In the Iowa Supreme Court

No. 25–1079

Submitted October 13, 2026—Filed November 20, 2026

AFSCME Iowa Council 61, Zachary Helmrichs, and **Mason Gallup,**

Appellees,

vs.

State of Iowa,

Appellant.

Appeal from the Iowa District Court for Polk County, David Nelmark, judge.

The State of Iowa seeks interlocutory review of an order denying its motion to dismiss in which the State asserted that judicial review under the Administrative Procedure Act was not available. **Affirmed.**

Mansfield, J., delivered the opinion of the court, in which all the justices joined.

Brenna Bird, Attorney General; Eric H. Wessan, Solicitor General; Patrick C. Valencia (argued), Deputy Solicitor General; and Andrew B. Greenberg, Assistant Attorney General, for appellant.

Andrew Wendel (argued) and Jeffrey S. Thompson of Parrish Kruidenier, L.L.P., Des Moines, and Mark T. Hedberg of Hedberg & Boulton, P.C., Des Moines, for appellees.

Mansfield, Justice.

I. Introduction.

Iowa Code section 17A.19 is the judicial review section of chapter 17A and the presumptive provision governing judicial review of agency action in Iowa. It is meant to apply to "all suits for the judicial review of agency action that are not specifically excluded from [chapter 17A] or some portion thereof by its express terms or by the express terms of another chapter." Iowa Code § 17A.1(2) (2024). In other words: "Except as expressly provided otherwise by another statute referring to [chapter 17A] by name, the judicial review provisions of [chapter 17A] shall be the exclusive means by which a person or party who is aggrieved or adversely affected by agency action may seek judicial review of such agency action." *Id.* § 17A.19.

In this case, a union and two public employees filed a prohibited-practice complaint with what is now the Employment Appeal Board (the EAB). The EAB determined that no prohibited practice had been committed, and the union and the employees seek judicial review of that decision under section 17A.19. The State contends no such review is available.

We have to decide whether Iowa Code section 20.34, a statute relating to public employee labor relations, allows chapter 17A judicial review of contested case decisions in prohibited-practice proceedings. The first sentence of section 20.34 appears to authorize such review; the second sentence appears to prohibit it. As we explain in detail in this opinion, we conclude that the first sentence should prevail.

The first sentence is more specific than the second; it incorporates the term used elsewhere in the Iowa Code for section 17A.19 judicial review; and giving precedence to the first sentence avoids a separate conflict with another chapter of the Code. In addition, as we have already noted, our law contains a presumption in favor of section 17A.19 judicial review. For these reasons, we affirm the district court's denial

of the State's motion to dismiss the union and the employees' section 17A.19 petition for judicial review.

II. Background Facts and Proceedings.

In the spring of 2024, Zachary Helmrichs and Mason Gallup lost their jobs with the Department of Transportation. Helmrichs and Gallup appealed their terminations to the Department of Administrative Services (DAS). Under Iowa Code chapter 8A, Helmrichs and Gallup were entitled to a "Step 3" grievance meeting with DAS. *See* Iowa Code § 8A.415(1)(*a*); *id.* § 20.18(2). Helmrichs and Gallup exercised their right to a Step 3 meeting and requested that their union—AFSCME Iowa Council 61 (AFSCME)—represent them at the meeting. DAS denied them permission to have union representation.

AFSCME, Helmrichs, and Gallup then filed a prohibited-practice complaint with the Public Employment Relations Board (PERB). *See* Iowa Code § 20.11(1). They alleged that the State of Iowa (through DAS) had committed a prohibited practice by refusing their request for union representation at the Step 3 meeting. *See id.* §§ 20.8, .10.

During this time period, PERB ceased to exist and the EAB took over its functions. An administrative law judge (ALJ) issued a proposed decision in favor of AFSCME, Helmrichs, and Gallup. But the State appealed the ALJ's proposed decision to the EAB. In March 2025, the EAB dismissed the complaint, concluding that the State had not committed a prohibited practice.

