

HISTORICAL ANALYSIS IN IOWA STATUTORY CONSTRUCTION

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ABSTRACT

This Article provides an empirical analysis of Iowa Supreme Court decisions from 2014–2024 that employ legislative history and other types of historical consideration in interpreting Iowa statutes. It updates a prior analysis that considered the years 2004–2013 and finds that the Iowa Supreme Court continues to consider historical sources when interpreting ambiguous statutes and has cited several new types of legislative history sources it did not use in the original study period. The Article also identifies a current debate on these practices, with two sitting justices questioning the validity of consulting legislative history for statutory interpretation. The Article concludes with research recommendations to help readers understand Iowa statutes and an appendix providing all the citations to Iowa legislative history the study found.

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I. INTRODUCTION

Understanding law in the United States requires considering context. For instance, lawyers must analyze how legal principles apply to specific facts, examine different sources of law and determine how they interact, and read statutes as part of an overall scheme, rather than as isolated words. Sometimes the necessary context is historical. As the Iowa Supreme Court has observed, “In the law, as in life, in order to know where you are, you need to know where you have been.”¹

In 2015, the *Drake Law Review* published this Author’s empirical investigation of a decade of Iowa Supreme Court decisions utilizing historical analysis in the interpretation of Iowa statutes.² That study identified the frequency with which the court incorporated Iowa legislative history into its opinions and the sources cited.³ Primarily, the study strove to contribute very practical information to lawyers and others seeking to understand potentially ambiguous Iowa statutes.⁴ Assuming future judicial action would reflect past practices, the Article suggested researchers consult the sources the court utilized, particularly those cited most often.⁵

Yet, statutory interpretation practices can evolve over time. The original dataset spanned the years 2004 to 2013, meaning that even the latest year covered occurred over a decade ago.⁶ To assess whether anything has changed, the Author replicated the study to consider cases decided from 2014 to 2024.⁷ The primary goal remained the same: to guide researchers by identifying patterns in the court’s use of historical analysis, particularly legislative history.⁸ The study found the court continues to cite historical sources—at an even higher rate than the first study found.⁹ Moreover, the court continues to cite Iowa legislative history sources at very similar rates to the prior study and has cited four sources not used in the prior study: floor debates, committee reports, bill background statements, and lobbyist positions.¹⁰ However, as the court’s composition has changed, a few justices are questioning the validity of some of these practices.¹¹

1. *Freeman v. Grain Processing Corp.*, 848 N.W.2d 58, 65–66 (Iowa 2014) (analyzing the Clean Air Act by first reviewing the development of environmental law).

2. *See* Karen L. Wallace, *Does the Past Predict the Future?: An Empirical Analysis of Recent Iowa Supreme Court Use of Legislative History as a Window into Statutory Construction in Iowa*, 63 *DRAKE L. REV.* 239 (2015).

3. *Id.* at 242.

4. *See id.*

5. *See id.*

6. *Id.*

7. *See infra* Part II.B.

8. *See infra* Part III.

9. *See infra* Part III.

10. *See infra* Part III.

11. *See infra* Part IV.

The remainder of this Article consists of four Parts. Part II provides background information, including defining study terminology, explaining the methodology, and discussing some coding issues.¹² Part III presents the results of the study with a comparison to the prior study.¹³ Part IV discusses the implications of those results, including what the study reveals about the evolution of the court's judicial philosophy.¹⁴ It also provides tips for researching and understanding Iowa statutes.¹⁵ Finally, the Appendix provides citations to all cases identified in this study in which the court incorporated one or more Iowa legislative history sources into its analysis.¹⁶

II. BACKGROUND

To facilitate comparative analysis, the present study largely employed the same methodology and primarily utilized the same definitions as the prior study.¹⁷ The next Subparts recap that framework, noting any changes.

A. Definitions

These definitions substantively apply to both the original and current study, although the wording has been slightly altered from the original article to clarify concepts.¹⁸

Legislative history: A bill's history from drafting through enactment.

Quoting the treatise *Sutherland Statutory Construction* (Sutherland),¹⁹ the prior study noted that legislative history provides an extrinsic aid to statutory interpretation that can be divided into three parts: 1) preenactment history, which includes all relevant actions leading up to the introduction of the bill, 2) enactment history, which includes actions during the legislature's consideration of the bill, starting with its introduction and continuing through its enactment, and 3) postenactment history, which includes ways the statute changed after enactment, such as subsequent amendments to the code section.²⁰ Therefore, this study's definition includes a final part of the preenactment history (drafting) as well as all of the enactment history.²¹

12. See *infra* Part II.

13. See *infra* Part III.

14. See *infra* Part IV.

15. See *infra* Part IV.

16. See *infra* Part V.

17. See Wallace, *supra* note 2, at 244–45, 263–66.

18. See *id.* at 244–45 (providing definitions from the original study).

19. Also known as STATUTES AND STATUTORY CONSTRUCTION, the current authors are Shambie Singer and Norman J. Singer.

20. Wallace, *supra* note 2, at 245 (quoting 2A NORMAN J. SINGER & SHAMBIE SINGER, SUTHERLAND STATUTORY CONSTRUCTION § 48:1, at 548–50 (7th ed. 2014)).

21. See *id.*

As further discussed in Part IV, the current court has been increasingly utilizing the treatise *Reading Law* by Antonin Scalia and Bryan A. Garner (Scalia and Garner).²² That volume distinguishes between “legislative history[,]” defined as “[t]he proceedings leading to the enactment of a statute, including legislative hearings, committee reports, and floor debates”²³ and “statutory history[,]” defined as “[t]he enacted lineage of a statute, including prior laws, amendments, codifications, and repeals.”²⁴

Code history: Consideration of how the subject matter has appeared in the Code of Iowa over time, either before or after the enactment of the legislation under consideration.²⁵ As such, the term largely overlaps with the Scalia and Garner definition of “statutory history.”²⁶

Legislative response: When the court notes that, in apparent response to one of its opinions, the legislature passed a new law.²⁷

Legislative acquiescence: When the court notes the legislature apparently agreed with its analysis by not passing a new law in response to that opinion.²⁸

Contemporaneous circumstances: The historical context affecting the legislation, including then-current events and related statutes from other jurisdictions in force at the time Iowa wrote its law.²⁹

22. See *infra* Part IV; ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* (2012).

23. SCALIA & GARNER, *supra* note 22, at 432.

24. *Id.* at 440.

25. See, e.g., *State v. Miller*, 841 N.W.2d 583, 591–93 (Iowa 2014) (providing a particularly thorough review of the evolution of the matter in the code and noting, “[a] review of the historical development of a statute can often be helpful in revealing the meaning of the statute”).

26. See SCALIA & GARNER, *supra* note 22, at 440.

27. See, e.g., *Noll v. Iowa Dist. Ct.*, 919 N.W.2d 232, 236 (Iowa 2018) (“In response to our decision, the legislature amended section 321J.2.” (citing H.F. 2230, 79th Gen. Assemb., 2d Sess. (Iowa 2002))).

28. See, e.g., *Earley v. Bd. of Adjustment*, 955 N.W.2d 812, 819 (Iowa 2021) (“[W]e presume the legislature is aware of our cases that interpret its statutes. When many years pass following such a case without a legislative response, we assume the legislature has acquiesced in our interpretation.” (alteration in original) (quoting *Doe v. New London Cmty. Sch. Dist.*, 848 N.W.2d 347, 355 (Iowa 2014))). But see *State v. Lee*, 6 N.W.3d 703, 713 (Iowa 2024) (McDermott, J., dissenting) (“The notion implicit in legislative acquiescence—that we should expect a new legislative enactment each time the legislature has the slightest disagreement with one of our interpretations—is untethered from the real world.”).

29. See, e.g., *State v. Davis*, 922 N.W.2d 326, 333 (Iowa 2019) (noting that the statute being construed was adopted in 1959 when cell phones did not exist and, therefore, the statute had to have presumed phone calls would be made from a landline inside of a building); *United Suppliers, Inc. v. Hanson*, 876 N.W.2d 765, 778 (Iowa 2016) (identifying the legislative purpose of a statute based on the fact the “provision was part of a national trend in state legislatures to pass laws preventing shippers from transferring liability for their own negligence to carriers and vice versa”).

Contemporaneous commentary: Discussion of the statute written at the time of its enactment or implementation and authored outside of the General Assembly. Law review articles and legal treatises provide the most frequent source type, but this also includes some governmental works, such as the *Summaries of Legislation* produced by the Legislative Services Agency.³⁰

B. Methodology

This study identified cases decided between 2014 and 2024 where the Iowa Supreme Court interpreted an Iowa statute or court rule. As with the prior study, the Author constructed this dataset by conducting a series of Lexis and Westlaw searches³¹ and reviewing the results, first to remove duplicates and then to exclude cases outside the study limits, such as those that interpreted a federal, not an Iowa, statute. Continuing to follow the original study methodology, the dataset also excluded case discussion of the statute's constitutionality or the Iowa Code Chapter 17A determination of the deference to be given to an agency's interpretation of a statute.³² However, cases with these elements that also included other relevant statutory analysis remained in the dataset. After reviewing 472 unique cases, the final statutory interpretation dataset consisted of 364 cases.³³

30. See, e.g., *State v. Hoyman*, 863 N.W.2d 1, 15 (Iowa 2015) (citing Kermit L. Dunahoo, *The New Iowa Criminal Code*, 29 DRAKE L. REV. 237, 383 (1979-1980)); *State v. Iowa Dist. Ct.*, 843 N.W.2d 76, 83-84 (Iowa 2014) (citing LEGIS. SERVS. AGENCY, 2009 SUMMARY OF LEGISLATION, at i (2009), https://publications.iowa.gov/7426/1/2009_Summary_of_Legislation_-_whole_document.pdf [<https://perma.cc/MV8B-YMNF>] to discuss its description of the statute and conclude the summary does not provide “helpful interpretive guidance”).

