



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

May 1, 2013

The Honorable Matt Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 556, an Act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

The above House File is hereby approved this date.

Sincerely,

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



House File 556

AN ACT

RELATING TO STATUTORY CORRECTIONS WHICH MAY ADJUST LANGUAGE TO REFLECT CURRENT PRACTICES, INSERT EARLIER OMISSIONS, DELETE REDUNDANCIES AND INACCURACIES, DELETE TEMPORARY LANGUAGE, RESOLVE INCONSISTENCIES AND CONFLICTS, UPDATE ONGOING PROVISIONS, OR REMOVE AMBIGUITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 3.4, Code 2013, is amended to read as follows:

3.4 Bills — approval — passage over veto.

1. If the governor approves a bill, the governor shall sign and date it; if the governor returns ~~it~~ the bill with objections and it afterwards passes as provided in the Constitution, a certificate, signed by the presiding officer of each house in the following form, shall be endorsed ~~thereon~~ on or attached ~~thereto~~ to the bill:

~~"This~~ This bill (or this item of an appropriation bill, as the case may be), having been returned by the governor, with objections, to the house in which it originated, and, after reconsideration, having again passed both houses by yeas and

nays by a vote of two-thirds of the members of each house, has become a law this ... day of

2. An "appropriation bill" means a bill which has as its primary purpose the making of appropriations of money from the public treasury.

Sec. 2. Section 8A.402, subsection 2, paragraph g, subparagraph (1), subparagraph division (c), Code 2013, is amended to read as follows:

(c) In this paragraph "g", executive branch agencies, except the department of public safety, shall not grant a supervisory employee with the right to replace or bump a junior employee not being laid off for a position for which the supervisory employee is qualified.

Sec. 3. Section 9I.12, Code 2013, is amended to read as follows:

9I.12 Penalty — failure to timely file.

A civil penalty of not more than two thousand dollars shall be imposed, for each offense, upon a nonresident alien, foreign business or foreign government, or an agent, trustee or other fiduciary thereof, who fails to timely file the registration as required by section 9I.7, or who fails to timely file a report required by section 9I.8 ~~shall, for each offense, be punished by a fine of not more than two thousand dollars.~~

Sec. 4. Section 10B.4, subsection 2, paragraph g, Code 2013, is amended to read as follows:

g. If the reporting entity is a life science enterprise, as provided in chapter 10C, Code 2011, ~~as that chapter exists on or before June 30, 2005,~~ the total amount of commercial sale of life science products and products other than life science products which are produced from the agricultural land held by the life science enterprise.

Sec. 5. Section 11.41, subsection 1, Code 2013, is amended to read as follows:

1. The auditor of state, when conducting any audit or ~~review~~ examination required or permitted by this chapter, shall at all times have access to all information, records, instrumentalities, and properties used in the performance of the audited or ~~reviewed~~ examined entities' statutory duties or contractual responsibilities. All audited or ~~reviewed~~ examined entities shall cooperate with the auditor of state in the performance of the audit or ~~review~~ examination and make available the information, records, instrumentalities, and properties upon the request of the auditor of state.

Sec. 6. Section 15.330, subsection 9, Code 2013, is amended to read as follows:

9. A report submitted to the authority by a business together with its application describing all violations of environmental law or worker safety law within the last five years. If, upon review of the application, the authority finds that a the business has a record of violations of the law, statutes, rules, or regulations that tends to show a consistent pattern, the authority shall not provide incentives or assistance to the business unless the authority finds either that the violations did not seriously affect public health, public safety, or the environment, or, if such violations did seriously affect public health, public safety, or the environment, that mitigating circumstances were present.

Sec. 7. NEW SECTION. 15.410 Definitions.

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

1. "*Innovative business*" means the same as defined in section 15E.52.

2. "*Internship*" means temporary employment of a student that focuses on providing the student with work experience in the student's field of study.

Sec. 8. Section 15.411, subsection 1, Code 2013, is amended by striking the subsection.

Sec. 9. Section 15E.232, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The ability to provide matching moneys on a basis of a one dollar contribution of local matching moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 10. Section 15E.232, subsections 3 and 4, Code 2013, are amended to read as follows:

3. An economic development region may apply for financial assistance from a fund established pursuant to section 15.335B to assist an existing business threatened with closure due to a potential consolidation to an out-of-state location. The economic development region may apply for financial assistance from ~~the economic development~~ a fund established pursuant to section 15.335B for the purchase, rehabilitation, or marketing of a building that has become available due to the closing of an existing business due to a consolidation to an out-of-state location. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one

dollar contribution of local moneys for every three dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

4. An economic development region may apply for financial assistance from a fund established pursuant to section 15.335B to establish and operate an entrepreneurial initiative. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 11. Section 15E.232, subsection 5, paragraph b, Code 2013, is amended to read as follows:

b. In order to receive financial assistance under this subsection, an economic development region must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every two dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 12. Section 15E.233, subsection 2, paragraph a, unnumbered paragraph 1, Code 2013, is amended to read as follows:

An approved economic enterprise area may apply to the authority for financial assistance from ~~the economic development~~ a fund established pursuant to 15.335B for up to seventy-five thousand dollars each fiscal year during the fiscal period beginning July 1, 2005, and ending June 30, 2015, for any of the following purposes:

Sec. 13. Section 15E.233, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. In order to receive financial assistance under this subsection, an economic enterprise area must demonstrate the ability to provide local matching moneys on a basis of a one dollar contribution of local moneys for every three dollars received from ~~the economic development~~ a fund established pursuant to section 15.335B.

Sec. 14. Section 16.195, Code 2013, is amended to read as follows:

16.195 Iowa jobs and Iowa jobs II program application review.

1. Applications for assistance under the Iowa jobs program and Iowa jobs II program shall be submitted to the Iowa finance authority. The authority shall provide a staff review and

evaluation of applications to the Iowa jobs program review committee referred to in subsection 2 and to the Iowa jobs board.

2. A review committee composed of members of the board as determined by the board shall review Iowa jobs and Iowa jobs II program applications submitted to the board and make recommendations regarding the applications to the board. When reviewing the applications, the review committee and the authority shall consider the project criteria specified in sections 16.194 and 16.194A. The board shall develop the appropriate level of transparency regarding project fund allocations.

3. Upon approval of an application for financial assistance under the ~~program~~ programs, the board shall notify the treasurer of state regarding the amount of moneys needed to satisfy the award of financial assistance and the terms of the award. The treasurer of state shall notify the Iowa finance authority any time moneys are disbursed to a recipient of financial assistance under the ~~program~~ programs.

Sec. 15. Section 17A.7, subsection 2, Code 2013, is amended to read as follows:

2. Beginning July 1, 2012, over each five-year period of time, an agency shall conduct an ongoing and comprehensive review of all of the agency's rules. The goal of the review is the identification and elimination of all rules of the agency that are outdated, redundant, or inconsistent or incompatible with statute or its own rules or those of other agencies. An agency shall commence its review by developing a plan of review in consultation with major stakeholders and constituent groups. When the agency completes ~~its~~ the five-year review of ~~its~~ the agency's own rules, the agency shall provide a summary of the results to the administrative rules coordinator and the administrative rules review committee.

Sec. 16. Section 26.3, subsection 1, Code 2013, is amended to read as follows:

1. If the estimated total cost of a public improvement exceeds the competitive bid threshold of one hundred thousand dollars, or the adjusted competitive bid threshold established in section 314.1B, the governmental entity shall advertise for sealed bids for the proposed public improvement by publishing a notice to bidders. The notice to bidders shall be published at least once, not less than four and not more than forty-five days before the date for filing bids, in a

newspaper published at least once weekly and having general circulation in the geographic area served by the governmental entity. Additionally, the governmental entity may publish a notice in a relevant contractor organization publication and a relevant contractor plan room service with statewide circulation, provided that a notice is posted on ~~a website~~ an internet site sponsored by either a governmental entity or a statewide association that represents the governmental entity.

Sec. 17. Section 28D.4, subsection 4, Code 2013, is amended to read as follows:

4. Any employee who participates in an exchange under the terms of this section who suffers disability or death as a result of personal injury arising out of and in the course of an exchange, or sustained in performance of duties in connection therewith, shall be treated, for the purposes of the sending agency's employee compensation program, as an employee, as defined in such ~~Act~~ compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that ~~Act~~ compensation program for any period for which the employee is entitled to and elects to receive similar benefits under the receiving agency's employee compensation program.

Sec. 18. Section 28D.6, subsection 4, Code 2013, is amended to read as follows:

4. Any employee of a sending agency assigned in this state who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties in connection therewith, shall be treated for the purpose of receiving agency's employee compensation program, as an employee, as defined in such ~~Act~~ compensation program, who has sustained such injury in the performance of such duty, but shall not receive benefits under that ~~Act~~ compensation program for any period for which the employee elects to receive similar benefits as an employee under the sending agency's employee compensation program.

Sec. 19. Section 28J.18, Code 2013, is amended to read as follows:

28J.18 Revenue bonds are lawful investments.

Port authority revenue bonds issued pursuant to this chapter are lawful investments of banks, credit unions, trust companies, savings associations, deposit guaranty associations, insurance companies, trustees, fiduciaries, trustees or other officers having charge of the bond retirement funds or sinking

funds of port authorities and governmental agencies, and taxing districts of this state, the pension and annuity retirement system, the Iowa public employees' retirement system, the police and fire retirement systems under chapters 410 and 411, or a revolving fund of a governmental agency of this state, and are acceptable as security for the deposit of public funds under chapter 12C.

Sec. 20. Section 29A.42, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Any person who shall molest, or interfere with any member of the national guard, in the discharge of the member's duty shall be guilty of interference with official acts which is section 719.1, subsection 1. The commanding officer of such force may order the arrest of such person and cause the person to be delivered to a peace officer or magistrate.

Sec. 21. Section 35A.20, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The department may expend not more than six hundred dollars per year for any one child who has lived in the state of Iowa for two years preceding application for state educational assistance, and who is the child of a person who died prior to September 11, 2001, during ~~active federal military service~~ active duty while serving in the armed forces or during ~~active federal military service~~ active duty in the Iowa national guard or other military component of the United States, to defray the expenses of tuition, matriculation, laboratory and similar fees, books and supplies, board, lodging, and any other reasonably necessary expense for the child or children incident to attendance in this state at an educational or training institution of college grade, or in a business or vocational training school with standards approved by the department.

Sec. 22. Section 35A.20, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. Upon application by a child who is less than thirty-one years of age, and who is the child of a person who died on or after September 11, 2001, during ~~active federal military service~~ active duty while serving in the armed forces or during ~~active federal military service~~ active duty in the Iowa national guard or other military component of the United States, and who at the time of entering into federal active military service duty had maintained the person's residence in the state for a period of at least six months immediately before entering into federal active military service duty,

the department shall provide state educational assistance in an amount of no more than the highest resident undergraduate tuition rate established per year for an institution of higher learning under the control of the state board of regents less the amount of any state and federal education benefits, grants, or scholarships received by the child, or the amount of the child's established financial need, whichever is less, to defray the expenses of tuition at any postsecondary educational institution in this state.