AFSCME, Helmrichs, and Gallup promptly filed a petition in the Polk County District Court under Iowa Code section 17A.19 requesting judicial review of the EAB's ruling. They named the State as the respondent. The State moved to dismiss the petition, claiming that Iowa Code section 20.34 expressly precluded judicial review under section 17A.19. AFSCME, Helmrichs, and Gallup resisted the motion and asked

in the alternative that they be permitted to recast their petition as one for review by writ of certiorari.

The district court heard oral argument. Thereafter, it denied the motion to dismiss, agreeing with AFSCME, Helmrichs, and Gallup's interpretation of section 20.34. We granted the State's application for interlocutory review to resolve this important issue of statutory interpretation.

III. Standard of Review.

We review the district court's interpretation of Iowa Code section 20.34 and its ruling on the motion to dismiss for correction of errors at law. *Teig v. Hart*, 28 N.W.3d 272, 277 (Iowa 2025); *Abrahamson v. Scheevel*, 31 N.W.3d 20, 24 (Iowa 2026).

IV. Legal Analysis.

A. The Parties' Respective Interpretations of Iowa Code Section 20.34. This appeal asks us to determine whether chapter 17A review is available for contested cases under chapter 20. To resolve this question, we must interpret Iowa Code section 20.34, which provides:

> Notwithstanding chapter 17A, in a petition for judicial review of a decision of the [EAB] in a contested case under this chapter, the opposing party shall be named the respondent, and the [EAB] shall not be named as a respondent. Judicial review of agency action by the board under this chapter is not subject to chapter 17A.

Section 20.34 was enacted as part of a 2023 reorganization of the executive branch of government in Iowa. *See* 2023 Iowa Acts ch. 19, § 2161 (codified at Iowa Code § 20.34 (2024)).

AFSCME[1] argues that the first sentence *provides for* chapter 17A judicial review of contested cases, while clarifying that the opposing party and not the EAB shall be named as a respondent. Iowa Code § 20.34. The State maintains that the second

[1]Helmrichs, Gallup, and AFSCME are represented by the same counsel on appeal and have filed a single brief. For ease of reading, we will refer to the appellees collectively as "AFSCME."

sentence *forbids* chapter 17A judicial review of contested cases because a contested case is a form of agency action. *See id.* We have to decide who's right.

We of course must examine the text of section 20.34 in its entirety. "Statutes need to be read as a whole, both in initially determining whether ambiguity exists and, later, in construing the statute." *Calcaterra v. Iowa Bd. of Med.*, 965 N.W.2d 899, 904 (Iowa 2021) (quoting *Porter v. Harden*, 891 N.W.2d 420, 425 (Iowa 2017)).

This holistic reading creates a problem for each side. AFSCME has to explain why the second sentence of section 20.34 appears to bar what the first sentence, in its view, grants. The State has to explain why the first sentence appears to grant what it claims the second sentence denies.

AFSCME tries to solve its dilemma by arguing that the first sentence operates as an *exception* to the second sentence. In other words, chapter 17A judicial review is generally unavailable for EAB decisions under chapter 20, except for contested cases.

The State attempts to get out of its quandary by arguing that "petition for judicial review," as used in the first sentence, means something other than a petition for judicial review under section 17A.19. That is, the first sentence describes a path for *non–chapter 17A* judicial review of contested cases, while the second sentence forecloses chapter 17A judicial review.

B. Terms Used in Iowa Code Section 20.34. We agree with the parties that an interpretation of Iowa Code section 20.34 requires us to consider two terms used in the section: "petition for judicial review" and "agency action." The first sentence of section 20.34 employs the former term, and the second sentence employs the latter.