31. A keyword and a topical search were run in each system. The final dataset was the compilation of all search results after removing any duplicate cases. The keyword search on Westlaw Precision (note the platform has since evolved to Westlaw Advantage) was run by first limiting the sources to be searched to “Iowa Supreme Court Cases,” entering “adv: legislat! /5 (inten! or history),” and filtering results with a date range limit of 01/01/2014 to 12/31/2024. In Lexis+, the search “legislat! /5 (inten! or history)” was run in the source “IA Supreme Court Cases from 1839.” A post-search filter limited the date from 01/01/2014 to 12/31/2024. For the topical searches in Lexis+, the topic Governments > Legislation > Interpretation was selected, then limited to the source “IA Supreme Court Cases from 1839,” and finally the same date limit applied. In Westlaw Precision, content was limited to “Iowa Supreme Court Cases,” and the search “adv: DI(361)” was run. (The 361 topic in the West KeyNumber system is Statutes.) The results were then limited to the identified date range. As with the original study, the keyword searches had more results, and it was confirmed that there were not related headnotes for all cases that interpreted a statute. Additional keyword searches in both databases identified Iowa cases in the relevant time frame that cited either the SCALIA & GARNER treatise, *supra* note 22, or the SUTHERLAND STATUTORY CONSTRUCTION treatise, *supra* note 20, a unique approach not taken in the first study. See Wallace, *supra* note 2, at 263-66.

32. See Wallace, *supra* note 2, at 263-66; see, e.g., *Loew v. Menard, Inc.*, 2 N.W.3d 880, 886 (Iowa 2024); *Lowe's Home Ctrs., LLC v. Iowa Dep't of Revenue*, 921 N.W.2d 38, 45 (Iowa 2018).

33. See *infra* Part II.B.2.

The author then examined the 364 cases in the statutory interpretation dataset to determine that 170 majority opinions significantly employed³⁴ one or more forms of the historical analysis defined above in Part A: legislative history, code history, legislative response or acquiescence, or contemporaneous circumstances or commentary.³⁵ Additional coding identified whether the opinion cited Iowa Code Section 4.6, a legislatively prescribed rule of statutory construction delineating seven specific considerations, including legislative history, that the court may employ when trying to determine legislative intent of an ambiguous statute.³⁶

As with the original study, the Author found that coding these cases presented multiple challenges.³⁷ Two issues in particular merit further discussion: terminology or citation errors and discerning significance.

1. Terminology or Citation Errors

As seen in Part II.A, the defined scope of the term “legislative history” can vary between sources.³⁸ Sutherland provides a more expansive definition than the ones used by Scalia and Garner or this study.³⁹ The court might not consistently use the term in the same way as the study, or indeed even from opinion to opinion. For instance, the court sometimes refers to consulting legislative history when it reviews what this study calls “code history” and Scalia and Garner call “statutory history.”⁴⁰

Semantic confusion can also be introduced in a few other ways. First, at times it can be unclear whether the court is using a word as a term of art or according to common meaning. For instance, the word “explanation” could reference the bill explanation that House and Senate rules require be appended to

34. See *infra* Part II.B.2 (providing more information on how the study defines a significant reference versus a passing reference).

35. See *supra* Part II.A.

36. IOWA CODE § 4.6 (2025). The seven delineated considerations are “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.” *Id.*

37. See Wallace, *supra* note 2, at 263–66.

38. See *supra* Part II.A.

39. See *supra* Part II.A.

40. See, e.g., *Den Hartog v. City of Waterloo*, 847 N.W.2d 459, 465 (Iowa 2014) (explaining the court is “guided by the legislative history” of a code section and noting how it has changed over the years); *Reg'l Util. Serv. Sys. v. City of Mount Union*, 874 N.W.2d 120, 125 (Iowa 2016) (exploring “[t]he legislative history” of the section by noting its language was “nearly identical” to the corresponding section as it originally appeared in the 1851 Code of Iowa).

most introduced legislation.⁴¹ Alternatively, it could have no special meaning but simply indicate anything that explains the meaning or purpose of legislation. One case muddles this distinction by citing the Legislative Services Agency’s annual *Summary of Legislation*, first describing it as “[t]he explanation accompanying the 2014 amendment”⁴² and then as “the accompanying bill explanation[.]”⁴³ The opinion cites the right source—the quoted text appears in the *Summary of Legislation*, not the bill explanation.⁴⁴ However, the opinion also suggests the explanation, or summary, provided by the *Summary of Legislation* is the same as the bill explanation, and it is not.⁴⁵

Second, a lack of shared, standardized terminology for different parts of a session law can lead to citation inconsistencies. While some parts have self-evident names, like chapter number, others do not, and there does not appear to be a publicly available source that provides these names.⁴⁶ Figure One, created after consulting the Iowa Code editor, who also oversees the publication of the Iowa Acts (the session laws),⁴⁷ gives names to each part of a session law. If the court begins using these terms, it will clarify the specific part of the act the opinion references, eliminating the kind of inconsistencies found in this study, such as the court sometimes using “preamble” to describe anything that appears before the provisions being enacted, and other times providing a more specific citation, such as the title.⁴⁸

41. See House Rule 27, H. Res. 5, 91st Gen. Assemb., 1st Sess. (Iowa 2025), available at <https://www.legis.iowa.gov/legislation/BillBook?ga=91&ba=HR%205> [<https://perma.cc/N5SW-7LKX>], reprinted in NINETY-FIRST GENERAL ASSEMBLY HOUSE RULES (2025), available at <https://www.legis.iowa.gov/docs/publications/HR/1521742.pdf> [<https://perma.cc/GQQ4-QHVQ>]; Senate Rule 29, S. Res. 6, 91st Gen. Assemb., 1st Sess. (Iowa 2025), available at <https://www.legis.iowa.gov/legislation/BillBook?ga=91&ba=SR%206> [<https://perma.cc/5546-U3MP>], reprinted in NINETY-FIRST GENERAL ASSEMBLY SENATE RULES (2025), available at <https://www.legis.iowa.gov/docs/publications/SR/1521711.pdf> [<https://perma.cc/9LX3-AWTT>].

42. *Xenia Rural Water Dist. v. City of Johnston*, 959 N.W.2d 113, 127 (Iowa 2021) (citing LEGIS. SERVS. AGENCY, 2014 SUMMARY OF LEGISLATION 141 (2014), <https://www.legis.iowa.gov/docs/publications/SOL/401833.pdf#HF2192> [<https://perma.cc/9F8U-4WJQ>]).

43. *Id.*

44. Contrast LEGIS. SERVS. AGENCY, 2014 SUMMARY OF LEGISLATION, *supra* note 42, at 141 (containing the quoted language), with H.F. 2192, 85th Gen. Assemb., 2d Sess., explanation (Iowa 2014) (not including the quoted language).

45. See *Xenia*, 959 N.W.2d at 127.

46. See IOWA CODE §2B.17(4)(b) (2025).

47. *Id.* § 2B.6(2)(a).

48. Compare *Fagen v. Grand View Univ.*, 861 N.W.2d 825, 833 n.1 (Iowa 2015) (quoting text from the Act title and citing as 1997 Iowa Acts ch. 197, preamble), with *Rilea v. Iowa Dep’t of Transp.*, 919 N.W.2d 380, 385 (Iowa 2018) (citing 1913 Iowa Acts ch. 122, title), and *id.* at 386 (referencing the Atitle and quoting from a whereas clause and citing as 1974 Iowa Acts ch. 1180, preamble).

Figure 1: Labeled Parts of an Iowa Session Law

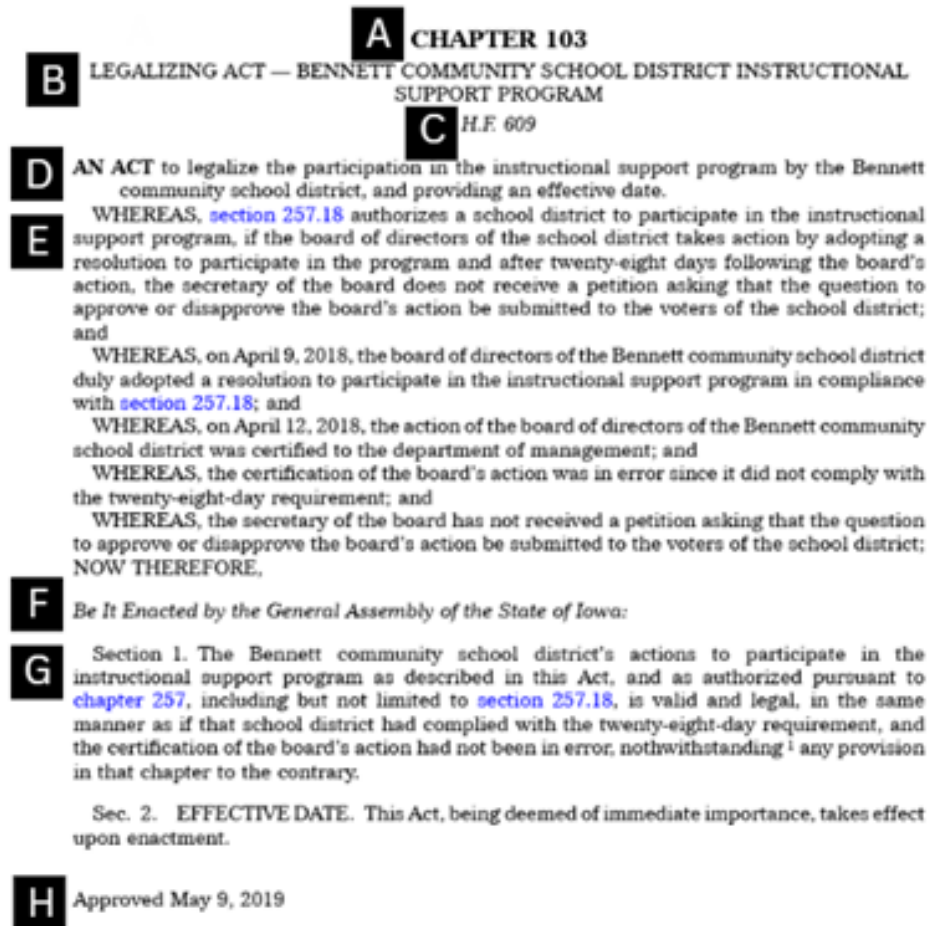


Figure Legend:

- A. Chapter number. A reference sequentially assigned within each session upon enactment of legislation. Together with the year of passage or the General Assembly number, the chapter number allows the user to identify the specific act.⁴⁹
- B. Acts chapter title. A brief topical description printed in all caps, assigned by the Iowa Code editor to “give the reader sufficient notice

49. The Act depicted in this figure can be found at 2019 Iowa Acts ch. 103.

of the Act's content while distinguishing the Act from [other Acts] dealing with similar subject matter.”⁵⁰

- C. Legislation reference. This provides the number for the legislation being enacted; it might be a joint resolution number, but often it will take the form of a bill and begin with H.F. for House File or S.F. for Senate File.⁵¹
- D. Bill/joint resolution title. Once the legislation becomes law, it is officially an act, but this title will originally appear in the legislation the General Assembly considered and passed.⁵²
- E. Preamble (or whereas clauses). These clauses begin with the word “Whereas,” and follow the bill title but precede the enacting clause. They are most often found in simple and concurrent resolutions but occasionally appear in bills, such as the one in this figure.⁵³
- F. Enacting clause. This precedes the text of the act and begins, “Be it enacted by”
- G. Act text. The provisions being enacted comprise the text of the act itself.
- H. Approval date. Typically, this represents the date the Governor signed the enrolled bill.⁵⁴

Finally, the court occasionally has discrepancies in its citations. For example, in one case, the court correctly noted that the provision in question and some related relevant provisions did not appear in the original bill but were added

50. Email from Michael Duster, Iowa Code Ed., Legis. Servs. Agency, to Author (Oct. 8, 2025, at 10:53 CT) [hereinafter Email from Michael Duster] (on file with the Drake Law Review).