Sec. 23. Section 96.19, subsection 18, paragraph g, subparagraph (1), Code 2013, is amended to read as follows:

(1) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States; provided, however, that the general language just used shall not include any such instrumentality of the United States after Congress has, by appropriate legal action, expressly permitted the several states to require such instrumentalities to make payments into an employment fund under a state unemployment compensation law; and all such instrumentalities so released from the constitutional immunity to make the contributions, imposed by this chapter shall, thereafter, become subject to all the provisions of said chapter, and such provisions shall then be applicable to such instrumentalities and to all services performed for such instrumentalities in the same manner, to the same extent and on the same terms as are applicable to all other employers, employing units, individuals, and services. Should the social security board administration, acting under section 1603 of the federal Internal Revenue Code, fail to certify the state of Iowa for any particular calendar year, then the payments required of such instrumentalities with respect to such year shall be refunded by the department from the fund in the same manner and within the same period as is provided for in section 96.14, subsection 5, which section provides for the refunding of contributions erroneously collected.

Sec. 24. Section 124.201, subsection 4, Code 2013, is amended to read as follows:

4. If any new substance is designated as a controlled substance under federal law and notice of the designation is given to the board, the board shall similarly designate as controlled the new substance under this chapter after the

expiration of thirty days from publication in the Federal Register of a final order designating a new substance as a controlled substance, unless within that thirty-day period the board objects to the new designation. In that case the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing the board shall announce its decision. Upon publication of objection to a new substance being designated as a controlled substance under this chapter by the board, control under this chapter is stayed until the board publishes its decision. If a substance is designated as controlled by the board under this subsection the control shall be temporary and if, within sixty days after the next regular session of the general assembly convenes ~~it~~, the general assembly has not made the corresponding changes in this chapter, the temporary designation of control of the substance by the board shall be nullified.

Sec. 25. Section 125.86, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1 ~~on July 1, 2008~~, may complete periodic reports pursuant to paragraph "a".

Sec. 26. Section 135C.1, subsection 9, Code 2013, is amended to read as follows:

9. *"Intermediate care facility for persons with an intellectual disability"* means an institution or distinct part of an institution with a primary purpose to provide health or rehabilitative services to three or more individuals, who primarily have an intellectual disability or a related condition and who are not related to the administrator or owner within the third degree of consanguinity, and which meets the requirements of this chapter and federal standards for intermediate care facilities for persons with an intellectual disability established pursuant to the federal Social Security Act, § 1905(c)(d), as codified in 42 U.S.C. § ~~1936d~~ 1396d, which are contained in 42 C.F.R. pt. 483, subpt. D, § 410 - 480.

Sec. 27. Section 135C.6, subsection 8, paragraph c, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A residential program approved by the department of human

services pursuant to this paragraph "c" to receive moneys appropriated to the department of human services under provisions of a federally approved home and community-based services waiver for persons with an intellectual disabilities disability may provide care to not more than five individuals. The department shall approve a residential program under this paragraph that complies with all of the following conditions:

Sec. 28. Section 142.3, Code 2013, is amended to read as follows:

142.3 Notification of department.

Every county medical examiner, funeral director or embalmer, and the managing officer of every public asylum, hospital, county care facility, penitentiary, or reformatory, as soon as any dead body shall come into the person's custody which may be used for scientific purposes as provided in sections 142.1 and 142.2, shall at once notify the nearest relative or friend of the deceased, if known, and the Iowa department of public health ~~by telegram~~, and hold such body unburied for forty-eight hours. Upon receipt of ~~such telegram~~ notification, the department shall ~~telegram~~ issue verbal or written instructions relative to the disposition to be made of said body. Complete jurisdiction over said bodies is vested exclusively in the Iowa department of public health. No autopsy or post mortem, except as are legally ordered by county medical examiners, shall be performed on any of said bodies prior to their delivery to the medical schools.

Sec. 29. Section 144.29A, subsections 7, 8, and 9, Code 2013, are amended to read as follows:

7. For the purposes of this section, ~~"health care provider"~~:

a. "Health care provider" means an individual licensed under chapter 148, 148C, 148D, or 152, or any individual who provides medical services under the authorization of the licensee.

~~8. b. For the purposes of this section, "inducing a termination of pregnancy"~~ "Inducing a termination of pregnancy" means the use of any means to terminate the pregnancy of a woman known to be pregnant with the intent other than to produce a live birth or to remove a dead fetus.

~~9. c. For the purposes of this section, "spontaneous termination of pregnancy"~~ "Spontaneous termination of pregnancy" means the occurrence of an unintended termination of pregnancy at any time during the period from conception to twenty weeks gestation and which is not a spontaneous termination of pregnancy at any time during the period from twenty weeks or

greater which is reported to the department as a fetal death under this chapter.

Sec. 30. Section 152B.1, subsection 8, paragraph b, Code 2013, is amended to read as follows:

b. Is capable of serving as a resource to the physician or surgeon in relation to the technical aspects of cardiorespiratory care and to safe and effective methods for administering respiratory care modalities.

Sec. 31. Section 152B.2, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. "*Respiratory care as a practice*" does not include the delivery, assembly, setup, testing, or demonstration of respiratory care equipment in the home upon the order of a licensed physician or surgeon or a qualified health care professional prescriber. As used in this paragraph, "*demonstration*" does not include the actual teaching, administration, or performance of the respiratory care procedures.

Sec. 32. Section 161A.61, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The commissioners of the soil and water conservation district in which ~~that~~ a farm unit is located may petition the district court for an appropriate order with respect to that farm unit if its owner or occupant has been sent a notice by the commissioners under subsection 1, paragraph "b", for three or more consecutive years. The commissioners' petition shall seek a court order which states a time not more than six months after the date of the order when the owner or occupant must commence, and a time when the owner or occupant must complete the steps necessary to comply with the order. The time allowed to complete the establishment of a temporary soil and water conservation practice employed to comply or advance toward compliance with the court's order shall be not more than one year after the date of that order, and the time allowed to complete the establishment of a permanent soil and water conservation practice employed to comply with the court's order shall be not more than five years after the date of that order. Section 161A.48 applies to a court order issued under this subsection. The steps required of the farm unit owner or operator by the court order are those which are necessary to do one of the following:

Sec. 33. Section 203.10, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

Sec. 34. Section 203C.10, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. The expiration of the license according to the terms of the license as provided in this chapter, including a rule adopted in accordance with this chapter, pursuant to chapter 17A.

Sec. 35. Section 203C.16, subsection 3, Code 2013, is amended to read as follows:

3. a. The storage of bulk grain by more than one person, if all of the following apply:

~~a.~~ (1) The bulk grain was jointly produced by all persons storing the grain. ~~As used in this subsection, "jointly produced" includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.~~

~~b.~~ (2) The bulk grain is stored on the property owned or leased by one of the persons jointly producing the grain.

~~c.~~ (3) No person other than persons jointly producing the grain owns the stored bulk grain.

b. As used in this subsection, "jointly produced" includes but is not limited to grain owned by a landlord who receives a share of agricultural products as rent.

Sec. 36. Section 207.2, subsection 10, Code 2013, is amended to read as follows:

10. "Prime farmland" means the same as prescribed by the United States department of agriculture pursuant to 7 C.F.R. § ~~567.5(a)~~ 657.5(a).

Sec. 37. Section 208A.1, Code 2013, is amended to read as follows:

208A.1 Definitions.

As used in this chapter, unless the context or subject matter otherwise requires: ~~(1)~~

1. "Antifreeze" shall include all substances and preparations intended for use as the cooling medium, or to be added to the cooling liquid, in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point; ~~and (2) "person".~~

2. "Person" shall include individuals, partnerships, corporations, companies, and associations.

Sec. 38. Section 208A.2, Code 2013, is amended to read as

follows:

208A.2 What deemed adulterated.

An antifreeze shall be deemed to be adulterated if either of the following apply: ~~(1) If it~~

1. It consists in whole or in part of any substance which will render it injurious to the cooling system of an internal combustion engine or will make the operation of the engine dangerous to the user; ~~or (2) if its.~~

2. Its strength, quality, or purity falls below the standard of strength, quality, or purity under which it is sold.

Sec. 39. Section 208A.3, Code 2013, is amended to read as follows:

208A.3 What deemed misbranded.

An antifreeze shall be deemed to be misbranded if either of the following apply: ~~(1) If its~~

1. Its labeling is false or misleading in any particular; ~~or (2) if in.~~

2. In package form it does not bear a label containing the name and place of business of the manufacturer, packer, seller, or distributor and an accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.

Sec. 40. Section 214A.1, subsection 17, Code 2013, is amended by striking the subsection.

Sec. 41. Section 215.7, subsection 2, Code 2013, is amended to read as follows:

2. The person makes a settlement for or enters a credit, based upon any false weight or measurement, for any commodity purchased.

Sec. 42. Section 217.17, Code 2013, is amended to read as follows:

217.17 Administrator of division of planning.

The administrator of the division of planning, research, and statistics shall be qualified in the general field of governmental planning with special training and experience in the areas of preparation and development of plans for future efficient reorganization and administration of government social functions. The administrator of the division of planning, research, and statistics shall cooperate with the administrators of the other divisions of the department of human services, assisting them and the director of the department in their planning, research, and statistical problems. The administrator of the division of planning,

research, and statistics shall assist the administrators, director, and the council on human services by proposing administrative and organizational changes at both the state and local level to provide more efficient and integrated social services to the citizens of this state. The planning, research, and statistical operations now forming an integral part of the present state functions assigned to the administrators of this department along with their future needs in this regard are all assigned to and shall be administered by the administrator of ~~this~~ the division.

Sec. 43. Section 217.30, subsection 2, Code 2013, is amended to read as follows:

2. Information described in subsection 1 shall not be disclosed to or used by any person or agency except for purposes of administration of the programs of services or assistance, and shall not in any case, except as otherwise provided in subsection 4, paragraph "b", be disclosed to or used by persons or agencies outside the department unless they are subject to standards of confidentiality comparable to those imposed on the department by this ~~division~~ section.

Sec. 44. Section 217.31, unnumbered paragraph 2, Code 2013, is amended to read as follows:

Any reasonable grounds that a public employee has violated any provision of ~~this division~~ section 217.30 shall be grounds for immediate removal from access of any kind to confidential records or suspension from duty without pay.

Sec. 45. Section 222.13, subsection 1, Code 2011, as amended by 2012 Iowa Acts, chapter 1120, section 70, is amended to read as follows:

1. If an adult person is believed to be a person with mental retardation, the adult person or the adult person's guardian may submit a request in writing through the central point of coordination process for the county board of supervisors of the adult person's county of residence ~~in writing~~ to apply to the superintendent of any state resource center for the voluntary admission of the adult person either as an inpatient or an outpatient of the resource center. The board of supervisors shall, on forms prescribed by the department's administrator, apply to the superintendent of the resource center in the district for the admission of the adult person to the resource center. An application for admission to a special unit of any adult person believed to be in need of any of the services provided by the special unit under section 222.88 may be made

in the same manner, upon request of the adult person or the adult person's guardian. The superintendent shall accept the application if a preadmission diagnostic evaluation, performed through the central point of coordination process, confirms or establishes the need for admission, except that an application shall not be accepted if the institution does not have adequate facilities available or if the acceptance will result in an overcrowded condition.

Sec. 46. Section 222.27, Code 2013, is amended to read as follows:

222.27 Hearing in public.

Hearings shall be public, unless otherwise requested by the parent, guardian, or other person having the custody of the person with an intellectual disability, or if the judge considers a closed hearing in the best interests of the person with an intellectual disability.