1. *Petition for judicial review.* The State acknowledges that the phrase "petition for judicial review" is normally used to refer to judicial review under section 17A.19. The term appears repeatedly in section 17A.19 itself. *See* Iowa Code § 17A.19(2), (3), (7), (12). And when the term is used elsewhere in the Iowa Code, it refers almost

invariably to review under section 17A.19. *See, e.g.*, Iowa Code § 29A.27(4); *id.* § 101.27; *id.* § 103A.18; *id.* § 135C.43(2); *id.* § 135H.14; *id.* § 135R.8; *id.* § 138.10; *id.* § 216.17(1); *id.* § 249.5; *id.* § 422.29(1); *id.* § 455C.12B; *id.* § 455D.24; *id.* § 462B.11; *id.* § 476.13(2); *id.* § 502A.20; *id.* § 524.1413(2); *id.* § 692.5(2).

The State gives only one example where "petition for judicial review" is allegedly used in the Iowa Code to refer to something other than the review authorized by section 17A.19. But that example is less clear-cut than the State makes it out to be.

Chapter 514J deals with review of health care coverage decisions. *See id.* § 514J.101. It was enacted by our general assembly in 2011 in response to Congress's enactment of the Affordable Care Act. *See id.*; *see also* 2011 Iowa Acts ch. 101, § 1 (codified at Iowa Code § 514J.101 (2013)). Chapter 514J requires health care carriers to offer external review of health care coverage decisions, triggered by a written request to the insurance commissioner. *See* Iowa Code §§ 514J.104, .105, .107, .108. That external review decision, in turn, may be reexamined by filing a "petition for judicial review." *See id.* § 514J.110(2)(*a*).

In this context, it appears that some but not all chapter 514J petitions for judicial review involve section 17A.19 review. According to section 514J.110(2)(*b*): "The commissioner shall not be named as a respondent unless the petitioner alleges action or inaction by the commissioner under the standards articulated in section 17A.19, subsection 10." This makes sense. If a person is seeking judicial review of a *private* insurer's health care coverage decision only, and not of anything the insurance commissioner did or didn't do, the person isn't adversely affected by *agency* action and section 17A.19 should have no applicability. So, the State's example demonstrates only that the general assembly may have used the term "petition for judicial review" more broadly than usual on one occasion to refer to a category of proceedings that in some instances do not implicate section 17A.19 review of agency action. That's the only

exception cited by the State to the general rule that "petition for judicial review" as used in the Iowa Code means chapter 17A judicial review.

2. *Agency action.* Next, we turn to the meaning of "agency action." An agency action includes an agency "decision." Iowa Code § 17A.2(2). An agency decision in a contested case is therefore one type of agency action. Going further, section 17A.19(2) describes an additional service requirement for "review of agency action in a contested case." Section 17A.19 contains two separate timing requirements, depending on whether the petition for judicial review is for review of agency action in a contested case or "for judicial review of agency action other than the decision in a contested case." *Id.* § 17A.19(3). Thus, within section 17A.19 itself, there is recognition that contested case decisions are a subset of agency actions.

Moreover, section 10A.601(6) provides, "A decision of the [EAB] is final agency action and an appeal of the decision shall be made directly to the district court. Any party to a contested case may appeal the decision to the district court." *Id.* § 10A.601(6). This further confirms that EAB agency actions include contested case decisions.

And our caselaw is to the same effect. "Iowa Code chapter 17A recognizes three distinct categories of agency action: rulemaking, adjudication or contested case, and other agency action." *Pettit v. Iowa Dep't of Corr.*, 891 N.W.2d 189, 195 (Iowa 2017); *see also* Iowa R. Civ. P. 1.1603 (referring to "proceedings for judicial review of agency action in a contested case").

C. Is Iowa Code Section 20.34 Ambiguous? Neither AFSCME's nor the State's reading of section 20.34 is totally satisfactory.