51. See LEGAL SERVS. DIV., LEGIS. SERVS. AGENCY, LEGISLATIVE GUIDE: THE GENERAL ASSEMBLY 12, 15 (2024), <https://www.legis.iowa.gov/docs/publications/LG/1462693.pdf> [<https://perma.cc/5YG9-V99E>].

52. See Email from Michael Duster, *supra* note 50.

53. See, e.g., LEGIS. SERVS. AGENCY, IOWA BILL DRAFTING GUIDE AND STYLE MANUAL 111–12 (2017), <https://publications.iowa.gov/28290/1/2018%20Iowa%20Bill%20Drafting%20Guide.pdf> [<https://perma.cc/7F47-4JRD>] (including whereas clauses as part of the drafting examples provided for both simple and concurrent resolutions).

54. In rare circumstances, this differs. Acts might contain an approved date for legislation that does not require the Governor's signature. See, e.g., 2022 Iowa Acts ch. 1155. The approved date might indicate exception(s) noted and include an item veto letter. See, e.g., 2025 Iowa Acts ch. 157; 2006 Iowa Acts ch. 1176 (“Approved May 31, 2006, with exceptions noted.”). Finally, if the Governor's veto is overridden, rather than an approved date, the act will note that it passed on reconsideration. See, e.g., 2006 Iowa Acts ch. 1001.

through amendments.⁵⁵ However, this discussion included several problems.⁵⁶ First, it referenced the initial amendment cited as Amendment 5260, omitting the leading H before the amendment number.⁵⁷ Second, it cited a second amendment as passing when it was actually ruled out of order;⁵⁸ instead, a different amendment with very similar language was adopted.⁵⁹ Finally, the opinion only cites the amendments themselves for both the content of the amendment and the legislative action taken on them.⁶⁰ Citing the official legislative journals to document legislative action would likely have led to the correct citations, eliminating the confusion.⁶¹

These errors did not affect the study coding itself, as the court's analysis did rely upon amendments that passed, although not on both amendments cited.⁶² In contrast, in a few instances, unusual citation choices led the study not to count some cited sources. The guiding principle was to count sources cited for a particular purpose. So, for example, in one opinion, the court cited the bill explanation for a study bill, rather than the nearly identical bill explanation for the eventually enacted file.⁶³ In its analysis, the court relied on language that appeared in both explanations.⁶⁴ The study coded this citation as the use of the study bill explanation, but not also as a use of a prior bill version, saving that category for

55. *Abbas v. Iowa Ins. Div.*, 893 N.W.2d 879, 890 (Iowa 2017) (citing Amend. [H-]5260 to H.F. 2219, 71st Gen. Assemb., 2d Sess. (Iowa 1986); Amend. S-5462 to H.F. 2219, 71st Gen. Assemb., 2d Sess. (Iowa 1986)).

56. *See id.*

57. *See id.*

58. *Contrast id.* (indicating Amendment S-5462 passed), with JOURNAL OF THE SENATE, 71st Gen. Assemb., Reg. Sess. 1004 (Iowa 1986) (documenting that Amendment S-5462 was ruled out of order due to the adoption of Amendment S-5550).

59. *See* JOURNAL OF THE SENATE, *supra* note 58. *Compare* Amend. S-5462 to H.F. 2219, 71st Gen. Assemb., 2d Sess. (Iowa 1986) (adding new section 514B.34), with Amend. S-5550 to H.F. 2219, 71st Gen. Assemb., 2d Sess. (Iowa 1986) (also adding new section 514B.34 with identical language, save for the addition of the phrase "methods or organizations" at line 49).

60. *Abbas*, 893 N.W.2d at 890.

61. *See* JOURNAL OF THE SENATE, *supra* note 58.

62. *See Abbas*, 893 N.W.2d at 890.

63. *State v. Gross*, 935 N.W.2d 695, 703 (Iowa 2019) (quoting S. Study B. 95, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997)). *Compare* S. Study B. 95, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997) (containing the bill explanation of said study bill), with S.F. 184, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997) (containing all the language the court cites from the study bill explanation and adding the clause "plus any associated court fees or charges").

64. *See Gross*, 935 N.W.2d at 703. In fact, the "plus any associated court fees or charges" clause found in the explanation for the enacted bill but omitted from the study bill explanation also appeared in the fiscal note cited by the court in the same section of the opinion. *Id.* (quoting S.F. 184, 77th Gen. Assemb., 1st Sess., fiscal note (Iowa 1997)).

cases where the court was making an argument based on the evolution of the legislation during the legislative process.⁶⁵

2. Discerning “Significance”

Both studies tried to eliminate inessential citations to avoid inflated counts of the court’s use of historical sources.⁶⁶ In some instances, determining what rose to the level of significant use, and should therefore count, required close judgment calls. While this approach strengthens the study’s purpose of understanding the extent and use of different types of historical sources, the more amorphous coding practice detracts from study replicability, as reasonable minds could disagree on the significance of a particular citation. To the extent that coding inconsistencies might have occurred within either of the studies, as well as between the studies, having the same individual code all the cases hopefully minimizes these discrepancies.⁶⁷ The following guidelines helped direct decision-making:

- If an opinion mentioned that in a prior decision the court had considered the statute’s legislative history to determine its meaning but did not re-examine those sources in the current opinion, that information was not coded.
- If the court cited code history simply to note when Iowa adopted a particular provision, with no additional context or discussion, that did not count as a use of code section history. Note, however, that even after eliminating these passing citations, the court’s coded uses of code section history still ranged in depth. A single mention might count if the court also noted the purpose of the adoption. In other cases, the discussion of the code section history might span multiple paragraphs.

65. *See id.* In addition to the example presented above, another example of citations to legislative materials that were not separately coded occurred when the court cited a bill explanation (which the study did quote) and, in support of that citation, compared the introduced bill with the enacted law to conclude the language in question did not change. *See State v. Mathias*, 936 N.W.2d 222, 228 (Iowa 2019) (citing 1995 Iowa Acts ch. 191, § 53; H.F. 528, 76th Gen. Assemb., 1st Sess., § 47 (Iowa 1995)). In contrast, in a case where the court cited language from a study bill to show how the legislation changed through the legislative process, the study counted the use of the prior bill version despite the fact the court could (arguably more authoritatively) have cited the same language from the introduced version of the bill. *See United Elec., Radio & Mach. Workers of Am. v. Iowa Pub. Emp. Rels. Bd.*, 928 N.W.2d 101, 110 (Iowa 2019) (comparing H. Study B. 84, 87th Gen. Assemb., Reg. Sess. (Iowa 2017) (quoted language amending IOWA CODE § 20.9(3)) with the introduced version of H.F. 291, 87th Gen. Assemb., Reg. Sess. (Iowa 2017) (same language amending IOWA CODE § 20.9(3))).

66. *See Wallace*, *supra* note 2, at 265 (discussing the original coding approach to “significantly incorporated” statutory interpretations).

67. *See generally id.* (discussing the coding approach utilized).

- In tracing code history, the court often cites both the act and its codification.⁶⁸ Because this study defines the act as part of legislative history, counting each act citation in all contexts would have substantially increased the court's apparent use of legislative history sources. Instead, the author only counted citations to acts when they provided something more than could have been gained from citing the code section alone, such as when they explained the intent of the overall act or included non-codified text.

III. RESULTS

Figure Two presents an overview of the historical citations in both studies. In addition to the usage counts, the citation counts are also provided as a percentage of the total dataset, helping to account for differences between the two studies. (The current study covered 11 years and identified 364 cases in the statutory construction dataset; in contrast, the original study had a dataset of 374 cases from a 10-year period.)⁶⁹ The use of historical sources from the first to the second study increased by 9.8 percentage points. Citations to code history, contemporaneous circumstances or commentary, the model/uniform/federal law upon which the statute was based, and Iowa legislative history all showed an increase on a percentage-point basis. In contrast, citations to either a legislative response or legislative acquiescence both declined on a percentage-point basis. As Figure Two shows, most of these changes were quite modest.

68. *See, e.g.,* *Abbas v. Iowa Ins. Div.*, 893 N.W.2d 879, 894 (Iowa 2017) (Mansfield, J., concurring specially) (noting that 1986 Iowa Acts ch. 1180, § 2 is now codified at IOWA CODE § 509.3(1)(f) (2017)).

69. *See* Wallace, *supra* note 2, at 263–66.