Sec. 47. Section 225.10, Code 2013, is amended to read as follows:

225.10 Voluntary public patients.

Persons suffering from mental diseases may be admitted to the state psychiatric hospital as voluntary public patients as follows: ~~Any~~ if a physician authorized to practice medicine or osteopathic medicine in the state of Iowa ~~may file~~ files information with the board of supervisors of the person's county of residence or the board's designee, stating ~~that~~ all of the following:

1. That the physician has examined the person and finds that the person is suffering from some abnormal mental condition that can probably be remedied by observation, treatment, and hospital care; ~~that.~~

2. That the physician believes it would be appropriate for the person to enter the state psychiatric hospital for that purpose and that the person is willing to do so; ~~and that.~~

3. That neither the person nor those legally responsible for the person are able to provide the means for the observation, treatment, and hospital care.

Sec. 48. Section 225C.4, subsection 1, paragraph o, Code 2013, is amended to read as follows:

o. Recommend to the commission minimum accreditation standards for the maintenance and operation of community mental health centers, services, and programs under section ~~230A.16~~ 230A.110. The administrator's review and evaluation of the centers, services, and programs for compliance with the adopted

standards shall be as provided in section ~~230A.17~~ 230A.111.

Sec. 49. Section 225C.6, subsection 1, paragraph c, Code 2013, is amended to read as follows:

c. Adopt standards for community mental health centers, services, and programs as recommended under section ~~230A.16~~ 230A.110. The administrator shall determine whether to grant, deny, or revoke the accreditation of the centers, services, and programs.

Sec. 50. Section 225C.15, Code 2013, is amended to read as follows:

225C.15 County implementation of evaluations.

The board of supervisors of a county shall, no later than July 1, 1982, require that the policy stated in section 225C.14 be followed with respect to admission of persons from that county to a state mental health institute. A community mental health center which is supported, directly or in affiliation with other counties, by that county may perform the preliminary diagnostic evaluations for that county, unless the performance of the evaluations is not covered by the agreement entered into by the county and the center ~~under section 230A.12~~, and the center's director certifies to the board of supervisors that the center does not have the capacity to perform the evaluations, in which case the board of supervisors shall proceed under section 225C.17.

Sec. 51. Section 228.6, subsection 1, Code 2013, is amended to read as follows:

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if and to the extent necessary, to meet the requirements of section 229.24, 229.25, 230.20, 230.21, 230.25, 230.26, ~~230A.13~~, 230A.108, 232.74, or 232.147, or to meet the compulsory reporting or disclosure requirements of other state or federal law relating to the protection of human health and safety.

Sec. 52. Section 229.13, subsection 5, Code 2013, is amended to read as follows:

5. The chief medical officer of the hospital or facility at which the respondent is placed shall report to the court no more than fifteen days after the respondent is placed, making a recommendation for disposition of the matter. An extension of time may be granted, not to exceed seven days upon a showing of cause. A copy of the report shall be sent to the respondent's attorney, who may contest the need for an extension of time

if one is requested. An extension of time shall be granted upon request unless the request is contested, in which case the court shall make such inquiry as it deems appropriate and may either order the respondent's release from the hospital or facility or grant an extension of time for psychiatric evaluation. If the chief medical officer fails to report to the court within fifteen days after the individual is placed under the care of the hospital or facility, and an extension of time has not been requested, the chief medical officer is guilty of contempt and shall be punished under chapter 665. The court shall order a rehearing on the application to determine whether the respondent should continue to be detained at or placed under the care of the hospital or facility.

Sec. 53. Section 229.15, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. An advanced registered nurse practitioner who is not certified as a psychiatric advanced registered nurse practitioner but who meets the qualifications set forth in the definition of a mental health professional in section 228.1 ~~on July 1, 2008~~, may complete periodic reports pursuant to paragraph "a".

Sec. 54. Section 229.22, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. If the magistrate orders that the person be detained, the magistrate shall, by the close of business on the next working day, file a written order with the clerk in the county where it is anticipated that an application may be filed under section 229.6. The order may be filed by facsimile if necessary. A peace officer from the law enforcement agency that took the person into custody, if no request was made under paragraph "a", may inform the magistrate that an arrest warrant has been issued for or charges are pending against the person and request that any written order issued under this paragraph require the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The order shall state the circumstances under which the person was taken into custody or otherwise brought to a facility or hospital, and the grounds supporting the finding of probable cause to believe that the person is seriously mentally impaired and likely to injure the person's self or others if not immediately detained. The order shall also include any law enforcement agency notification requirements if applicable. The order shall confirm the oral order authorizing

the person's detention including any order given to transport the person to an appropriate facility or hospital. A peace officer from the law enforcement agency that took the person into custody may also request an order, separate from the written order, requiring the facility or hospital to notify the law enforcement agency about the discharge of the person prior to discharge. The clerk shall provide a copy of the written order or any separate order to the chief medical officer of the facility or hospital to which the person was originally taken, to any subsequent facility to which the person was transported, and to any law enforcement department or ambulance service that transported the person pursuant to the magistrate's order.

Sec. 55. Section 230.33, unnumbered paragraph 2, Code 2013, is amended to read as follows:

~~Provided that~~ However, in the case of a proposed transfer of a person with mental illness or an intellectual disability from this state, ~~that no~~ final action shall not be taken without the approval either of the commission of hospitalization, or of the district court, of the county of admission or commitment.

Sec. 56. Section 230A.105, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. Individuals described in paragraph "a", "b", "c", or "d" who have a co-occurring disorder, including but not limited to substance abuse, ~~mental retardation~~ intellectual disability, a developmental disability, brain injury, autism spectrum disorder, or another disability or special health care need.

Sec. 57. Section 230A.110, subsection 3, paragraph c, Code 2013, is amended to read as follows:

c. Arrange for the financial condition and transactions of the community mental health center to be audited once each year by the auditor of state. ~~However, in lieu of an audit by state accountants~~ the auditor of state, the local governing body of a community mental health center organized under this chapter may contract with or employ certified public accountants to conduct the audit, pursuant to the applicable terms and conditions prescribed by sections 11.6 and 11.19 and audit format prescribed by the auditor of state. Copies of each audit shall be furnished by the auditor or accountant to the administrator of the division of mental health and disability services.

Sec. 58. Section 231.56, Code 2013, is amended to read as follows:

231.56 Services and programs.

The department shall administer services and programs

that allow older individuals to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals, provide a continuum of care for older individuals and individuals with disabilities, and secure the opportunity for older individuals to receive managed in-home and community-based long-term care services. Funds appropriated for this purpose shall be ~~instituted~~ allocated based on administrative rules adopted by the commission. The department shall require such records as needed to administer this section.

Sec. 59. Section 232.73A, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. For purposes of this section, "*retaliatory action*" includes but is not limited to an employer's action to discharge an employee or to take or fail to take action regarding an employee's appointment or proposed appointment to a position in employment, to take or fail to take action regarding an employee's promotion or proposed promotion to a position in employment, or to fail to provide an advantage in a position in employment.

Sec. 60. Section 234.6, subsection 1, Code 2013, is amended to read as follows:

1. Cooperate with the ~~federal~~ social security board administration created by ~~Tit. VII of~~ by the Social Security Act ~~{42 and codified at 42 U.S.C. § 901}~~ 901, ~~enacted by the 74th Congress of the United States and approved August 14, 1935,~~ or other agency of the federal government for public welfare assistance, in such reasonable manner as may be necessary to qualify for federal aid, including the making of such reports in such form and containing such information as the ~~federal~~ social security board administration, from time to time, may require, and to comply with such regulations as such ~~federal~~ social security board administration, from time to time, may find necessary to assure the correctness and verification of such reports.

Sec. 61. Section 235E.6, Code 2013, is amended to read as follows:

235E.6 Dependent adult abuse finding — notification to employer and employee.

Upon a ~~finding of founded~~ determination that an allegation of perpetration of dependent adult abuse by a caretaker is

founded, the department shall provide written notification of the department's findings to the caretaker and the caretaker's employer. In addition, the written notification shall detail the consequences of placement on the central abuse registry, the caretaker's appeal rights, and include a separate appeal request form. The written appeal request form shall clearly set forth that the caretaker shall not be placed on the central abuse registry until final agency action is taken if an appeal is filed within fifteen days.

Sec. 62. Section 249J.6, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. Each expansion population member shall receive a comprehensive medical examination annually. The department may implement ~~a web-based~~ an internet-based health risk assessment for expansion population members that may include facilitation, if deemed to be cost-effective to the program.

Sec. 63. Section 256D.3, subsection 3, Code 2013, is amended to read as follows:

3. ~~Beginning January 15, 2006, the~~ The department shall submit an annual report to the chairpersons and ranking members of the senate and house education committees that includes the statewide average school district class size in basic skills instruction in kindergarten through grade three, by grade level and by district size, and describes school district progress toward achieving early intervention block grant program goals and the ways in which school districts are using moneys received pursuant to this chapter and expended as provided in section 256D.2A. The report shall include district-by-district information showing the allocation received for early intervention block grant program purposes, the total number of students enrolled in grade four in each district, and the number of students in each district who are not proficient in reading in grade four for the most recent reporting period, as well as for each reporting period starting with the school year beginning July 1, 2001.

Sec. 64. Section 256F.6, subsection 2, Code 2013, is amended to read as follows:

2. The contract shall outline the reasons for revocation or nonrenewal of the ~~charter~~ contract.

Sec. 65. Section 261B.4, subsection 17, Code 2013, is amended to read as follows:

17. Evidence that the school meets the conditions of financial responsibility established in section 714.18, or that

the school qualifies for an exemption under section 714.19 ~~or~~
~~714.22.~~

Sec. 66. Section 261B.11, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. A school that is granted an exemption under this section must file evidence of financial responsibility under section 714.18 or demonstrate to the commission or its designee that the school qualifies for an exemption under section 714.19 ~~or~~
~~714.22.~~

Sec. 67. Section 275.1, subsection 2, Code 2013, is amended to read as follows:

2. It is the policy of the state to encourage economical and efficient school districts which will ensure an equal educational opportunity to all children of the state. All areas of the state shall be in school districts maintaining kindergarten and twelve grades. If a school district ceases to maintain kindergarten and twelve grades except as otherwise provided in section 28E.9, 256.13, 280.15, 282.7, subsection 1 or ~~subsections 1 and 3~~, or section 282.8, it shall reorganize within six months or the state board shall attach the school district not maintaining kindergarten and twelve grades to one or more adjacent districts. Voluntary reorganizations under this chapter shall be commenced only if the affected school districts are contiguous or marginally adjacent to one another. A reorganized district shall meet the requirements of section 275.3.

Sec. 68. Section 279.9A, Code 2013, is amended to read as follows:

279.9A Information sharing.

The rules referred to in section 279.9 shall provide that upon the request of school officials of a school to which the student seeks to transfer or has transferred, school officials of the sending school shall provide an accurate record of any suspension or expulsion actions taken, and the basis for those actions taken, against the student under sections 279.9, 280.19A, 280.21B, 282.3, 282.4, and 282.5. The designated representative shall disclose this information only to those school employees whose duties require them to be involved with the student. For purposes of this section, "school employees" means persons employed by a nonpublic school or school district, or any area education agency staff member who provides services to a school or school district.