1. *Problems with AFSCME's interpretation.* AFSCME admits that agency decisions in contested cases are a form of agency action. So adopting AFSCME's view results in a contradiction between the first and second sentences of section 20.34. That

is a result we try to avoid. "If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both." Iowa Code § 4.7. To resolve that contradiction, one must resort to the rule that "[i]f the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision." *Id.*; *see, e.g.*, *Koeller v. Cardinal Logistics Mgmt. Corp.*, 35 N.W.3d 335, 342, 344–45 (Iowa 2026) (holding that "specifics" in the AMA Guides, which have the force of law in certain workers' compensation contexts, prevail over a "definitive" but "general" statement in the same Guides). Even then, it is unusual to have an exception stated *immediately before* the general rule.

2. *Problems with the State's interpretation.* The State's reading, meanwhile, has problems of its own. "Petition for judicial review" is an odd, perhaps unprecedented, way of describing a certiorari action—which is what the State contends the first sentence of section 20.34 authorizes.[2] Also, if the second sentence of section 20.34 already precludes section 17A.19 judicial review of a chapter 20 contested case, why is it necessary for the first sentence to begin, "Notwithstanding chapter 17A"? That language becomes totally superfluous. *See State v. Hess*, 983 N.W.2d 279, 288–89 (Iowa 2022) (explaining that "notwithstanding" language is a directive to disregard conflicting provisions to which the "notwithstanding" refers).

Moreover, a certiorari action must name "the inferior tribunal, board or officer as defendant." Iowa R. Civ. P. 1.1402(1). Section 20.34 *precludes* that. Iowa Code § 20.34 ("[T]he [EAB] shall not be named as a respondent.").

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[2]The legislature knows how to refer to certiorari review by name. For example, Iowa Code section 437A.10 states that actions of the director of the department of revenue may be reviewed "pursuant to chapter 17A," whereas decisions of the chief financial officer of a city may be reviewed "by writ of certiorari." Iowa Code § 437A.10(1), (4); *see also id.* § 35C.6 (also distinguishing between certiorari and chapter 17A review); *id.* §§ 335.18–.19 (providing, for county zoning decisions, that "the court may allow a writ of certiorari directed to the board of adjustment"); *id.* §§ 414.15–.16 (same for city zoning decisions).

In effect, the State wants "Notwithstanding chapter 17A, in a petition for judicial review" to be read as if it said, "Notwithstanding rule 1.1402, in a petition for certiorari."

Additionally, the State's reading doesn't avoid conflict; it just shifts the conflict elsewhere. Iowa Code section 10A.601—relating to the EAB—states that "[a]ny party to a contested case may appeal the decision to the district court," Iowa Code § 10A.601(6), and that "[a] petition for judicial review of a decision of the [EAB] shall be filed pursuant to section 17A.19," *id.* § 10A.601(7). Hence, section 10A.601 provides a rule that EAB decisions are reviewable under section 17A.19. Thus, the State has to argue that the second sentence of section 20.34 is an exception to section 10A.601, just as AFSCME has to argue that the first sentence of section 20.34 is an exception to the second sentence.

In sum, having examined the text of section 20.34 in its context, we struggle somewhat with each side's interpretation. We conclude that the section is ambiguous. This means that other tools of interpretation come into play. *Doe v. Iowa Dist. Ct.*, 27 N.W.3d 264, 267 (Iowa 2025).

D. Statutory History. Each side relies on legislative history—or more precisely, statutory history—to support its interpretation of Iowa Code section 20.34. *See* Iowa Code § 4.6(2), (3) (stating that if a statute is ambiguous, in determining the intent of the legislature, the court may consider "[t]he circumstances under which the statute was enacted" and "[t]he legislative history").