Figure 2: Iowa Supreme Court Citation to Historical Sources

Total Number of Cases	2014–24	Percentage of Total 2014–24 Data set	2004–13	Percentage of Total 2004–13 Dataset	Percentage-Point Change (2014–24 compared to 2004–13)
In Statutory Analysis Dataset	364		374		
Using Historical Information ⁷⁰	170	46.7%	138	36.9%	9.80%
Citing Code History	138	37.9%	99	26.5%	11.4%
Noting a Legislative Response	12	3.3%	20	5.4%	-2.1%
Noting Legislative Acquiescence	15	4.1%	17	4.6%	-0.5%
Citing Contemporaneous Circumstances or Commentary ⁷¹	42	11.5%	27	7.2%	5.2%
Based on a model, uniform, or federal statute ⁷²	34	9.3%	31	8.3%	1.0%
Citing Iowa Legislative History ⁷³	52	14.3%	40	10.7%	3.6%

70. This subset of cases includes any type of historical analysis. The total cases using historical analysis is less than the sum of the specific types of historical analysis because some opinions cited more than one type of source.

71. The original study noted the following forms of contemporaneous circumstances/commentary: law review articles, LSA Summaries of Legislation, treatises, federal government reports, American Law Report annotations, other states' statutes in force at the time Iowa adopted provisions on the same subject, historical discussion in other cases, and historical events. *Id.* at 266–67. To compare, the Author used the same sources in the current study, although if designing the methodology from scratch, it would make more sense to include all forms of model legislation.

72. The original study expressed this subset of cases as “consider[ing] the legislative history of the statute on which the Iowa provision was modeled,” but it is more accurate to simply note the Iowa drafting process was influenced by model, uniform, or federal legislation without potentially implying the legislative history of those model sources was also consulted. *See id.* at 267.

73. *See infra* Part V.

Of the historical sources the court considered in both studies, most fell outside the bounds of “legislative history” as defined in this Article. Of the 170 cases citing historical sources in the new study, 52 incorporated one or more forms of Iowa legislative history.⁷⁴ As shown in Figure Two, this represents a 3.6-percentage-point increase over the prior study.

Figure Three presents additional data on the specific Iowa legislative history sources cited in both studies. In addition to the usage numbers, the table notes the percentage of cases in the statutory analysis dataset that cite to Iowa legislative history sources and the percentage-point change between studies, which was small.

74. See *infra* Part V.

Figure 3: Iowa Supreme Court Citation to Iowa Legislative History Sources,
Compared to Entire Dataset⁷⁵

Total Number of Cases Citing	2014–24	As % 2014–24 Dataset	2004–13	As % 2004–13 Dataset	Percentage-Point Change (2014–24 compared to 2004–13)
Iowa Legislative History	52	14.3%	40	10.7%	3.60%
Bill Explanations	18	5.0%	21	5.6%	-0.60%
Act Text (Substantively)	16	4.4%	12	3.2%	1.20%
Bill Titles, Citing Acts ⁷⁶	12	3.3%	5	1.3%	2.00%
Bill Amendments that Passed	5	1.4%	8	2.1%	-0.70%
Fiscal Notes	4	1.1%	4	1.1%	0.00%
Prior/Study Bills	4	1.1%	2	0.5%	0.60%
Bill Titles, Citing Bills	3	0.8%	1	0.3%	0.50%
Floor Debates	3	0.8%	0	0.0%	0.80%
Committee Report	2	0.6%	0	0.0%	0.60%
Drafter’s Comments	2	0.6%	2	0.5%	0.10%
Acts Chapter Title ⁷⁷	1	0.3%	1	0.3%	0.00%
Bill Amendments that Failed	1	0.3%	1	0.3%	0.00%
Bill Background Statements	1	0.3%	0	0.0%	0.30%
Lobbyist Positions	1	0.3%	0	0.0%	0.30%

Finally, Figure Four indicates which justice authored each of the majority opinions in the statutory analysis dataset and then shows the number and

75. Citations for “2014–24” can be found *infra* in the Appendix, and “2004–13” citations in Wallace, *supra* note 2, at 307–10.

76. To distinguish the titles associated with the Act, the original study called this the Act summary, echoing language employed by the court in *State v. Lathrop*, 781 N.W.2d 288, 295 (Iowa 2010). However, Michael Duster, the current code editor, clarified this subset should properly be referenced as the “bill title[.]” so the current study adopted that language. Email from Michael Duster, Iowa Code Ed., Legis. Servs. Agency, to author (Oct. 8, 2025, at 13:12 CT) (on file with the Drake Law Review).

77. The 2005 article called this subset of citations the “Act title” because the “Analysis by Chapters” section of the Iowa Acts lists the information under the heading “TITLE.” See Wallace, *supra* note 2, at 268; 2003 Iowa Acts xxv–xxix. This Article adopts the term the current Code editor suggests, shown *supra* in Figure 1. Email from Michael Duster, *supra* note 50.

percentage of the cases they authored that cited historical sources, followed by those that cited Iowa legislative history sources.

Figure 4: Iowa Supreme Court Citation to Historical Sources by Justice
(Current Members of the Court in Bold)

Justice (Years of Study on Court)	Opinions Authored				
	Total in Statutory Interp. Dataset	In Dataset Citing Historical Sources	Percentage in Dataset Citing Historical Sources	In Dataset Citing Leg. History Sources	Percentage in Dataset Citing Leg. History Sources
Cady (2014–19)	16	13	81.3%	3	18.8%
Wiggins (2014–20)	23	14	62.5%	5	20.8%
Hecht (2014–18)	23	12	52.2%	3	13.0%
Mansfield (2014–24)	71	37	52.1%	18	25.4%
Waterman (2014–24)	73	37	50.0%	11	14.9%
Appel (2014–22)	41	20	48.8%	3	7.3%
Oxley (2024)	17	7	41.2%	2	11.8%
McDonald (2019–24)	27	10	38.5%	2	7.7%
Christensen (2018–24)	23	8	33.3%	4	16.7%
Per Curiam	3	1	33.3%	0	0.0%
McDermott (2020–24)	17	4	23.5%	0	0.0%
Zager (2014–18)	18	4	26.3%	1	5.3%
May (2022–24)	9	1	11.1%	0	0.0%

IV. IMPLICATIONS AND RESEARCH RECOMMENDATIONS

This study demonstrates how the Iowa Supreme Court continues to employ a wide variety of techniques, including historical analysis, to understand the statute’s meaning.⁷⁸ From 2014 to 2024, the court used one or more forms of

78. *See supra* Part III.

historical analysis in 46.7 percent of the cases in the statutory interpretation dataset.⁷⁹ The most frequently cited type of historical analysis considered code history (how the subject matter has appeared in the Code of Iowa over time).⁸⁰

The court also continues to examine what this study calls “legislative history”—a bill’s history from drafting through enactment—citing Iowa legislative history sources in just over 14 percent of the cases in the current study, slightly up from the almost 11 percent citation rate found in the original study.⁸¹ Although this cannot be quantified based on the evidence in the opinions, in some additional cases, the court reviewed, but did not cite, legislative history sources.⁸²

The Iowa legislative history sources cited, shown in Figure 3, include 14 categories.⁸³ The study enumerates four sources of Iowa legislative history used between 2014 and 2024 that were not used at all in the 2004 to 2013 study: floor debates, committee reports, bill background statements, and lobbyist positions.⁸⁴ For floor debates, this use reflects an expansion of the legislative history record.⁸⁵ The scarcity of documented Iowa legislative history materials has been lamented;⁸⁶ in the past, the court acknowledged the lack of committee hearings and floor debates,⁸⁷ but the legislative site now maintains a video archive of House and Senate floor debates back to 2013.⁸⁸

Yet, the court does not often cite any single type of Iowa legislative history source; bill explanations remain the most frequently cited subset, represented in five percent of cases in the dataset.⁸⁹ Still, the utility of knowing what the court

79. *See supra* Part III.

80. *See supra* Part III.

81. *See supra* Part III.

82. *See, e.g.,* Young v. Iowa City Cmty. Sch. Dist., 934 N.W.2d 595, 604, 607 (Iowa 2019) (incorporating analysis of changes to the code sections but not citing legislative history, noting “[t]he parties have not provided, nor have we found, pertinent legislative history for the original statutory language”); Rhoades v. State, 880 N.W.2d 431, 448 n.20 (Iowa 2016) (“The parties have not presented us with any relevant analysis of the legislative history of the enactment of Iowa Code chapter 663A. Our independent review has yielded nothing of value on the narrow issue before us.”).

83. *See supra* Part III.

84. *See supra* Part III.

85. *See supra* Part III.

86. *See* Wallace, *supra* note 2, at 241 nn. 1–3 and accompanying text.

87. *See, e.g.,* Oyens Feed & Supply, Inc. v. Primebank, 808 N.W.2d 186, 188 (Iowa 2011) (citing a bill explanation and then noting that “[o]ther legislative history is sparse”).

88. Email from Emily Kramer, Senior Comput. Sys. Analyst, Legis. Servs. Agency, to author (Dec. 15, 2025, at 09:17 CT) (on file with the Drake Law Review). Senate video archives are accessible at *Senate Floor Action Video Archive*, IOWA LEGISLATURE, <https://www.legis.iowa.gov/chambers/video> [<https://perma.cc/U2C5-DMJ2>] and House video archives at *House Floor Action Video Archive*, IOWA LEGISLATURE, <https://www.legis.iowa.gov/chambers/video/archive?chamber=H> [<https://perma.cc/VKD5-F2M6>].

89. *See supra* Part III.

might cite rests less in frequency and more in possibility. If the statute's language could reasonably be interpreted multiple ways, how can the meaning be fairly assessed? The court acknowledges that properly reading a statute can be a challenging endeavor: "Statutory interpretation is not like proving math theorems, and it is sometimes difficult to come up with a neat answer that is intellectually satisfying."⁹⁰ Having a robust toolkit for analyzing statutes might help provide evidence of the intended meaning of an ambiguous statute. These tools, of course, start with a careful reading of the words of the statute,⁹¹ but also include canons of construction, such as those explaining a statute must be read in context,⁹² and, when necessary, the use of extrinsic aids.⁹³ However, although the court has cited a variety of sources when grappling with the meaning of unclear statutes, this openness has limits. For instance, the court has stated it may consider affidavits from legislators or former legislators to understand "the factual background of legislation . . . [but not] legislative intent."⁹⁴

More recently, some members of the court have signaled potential changes in judicial philosophy of statutory interpretation that could undercut some of the past practices demonstrated in these studies.⁹⁵ In May 2020, the court engaged in some interesting statutory interpretation dialogue between the majority opinion and special concurrence in *Doe v. State*.⁹⁶ The majority opinion, authored by Justice McDonald, presents familiar principles of statutory interpretation but emphasizes a textualist approach:

Turning to the merits of the case, in questions of statutory interpretation, "[w]e do not inquire what the legislature meant; we ask only what the statute means." Oliver Wendell Holmes, *The Theory of Legal Interpretation*, 12 Harv. L. Rev. 417, 419 (1899). This is necessarily a textual inquiry as only the text of a piece of legislation is enacted into law.⁹⁷

The court continues, "Using traditional interpretive tools, we seek to determine the ordinary and fair meaning of the statutory language at issue."⁹⁸ The opinion then quotes the Scalia and Garner definition of the "'fair reading method'" as "determining the application of a governing text to given facts on the basis of

90. *Schmett v. State Objections Panel*, 973 N.W.2d 300, 304 (Iowa 2022) (per curiam).