Sec. 69. Section 280.11, subsection 4, paragraph b, Code

2013, is amended to read as follows:

b. "Noise" as used in this section, means a noise level that meets or exceeds damage-risk criteria established by the present ~~federal~~ standard for occupational noise exposure, established by the federal occupational safety and health standards administration.

Sec. 70. Section 280.13B, Code 2013, is amended to read as follows:

280.13B ~~Taping~~ Recording and broadcast fees restricted.

The Iowa high school athletic association or its successor organization, and the Iowa girls high school athletic union or its successor organization, shall not assess a charge for the ~~videotape~~ retransmission of an audio-visual recording of a high school athletic tournament contest or event if the ~~videotape~~ retransmission does not occur earlier than twenty-four hours after the starting time of the live athletic contest or event.

Sec. 71. Section 282.4, subsections 2 and 3, Code 2013, are amended to read as follows:

2. ~~a.~~ A student who commits an assault, as defined under section 708.1, against a school employee in a school building, on school grounds, or at a school-sponsored function shall be suspended for a time to be determined by the principal. Notice of the suspension shall be immediately sent to the president of the board. By special meeting or at the next regularly scheduled board meeting, the board shall review the suspension and decide whether to hold a disciplinary hearing to determine whether or not to order further sanctions against the student, which may include expelling the student. In making its decision, the board shall consider the best interests of the school district, which shall include what is best to protect and ensure the safety of the school employees and students from the student committing the assault.

~~b.~~ 3. A student shall not be suspended or expelled pursuant to this section if the suspension or expulsion would violate the federal Individuals with Disabilities Education Act.

~~3.~~ 4. Notwithstanding section 282.6, if a student has been expelled or suspended from school and has not met the conditions of the expulsion or suspension, the student shall not be permitted to enroll in a school district until the board of directors of the school district approves, by a majority vote, the enrollment of the student.

Sec. 72. Section 282.24, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. The maximum tuition fee that may be charged for elementary and high school students residing within another school district or corporation except students attending school in another district under section 282.7, subsection 1, or ~~subsections 1 and 3~~, is the district cost per pupil of the receiving district as computed in section 257.10.

Sec. 73. Section 299.6, Code 2013, is amended to read as follows:

299.6 Violations — community service or fine or imprisonment.

1. Any person who violates a mediation agreement under section 299.5A, who is referred for prosecution under section 299.5A and is convicted of a violation of any of the provisions of sections 299.1 through 299.5, who violates any of the provisions of sections 299.1 through 299.5, or who refuses to participate in mediation under section 299.5A, ~~for a first offense, is guilty of a simple misdemeanor~~ commits a public offense.

a. A first offense is a simple misdemeanor and a conviction is punishable by imprisonment not exceeding ten days or a fine not exceeding one hundred dollars. The court may order the person to perform not more than forty hours of unpaid community service instead of any fine or imprisonment. ~~A person convicted of a second violation is guilty of a serious misdemeanor.~~

b. A second offense is a serious misdemeanor and a conviction is punishable by imprisonment not exceeding twenty days or a fine not exceeding five hundred dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

c. A third or subsequent offense is a serious misdemeanor and a conviction is punishable by imprisonment not exceeding thirty days or a fine not exceeding one thousand dollars, or both a fine and imprisonment. The court may order the person to perform unpaid community service instead of any fine or imprisonment.

2. If community service is imposed as part of a sentencing order, the court may require that part or all of the service be performed for a public school district or nonpublic school if the court finds that service in the school is appropriate under the circumstances.

3. If a parent, guardian, or legal or actual custodian of a

child who is truant, has made reasonable efforts to comply with the provisions of sections 299.1 through 299.5, but is unable to cause the child to attend school, the parent, guardian, or legal or actual custodian may file an affidavit listing the reasonable efforts made by the parent, guardian, or legal or actual custodian to cause the child's attendance and the parent, guardian, or legal or actual custodian shall not be criminally liable for the child's nonattendance.

Sec. 74. Section 306C.18, subsection 4, Code 2013, is amended to read as follows:

4. The fee for both types of permits for calendar years 1997 and 1998 shall be one hundred dollars for the initial fee and fifteen dollars for each annual renewal for signs up to three hundred seventy-five square feet in area, twenty-five dollars for each annual renewal for signs at least three hundred seventy-six, but not more than nine hundred ninety-nine, square feet in area, and fifty dollars for each annual renewal for signs one thousand square feet or more in area. Beginning January 1, 1999, fees shall be as determined by rule by the department. The fees collected for the above permits shall be credited to a ~~special account entitled the "highway highway beautification fund"~~ fund created in section 306C.11, subsection 5, and all salaries and expenses incurred in administering this chapter shall be paid from this fund or from specific appropriations for this purpose, except that surveillance of, and removal of, advertising devices performed by regular maintenance personnel are not to be charged against the ~~account~~ fund.

Sec. 75. Section 313.43, Code 2013, is amended to read as follows:

313.43 Lateral or detour routes in cities.

1. Any city located on the primary road system and in which the primary road extension as officially designated does not pass through the main part or business district of such city, may designate and mark a lateral or detour route in order to facilitate such primary road traffic as may desire to get into and out of such business district.

2. Lateral or detour routes shall be marked with standard markings adopted by the department for that purpose, which markings shall clearly indicate that the lateral route is not the official primary road extension but is in fact a lateral or detour extending to the business district.

3. The cost of the markings shall be without expense to the

state.

Sec. 76. Section 313.64, unnumbered paragraph 1, Code 2013, is amended to read as follows:

~~Should~~ If the department ~~accept~~ accepts the offer of any bridge over a boundary stream and ~~enter~~ enters into a written agreement in relation ~~thereto~~ to the bridge as provided in sections 313.59 to 313.63, this section, and section 313.65, the owner or operator of ~~such~~ the bridge shall thereafter and until all indebtedness or other obligations against ~~such~~ the bridge have been paid and discharged annually file with the department a sworn statement of its financial condition. ~~Such~~ The statement shall show funds on hand and indebtedness at the beginning and end of the year, receipts, disbursements, indebtedness retired during the year and any other information required by the department to show the true and complete condition of the finances with respect to ~~such~~ the bridge and bridge approaches ~~thereto~~.

Sec. 77. Section 321.98, Code 2013, is amended to read as follows:

321.98 Operation without registration.

1. ~~A~~ Except as otherwise expressly permitted in this chapter, a person shall not operate and an owner shall not knowingly permit to be operated upon any highway any vehicle required to be registered and titled ~~hereunder~~ under this chapter unless ~~there shall be:~~

a. A valid registration card and registration plate or plates issued for the vehicle for the current registration year are attached thereto to and displayed thereon on the vehicle when and as required by this chapter ~~a valid registration card and registration plate or plates issued therefor for the current registration year;~~ and unless ~~a~~

b. A certificate of title has been issued for such the vehicle ~~except as otherwise expressly permitted in this chapter.~~

2. Any violation of this section is a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2.

Sec. 78. Section 321.180B, subsection 1, paragraphs c, d, and e, Code 2013, are amended to read as follows:

c. (1) Except as otherwise provided, a permittee who is less than eighteen years of age and who is operating a motor vehicle must be accompanied by a person issued a driver's license valid for the vehicle operated who is the

parent, guardian, or custodian of the permittee, a member of the permittee's immediate family if the family member is at least twenty-one years of age, an approved driver education instructor, a prospective driver education instructor who is enrolled in a practitioner preparation program with a safety education program approved by the state board of education, or a person at least twenty-five years of age if written permission is granted by the parent, guardian, or custodian, and who is actually occupying a seat beside the driver. A permittee shall not operate a motor vehicle if the number of passengers in the motor vehicle exceeds the number of passenger safety belts in the motor vehicle. If the applicant for an instruction permit holds a driver's license issued in this state valid for the operation of a motorized bicycle or a motorcycle, the instruction permit shall be valid for such operation without the requirement of an accompanying person.

~~d.~~ (2) ~~However, if~~ If the permittee is operating a motorcycle in accordance with this section, the accompanying person must be within audible and visual communications distance from the permittee and be accompanying the permittee on or in a different motor vehicle. Only one permittee shall be under the immediate supervision of an accompanying qualified person.

~~e.~~ d. A permittee shall not be penalized for failing to have the instruction permit in the permittee's immediate possession if the permittee produces in court, within a reasonable time, an instruction permit issued to the permittee and valid at the time of the permittee's arrest or at the time the permittee was charged with failure to have the permit in the permittee's immediate possession.

Sec. 79. Section 321.188, subsection 6, paragraph c, Code 2013, is amended to read as follows:

c. An applicant who obtains a driving skills test waiver under this subsection shall take and successfully pass the knowledge test required pursuant to subsection 1.

Sec. 80. Section 321.276, subsection 5, Code 2013, is amended to read as follows:

5. ~~a.~~ A peace officer shall not stop or detain a person solely for a suspected violation of this section. This section is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of this chapter, a local ordinance equivalent to a provision of this chapter,

or other law.

~~b. 6. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of this section.~~ The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

Sec. 81. Section 321.285, subsection 7, Code 2013, is amended to read as follows:

7. A person who violates this section for excessive speed in violation of a speed limit commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5, paragraph "a". A person who violates this section for excessive speed as an operator of a school bus commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 10. A person who violates any other provision of this section commits a simple misdemeanor.

Sec. 82. Section 321.341, Code 2013, is amended to read as follows:

321.341 Obedience to signal indicating approach of railroad train or railroad track equipment.

1. When a person driving a vehicle approaches a railroad grade crossing and warning is given by automatic signal, crossing gates, a flag person, or otherwise of the immediate approach of a railroad train or railroad track equipment, the driver of the vehicle shall stop the vehicle within fifty feet but not less than fifteen feet from the nearest rail and shall not proceed until the driver can do so safely.

2. The driver of a vehicle shall stop the vehicle and the vehicle shall remain standing and not traverse such a grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment.

Sec. 83. Section 321.354, Code 2013, is amended to read as follows:

321.354 Stopping on traveled way.

~~1. Upon any highway outside of a business district, rural residence district or residence district a~~ A person shall not stop, park, or leave standing a an attended or unattended vehicle, whether attended or unattended upon any highway outside of a business district, rural residence district, or residence district as follows:

~~1. a.~~ a. Upon the paved part of the highway when it is

practical to stop, park, or leave the vehicle off that part of the highway, however, a clear and unobstructed width of at least twenty feet of the paved part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles. As used in this subsection, "paved highway" includes an asphalt surfaced highway.

~~2.~~ b. Upon the main traveled part of a highway other than a paved highway when it is practical to stop, park, or leave the vehicle off that part of the highway. However, a clear and unobstructed width of that part of the highway opposite the standing vehicle shall be left to allow for the free passage of other vehicles.

2. A clear view of the stopped vehicle shall be available from a distance of two hundred feet in each direction upon the highway. However, school buses may stop on the highway for receiving and discharging pupils and all other vehicles shall stop for school buses which are stopped to receive or discharge pupils, as provided in section 321.372. This section does not apply to a vehicle making a turn as provided in section 321.311. This section also does not apply to the stopping or parking of a maintenance vehicle operated by a highway authority on the main traveled way of any roadway when necessary to the function being performed and when early warning devices are properly displayed.

