

34 b. Section 92.1B to section 92.1.

35 2. The Code editor shall correct internal references in the
1 Code and in any enacted legislation as necessary due to the
2 enactment of this section.

3 Sec. 2084. CONTINGENT EFFECTIVE DATE. The following takes
4 effect on the effective date of the rules adopted by the
5 department of revenue pursuant to chapter 17A implementing 2020
6 Iowa Acts, chapter 1064, other than transitional rules:

7 The section of this division of this Act amending 2020 Iowa
8 Acts, chapter 1064.

9

DIVISION IV

10

DEPARTMENT OF JUSTICE

11 Sec. 2085. Section 6B.18, subsection 3, Code 2023, is
12 amended to read as follows:

13 3. In case of condemnation proceedings instituted by the
14 state department of transportation, when the owner appeals from
15 the assessment made, such notice of appeal shall be served upon
16 the attorney general, ~~or the department general counsel to~~
17 ~~the state department of transportation,~~ or the chief highway
18 engineer for the department.

19 Sec. 2086. Section 8A.412, subsection 11, Code 2023, is
20 amended to read as follows:

21 11. Professional employees under the supervision of the
22 attorney general, the state public defender, the secretary
23 of state, the auditor of state, the treasurer of state, and
24 the public employment relations board. ~~However, employees of~~
25 ~~the consumer advocate division of the department of justice,~~
26 ~~other than the consumer advocate, and administrative law judges~~
27 ~~appointed or employed by the public employment relations board~~
28 ~~are subject to the merit system.~~

29 Sec. 2087. Section 13.2, subsection 1, paragraphs b and o,
30 Code 2023, are amended to read as follows:

31 b. Prosecute and defend in any other court or tribunal,
32 all actions and proceedings, civil or criminal, in which the
33 state may be a party or interested, when, in the attorney

34 general's judgment, the interest of the state requires such
35 action, or when requested to do so by the governor, executive
1 council, or general assembly. The attorney general may
2 prosecute a criminal proceeding on behalf of the state even if
3 a county attorney does not request the attorney general to act
4 as a county attorney in a proceeding under section 331.754,
5 subsection 7.

6 o. Submit a report by January 15 of each year to the
7 co-chairpersons and ranking members of the joint appropriations
8 subcommittee on the justice system, to the executive council,
9 and to the legislative services agency detailing ~~the amount of~~
10 ~~annual money receipts generated by each settlement or judgment~~
11 ~~in excess of two hundred fifty thousand dollars collected~~
12 ~~pursuant to legal proceedings under chapters 455B, 553, and 714~~
13 all money settlement awards and court money awards that were
14 awarded to the state of Iowa. The report shall ~~include the~~
15 ~~name of the civil or criminal case involved, the~~ specify the
16 parties to each settlement or court proceeding, any court of
17 jurisdiction, the settlement amount, the state's share of the
18 settlement amount, the name of the fund in which the receipts
19 were deposited, and the planned use of the moneys.

20 Sec. 2088. Section 13.4, Code 2023, is amended to read as
21 follows:

22 **13.4 Assistant and deputy attorneys general.**

23 The attorney general may appoint a ~~first assistant chief~~
24 deputy attorney general and such other deputy and assistant
25 attorneys general as may be authorized by law, who shall devote
26 their entire time to the duties of their positions. The deputy
27 and assistant attorneys general shall, subject to the direction
28 of the attorney general, have the same power and authority as
29 the attorney general.

30 Sec. 2089. Section 13.6, Code 2023, is amended by striking
31 the section and inserting in lieu thereof the following:

32 **13.6 Agency reimbursement for legal services.**

33 The attorney general may charge departments, agencies, and

34 other state governmental entities for the cost of performing
35 legal services for the department, agency, or governmental
1 entity. Upon request of the attorney general, a department
2 or agency shall provide and equip a suitable office for an
3 assistant attorney general or other staff providing legal
4 services exclusively for that department or agency.