91. *See, e.g., Blue Grass Sav. Bank v. Cmty. Bank & Tr. Co.*, 941 N.W.2d 20, 24 (Iowa 2020) ("In any question of statutory interpretation, we begin with the words of the statute. 'If the language is unambiguous, our inquiry stops there.'" (internal citation omitted) (quoting *State v. Gross*, 935 N.W.2d 695, 703 (Iowa 2019))).

92. *See, e.g., In re Estate of Gantner*, 893 N.W.2d 896, 902 (Iowa 2017) (noting the court will "read statutes as a whole[,] and "read related statutes together and attempt to harmonize them" (citations omitted)).

93. *See* IOWA CODE § 4.6 (2025).

94. *Rhoades v. State*, 880 N.W.2d 431, 447 (Iowa 2016).

95. *See, e.g., Doe v. State*, 943 N.W.2d 608, 610, 615 (Iowa 2020).

96. *See id.*

97. *Id.* at 610 (alteration in original).

98. *Id.*

how a reasonable reader, fully competent in the language, would have understood the text at the time it was issued[.]”⁹⁹ The rules conclude with the importance of reading the statute in context, considering “other provisions of the same statute and other provisions of related statutes[.]”¹⁰⁰ and in whole,¹⁰¹ as well as halting the inquiry if the text plainly conveys the statute’s meaning, using other statutory construction tools only if the statute is ambiguous.¹⁰² In *Doe*, the court bases its interpretation on “the ordinary and fair meaning of the text[.]”¹⁰³ noting the alignment between “the statute’s purpose as expressed in the text of the statute”¹⁰⁴ and prior case law.¹⁰⁵

Specially concurring, Justice Appel agrees with the majority’s interpretation, but questions its framework:

In reaching this result, I do not endorse any sweeping methodological statements about textualism as the proper approach to statutory interpretation. I fully agree that the starting point of analysis of any statute is the language. . . . But textual analysis is often not the be-all and end-all of statutory interpretation and is merely the starting point.¹⁰⁶

After noting multiple critiques of “relying solely on textual analysis, or so called ‘plain meaning,’”¹⁰⁷ he observes, “Because of the challenges of statutory interpretation, we have a long history of looking to legislative history and statutory purposes as so-called ‘extrinsic aids’ in determining the proper approach to statutory interpretation.”¹⁰⁸ Putting an even finer point on it, he writes, “To the extent the majority opinion’s dicta implies that extrinsic aids should not be used to divine legislative purpose or are disfavored, it is sailing dead against Iowa Code section 4.6 and the established recent practice in this court.”¹⁰⁹ He concludes that the challenges of statutory interpretation demand that judges utilize “the full panoply of intrinsic and extrinsic tools available to us[.]”¹¹⁰

99. *Id.* (quoting SCALIA & GARNER, *supra* note 22, at 33).

100. *Id.*

101. *Id.*

102. *Id.* (citing *Voss v. State (In re Estate of Voss)*, 553 N.W.2d 878, 880 (Iowa 1996); *State v. Richardson*, 890 N.W.2d 609, 616 (Iowa 2017); *State v. Doe*, 903 N.W.2d 347, 351 (Iowa 2017)).

103. *Id.* at 614.

104. *Id.*

105. *Id.*

106. *Id.* at 615 (Appel, J., concurring specially).

107. *Id.*

108. *Id.* at 615–16.

109. *Id.* at 616.

110. *Id.*

Questions about the court’s statutory construction practices have intensified with changes to the court’s composition.¹¹¹ Three post-*Doe* minority opinions strenuously object to any use of legislative history.¹¹² First, Justice McDermott issued two heavily overlapping special concurrences in *State v. Davison* (2022) and *Hummel v. Smith* (2023), warning in both that “[p]roper constraints on judicial decision-making that derive from the text—constraints consistent with, if not critical to, the nature of our democratic system—come undone when we resort to legislative history as an interpretive tool.”¹¹³ Justice May, appointed to the court post-*Davison* to fill the seat vacated by Justice Appel’s retirement¹¹⁴ joined the *Hummel* concurrence.¹¹⁵ In between these two opinions, Justice May authored another minority opinion, joined by Justice McDermott and quoting from the *Davison* special concurrence, expressing “worry that focusing on legislative history can easily ‘divert[] us’ from our duty to give ‘effect to the text that lawmakers have adopted and that the people are entitled to rely on.’”¹¹⁶

As has been noted, language describing legislative history can be slippery. These critiques of legislative history appear particularly concerned that judges avoid treating legislators’ statements during the legislative process as evidence of the meaning of the law.¹¹⁷ They note legislators might make such statements “to stack the deck with suitable ‘legislative history’” to influence the judiciary in later interpretations of the law.¹¹⁸ This criticism has something of a federal slant, where

111. See Matthew A. McGuire, Spencer S. Cady & Chris Slack, *A Statistical Review of the 2023-2024 Iowa Supreme Court Term: The Court Finds a New Equilibrium*, THE IOWA LAW., Aug. 2024, at 16, 16 (describing how five of seven current justices joined the court between 2018 and 2022, producing a markedly reconstituted bench whose composition has reshaped the court’s decisional patterns); cf. Abbe R. Gluck, *When Rules of Statutory Interpretation Change Midstream*, SCOTUSBLOG (Dec. 9, 2025), <https://www.scotusblog.com/2025/12/when-rules-of-statutory-interpretation-change-midstream/> [<https://perma.cc/6WEB-HB8R>] (noting that shifts in a court’s interpretive methodology can significantly alter statutory-construction doctrine).

112. See *State v. Davison*, 973 N.W.2d 276, 293 (Iowa 2022) (McDermott, J., concurring specially); *Hummel v. Smith*, 999 N.W.2d 301, 310 (Iowa 2023) (McDermott, J., concurring specially); *Estate of Butterfield v. Chautauqua Guest Home, Inc.*, 987 N.W.2d 834, 847 (Iowa 2023) (May, J., concurring in part and dissenting in part).

113. *Davison*, 973 N.W.2d at 293 (McDermott, J., concurring specially); *Hummel*, 999 N.W.2d at 310 (McDermott, J., concurring specially).

114. Press Release, Iowa Governor, Gov. Reynolds Appoints David May to the Supreme Court (July 27, 2022), <https://governor.iowa.gov/press-release/2022-07-27/gov-reynolds-appoints-david-may-supreme-court> [<https://perma.cc/LB66-MBFL>].

115. *Hummel*, 999 N.W.2d at 309–11.

116. *Butterfield*, 987 N.W.2d at 847 (May, J., concurring in part and dissenting in part) (alteration in original) (quoting *Davison*, 973 N.W.2d at 293 (McDermott, J., concurring specially)).

117. See *id.*

118. *Davison*, 973 N.W.2d at 293 (McDermott, J., concurring specially).

documented legislative history is more plentiful than it is in Iowa.¹¹⁹ However, the minority opinions also specifically reference the Iowa legislative process, observing that bills are introduced with a preamble¹²⁰ and an explanation, but the legislature votes on neither, nor are they codified.¹²¹ While true, these points neglect to mention something that the court noted earlier: that these elements are intended to be accurate and objective.¹²² Moreover, the *non-partisan* Legislative Services Agency drafts the bill text, as well as the bill title, preamble (if included), and bill explanation.¹²³ Although the title, preamble, and explanation are not part of the statutory text, neither are they inserted in an attempt “to stack the deck” and influence future interpretation.¹²⁴

To summarize the core problem, Justice McDermott cites Scalia and Garner, writing, “Reliance on legislative history is built on the flawed premise that when construing statutes we are looking for the intent of the legislature rather than the meaning of a statute’s text.”¹²⁵ Here again, language can be tricky. The Iowa Supreme Court has a long history of explaining statutory interpretation as being a search for legislative intent.¹²⁶ On the surface, this phrasing might seem to contradict the Scalia and Garner position. However, when viewed in context, it might be more accurate to say similar words are being used to discuss two distinct matters. Scalia and Garner *contrast* the “intent of the legislature” with the words of the statute,¹²⁷ suggesting legislative intent, while impossible to determine, means the views of the legislature as a whole or of individual legislators.¹²⁸ Conversely, when the court indicates it is searching for “legislative intent,” this primarily means as ascertained *from* the words of the statute and other established

119. *Id.* (“With most important legislation, ‘the legislative history is extensive, and there is something for everybody.’” (quoting ANTONIN SCALIA, *A MATTER OF INTERPRETATION: FEDERAL COURTS AND THE LAW* 36 (1997)))

120. *See id.* at 293–94; *Hummel*, 999 N.W.2d at 310 (McDermott, J., concurring specially). It appears the opinions use the word preamble to reference everything before the enacting clause, including the bill title. *See supra* Figure 1 and accompanying text for related terminology discussion.

121. *Davison*, 973 N.W.2d at 293–94 (McDermott, J., concurring specially); *Hummel*, 999 N.W.2d at 310 (McDermott, J., concurring specially).

122. *See* *Star Equip., Ltd. v. State*, 843 N.W.2d 446, 454 n.3 (Iowa 2014).

123. IOWA CODE §§ 2A.1(1), 2A.4(2) (2025).

124. *See Davison*, 973 N.W.2d at 293 (McDermott, J., concurring specially).

125. *Id.* (citing SCALIA & GARNER, *supra* note 22, at 375); *see also Hummel*, 999 N.W.2d at 310 (McDermott, J., concurring specially) (same).