Sec. 84. Section 321.498, subsection 2, Code 2013, is amended to read as follows:

2. a. ~~The term "nonresident"~~ "Nonresident" shall include any person who was, at the time of the accident or event, a resident of the state of Iowa but who removed from the state before the commencement of such action or proceedings.

b. "Person" shall mean:

(1) The owner of the vehicle whether it is being used and operated personally by the owner, or by the owner's agent.

(2) An agent using and operating the vehicle for the agent's principal.

(3) Any person who is in charge of the vehicle and of the use and operation thereof with the express or implied consent of the owner.

Sec. 85. Section 321G.20, subsection 2, Code 2013, is amended to read as follows:

2. While operating a snowmobile on a designated snowmobile trail, public land, or public ice, a person twelve through fifteen years of age and possessing shall possess a valid

education certificate issued under this chapter and must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in snowmobile operation and possesses a valid driver's license, as defined in section 321.1, or an education certificate issued under this chapter.

Sec. 86. Section 321J.24, subsection 5, paragraph a, subparagraph (2), Code 2013, is amended to read as follows:

(2) A facility for the treatment of ~~chemical-substance-abuse~~ persons with substance-related disorders as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 87. Section 321J.25, subsection 2, paragraph b, Code 2013, is amended to read as follows:

b. A facility for the treatment of ~~chemical-substance-abuse~~ persons with substance-related disorders as defined in section 125.2, under the supervision of appropriately licensed medical personnel.

Sec. 88. Section 331.321, subsection 1, paragraph e, Code 2013, is amended to read as follows:

e. A temporary board of community mental health center trustees in accordance with section ~~230A.4~~ 230A.110, subsection 3, paragraph "b", when the board decides to establish a community mental health center, and members to fill vacancies in accordance with section ~~230A.6~~ 230A.110, subsection 3, paragraph "b".

Sec. 89. Section 331.392, subsection 2, paragraph i, Code 2013, is amended to read as follows:

i. Provisions for formation and assigned responsibilities for one or more advisory committees consisting of individuals who utilize services or actively involved relatives of such individuals, service providers, governing board members, and persons representing other interests identified in the agreement.

Sec. 90. Section 331.395, Code 2013, is amended to read as follows:

331.395 Financial eligibility requirements.

1. A person must comply with all of the following financial eligibility requirements to be eligible for services under the regional service system:

1. a. The person must have an income equal to or less than one hundred fifty percent of the federal poverty level, as defined by the most recently revised poverty income guidelines

published by the United States department of health and human services, to be eligible for regional service system public funding. It is the intent of the general assembly to consider increasing this income eligibility provision to two hundred percent of the federal poverty level.

~~2. a. A region or a service provider contracting with the region shall not apply a copayment, sliding fee scale, or other cost-sharing requirement for a particular service to a person with an income equal to or less than one hundred fifty percent of the federal poverty level.~~

~~b. Notwithstanding subsection 1, a person with an income above one hundred fifty percent of the federal poverty level may be eligible for services subject to a copayment, sliding fee scale, or other cost-sharing requirement approved by the department.~~

~~c. A provider under the regional service system of a service that is not funded by the medical assistance program under chapter 249A may waive the copayment or other cost-sharing arrangement if the provider is not reimbursed for the cost with public funds.~~

~~3. b. A person who is eligible for federally funded services and other support must apply for such services and support.~~

~~4. c. The person ~~is~~ must be in compliance with resource limitations identified in rule adopted by the state commission. The limitation shall be derived from the federal supplemental security income program resource limitations. A person with resources above the federal supplemental security income program resource limitations may be eligible subject to limitations adopted in rule by the state commission pursuant to a recommendation made by the department. If a person does not qualify for federally funded services and other support but meets income, resource, and functional eligibility requirements for regional services, the following types of resources shall be disregarded:~~

~~a. (1) A retirement account that is in the accumulation stage.~~

~~b. (2) A burial, medical savings, or assistive technology account.~~

2. a. A region or a service provider contracting with the region shall not apply a copayment, sliding fee scale, or other cost-sharing requirement for a particular service to a person with an income equal to or less than one hundred fifty percent

of the federal poverty level.

b. Notwithstanding subsection 1, paragraph "a", a person with an income above one hundred fifty percent of the federal poverty level may be eligible for services subject to a copayment, sliding fee scale, or other cost-sharing requirement approved by the department.

c. A provider under the regional service system of a service that is not funded by the medical assistance program under chapter 249A may waive the copayment or other cost-sharing arrangement if the provider is not reimbursed for the cost with public funds.

Sec. 91. Section 331.606A, subsection 3, Code 2013, is amended to read as follows:

3. *Redaction from electronic documents.* Personally identifiable information that is contained in electronic documents that are displayed for public access on ~~a website~~ an internet site, or which are transferred to any person, shall be redacted prior to displaying or transferring the documents. Each recorder that displays electronic documents and the county land record information system that displays electronic documents on behalf of a county shall implement a system for redacting personally identifiable information. The recorder and the governing board of the county land record information system shall establish a procedure by which individuals may request that personally identifiable information contained in an electronic document displayed on ~~a website~~ an internet site be redacted, at no fee to the requesting individual. The requirements of this subsection shall be fully implemented not later than December 31, 2011.

Sec. 92. Section 331.606A, subsection 6, paragraph b, Code 2013, is amended to read as follows:

b. Subsection 3 shall not apply to a military separation or discharge record, a birth record, a death certificate, or marriage certificate unless such record or certificate is incorporated within another document or instrument that is recorded and displayed for public access on ~~a website~~ an internet site.

Sec. 93. Section 331.653, subsection 33, Code 2013, is amended to read as follows:

33. Carry out duties relating to the enforcement of laws prohibiting the operation of a motor vehicle while ~~under the influence of an alcoholic beverage~~ intoxicated as provided in chapter 321J.

Sec. 94. Section 341A.15, Code 2013, is amended to read as follows:

341A.15 Leave of absence.

Leave of absence, without pay, may be granted by any county sheriff to any person under civil service, ~~however, the~~. The sheriff shall give notice of leave to the commission.

Sec. 95. Section 357A.11, subsection 1, Code 2013, is amended to read as follows:

1. Adopt rules, regulations, and rate schedules in conformity with the provisions of this ~~Act~~ chapter and the bylaws of the district as necessary for the conduct of the business of the district.

Sec. 96. Section 357E.9, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. (1) For districts in existence on July 1, 2011, the number of trustees, other than those appointed under subsection 2, shall be increased from three trustees to seven trustees. For the initial seven-member board under this paragraph "b", the board of supervisors shall appoint four trustees. One trustee shall be appointed to serve for one year, one for two years, and two for three years. The term of each trustee appointed under this ~~paragraph~~ subparagraph shall expire on the same date as the term of the current trustee whose term expires during the same year.

(2) This paragraph "b" is repealed on July 1, 2018.

Sec. 97. Section 368.26, Code 2013, is amended to read as follows:

368.26 Annexation of certain property — compliance with less stringent regulations.

1. A city ordinance or regulation that regulates a condition or activity occurring on protected farmland or regulates a person who owns and operates protected farmland is unenforceable against the owner of the protected farmland for a period of ten years from the effective date of the annexation, to the extent the city ordinance or regulation is more stringent than county legislation. Section 335.2 shall apply to the protected farmland until the owner of the protected farmland determines that the land will no longer be operated as an agricultural operation. Any enforcement activity conducted in violation of this section is void.

2. A ~~"condition"~~ For purposes of this section:

a. "Condition or activity occurring on protected farmland" includes but is not limited to the raising, harvesting,

drying, or storage of crops; the marketing of products at roadside stands or farm markets; the creation of noise, odor, dust, or fumes; the production, care, feeding, or housing of animals including but not limited to the construction, operation, or management of an animal feeding operation, an animal feeding operation structure, or aerobic structure, and to the storage, handling, or application of manure or egg washwater; the operation of machinery including but not limited to planting and harvesting equipment, grain dryers, grain handling equipment, and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

b. "County legislation" means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.

~~c. For the purposes of this section, "protected "Protected farmland" means land that is part of a century farm as that term is defined in section 403.17, subsection 10. For the purposes of this section, "county legislation" means any ordinance, motion, resolution, or amendment adopted by a county pursuant to section 331.302.~~

Sec. 98. Section 411.6, subsection 16, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The disability would not exist but for the member's chemical dependency, ~~as defined in section 125.2,~~ on a schedule I controlled substance, as defined in section 124.204, or the member's chemical dependency on a schedule II controlled substance, as defined in section 124.206, resulting from the inappropriate use of the schedule II controlled substance. For purposes of this subparagraph, "chemical dependency" means an addiction or dependency, either physical or psychological, on a chemical substance. Persons who take medically prescribed drugs shall not be considered chemically dependent if the drug is medically prescribed and the intake is proportionate to the medical need.

Sec. 99. Section 419.1, subsection 12, paragraph c, Code 2013, is amended to read as follows:

c. Purposes that are eligible for financing from qualified midwestern disaster area bonds authorized under the federal Emergency Economic Stabilization Act of 2008, Pub. L. No. ~~110-185~~ 110-343, together with any other financing necessary or desirable in connection with such purposes.

Sec. 100. Section 420.224, Code 2013, is amended to read as follows:

420.224 Limitation on resale by city.

~~No property~~ Property which may be sold at tax sale to any such city shall not be offered at any sale for taxes or special assessments, collectible by such city, while it holds the certificate of purchase thereof or tax deed thereon except ~~only as follows: In the event that~~ if any special assessment or installment thereof levied by any such city prior to April 22, 1941, shall be or become delinquent after purchase of such property at tax sale by the city, then the property against which the same was levied may be sold therefor only at the first regular tax sale of such city occurring within such a period of time after delinquency that sale for such assessment or installment might lawfully be made at such first regular tax sale. Nothing in sections 420.220 to 420.229 shall prevent the sale of property for any unpaid taxes collectible by the county.

Sec. 101. Section 421.30, subsection 1, Code 2013, is amended to read as follows:

1. ~~There~~ A reassessment expense fund is created in the office of the treasurer of state a ~~"reassessment expense fund"~~ for the purpose of providing loans to a city and county conference board for conducting reassessments of property. There is appropriated to the reassessment expense fund from the general fund of the state from any unappropriated funds in the general fund of the state such funds as are necessary to carry out the provisions of this section, section 421.17, subsection 19, and ~~the last paragraph of~~ section 441.19, subsection 2, subject to the approval of the director of revenue. Repayment of loans shall be credited to the fund.

Sec. 102. Section 421C.4, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, *"county attorney"* means a single county attorney office or a group of county attorney offices whose counties have entered into an agreement pursuant to chapter 28E and pursuant to section 602.8107, subsection 4, to collect delinquent court debt.

Sec. 103. Section 423B.1, subsection 4, paragraph a, Code 2013, is amended to read as follows:

a. A county board of supervisors shall direct within thirty days the county commissioner of elections to submit the question of imposition of a local vehicle tax or a local sales

and services tax to the registered voters of the incorporated and unincorporated areas of the county upon receipt of a petition, requesting imposition of a local vehicle tax or a local sales and services tax, signed by eligible electors of the whole county equal in number to five percent of the persons in the whole county who voted at the last preceding state general election. In the case of a local vehicle tax, the petition requesting imposition shall specify the rate of tax and the classes, if any, that are to be exempt. If more than one valid petition is received, the earliest received petition shall be used.