5 Sec. 2090. Section 13.7, subsection 1, Code 2023, is amended
6 to read as follows:

7 1. ~~Compensation shall not be allowed to any person for~~
8 ~~services as an attorney or counselor to an executive department~~
9 ~~of the state government, or the head of an executive department~~
10 ~~of state government, or to a state board or commission A~~
11 department, agency, or other state governmental entity shall
12 not contract for legal services to be provided by a private
13 attorney unless authorized by the executive council under
14 this section or section 13.3. ~~However, the~~ The executive
15 council may authorize employment of legal assistance, at a
16 reasonable compensation, in a pending action or proceeding to
17 protect the interests of the state, but only upon a sufficient
18 showing, in writing, made by the attorney general, that the
19 department of justice cannot for reasons stated by the attorney
20 general perform the service. The reasons and action of the
21 executive council shall be entered upon its records. If the
22 attorney general determines that the department of justice
23 cannot perform legal service in an action or proceeding,
24 the executive council shall request the department involved
25 in the action or proceeding to recommend legal counsel to
26 represent the department. If the attorney general concurs with
27 the department that the person recommended is qualified and
28 suitable to represent the department, the person recommended
29 shall be employed. If the attorney general does not concur
30 in the recommendation, the department shall submit a new
31 recommendation. ~~This subsection does not affect the general~~
32 ~~counsel for the utilities board of the department of commerce,~~
33 ~~the legal counsel of the department of workforce development,~~

34 ~~or the general counsel for the property assessment appeal~~
35 ~~board.~~

1 Sec. 2091. Section 13.9, Code 2023, is amended to read as
2 follows:

3 **13.9 Salary.**

4 The salary of the attorney general shall be as fixed by
5 the general assembly, and the salaries of the ~~first assistant~~
6 chief deputy attorney general and other deputy and assistant
7 attorneys general shall be such as may be fixed by law.

8 Sec. 2092. Section 13.11, Code 2023, is amended by striking
9 the section and inserting in lieu thereof the following:

10 **13.11 Exclusive criminal jurisdiction over election crimes.**

11 Notwithstanding any provision of law to the contrary, the
12 attorney general shall have exclusive jurisdiction to prosecute
13 all criminal proceedings under chapter 39A.

14 Sec. 2093. Section 20.4, subsection 9, Code 2023, is amended
15 to read as follows:

16 9. Persons employed by the state department of justice,
17 ~~except nonsupervisory employees of the consumer advocate~~
18 ~~division who are employed primarily for the purpose of~~
19 ~~performing technical analysis of nonlegal issues.~~

20 Sec. 2094. Section 25.1, subsection 2, unnumbered paragraph
21 1, Code 2023, is amended to read as follows:

22 The state appeal board shall make a record of the receipt
23 of claims received from the director of the department of
24 management, notify the ~~special assistant~~ attorney general ~~for~~
25 ~~claims~~, and deliver a copy to the state official or agency
26 against whom the claim is made, if any.

27 Sec. 2095. Section 25.1, subsection 2, paragraph a, Code
28 2023, is amended to read as follows:

29 *a.* The official or agency shall report its recommendations
30 concerning the claim to the ~~special assistant~~ attorney general
31 ~~for claims~~ who, with a view to determining the merits and
32 legality of the claim, shall investigate the claim and report
33 the findings and conclusions of the investigation to the state

34 appeal board.

35 Sec. 2096. Section 25.2, subsection 1, unnumbered paragraph
1 1, Code 2023, is amended to read as follows:

2 The state appeal board with the recommendation of the
3 ~~special assistant~~ attorney general ~~for claims~~ may approve
4 or reject claims against the state of less than five years
5 involving the following:

6 Sec. 2097. Section 25.3, Code 2023, is amended to read as
7 follows:

8 **25.3 Filing with general assembly — testimony.**

9 On the second day after the convening of each regular
10 session of the general assembly, the state appeal board shall
11 file with the clerk of the house of representatives and the
12 secretary of the senate a list of all claims rejected by the
13 state appeal board together with a copy of the report made
14 to it by the ~~special assistant~~ attorney general ~~for claims~~
15 and its recommendation thereon for each claim, which report
16 and recommendation shall be delivered to the claims committee
17 of the house and senate. Any testimony taken by the ~~special~~
18 ~~assistant~~ attorney general ~~for claims~~ shall be preserved by the
19 state appeal board and made available to the claims committee
20 of the general assembly.

21 Sec. 2098. Section 25.4, Code 2023, is amended to read as
22 follows:

23 **25.4 ~~Assistant attorney~~ Attorney general — ~~salary~~.**

24 The attorney general shall ~~appoint a special assistant~~
25 ~~attorney general for claims who shall, under the direction of~~
26 ~~the attorney general,~~ investigate and report on all claims
27 between the state and other parties, which may be referred to
28 the state appeal board, and on any other claims or matters
29 which the state appeal board ~~or the attorney general may~~
30 ~~direct~~.