126. *See, e.g., State v. Lindell*, 828 N.W.2d 1, 5 (Iowa 2013) (“We have consistently stated that the purpose of statutory interpretation is to determine legislative intent.”); *see also* *Cassady v. Wheeler*, 224 N.W.2d 649, 651 (Iowa 1974) (neglecting to reiterate “[f]amiliar principles of statutory interpretation[.]” but noting “[t]he polestar is legislative intent”).

127. SCALIA & GARNER, *supra* note 22, at 375.

128. *Id.* at 376 (noting most legislators would not have formed an opinion “on the narrow point before the court” and those who did would not all agree).

statutory construction practices.¹²⁹ Sutherland describes the latter characterization as an acknowledgment of separation of powers, observing, “the courts must carry out the will, real or attributed, of the lawmaking branch of government.”¹³⁰ This view of searching for legislative intent can be seen as providing a framework for statutory analysis, one that starts with the words of the statute and recognizes the court’s role is not to create policy but rather to interpret the laws enacted by the legislature.

While not diametrically opposed, tension still exists between the Scalia and Garner position and the court’s practices because, as these studies have demonstrated, one established statutory construction practice in Iowa has been trying to discern whether anything in the legislative history record provides insight into statutory meaning. Still, remember that this practice only applies to *ambiguous* statutes.¹³¹ Were statutes always unambiguously written—were language not tricky—statutory drafting and interpretation would be much easier endeavors.

While these legislative history critiques might influence the court’s future practices, they do not negate the findings of the study. First, they focus on enactment history,¹³² so even if the court more broadly adopted these interpretive principles, they would not exclude many types of historical sources the court uses, such as code section history. Second, they appeared in minority opinions,¹³³ responding to the majority’s use of legislative history. Finally, court composition changes over time.¹³⁴ Even if the current Iowa Supreme Court stopped using legislative history to inform its interpretation of statutes’ meaning, that use has deep roots and could be reinstated by future courts.

Returning focus to the study’s purpose: What does all of this suggest for best practices for Iowa statutory legal research? First, advocates should be thorough. The article reporting the original study’s results offered a list of questions to consider when reading Iowa statutes,¹³⁵ and these still apply. Without repeating the

129. See, e.g., *Carreras v. Iowa Dep’t of Transp.*, 977 N.W.2d 438, 446 (Iowa 2022) (“To ascertain legislative intent, we examine ‘the language used, the purpose of the statute, the policies and remedies implicated, and the consequences resulting from different interpretations.’” (quoting *Albaugh v. The Reserve*, 930 N.W.2d 676, 683 (Iowa 2019))).

130. 2A NORMAN J. SINGER & SHAMBIE SINGER, *SUTHERLAND STATUTORY CONSTRUCTION* § 45:5 (Clark Boardman Callaghan, ed. 7th ed. 2014).

131. IOWA CODE § 4.6 (2025); *State v. McCollaugh*, 5 N.W.3d 620, 623 (Iowa 2024) (“The first step in our statutory interpretation analysis is to determine whether the statute is ambiguous.” (quoting *State v. Zacarias*, 958 N.W.2d 573, 581 (Iowa 2021))). But note that Justice Scalia and Justice Garner would argue ambiguity can be resolved with the standard canons of construction they endorse. See SCALIA & GARNER, *supra* note 22, at 233 (“[W]hen, after applying all the normal tools of interpretation, an ambiguity cannot be resolved (which is never).”).

132. See *Estate of Butterfield v. Chautauqua Guest Home, Inc.*, 987 N.W.2d 834, 848 (Iowa 2023) (May, J., concurring in part and dissenting in part).

133. See *id.* at 847.

134. See McGuire, Cady & Slack, *supra* note 111.

135. See Wallace, *supra* note 2, at 287–96.

same advice, note that it starts with tips for carefully considering the language and structure of the statute and its context and then suggests additional sources to check, both within the code and beyond. As noted, this study found a few new sources the court cited—floor debates, committee reports, bill background statements, and lobbyist positions—to expand that list.¹³⁶ Although, as has been discussed, a few of the current justices on the court might be unreceptive to the value of these sources.¹³⁷ The Article appendix provides citations to the cases that incorporated Iowa legislative history sources, and reading these opinions should provide further insight into effective—and ineffective—application of legislative history.¹³⁸

Second, advocates are urged to understand the most common canons of construction. Cases with statutory analysis demonstrate real-world application of these rules, and the original article compiled some of the more frequently used techniques.¹³⁹ Another Iowa-specific source that distills oft-used canons is the Iowa Bill Drafting Guide and Style Manual. Although the most recent version is not publicly available,¹⁴⁰ earlier versions, including one from 2018, can be found in Iowa Publications Online.¹⁴¹ In addition, a 2018 continuing legal education presentation from John Heggen, Legal Editor in the Legislative Services Agency, presents an overview of common principles of interpretation with ample case references.¹⁴²

Advocates should also read Chapter 4 of the Iowa Code, titled “Construction of Statutes,”¹⁴³ which provides statutory construction rules. Separation of powers questions have arisen about the constitutional bounds of the legislature’s ability to dictate how a statute can be construed.¹⁴⁴ However, the court has often used these

136. See *supra* Figure 3.

137. See *supra* Figure 3.

138. Ineffective uses of legislative history can be seen in cases where one party relies on a legislative history source, but the court rejects that argument. See, e.g., *Borst Bros. Constr., Inc. v. Fin. of Am. Com., LLC*, 975 N.W.2d 690, 701–02 (Iowa 2022) (noting one party cited a bill explanation but dismissing its interpretive value because it conflicts with the actual statutory text).

139. See Wallace, *supra* note 2, at 249–257.

140. Email from Michael Duster, Iowa Code Ed., Legis. Servs. Agency, to author (Dec. 8, 2025, at 08:41 CT) (on file with the Drake Law Review).

141. LEGIS. SERVS. AGENCY, IOWA BILL DRAFTING GUIDE AND STYLE MANUAL, *supra* note 53, at 37–45.

142. John Heggen, *Statutory Interpretation*, IOWA LEGISLATURE, <https://www.legis.iowa.gov/docs/publications/CLE/1050209.pdf> [https://perma.cc/C9PX-6GFE].

143. See generally IOWA CODE §§ 4.1–.14 (2025) (establishing rules for construction of statutes).

144. *Doe v. State*, 943 N.W.2d 608, 616 (Iowa 2020) (Appel, J., concurring specially) (noting that Section 4.6 “may raise serious questions of separation of powers”); SCALIA & GARNER, *supra* note 22, at 43–44 (raising concerns, including separation of powers, with “legislatively

legislative rules, which have an extensive history, with some provisions dating to territorial times.¹⁴⁵ In 1971, the legislature added many of the current provisions found in Chapter 4, including Section 4.6, regarding the interpretation of ambiguous statutes.¹⁴⁶ At the time of its adoption, this law “was seen as a codification of existing court practices.”¹⁴⁷ In addition, the court sometimes cites Chapter 4, although, at least with regard to Section 4.6, not as frequently as it could.¹⁴⁸ The original study found the court cited Section 4.6 as a whole or Section 4.6(3) concerning legislative history use in 6 of the 40 cases (15%) where it cited Iowa legislative history sources.¹⁴⁹ The present study found the court cited the same in 11 of the 52 cases (21%) using Iowa legislative history sources.¹⁵⁰

As a final recommendation for increasing familiarity with the canons of construction, advocates should consult a non-Iowa-specific secondary source on statutory interpretation. This Article has already cited two statutory construction treatises: Sutherland¹⁵¹ and Scalia and Garner.¹⁵² Sutherland, in existence for 130 years, is a regularly updated, multi-volume work spanning 9,406 pages.¹⁵³ It currently includes some volumes in an eighth edition and others in a seventh.¹⁵⁴ The court has described Sutherland as the “leading treatise on statutory construction[.]”¹⁵⁵ In contrast, the Scalia and Garner title is a static, 608-page treatise published in 2012.¹⁵⁶

prescribed rules of interpretation” and noting that the validity of state statutes allowing “courts to consider legislative history . . . [are] subject to reasonable debate”). Note, too, the separation of powers argument also tethers the court to the words of the statute and established principles of statutory construction, rather than establishing its own policy preferences in its interpretation of statutes. *See State v. Nicoletto*, 845 N.W.2d 421, 431 (Iowa 2014) (“Policy arguments to amend statutes must be directed to the legislature. These principles are not hypertechnical, but rather they are fundamental to the separation of powers and must be applied in a consistent fashion, across all spectrums of cases.” (internal citations omitted)), *superseded by statute*, 2014 Iowa Acts ch. 1114, § 1, *as recognized in In re J.C.*, 857 N.W.2d 495 (Iowa 2014).

145. *See generally* THE STATUTE LAWS OF THE TERRITORY OF IOWA 77–79 (1839) (establishing rules for construction of statutes).

146. *See* 1971 Iowa Acts 99.

147. Wallace, *supra* note 2, at 258–59. For a more detailed discussion of the history of the adoption of Iowa Code Chapter 4, see *id.* at 257–63.

148. *See id.* at 297.

149. *Id.*

150. *See infra* Part V.

151. *See supra* note 20.

152. *See supra* note 22.

153. *Sutherland Statutory Construction, 2025-2026 ed.*, THOMSON REUTERS, <https://store.legal.thomsonreuters.com/en-us/products/proview-sutherland-statutory-construction-sub-30921600> [<https://perma.cc/2SPR-GXLT>].

154. *Id.*

155. *Rhoades v. State*, 880 N.W.2d 431, 446 (Iowa 2016).

156. *Reading Law The Interpretation of Legal Texts*, THOMSON REUTERS, <https://store.legal.thomsonreuters.com/en-us/products/reading-law-the-interpretation-of-legal-texts-hard-bound-book-41151343> [<https://perma.cc/JJF4-NFRL>].