Sec. 104. Section 423B.2, Code 2013, is amended to read as follows:

423B.2 Local vehicle tax.

1. An annual local vehicle tax at the rate per vehicle specified on the ballot proposition may be imposed by a county on every vehicle which is required by the state to be registered ~~by the state~~ and is registered with the county treasurer to a person residing within the county where the tax is imposed at the time of the renewal of the registration of the vehicle. The local vehicle tax shall be imposed only on the renewals of registrations and shall be payable during the registration renewal periods provided under section 321.40.

2. The county imposing the tax shall provide for the exemption of each class, if any, of vehicles for which an exemption was listed on the ballot proposition.

3. For the purpose of the tax authorized by this section, ~~"person" and "registration year" mean:~~

a. "Person" means the same as defined in section 321.1.

b. "Registration year" means the same as defined in section 321.1, and "vehicle".

c. "Vehicle" means motor vehicle as defined in section 321.1 which is subject to registration under section 321.18, and which is registered with the county treasurer.

Sec. 105. Section 427B.17, Code 2013, is amended to read as follows:

427B.17 Property subject to special valuation.

1. For purposes of this section:

a. "Electric power generating plant" means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy.

b. "Net acquisition cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

c. "Net actual generation" means net electrical megawatt hours produced by the unit during the preceding assessment year.

d. "Net capacity factor" means net actual generation divided by the product of net maximum capacity times the number of hours the unit was in the active state during the assessment year. Upon commissioning, a unit is in the active state until it is decommissioned.

e. "Net maximum capacity" means the capacity the unit can sustain over a specified period when not restricted by ambient conditions or equipment deratings, minus the losses associated with station service or auxiliary loads.

~~1. 2. For property defined in section 427A.1, subsection 1, paragraphs "e" and "j", the taxpayer's valuation shall be limited to thirty percent of the net acquisition cost of the property, except as otherwise provided in subsections 2 3 and 3 4. For purposes of this section, "net acquisition cost" means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.~~

~~2. 3. Property defined in section 427A.1, subsection 1, paragraphs "e" and "j", which is first assessed for taxation in this state on or after January 1, 1995, shall be exempt from taxation.~~

~~3. 4. Property defined in section 427A.1, subsection 1, paragraphs "e" and "j", and assessed under subsection 1 2 of this section, shall be valued by the local assessor as follows for the following assessment years:~~

~~a. For the assessment year beginning January 1, 1999, at twenty-two percent of the net acquisition cost.~~

~~b. For the assessment year beginning January 1, 2000, at fourteen percent of the net acquisition cost.~~

~~c. For the assessment year beginning January 1, 2001, at six percent of the net acquisition cost.~~

~~d. For the assessment year beginning January 1, 2002, and succeeding assessment years, at zero percent of the net acquisition cost.~~

~~4. 5. Property assessed pursuant to this section shall not be eligible to receive a partial exemption under sections 427B.1 to 427B.6.~~

~~5. This section shall not apply to property assessed by the~~

~~department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, and 438, and such property shall not receive the benefits of this section.~~

~~Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of section 15.332. For purposes of this section, "electric power generating plant" means any nameplate rated electric power generating plant, in which electric energy is produced from other forms of energy, including all taxable land, buildings, and equipment used in the production of such energy. "Net capacity factor" means net actual generation divided by the product of net maximum capacity times the number of hours the unit was in the active state during the assessment year. Upon commissioning, a unit is in the active state until it is decommissioned. "Net actual generation" means net electrical megawatt hours produced by the unit during the preceding assessment year. "Net maximum capacity" means the capacity the unit can sustain over a specified period when not restricted by ambient conditions or equipment deratings, minus the losses associated with station service or auxiliary loads.~~

6. For the purpose of dividing taxes under section 260E.4, the employer's or business's valuation of property defined in section 427A.1, subsection 1, paragraphs "e" and "j", and used to fund a new jobs training project which project's first written agreement providing for a division of taxes as provided in section 403.19 is approved on or before June 30, 1995, shall be limited to thirty percent of the net acquisition cost of the property. The community college shall notify the assessor by February 15 of each assessment year if taxes levied against such property of an employer or business will be used to finance a project in the following fiscal year. In any fiscal year in which the community college does rely on taxes levied against an employer's or business's property defined in section 427A.1, subsection 1, paragraph "e" or "j", to finance a project, such property shall not be valued pursuant to subsection 2 3 or 3 4, whichever is applicable, for that fiscal year. An employer's or business's taxable property used to fund a new jobs training project shall not be valued pursuant to subsection 2 3 or 3 4, whichever is applicable, until the assessment year following the calendar year in which the certificates or other funding obligations have been retired or escrowed. If the certificates issued,

or other funding obligations incurred, between January 1, 1982, and June 30, 1995, are refinanced or refunded after June 30, 1995, the valuation of such property shall then be the valuation specified in subsection ~~2~~ 3 or ~~3~~ 4, whichever is applicable, for the applicable assessment year beginning with the assessment year following the calendar year in which those certificates or other funding obligations are refinanced or refunded after June 30, 1995.

7. Notwithstanding subsection ~~5~~ 8 or any other provision to the contrary, this section shall be applicable to a new cogeneration facility subject to the assessed value provisions of section 437A.16A, but the exemptions provided in this section shall be reduced by an amount bearing the same ratio to the value of the property that is exempt pursuant to this section as the allowable credit under section 437A.16A, subsection 1, bears to the assessable value of the entire new cogeneration facility before the application of any abatements, credits, or exemptions against that value.

8. a. This section shall not apply to property assessed by the department of revenue pursuant to sections 428.24 to 428.29, or chapters 433, 434, 437, 437A, and 438, and such property shall not receive the benefits of this section.

b. Any electric power generating plant which operated during the preceding assessment year at a net capacity factor of more than twenty percent, shall not receive the benefits of this section or of section 15.332.

Sec. 106. Section 432.12C, subsection 2, Code 2013, is amended to read as follows:

2. The taxes imposed under this ~~division~~ chapter shall be reduced by investment tax credits authorized pursuant to ~~sections~~ section 15.333A and section 15E.193B, subsection 6.

Sec. 107. Section 441.4, Code 2013, is amended to read as follows:

441.4 Removal of member.

A member of this examining board may be removed by the voting unit of the conference board by which the member was appointed but only after specific charges have been filed and a public hearing held, if a hearing is requested by the discharged member of the board. Subsequent appointments and an appointment to fill a vacancy shall be made in the same way as the original appointment.

Sec. 108. Section 453B.7, subsection 2, Code 2013, is amended to read as follows:

2. On each gram or portion of a gram of any taxable substance, other than marijuana, sold by weight ~~other than marijuana~~, two hundred fifty dollars.

Sec. 109. Section 455B.301, subsection 20, Code 2013, is amended to read as follows:

20. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. "Rubble" includes asphalt waste only as long as it is not used in contact with water or in a floodplain. For purposes of this chapter, "rubble" does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or other industrial process wastes unless those wastes are approved by the department.

Sec. 110. Section 455D.11, subsection 7, paragraph c, Code 2013, is amended by striking the paragraph.

Sec. 111. Section 455F.7, subsection 1, Code 2013, is amended to read as follows:

1. A retailer offering for sale or selling a household hazardous material shall have a valid permit for each place of business owned or operated by the retailer for this activity. All permits provided for in this ~~division~~ section shall expire on June 30 of each year. Every retailer shall submit an annual application by July 1 of each year and a fee of twenty-five dollars to the department of revenue for a permit upon a form prescribed by the director of revenue. Permits are nonrefundable, are based upon an annual operating period, and are not prorated. A person in violation of this section shall be subject to permit revocation upon notice and hearing. The department shall remit the fees collected to the household hazardous waste account of the groundwater protection fund. A person distributing general use pesticides labeled for agricultural or lawn and garden use with gross annual pesticide sales of less than ten thousand dollars is subject to the requirements and fee payment prescribed by this section.

Sec. 112. Section 455G.1, subsection 1, Code 2013, is amended to read as follows:

1. This ~~chapter~~ subchapter is entitled the "*Iowa Comprehensive Petroleum Underground Storage Tank Fund Act*".

Sec. 113. Section 455G.1, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

This ~~chapter~~ subchapter applies to petroleum underground storage tanks for which an owner or operator is required to maintain proof of financial responsibility under federal

or state law, from the effective date of the regulation of the federal environmental protection agency governing that tank, and not from the effective compliance date, unless the effective compliance date of the regulation is the effective date of the regulation. An owner or operator of a petroleum underground storage tank required by federal or state law to maintain proof of financial responsibility for that underground storage tank is subject to this ~~chapter~~ subchapter and chapter 424.

Sec. 114. Section 455G.2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

As used in this ~~chapter~~ subchapter unless the context otherwise requires:

Sec. 115. Section 455G.2, subsection 2, Code 2013, is amended to read as follows:

2. "Bond" means a bond, note, or other obligation issued by the treasurer of state for the fund and the purposes of this ~~chapter~~ subchapter.

Sec. 116. Section 455G.3, subsections 1 through 3, Code 2013, are amended to read as follows:

1. The Iowa comprehensive petroleum underground storage tank fund is created as a separate fund in the state treasury, and any funds remaining in the fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Iowa comprehensive petroleum underground storage tank fund. Interest or other income earned by the fund shall be deposited in the fund. The fund shall include moneys credited to the fund under this section, section 321.145, subsection 2, paragraph "a", and sections 455G.8 and 455G.9, and section 455G.11, Code 2003, and other funds which by law may be credited to the fund. The moneys in the fund are appropriated to and for the purposes of the board as provided in this ~~chapter~~ subchapter. Amounts in the fund shall not be subject to appropriation for any other purpose by the general assembly, but shall be used only for the purposes set forth in this ~~chapter~~ subchapter. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the board including automatic disbursements of funds as received pursuant to the terms of bond indentures and documents and security provisions to trustees and custodians. The treasurer of state is authorized to invest the funds deposited in the fund at the direction of the board and subject to any limitations contained in any applicable bond

proceedings. The income from such investment shall be credited to and deposited in the fund. The fund shall be administered by the board which shall make expenditures from the fund consistent with the purposes of the programs set out in this ~~chapter~~ subchapter without further appropriation. The fund may be divided into different accounts with different depositories as determined by the board and to fulfill the purposes of this ~~chapter~~ subchapter.

2. The board shall assist Iowa's owners and operators of petroleum underground storage tanks in complying with federal environmental protection agency technical and financial responsibility regulations by establishment of the Iowa comprehensive petroleum underground storage tank fund. The treasurer of state may issue its bonds, or series of bonds, to assist the board, as provided in this ~~chapter~~ subchapter.

3. The purposes of this ~~chapter~~ subchapter shall include but are not limited to any of the following:

a. To establish a remedial account to fund corrective action for petroleum releases as provided by section 455G.9.

b. To establish a loan guarantee account, as provided by and to the extent permitted by section 455G.10, Code 1999.

c. To establish a marketability fund for the purposes as stated in section 455G.21.

Sec. 117. Section 455G.4, subsection 1, paragraph a, subparagraph (4), Code 2013, is amended to read as follows:

(4) Three public members appointed by the governor and confirmed by the senate to staggered four-year terms, except that, of the first members appointed, one public member shall be appointed for a term of two years and one for a term of four years. A public member shall have experience, knowledge, and expertise of the subject matter embraced within this ~~chapter~~ subchapter. A public member may have experience in either, or both, financial markets or insurance.