31 Sec. 2099. Section 25.5, Code 2023, is amended to read as
32 follows:

33 **25.5 Testimony — filing with board.**

34 The ~~special assistant~~ attorney general ~~for claims~~ shall
35 fully investigate each claim and the facts upon which same
1 is based and may take testimony in the form of affidavits or
2 otherwise, and in connection therewith shall ex officio be
3 empowered to administer oaths, to compel the attendance of
4 witnesses and certify to any district court for contempt. All
5 testimony, affidavits, and other papers in connection with
6 a claim, obtained by the ~~special assistant~~ attorney general
7 ~~for claims~~ in making an investigation shall be filed with the
8 report to the state appeal board.

9 Sec. 2100. Section 25.6, Code 2023, is amended to read as
10 follows:

11 **25.6 Claims by state against municipalities.**

12 The state appeal board may investigate and collect claims
13 which the state has against municipal or political corporations
14 in the state including counties, cities, townships, and school
15 corporations. The board shall refer any such claim to the
16 ~~special assistant~~ attorney general ~~for claims~~, when the claim
17 has not been promptly paid, and if the ~~special assistant~~
18 attorney general ~~for claims~~ is not able to collect the full
19 amount of the claim, the ~~special assistant~~ attorney general
20 shall fully investigate and report to the state appeal board
21 findings of fact and conclusions of law, together with any
22 recommendation as to the claim. Thereafter the state appeal
23 board may effect a compromise settlement with the debtor in an
24 amount and under terms as the board deems just and equitable
25 in view of the findings and conclusions reported to it. If
26 the state appeal board is unable to collect a claim in full
27 or effect what it has determined to be a fair compromise, it
28 shall deliver the claim to the attorney general for action
29 as the attorney general shall determine ~~and the special~~
30 ~~assistant attorney general for claims is specifically charged~~
31 ~~with carrying out the directions of the attorney general with~~
32 ~~reference to the claim.~~ When a claim is compromised by the
33 state appeal board, the board shall file with the department

34 of management and the department of administrative services a
35 statement as to the settlement, together with a true copy of
1 the agreement of settlement, and if in settlement an amount
2 less than the face amount is accepted in full, the proper
3 entries shall be made in the books of the department of
4 management, the department of administrative services, and the
5 auditor of state showing the amount of the claim, the amount of
6 the settlement, and the amount charged off.

7 Sec. 2101. Section 39A.6, subsection 4, Code 2023, is
8 amended to read as follows:

9 4. Upon issuing a technical infraction, the state
10 commissioner shall immediately inform the attorney general ~~and~~
11 ~~relevant county attorney~~ if the apparent violation constitutes
12 or may constitute election misconduct under [this chapter](#).

13 Sec. 2102. Section 39A.7, Code 2023, is amended to read as
14 follows:

15 **39A.7 Election misconduct — investigation.**

16 1. The attorney general ~~or county attorney~~ shall
17 investigate allegations of election misconduct reported to the
18 attorney general ~~or county attorney~~. Election misconduct by an
19 election official shall also be investigated for prosecution
20 under [chapter 721](#).

21 2. Upon the completion of an investigation required by this
22 section, the attorney general ~~or county attorney~~ shall submit
23 the results of the investigation to the state commissioner and
24 explain whether the attorney general ~~or county attorney~~ will
25 pursue charges.

26 Sec. 2103. Section 48A.41, subsection 2, Code 2023, is
27 amended to read as follows:

28 2. If in the course of an audit under [this section](#) the state
29 registrar of voters finds that a commissioner of registration
30 has failed to perform required voter list maintenance,
31 the state registrar of voters shall submit the audit to
32 the ~~relevant county attorney and~~ attorney general within
33 twenty-four hours for investigation of a violation of section

34 39A.3, subsection 1, paragraph "b", subparagraph (9), or other
35 provision of law.

1 Sec. 2104. Section 80.1, Code 2023, is amended to read as
2 follows:

3 **80.1 Department created.**

4 There is hereby created a department of the state government
5 which shall be known and designated as the department of public
6 safety, which shall consist of a commissioner of public safety
7 and of such officers and employees as may be required, ~~one of~~
8 ~~whom shall be an attorney admitted to practice law in this~~
9 ~~state. Such attorney shall be an assistant attorney general~~
10 ~~appointed by the attorney general who shall fix the assistant's~~
11 ~~salary. The department shall reimburse the attorney general~~
12 ~~for the salary and expense of such assistant attorney general~~
13 ~~and furnish the assistant a suitable office if requested by the~~
14 ~~attorney general.~~

15 Sec. 2105. Section 307.23, Code 2023, is amended to read as
16 follows:

17 **307.23 General Legal counsel.**

18 1. ~~The general counsel shall be a special assistant attorney~~
19 ~~general appointed by the attorney general who shall act as the~~
20 ~~attorney for the department. The general counsel shall have~~
21 ~~the following duties and responsibilities~~ It shall be the duty
22 of the attorney general to do all of the following:

23 *a.* Act as legal advisor to the department, commission, and
24 ~~the director.~~

25 *b.* Provide all legal services for the department.

