuance of obligations by an authority, as defined in section 12.30, state board of regents, or other political subdivision, instrumentality, or agency of the state, shall meet the requirements for doing business in Iowa sufficient to be subject to tax under rules of the department of revenue.

86 Acts, ch 1245, §851; 2003 Acts, ch 145, §286

76.16 Debtor status prohibited.

A city, county, or other political subdivision of this state shall not be a debtor under chapter nine of the federal bankruptcy code, 11 U.S.C. §901 et seq., except as otherwise specifically provided in this chapter.

87 Acts, ch 104, §2; 92 Acts, ch 1002, §1, 3; 2005 Acts, ch 3, §20

76.16A Debtor status permitted — circumstances.

A city, county, or other political subdivision may become a debtor under chapter nine of the federal bankruptcy code, 11 U.S.C. §901 et seq., if it is rendered insolvent, as defined in 11 U.S.C. §101(32)(c), as a result of a debt involuntarily incurred. As used herein, *"debt"* means an obligation to pay money, other than pursuant to a valid and binding collective bargaining agreement or previously authorized bond issue, as to which the governing body of the city, county, or other political subdivision has made a specific finding set forth in a duly adopted resolution of each of the following:

1. That all or a portion of such obligation will not be paid from available insurance proceeds and must be paid from an increase in general tax levy.

2. That such increase in the general tax levy will result in a severe, adverse impact on the ability of the city, county, or political subdivision to exercise the powers granted to it under applicable law, including without limitation providing necessary services and promoting economic development.

3. That as a result of such obligation, the city, county, or other political subdivision is unable to pay its debts as they become due.

4. That the debt is not an obligation to pay money to a city, county, entity organized pursuant to chapter 28E, or other political subdivision.

92 Acts, ch 1185, §1; 2005 Acts, ch 3, §21

76.17 Powers of public issuers.

1. A public body authorized to issue bonds may elect to issue bonds bearing a variable or fluctuating rate of interest which is determined on one or more intervals by reference to an index or standard, or as fixed by an interest rate indexing or remarketing agent retained by the issuer of the bonds. A public issuer of public bonds may provide for additional security or liquidity, enter into agreements for, and expend funds for policies of insurance, letters

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of credit, lines of credit, or other forms of security issued by financial institutions for the payment of principal, premium, if any, and interest on the bonds. A public issuer of public bonds may also enter into contracts and pay for the services of underwriters, interest rate indexing agents, remarketing agents, trustees, financial consultants, depositories, and other services as determined by the governing body. In the case of general obligation bonds, fees for the services and costs of additional security and liquidity shall be considered incurred in lieu of interest and may be levied through the fund for payment of debt service on the bonds. Bonds issued under this section may be sold at public or private sale as determined by the governing body.

2. This section provides alternative and additional power for the issuance of bonds and is not an amendment to any other statute or a limitation upon powers under any other law.

3. A public issuer of public bonds may provide for the purchase of bonds before their maturity and the remarketing of purchased bonds without causing the redemption of the purchased bonds.

87 Acts, ch 104, §3
Referred to in §263A.4

76.18 Covenants authorized — tax exemption.

A public issuer of bonds or other debt obligations may covenant that the issuer will comply with requirements or limitations imposed by the Internal Revenue Code to preserve the tax exemption of interest payable on the bonds or obligations and may carry out and perform other covenants, including but not limited to, the payment of any amounts required to be paid by the issuer to the United States government.

87 Acts, ch 104, §4

CHAPTERS 77 to 79

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