While both titles provide useful information about statutory construction in general as well as specific canons, note that the court has been increasingly citing Scalia and Garner.¹⁵⁷ Figure Five presents citation numbers for each title, restricted to majority opinions, in the statutory interpretation dataset.¹⁵⁸ The chart shows total citations by year and notes whether it was a primary cite, meaning the court independently chose to cite that title, or if the opinion cited the title because it was citing a case that quoted from or cited to that work.¹⁵⁹ Three opinions cited both Sutherland and Scalia and Garner.¹⁶⁰ Figure Five shows that, for cases in the dataset, the court cited the Scalia and Garner title more frequently than Sutherland; omitting citations necessary because they were found in a prior case, the court cited Scalia and Garner more than twice as much as Sutherland over the study period.¹⁶¹ Moreover, the number of citations has increased in recent years.¹⁶²

This study cannot determine why the Iowa Supreme Court is more frequently citing Scalia and Garner. Multiple explanations are possible, and it could be a combination of reasons. For instance, the Scalia and Garner approach might better align with current judicial philosophies on the bench. The single-volume title could also be perceived as more manageable than a multi-volume work. Indeed, the shorter work touts itself as “the first modern attempt . . . to collect and arrange only the valid canons.”¹⁶³ Further, it could be more accessible. Outside of Westlaw access, which is available for Sutherland but not Scalia and Garner, it is considerably less expensive to buy a print copy of the latter (\$49.95 at the Thomson Reuters online store) than the former (\$7,118 as a one-time purchase with no updates).¹⁶⁴ Whatever the underlying reason(s), the usage data suggests that reviewing Scalia and Garner for canons of construction would be a wise starting point when choosing among secondary sources.

157. See *infra* Figure 5.

158. See *infra* Figure 5.

159. See *infra* Figure 5.

160. See *infra* Figure 5.

161. See *infra* Figure 5. The Iowa Supreme Court cited the Scalia and Garner treatise 30 times during the study period while it cited the Sutherland treatise 14 times.

162. See *infra* Figure 5.

163. SCALIA & GARNER, *supra* note 22, at 9.

164. See *supra* notes 153, 156.

Figure 5: Citations to Sutherland vs. Scalia and Garner

Year	Citing Sutherland		Citing Scalia & Garner	
	Primary Cite	Only as Case Cite	Primary Cite	Only as Case Cite
2014	0	2	0	0
2015	4	0	0	0
2016	7 (1 also citing S/G)	1	1 (also citing Suth.)	0
2017	1	2	0	0
2018	0	0	1	0
2019	0	1	1	0
2020	0	1	2	0
2021	0	0	4	0
2022	1 (also citing S/G)	0	5 (1 also citing Suth.)	1
2023	1	0	9	0
2024	0	1 (also citing S/G)	7	1 (also citing Suth.)
Total	14	8	30	2

Finally, note that there is not a single by-the-numbers way to craft a statutory analysis argument. For instance, several cases in the current study highlight how placement of commas, or lack thereof, can be pivotal to the meaning of a statute.¹⁶⁵

165. Iowa Dep't of Hum. Servs. v. Lohman (*In re Estate of Melby*), 841 N.W.2d 867, 876–77 (Iowa 2014) (drawing conclusions about the meaning of the statute based on the inclusion of a comma); Mitchell v. City of Cedar Rapids, 926 N.W.2d 222, 231 (Iowa 2019) (interpreting the statute in part based on placement of commas in new statutory text and application of the last preceding antecedent canon of construction, which explains, “qualifying words and phrases refer only to the immediately preceding antecedent, unless a contrary legislative intent appears. Evidence of a contrary legislative intent can arise when a comma separates the qualifying phrase from the antecedent. In this circumstance, the qualifying phrase generally applies to all antecedents.” (quoting Iowa Comprehensive Petroleum Underground Storage Tank Fund Bd.

In addition to syntactic structure, other context, including historical context, might shed valuable light on the meaning of the statute. Still, the statute itself must remain the focus of the inquiry. As the court has stated, “[T]he common law and relevant legal history can serve only to inform—and not deform—the meaning of statutory text.”¹⁶⁶

v. Shell Oil Co., 606 N.W.2d 376, 380 (Iowa 2000) (en banc)); *Beainger v. Iowa Dep’t of Transp.*, 844 N.W.2d 104, 109–110 (Iowa 2014) (deriving statutory meaning in part from the lack of a comma in one part of the statute and, in another part of the statute, the use of a comma, in conjunction with the last preceding antecedent canon).

166. *State v. Hall*, 969 N.W.2d 299, 305 (Iowa 2022).

V. APPENDIX

Figure 6: 2014–24 Iowa Supreme Court Opinions Citing Iowa Legislative History Sourcesⁱ

Iowa Legislative History	52 ⁱⁱ
Bill Explanations	18 ⁱⁱⁱ
Act Text (Substantively)	16 ^{iv}
Act titles	12 ^v
Bill Amendments that Passed	5 ^{vi}
Fiscal Notes	4 ^{vii}
Prior/Study Bills	4 ^{viii}
Bill Titles	3 ^{ix}
Floor Debates	3 ^x
Committee Report	2 ^{xi}
Drafter's Comments	2 ^{xii}
Acts Chapter Short Title	1 ^{xiii}
Bill Amendments that Failed	1 ^{xiv}
Bill Background Statements	1 ^{xv}
Lobbyist Positions	1 ^{xvi}

i. See Wallace, *supra* note 2, at 307–10 (showing a similar chart with specific opinions from the first study that cited Iowa legislative history sources).

ii. The total of this column is greater than the total of unique opinions citing at least one Iowa legislative history source because some opinions cited more than one source.

iii. *Star Equip., Ltd. v. State*, 843 N.W.2d 446, 454 (Iowa 2014) (quoting from the bill explanation and citing as S.F. 2271, 72d Gen. Assemb., 2d Sess. (Iowa 1988)); *Shumate v. Drake Univ.*, 846 N.W.2d 503, 511 n.4 (Iowa 2014) (quoting S.F. 456, 72d Gen. Assemb., 2d Sess., explanation (Iowa 1988)); *Fagen v. Grand View Univ.*, 861 N.W.2d 825, 833 n.1 (Iowa 2015) (quoting H.F. 693, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997)); *Iowa Ins. Inst. v. Core Grp. of the Iowa Ass'n for Just.*, 867 N.W.2d 58, 76 (Iowa 2015) (citing H.F. 863, 66th Gen. Assemb., 2d Sess., explanation (1976)); *Iowa Individual Health Benefit Reinsurance Ass'n v. State Univ. of Iowa*, 876 N.W.2d 800, 807, 811 (Iowa 2016) (quoting H.F. 733, 79th Gen. Assemb., 1st Sess., explanation (Iowa 2001); H.F. 594, 58th Gen. Assemb., Reg. Sess., explanation (Iowa 1959)); *Young v. HealthPort Techs., Inc.*, 877 N.W.2d 124, 131 n.4 (Iowa 2016) (quoting H.F. 2700, 82d Gen. Assemb., 2d Sess., explanation (Iowa 2008)); *Oyens Feed & Supply, Inc. v. Primebank*, 879 N.W.2d 853, 857, 861 (Iowa 2016) (discussing one party's reliance on the explanation of S.F. 379, 80th Gen. Assemb., 1st Sess. (Iowa 2003) and concluding it was "misplaced"); *JBS Swift & Co. v. Ochoa*, 888 N.W.2d 887, 897 (Iowa 2016) (quoting H.F. 690, 58th Gen. Assemb., 1st Sess., explanation (Iowa 1959)); *Myria Holdings Inc. v. Iowa Dep't of Revenue*, 892 N.W.2d 343, 349 (Iowa 2017) (quoting H.F. 2166, 76th Gen. Assemb., 2d Sess., explanation (Iowa 1996) (miscited in opinion as 1995) and using that information in conjunction with "the plain meaning of the words" of the statute to interpret the code section); *In re Estate of Gantner*, 893 N.W.2d 896, 900 n.3, 903 (Iowa 2017) (quoting S.F. 241, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997); H.F. 662, 78th Gen. Assemb., 1st Sess., explanation (Iowa 1999)); *Noll v. Iowa Dist. Ct.*, 919 N.W.2d 232, 236 (Iowa 2018) (citing H.F. 2230, 79th Gen. Assemb., 2d Sess., explanation (Iowa 2002) to note the legislation was a legislative response to a prior Iowa Supreme Court decision); *Winger Contracting Co. v. Cargill, Inc.*, 926 N.W.2d 526, 538, 540 (Iowa 2019) (discussing parties' positions on the relevance of H.F. 774, 82d Gen. Assemb., 2d Sess., explanation (Iowa 2007)); *State v. Gross*, 935 N.W.2d 695, 703 (Iowa 2019) (quoting S. Study B. 95, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997)); *State v. Mathias*, 936 N.W.2d 222, 228 (Iowa 2019) (quoting H.F. 528, 76th Gen. Assemb., 1st Sess., explanation (Iowa 1995)).

iv. *Roberts Dairy v. Billick*, 861 N.W.2d 814, 818, 821, 822, 824 (Iowa 2015) (discussing 2004 Iowa Acts 1st Extraordinary Sess. ch. 1001, § 20, a statement of legislative intent that was not codified); *Homan v. Branstad*, 864 N.W.2d 321, 323, 327 & n.2, 329 & n.4, 332 (Iowa 2015) (discussing or quoting two uncoded appropriations acts: 2013 Iowa Acts ch. 138 and 2014 Iowa Acts ch. 1140, § 147); *Warren Props. v. Stewart*, 864 N.W.2d 307, 313, 314–15, 314 n.2, 316, 318–19 (Iowa 2015) (discussing 2004 Iowa Acts 1st Extraordinary Sess. ch. 1001, § 20, a statement of legislative intent that was not codified); *State v. Lopez*, 872 N.W.2d 159, 174 (Iowa 2015) (quoting 1986 Iowa Acts ch. 1178, § 1, a statement of legislative intent that was not codified); *Concerned Citizens of Se. Polk Sch. Dist. v. City of Pleasant Hill*, 878 N.W.2d 252, 255, 258, 260 (Iowa 2016) (quoting 1994 Iowa Acts ch. 1182, § 15, an uncoded section on applicability dates); *Des Moines Flying Serv., Inc. v. Aerial Servs. Inc.*, 880 N.W.2d 212, 220 (Iowa 2016) (showing the Act's scope by citing other sections of 1986 Iowa Acts ch. 1211); *JBS Swift & Co. v. Ochoa*, 888 N.W.2d 887, 899–900 (Iowa 2016) (quoting 2004 Iowa Acts 1st Extraordinary Sess. ch. 1001, § 20, a statement of legislative intent that was not codified); *State v. Iowa Dist. Ct.*, 889 N.W.2d 467, 470–71 (Iowa 2017) (noting the statute in question "was part of a large omnibus bill aimed at reforming Iowa's OWI laws[,]"; citing 1997 Iowa Acts ch. 177, and discussing some of its other provisions); *Abbas v. Iowa Ins. Div.*, 893 N.W.2d 879, 889–90 (Iowa 2017) (quoting from "the final bill" in act form, at 1986 Iowa Acts ch. 1180, §§ 2, 5, 7, as the first step in showing textual changes to the bill from introduction to enrollment); *Rilea v. Iowa Dep't of Transp.*, 919 N.W.2d 380, 386–87, 387 n.3 (Iowa 2018) (quoting the preamble of 1974 Iowa Acts ch. 1180, and citing effective and sunset