Sec. 118. Section 455G.4, subsection 3, paragraph a, Code 2013, is amended to read as follows:

a. The board shall adopt rules regarding its practice and procedures, develop underwriting standards, establish procedures for investigating and settling claims made against the fund, and otherwise implement and administer this ~~chapter~~ subchapter.

Sec. 119. Section 455G.4, subsection 5, paragraphs a and b, Code 2013, are amended to read as follows:

a. The board shall approve any contract entered into

pursuant to this ~~chapter~~ subchapter if the cost of the contract exceeds seventy-five thousand dollars.

b. A listing of all contracts entered into pursuant to this ~~chapter~~ subchapter shall be presented at each board meeting and shall be made available to the public. The listing shall state the interested parties to the contract, the amount of the contract, and the subject matter of the contract.

Sec. 120. Section 455G.5, unnumbered paragraph 2, Code 2013, is amended to read as follows:

The board may enter into a contract or an agreement authorized under chapter 28E with a private agency or person, the department of natural resources, the Iowa finance authority, the department of administrative services, the department of revenue, other departments, agencies, or governmental subdivisions of this state, another state, or the United States, in connection with its administration and implementation of this ~~chapter~~ subchapter or chapter 424 or 455B.

Sec. 121. Section 455G.6, unnumbered paragraph 1, Code 2013, is amended to read as follows:

In administering the fund, the board has all of the general powers reasonably necessary and convenient to carry out its purposes and duties and may do any of the following, subject to express limitations contained in this ~~chapter~~ subchapter:

Sec. 122. Section 455G.6, subsection 8, Code 2013, is amended to read as follows:

8. Bonds issued under this section are payable solely and only out of the moneys, assets, or revenues of the fund, all of which may be deposited with trustees or depositories in accordance with bond or security documents and pledged by the board to the payment thereof, and are not an indebtedness of this state, or a charge against the general credit or general fund of the state, and the state shall not be liable for any financial undertakings with respect to the fund. Bonds issued under this ~~chapter~~ subchapter shall contain on their face a statement that the bonds do not constitute an indebtedness of the state.

Sec. 123. Section 455G.6, subsection 10, paragraph c, Code 2013, is amended to read as follows:

c. Subject to the terms, conditions, and covenants providing for the payment of the principal, redemption premiums, if any, interest, and other terms, conditions, covenants, and protective provisions safeguarding payment, not inconsistent

with this ~~chapter~~ subchapter and as determined by the trust indenture, resolution, or other instrument authorizing their issuance.

Sec. 124. Section 455G.6, subsections 14 through 17, Code 2013, are amended to read as follows:

14. Bonds issued under the provisions of this section are declared to be issued for an essential public and governmental purpose and all bonds issued under this ~~chapter~~ subchapter shall be exempt from taxation by the state of Iowa and the interest on the bonds shall be exempt from the state income tax and the state inheritance and estate tax.

15. a. Subject to the terms of any bond documents, moneys in the fund or fund accounts may be expended for administration expenses, civil penalties, moneys paid under an agreement, stipulation, or settlement, for the costs associated with sites within a community remediation project, for costs related to contracts entered into with a state agency or university, costs for activities relating to litigation, or for the costs of any other activities as the board may determine are necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this ~~chapter~~ subchapter. For purposes of this ~~chapter~~ subchapter, administration expenses include expenses incurred by the underground storage tank section of the department of natural resources in relation to tanks regulated under this ~~chapter~~ subchapter.

b. The authority granted under this subsection which allows the board to expend fund moneys on an activity the board determines is necessary and convenient to facilitate compliance with and to implement the intent of federal laws and regulations and this ~~chapter~~ subchapter, shall only be used in accordance with the following:

(1) Prior board approval shall be required before expenditure of moneys pursuant to this authority shall be made.

(2) If the expenditure of fund moneys pursuant to this authority would result in the board establishing a policy which would substantially affect the operation of the program, rules shall be adopted pursuant to chapter 17A prior to the board or the administrator taking any action pursuant to this proposed policy.

16. The board shall cooperate with the department of natural resources in the implementation and administration of this ~~chapter~~ subchapter to assure that in combination with

existing state statutes and rules governing underground storage tanks, the state will be, and continue to be, recognized by the federal government as having an "approved state account" under the federal Resource Conservation and Recovery Act, especially by compliance with the Act's subtitle I financial responsibility requirements as enacted in the federal Superfund Amendments and Reauthorization Act of 1986 and the financial responsibility regulations adopted by the United States environmental protection agency at 40 C.F.R. pts. 280 and 281. Whenever possible this ~~chapter~~ subchapter shall be interpreted to further the purposes of, and to comply, and not to conflict, with such federal requirements.

17. The board may adopt rules pursuant to chapter 17A providing for the transfer of all or a portion of the liabilities of the board under this ~~chapter~~ subchapter. Notwithstanding other provisions to the contrary, the board, upon such transfer, shall not maintain any duty to reimburse claimants under this ~~chapter~~ subchapter for those liabilities transferred.

Sec. 125. Section 455G.8, subsection 2, Code 2013, is amended to read as follows:

2. *Statutory allocations fund.* The moneys credited from the statutory allocations fund under section 321.145, subsection 2, paragraph "a", shall be allocated, consistent with this ~~chapter~~ subchapter, among the fund's accounts, for debt service and other fund expenses, according to the fund budget, resolution, trust agreement, or other instrument prepared or entered into by the board or treasurer of state under direction of the board.

Sec. 126. Section 455G.9, subsection 7, Code 2013, is amended to read as follows:

7. *Expenses of cleanup not required.* When an owner or operator who is eligible for benefits under this ~~chapter~~ subchapter is allowed by the department of natural resources to monitor in place, the expenses incurred for cleanup beyond the level required by the department of natural resources may be covered under any of the accounts established under the fund only if approved by the board as cost-effective relative to the department accepted monitoring plan or relative to the repeal date specified in section 424.19. The cleanup expenses incurred for work completed beyond what is required is the responsibility of the person contracting for the excess cleanup. The board shall seek to terminate the responsible

party's environmental liabilities at such sites prior to the board ceasing operation.

Sec. 127. Section 455G.12, subsection 2, paragraph e, Code 2013, is amended to read as follows:

e. The intent of this ~~chapter~~ subchapter that the board shall maximize the availability of reasonably priced, financially sound insurance coverage or loan guarantee assistance.

Sec. 128. Section 455G.13, subsection 3, Code 2013, is amended to read as follows:

3. *Owner or operator not in compliance, subject to full and total cost recovery.* Notwithstanding subsection 2, the liability of an owner or operator shall be the full and total costs of corrective action and bodily injury or property damage to third parties, as specified in subsection 1, if the owner or operator has not complied with the financial responsibility or other underground storage tank rules of the department of natural resources or with this ~~chapter~~ subchapter and rules adopted under this ~~chapter~~ subchapter.

Sec. 129. Section 455G.13, subsection 4, paragraph b, Code 2013, is amended to read as follows:

b. The punitive damages imposed under this subsection are in addition to any costs or expenditures recovered from the owner or operator pursuant to this ~~chapter~~ subchapter and in addition to any other penalty or relief provided by this ~~chapter~~ subchapter or any other law.

Sec. 130. Section 455G.13, subsection 6, Code 2013, is amended to read as follows:

6. *Joinder of parties.* The department of natural resources has standing in any case or contested action related to the fund or a tank to assert any claim that the department may have regarding the tank at issue in the case or contested action, ~~upon.~~ Upon motion and sufficient showing by a party to a cost recovery or subrogation action provided for under this section, the court or the administrative law judge shall join to the action any potentially responsible party who may be liable for costs and expenditures of the type recoverable pursuant to this section.

Sec. 131. Section 455G.13, subsection 8, Code 2013, is amended to read as follows:

8. *Third-party contracts not binding on board, proceedings against responsible party.* An insurance, indemnification, hold harmless, conveyance, or similar risk-sharing or risk-shifting

agreement shall not be effective to transfer any liability for costs recoverable under this section. The fund, board, or department of natural resources may proceed directly against the owner or operator or other allegedly responsible party. This section does not bar any agreement to insure, hold harmless, or indemnify a party to the agreement for any costs or expenditures under this ~~chapter~~ subchapter, and does not modify rights between the parties to an agreement, except to the extent the agreement shifts liability to an owner or operator eligible for assistance under the remedial account for any damages or other expenses in connection with a corrective action for which another potentially responsible party is or may be liable. Any such provision is null and void and of no force or effect.

Sec. 132. Section 455G.13, subsection 10, paragraphs a and b, Code 2013, are amended to read as follows:

a. Upon payment by the fund for corrective action or third-party liability pursuant to this ~~chapter~~ subchapter, the rights of the claimant to recover payment from any potentially responsible party, are assumed by the board to the extent paid by the fund. A claimant is precluded from receiving double compensation for the same injury.

b. In an action brought pursuant to this ~~chapter~~ subchapter seeking damages for corrective action or third-party liability, the court shall permit evidence and argument as to the replacement or indemnification of actual economic losses incurred or to be incurred in the future by the claimant by reason of insurance benefits, governmental benefits or programs, or from any other source.

Sec. 133. Section 455G.13, subsection 12, Code 2013, is amended to read as follows:

12. *Recovery or subrogation — installers and inspectors.* Notwithstanding any other provision contained in this ~~chapter~~ subchapter, the board or a person insured under the underground storage tank insurance fund established in section 455G.11, Code 2003, has no right of recovery or right of subrogation against an installer or an inspector who was insured by the underground storage tank insurance fund for the tank giving rise to the liability other than for recovery of any deductibles paid.

Sec. 134. Section 455G.21, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The innocent landowners fund shall be established as

a separate fund in the state treasury under the control of the board. The innocent landowners fund shall include any moneys recovered pursuant to cost recovery enforcement under section 455G.13. Notwithstanding section 455G.1, subsection 2, benefits for the costs of corrective action may be provided to the owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, who is not otherwise eligible to receive benefits under section 455G.9 due to the date on which the release causing the contamination was reported or the date the claim was filed. An owner of a petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, shall be eligible for payment of corrective action costs subject to copayment requirements under section 455G.9, subsection 4. The board may adopt rules conditioning receipt of benefits under this paragraph to those petroleum-contaminated properties which present a higher degree of risk to the public health and safety or the environment and may adopt rules providing for denial of benefits under this paragraph to a person who did not make a good faith attempt to comply with the provisions of this ~~chapter~~ subchapter. This paragraph does not confer a legal right to an owner of petroleum-contaminated property, or an owner or operator of an underground storage tank located on the property, for receipt of benefits under this paragraph.

Sec. 135. Section 455G.21, subsection 3, Code 2013, is amended to read as follows:

3. Moneys in the fund shall not be used for purposes of bonding or providing security for bonding under this ~~chapter~~ subchapter.

Sec. 136. Section 455G.31, subsection 2, Code 2013, is amended to read as follows:

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if the department of natural resources under this ~~chapter~~ subchapter or the state fire marshal under chapter 101 determines that it is compatible with the ethanol blended gasoline being used.