Iowa Code section 20.11 governs proceedings on prohibited-practice claims. Until 2023, it stated, "The board's review of proposed decisions and the rehearing *or judicial review* of final decisions is governed by the provisions of chapter 17A." Iowa Code § 20.11(5) (2022) (emphasis added); *see also O'Hara v. State*, 642 N.W.2d 303, 315 (Iowa 2002) (explaining that under section 20.11 as it then existed, the litigation process culminated in chapter 17A judicial review). In 2023, in the same

legislation that enacted section 20.34, the legislature removed "or judicial review" from section 20.11. *See* 2023 Iowa Acts ch. 19, § 2159 (codified at Iowa Code § 20.11(5) (2024)). The State argues that this demonstrates the legislature no longer wanted to have chapter 17A judicial review of prohibited-practice decisions.

Notably, at the same time, the general assembly also struck a subsection relating to judicial review from section 20.13 regarding bargaining-unit determination. *See id.* § 2160 (codified at Iowa Code § 20.13 (2024)). That subsection had provided, "Appeals from such order shall be governed by the provisions of chapter 17A." Iowa Code § 20.13(3) (2022). Again, the State argues that this shows a comprehensive effort by the legislature to keep chapter 17A judicial review out of public employee collective bargaining.

But one could take an alternative view, and indeed AFSCME has done so. According to AFSCME, the legislature sought to centralize chapter 20's provisions on judicial review in a single paragraph, making clear that contested cases were subject to chapter 17A review but other decisions like rulemaking were not.

AFSCME, for its part, draws attention to a 2025 amendment to section 17A.19. As amended, section 17A.19(4) now reads, "The petition for review shall name the agency as respondent, *except as provided in sections 10A.324 and 20.34*." 2025 Iowa Acts ch. 92, § 2 (codified at Iowa Code § 17A.19(4) (2026)) (emphasis added). AFSCME argues that this amounts to legislative recognition of a right to chapter 17A judicial review within section 20.34.

The State responds that the 2025 amendment doesn't actually apply to this action, which was filed before July 1, 2025, and that a later legislature can't tell us how to interpret what an earlier legislature did. Still, it's a strong signal that the legislature believed petitions for judicial review could be filed under section 20.34. In *Beverage v. Alcoa, Inc.*, 975 N.W.2d 670, 687 (Iowa 2022), we acknowledged that

"we are cautious in ascribing meaning to a prior legislature based on a later legislature's actions," but we added that "we cannot ignore the [2020] legislature's clear indication that premises liability claims were viable under the 2018 version of the statute." So too here, we cannot ignore the views of the 2025 legislature about what avenues for judicial review were available under the 2023 legislation.

E. How Should We Interpret Iowa Code Section 20.34? "Statutory interpretation isn't an exact science, and we need to acknowledge that both sides of this debate have some merit." *Koeller*, 35 N.W.3d at 344. This would have been an easier case if section 20.34 contained only the first sentence, or only the second. But it has two sentences.

The State argues that its approach is superior because it avoids any conflict between the first and the second sentences of section 20.34. True enough, AFSCME's interpretation does require the first sentence to be treated as a specific exception to the second sentence. But, as previously discussed, the State's approach requires the second sentence of section 20.34 to be treated as a specific exception to section 10A.601, subsections (6) and (7).

Ultimately, we believe that one has to go through more mental gymnastics to adopt the State's approach. To arrive at the State's preferred interpretation, one has to regard "Notwithstanding chapter 17A" as a head fake, ignore the fact that "petition for judicial review" is an established term for chapter 17A judicial review, and recognize a new form of certiorari not allowed by our rules in which the respondent isn't the public entity or official that rendered the decision. Additionally, one must put aside the preference for chapter 17A judicial review that we noted at the very beginning of this opinion. *See* Iowa Code §§ 17A.1(2), .19.

"No canon of interpretation is absolute. Each may be overcome by the strength of differing principles that point in other directions." Antonin Scalia & Bryan A. Garner,

Reading Law: The Interpretation of Legal Texts 59 (2012). In the end, we conclude that the better reading of Iowa Code section 20.34 permits section 17A.19 review of contested cases.

V. Conclusion.

For the foregoing reasons, we affirm the district court's order denying the State's motion to dismiss.

Affirmed.