26 2. The attorney general shall appoint ~~additional~~ assistant
27 ~~attorneys general as the director deems necessary to carry~~
28 ~~out the these duties assigned to the office of the general~~
29 ~~counsel. The salary of the general counsel shall be fixed by~~
30 ~~the director, subject to the approval of the attorney general.~~
31 ~~The director shall provide and furnish a suitable office for~~
32 ~~the general counsel upon request of the attorney general.~~

33 Sec. 2106. Section 327C.30, Code 2023, is amended to read

34 as follows:

35 **327C.30 Duty of department, ~~general counsel~~ attorney general,**
1 **and county attorney.**

2 When any proceeding has been instituted under sections
3 327C.28 and **327C.29**, the ~~department attorney general counsel~~
4 shall prosecute the same, and the county attorney of the
5 county in which such proceeding is pending shall render such
6 assistance as the ~~department attorney general counsel~~ may
7 require.

8 Sec. 2107. Section 331.756, subsection 49, Code 2023, is
9 amended to read as follows:

10 49. Assist, upon request, the ~~department of~~
11 ~~transportation's attorney general counsel~~ in the prosecution of
12 violations of common carrier laws and regulations as provided
13 in **section 327C.30**.

14 Sec. 2108. Section 475A.1, subsections 1 and 2, Code 2023,
15 are amended to read as follows:

16 1. *Appointment.* The attorney general shall appoint a
17 ~~competent attorney to the office of consumer advocate, who~~
18 shall serve at the pleasure of the attorney general, subject to
19 confirmation by the senate, no less frequently than once every
20 four years, in accordance with **section 2.32**. The consumer
21 advocate is the chief administrator of the consumer advocate
22 division of the department of justice. ~~The advocate's term of~~
23 ~~office is for four years. The term begins and ends in the same~~
24 ~~manner as set forth in **section 69.19**.~~

25 2. *Vacancy.* If a vacancy occurs in the office of consumer
26 advocate, the vacancy shall be filled ~~for the unexpired term in~~
27 the same manner as an original appointment under the procedures
28 of **section 2.32**.

29 Sec. 2109. Section 475A.1, subsection 5, Code 2023, is
30 amended by striking the subsection.

31 Sec. 2110. Section 475A.2, subsections 2 and 5, Code 2023,
32 are amended to read as follows:

33 2. ~~Act as attorney for and represent~~ Represent the interests

34 of all consumers generally and the public generally in all
35 proceedings before the utilities board.

1 ~~5. Act as attorney for and represent~~ Represent the
2 interests of all consumers generally and the public generally
3 in proceedings before federal and state agencies and related
4 judicial review proceedings and appeals, at the discretion of
5 the consumer advocate.

6 Sec. 2111. Section 475A.3, subsection 2, Code 2023, is
7 amended to read as follows:

8 2. *Employees.* ~~The consumer advocate~~ attorney general
9 may employ attorneys, legal assistants, secretaries, clerks,
10 and other employees ~~the consumer advocate finds~~ necessary
11 for the full and efficient discharge of the duties and
12 responsibilities of the ~~office~~ consumer advocate division. The
13 consumer advocate may employ consultants as expert witnesses
14 or technical advisors pursuant to contract as the consumer
15 advocate finds necessary for the full and efficient discharge
16 of the duties of the office. ~~Employees of the consumer~~
17 ~~advocate division, other than the consumer advocate, are~~
18 ~~subject to merit employment, except as provided in section~~
19 ~~8A.412.~~

20 Sec. 2112. REPEAL. Section 13.5, Code 2023, is repealed.

21 Sec. 2113. EFFECTIVE DATE. This division of this Act, being
22 deemed of immediate importance, takes effect upon enactment.

23 DIVISION V

24 ECONOMIC DEVELOPMENT AUTHORITY

25 CULTURAL AFFAIRS

26 Sec. 2114. Section 7E.5, subsection 1, paragraph g, Code
27 2023, is amended to read as follows:

28 *g.* The economic development authority, created in section
29 15.105, which has responsibility for ensuring that the
30 economic development policies of the state are effectively and
31 efficiently carried out, and for managing the state's interest
32 in the areas of the arts, history, and other cultural matters.

33 Sec. 2115. Section 7E.5, subsection 1, paragraph 1, Code