date provisions from 2017 Iowa Acts ch. 149, §§ 4, 5 and 2018 Iowa Acts ch. 1170, div. II, § 3); *State v. Macke*, 933 N.W.2d 226, 231, 235 (Iowa 2019) (quoting new, not-yet-codified provisions from 2019 Iowa Acts ch. 140, §§ 2, 8, 28, 31, 39, along with the code sections where they will be codified, in part to show other provisions in the same act that expressly state whether “the section applies prospectively or retrospectively or both”); *State v. Mathias*, 936 N.W.2d 222, 228–29 (Iowa 2019) (citing various provisions from 1995 Iowa Acts ch. 191, the session law that enacted the statute under consideration, to show a lack of consistency in legislative terminology); *Sioux City Truck Sales, Inc. v. Iowa Dep’t of Transp.*, 975 N.W.2d 333, 338 (Iowa 2022) (citing various provisions from the preamble of 1970 Iowa Acts ch. 1160); *Victoriano v. City of Waterloo*, 984 N.W.2d 178, 181 (Iowa 2023) (quoting 2021 Iowa Acts ch. 183, § 16 to note the law took effect upon enactment); *Nahas v. Polk Cnty.*, 991 N.W.2d 770, 778 (Iowa 2023) (citing 2021 Iowa Acts ch. 183, § 16), *overruled in part by Doe v. W. Dubuque Cmty. Sch. Dist.*, 20 N.W.3d 798 (Iowa 2025); *Loew v. Menard, Inc.*, 2 N.W.3d 880, 885, 887 (Iowa 2024) (quoting 2004 Iowa Acts 1st Extraordinary Sess. ch. 1001, § 20, a statement of legislative intent that was not codified).

v. *State v. Mathias*, 936 N.W.2d 222, 228 (Iowa 2019) (quoting H.F. 528, 76th Gen. Assemb., 1st Sess., explanation (Iowa 1995)); *State v. Davison*, 973 N.W.2d 276, 282 (Iowa 2022) (quoting S.F. 503, 77th Gen. Assemb., 1st Sess., explanation (Iowa 1997)); *Borst Bros. Constr., Inc. v. Fin. of Am. Com., LLC*, 975 N.W.2d 690, 701–02 (Iowa 2022) (quoting H.F. 675, 84th Gen. Assemb., 2d Sess., explanation (Iowa 2012), and dismissing the interpretive value of the explanation, finding it conflicts with the actual statutory text); *Estate of Butterfield v. Chautauqua Guest Home, Inc.*, 987 N.W.2d 834, 840 (Iowa 2023) (discussing the explanations of the enacted file and two prior study bills: S. Study B. 1087, 87th Gen. Assemb., 2d Sess. (Iowa 2017); H. Study B. 105, 87th Gen. Assemb., 2d Sess. (Iowa 2017); H.F. 487, 87th Gen. Assemb., 2d Sess. (Iowa 2017)); *Hummel v. Smith*, 999 N.W.2d 301, 308 (Iowa 2023) (quoting H.F. 487, 87th Gen. Assemb., 1st Sess., explanation (Iowa 2017)).

vi. *Abbas v. Iowa Ins. Div.*, 893 N.W.2d 879, 890 (Iowa 2017) (citing Amend. [H-]5260 to H.F. 2219, 71st Gen. Assemb., 2d Sess. (Iowa 1986); Amend. S-5462 to H.F. 2219, 71st Gen. Assemb., 2d Sess. (Iowa 1986)); *see supra* notes 55–60 and accompanying text (explaining that the statute under consideration was not part of the original bill but added via amendment during the legislative process and also discussing the court’s citation errors); *State v. Doe*, 903 N.W.2d 347, 352–53 (Iowa 2017) (discussing House amendments to the original Senate bill to indicate that while changes were made, they did not alter the meaning of the word in question); *United Elec., Radio & Mach. Workers of Am. v. Iowa Pub. Emp. Rels. Bd.*, 928 N.W.2d 101, 110–11 (Iowa 2019) (discussing House amendments to the bill that altered some language but did not touch the phrase “base wages”); *State v. Wilson*, 941 N.W.2d 579, 588–89 (Iowa 2020) (describing an amendment that passed and its implications for the meaning of the code section being construed and referencing H. Journal, 87th Gen. Assemb., 1st Sess., at 535–36 (Iowa 2017)); *Estate of Butterfield v. Chautauqua Guest Home, Inc.*, 987 N.W.2d 834, 840 (Iowa 2023) (comparing language in the enacted file and two prior study bills to demonstrate the bill was amended to remove a particular word).

vii. *In re C.F.-H.*, 889 N.W.2d 201, 207–08 (Iowa 2016) (quoting H.F. 2452, 74th Gen. Assemb., 2d Sess., fiscal note (Iowa 1992)); *Noll v. Iowa Dist. Ct.*, 919 N.W.2d 232, 236 (Iowa 2018) (quoting H.F. 2230, 79th Gen. Assemb., 2d Sess., fiscal note (Iowa 2002)); *State v. Gross*, 935 N.W.2d 695, 703 (Iowa 2019) (quoting S.F. 184, 77th Gen. Assemb., 1st Sess., fiscal note (Iowa 1997)); *State v. Mathias*, 936 N.W.2d 222, 229 (Iowa 2019) (quoting H.F. 528, 76th Gen. Assemb., 1st Sess., fiscal note (Iowa 1995)).

viii. *Branstad v. State ex rel. Nat. Res. Comm'n*, 871 N.W.2d 291, 297 (Iowa 2015) (citing a law review article that notes that “previous proposed bills . . . were rejected in favor of more limiting language contained in the final legislation” and explaining the concerns with the earlier proposals); *Breeden v. Iowa Dep’t of Corr.*, 887 N.W.2d 602, 612 (Iowa 2016) (quoting H. Study B. 73, 77th Gen. Assemb., Reg. Sess., rationale for change (Iowa 1997)); *United Elec., Radio & Mach. Workers of Am. v. Iowa Pub. Emp. Rels. Bd.*, 928 N.W.2d 101, 110–11 (Iowa 2019) (quoting H. Study B. 84, 87th Gen. Assemb., Reg. Sess. (Iowa 2017)); *supra* note 65 and accompanying text (noting evolution over the legislative process, but citing amendments to the *introduced* version of the bill, which included identical language); *Estate of Butterfield v. Chautauqua Guest Home, Inc.*, 987 N.W.2d 834, 840 (Iowa 2023) (discussing language in two prior study bills: S. Study B. 1087, 87th Gen. Assemb., 2d. Sess. (Iowa 2017); H. Study B. 105, 87th Gen. Assemb., 2d. Sess. (Iowa 2017)).

ix. *Star Equip., Ltd. v. State*, 843 N.W.2d 446, 454 (Iowa 2014) (quoting S.F. 2271, 72d Gen. Assemb., 2d Sess. (Iowa 1988)); *Hawkeye Land Co. v. Iowa Utils. Bd.*, 847 N.W.2d 199, 203 (Iowa 2014); *State v. Middlekauff*, 974 N.W.2d 781, 791 (Iowa 2022).

x. *State v. Doe*, 903 N.W.2d 347, 354 (Iowa 2017) (noting IOWA CODE § 4.6(2) indicates “the court may also consider ‘[t]he circumstances under which the statute was enacted[.]’” and then describing stories legislators shared during floor debate and citing the accompanying House video (first alteration in original)); *State v. Ortiz*, 905 N.W.2d 174, 180–81 (Iowa 2017) (quoting floor debate and citing the accompanying House and Senate video); *State v. Wilson*, 941 N.W.2d 579, 588–89 (Iowa 2020) (quoting floor debate and citing the accompanying House video).

xi. *State v. Johnson*, 950 N.W.2d 21, 26 n.4 (Iowa 2020) (noting purpose of statute and citing a committee report); *G.Y. v. S.W. (In re Guardianship of L.Y.)*, 968 N.W.2d 882, 892–93 (Iowa 2022).

xii. *Iowa Farm Bureau Fed’n v. Env’t Prot. Comm’n*, 850 N.W.2d 403, 432–33 (Iowa 2014) (quoting ARTHUR E. BONFIELD, PROPOSED NEW IOWA ADMINISTRATIVE PROCEDURE ACT (SF 2404) WITH COMMENTS BY REPORTER-DRAFTSMAN 192 (1996)); *Iowa Ins. Inst. v. Core Grp. of the Iowa Ass’n for Just.*, 867 N.W.2d 58, 65–66, 67 (Iowa 2015) (quoting ARTHUR EARL BONFIELD, AMENDMENTS TO IOWA ADMINISTRATIVE PROCEDURE ACT, REPORT ON SELECTED PROVISIONS TO IOWA STATE BAR ASSOCIATION AND IOWA STATE GOVERNMENT 37–38 (1998)).

xiii. *Blue Grass Sav. Bank v. Cmty. Bank & Tr. Co.*, 941 N.W.2d 20, 26 (Iowa 2020) (quoting full short title of legislative act).

xiv. *State v. Wilson*, 941 N.W.2d 579, 588 (Iowa 2020) (noting a proposed and failed amendment to legislation as informative).

xv. *State v. Olutunde*, 878 N.W.2d 264, 268 (Iowa 2016) (quoting S.F. 455, 74th Gen. Assemb., 1st Sess., Background Statement (Iowa 1991)).

xvi. *Xenia Rural Water Dist. v. City of Johnston*, 959 N.W.2d 113, 127 (Iowa 2021) (drawing inferences from lobbyist positions on bill that was enacted).