

**8A.438 Tax-sheltered investment contracts.**

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

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

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

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

Referred to in [§260C.14, 273.3, 294.16](#)  
Subsection 1 amended