Sec. 137. Section 461.36, subsection 2, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The department of natural resources shall ~~allocate~~ distribute trust fund moneys ~~in~~ from the account to local communities for the following initiatives:

Sec. 138. Section 461.37, subsection 2, Code 2013, is amended to read as follows:

2. The department of transportation and the department of natural resources shall ~~allocate~~ use moneys in the account to support initiatives related to the design, establishment, maintenance, improvement, and expansion of land trails.

Sec. 139. Section 461.38, subsection 1, Code 2013, is amended to read as follows:

1. A lake restoration account is created in the trust fund. Seven percent of the moneys credited to the trust fund shall be ~~deposited~~ allocated to the account.

Sec. 140. Section 468.21, Code 2013, is amended to read as follows:

468.21 Hearing of petition — dismissal.

The petition may be amended at any time before final action on the petition. At the time set for hearing on ~~said the~~ the petition, the board shall hear and determine the sufficiency of the petition in form and substance ~~(which petition may be amended at any time before final action thereon),~~ and all objections filed against the establishment of such district, and the board may view the premises included in the said district. ~~If it shall find~~ the board finds that the construction of the proposed improvement will not materially benefit said lands or would not be for the public benefit or utility nor conducive to the public health, convenience, or welfare, or that the cost thereof is excessive ~~it~~ the board shall dismiss the proceedings.

Sec. 141. Section 468.252, Code 2013, is amended to read as follows:

468.252 Hearing on petition.

The petition may be amended at any time before final action on the petition. At the time set for hearing on ~~said the~~ the petition, the board shall hear and determine the sufficiency of the petition as to form and substance ~~(which petition may be amended at any time before final action thereon),~~ and all objections filed against the abandonment and dissolution of such district. ~~If it shall find~~ the board finds that such district is free from indebtedness and that the necessity for the continued maintenance thereof no longer exists or that the expense of the continued maintenance of such district is not commensurate with the benefits derived therefrom, ~~it~~ the board shall enter an order abandoning and dissolving such district, which order shall be filed with the county auditor of the

county or counties in which such district is situated and noted on the drainage record.

Sec. 142. Section 477.10, Code 2013, is amended to read as follows:

477.10 Definitions.

1. a. "Local exchange", within the meaning of this Act ~~Act~~ subchapter, shall refer to a telephone line or lines or to a telephone switchboard or switchboards operating by virtue of a franchise granted by a city furnishing telephonic communication between two or more members of the public within the same city, village, community, locality or neighborhood, which said line or lines or switchboard or switchboards shall be under the same management and control.

b. "Local exchange" within the meaning of this Act ~~Act~~ subchapter shall not include or refer to privately owned or leased lines or switchboards, operated and used by members of the public other than telephone or telegraph companies as a public utility by which the public is offered telephonic service.

2. "Local exchange company" within the meaning of this Act ~~Act~~ subchapter, shall refer to any one or more individuals, firms or corporations operating one or more local exchanges as ~~herein~~ defined in this section.

3. "Long distance company" within the meaning of this Act ~~Act~~ subchapter shall refer to and include one or more persons, firms or corporations operating connecting lines between two or more local exchanges, one or more of which local exchanges are owned by a local telephone company other than such person, firm or corporation, over which line or lines telephonic communication is had between members of the public connected with said local exchanges.

Sec. 143. Section 481A.6A, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, "pen-reared pheasant" means a Chinese ring-necked pheasant (*Phasianus colchicus torquatus*) and its subspecies which originates from a captive population and which has been propagated and held by a hatchery. For the purposes of this section "pen-reared pheasant" does not include a Reeves (*Syrmaticus reevesii*) or Lady Amherst (*Chrysolophus amherstiae*) pheasant, a subspecies of the Chinese ring-necked pheasant ~~such~~ classified as a Japanese (*Phasianus versicolor*) or a Black-necked (*P. colchicus colchicus*) pheasant, or a melanistic mutant (black, white, or other color mix) of

the Chinese ring-necked pheasant. This subsection is not applicable to game birds released for officially sanctioned field meets or trials and retriever meets or trials on private land pursuant to section 481A.22, pen-raised game birds used on private land pursuant to section 481A.56, or game birds released on hunting preserves pursuant to chapter 484B.

Sec. 144. Section 481A.72, subsection 1, Code 2013, is amended to read as follows:

1. A Except as otherwise provided in this chapter, a person shall not at any time take from the waters of the state any fish,~~except as otherwise provided in this chapter,~~ except with hook, line, and bait,~~nor shall a.~~ A person shall not use more than three lines nor more than two hooks on each line in still fishing or trolling,~~and in.~~ In fly fishing not more than two flies may be used on one line, and in trolling and bait casting not more than two trolling spoons or artificial bait may be used on one line.

Sec. 145. Section 489.1303, Code 2013, is amended to read as follows:

489.1303 Savings clause.

This chapter does not affect an action commenced, proceeding brought, or right accrued before ~~this chapter takes effect~~ January 1, 2009.

Sec. 146. Section 490.1114, subsection 1, Code 2013, is amended to read as follows:

1. A domestic corporation or other entity that has been converted pursuant to this ~~article~~ division is for all purposes the same domestic corporation or other entity that existed before the conversion.

Sec. 147. Section 491.38, Code 2013, is amended to read as follows:

491.38 Consolidation of interstate bridge companies.

Any corporation heretofore or hereafter organized under the laws of this state for the purpose of constructing ~~and/or~~ or operating, or constructing and operating, a bridge, one extremity of which shall rest in an adjacent state, may merge ~~and/or~~ or consolidate the stock, property, rights, franchises, privileges, assets and liabilities of such corporation with the stock, property, rights, franchises, privileges, assets and liabilities of a corporation organized for a similar purpose under the laws of such adjacent state, upon such terms not in conflict with law as may be mutually agreed upon, and thereafter such merged ~~and/or~~ or consolidated corporations

shall be one corporation with such name as may be agreed upon, and shall have all of the property, rights, privileges, assets and franchises, and be subject to all of the liabilities, of the merging or consolidating corporations.

Sec. 148. Section 502.306, subsection 1, paragraph h, Code 2013, is amended to read as follows:

h. The financial condition of the issuer affects or would affect the soundness of the securities, except that applications for registration of securities by companies which are in the development stage shall not be denied based solely upon the financial condition of the company. For purposes of this ~~rule~~ paragraph, a "development stage company" is defined as a company which has been in existence for five years or less.

Sec. 149. Section 504.1101, subsection 2, paragraph a, Code 2013, is amended to read as follows:

a. The name of each corporation or unincorporated entity planning to merge and the name of the surviving corporation or unincorporated entity into which each plans to merge.

Sec. 150. Section 507.14, subsection 4, Code 2013, is amended to read as follows:

4. Confidential documents, materials, information, administrative or judicial orders, or other actions may be disclosed to a regulatory official of any state, federal agency, or foreign country provided that the recipients are required, under ~~their~~ the law of the recipients' jurisdiction, to maintain ~~their~~ confidentiality of the documents, materials, information, orders, or other actions. Confidential records may be disclosed to the national association of insurance commissioners, the international association of insurance supervisors, and the bank for international settlements provided that the associations and bank certify by written statement that the confidentiality of the records will be maintained.

Sec. 151. Section 508.38, subsection 10, Code 2013, is amended to read as follows:

10. a. For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as

if each portion were a separate contract. Notwithstanding the provisions of subsections 4, 5, 6, 7, and 9, additional benefits shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section, if the additional benefits are payable ~~(a) in:~~

(1) In the event of total and permanent disability, ~~(b) as.~~

(2) As reversionary annuity or deferred reversionary annuity benefits, ~~or (c) as.~~

(3) As other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits, ~~shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section.~~

b. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

Sec. 152. Section 511.8, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. Are securities that at the date of acquisition are rated three by the securities valuation office of the national association of insurance commissioners or have the equivalent rating by a rating organization that is approved by the national association of insurance commissioners as an acceptable rating organization and are listed or admitted to trading on a securities exchange in the United States or are publicly held and actively traded in the over-the-counter market and market quotations are readily available. If a security acquired under this paragraph is subsequently downgraded from a three rating by the securities valuation office of the national association of insurance commissioners or from the equivalent rating by a national association of insurance commissioners' acceptable rating organization, the security no longer qualifies as a legal reserve investment.

Sec. 153. Section 512B.11, unnumbered paragraph 1, Code 2013, is amended to read as follows:

A domestic society organized on or after ~~the effective date of this Act~~ January 1, 1991, shall be formed as follows:

Sec. 154. Section 514D.2, subsection 1, Code 2013, is amended to read as follows:

1. "Accident and sickness insurance" means individual

accident and sickness insurance within the meaning of section 514A.1. "Accident and sickness insurance" also means individual subscriber contracts for hospital service, or medical and surgical service, or individual pharmaceutical or optometric service issued under chapter 514, and for purposes of this ~~division~~ chapter, corporations issuing contracts under chapter 514 are deemed to be engaged in the business of insurance.

Sec. 155. Section 514F.6, subsection 2, Code 2013, is amended to read as follows:

2. For purposes of this section, ~~"physician" means a licensed doctor of medicine and surgery or a licensed doctor of osteopathic medicine and surgery;~~ "advanced:

a. "Advanced registered nurse practitioner" means a licensed nurse who is also registered to practice in an advanced role; ~~"physician.~~

b. "Clean claim" means the same as defined in section 507B.4A, subsection 2, paragraph "b".

c. "Credentialing" means a process through which a health insurer makes a determination based on criteria established by the health insurer concerning whether a physician, advanced registered nurse practitioner, or physician assistant is eligible to provide health care services to an insured and to receive reimbursement for the health care services provided under an agreement entered into between the physician, advanced registered nurse practitioner, or physician assistant and the health insurer.

d. "Credentialing period" means the time period between the health insurer's receipt of a physician's, advanced registered nurse practitioner's, or physician assistant's application for credentialing and approval of that application by the health insurer.

e. "Physician" means a licensed doctor of medicine and surgery or a licensed doctor of osteopathic medicine and surgery.

f. "Physician assistant" means a person who is licensed to practice as a physician assistant under the supervision of one or more physicians; ~~and "credentialing period" means the time period between the health insurer's receipt of a physician's, advanced registered nurse practitioner's, or physician assistant's application for credentialing and approval of that application by the health insurer. "Credentialing" means a process through which a health insurer makes a determination based on criteria established by the health insurer concerning~~

~~whether a physician, advanced registered nurse practitioner, or physician assistant is eligible to provide health care services to an insured and to receive reimbursement for the health care services provided under an agreement entered into between the physician, advanced registered nurse practitioner, or physician assistant and the health insurer. "Clean claim" means the same as defined in section 507B.4A, subsection 2, paragraph "b".~~

Sec. 156. Section 515.19, Code 2013, is amended to read as follows:

515.19 Advancement of funds.

Any director, officer, or member of any such mutual company, or any other person, may advance to such company, any sum or sums of money necessary for the purpose of its business, or to enable it to comply with any of the requirements of the law, and such moneys and such interest thereon as may have been agreed upon, not exceeding the maximum statutory rate of interest, shall not be a liability or claim against the company or any of its assets, except as herein provided, and upon approval of the commissioner of insurance may be repaid, but only out of the surplus earnings of such company. No ~~commissioner~~ commissioner commission or promotion expenses shall be paid in connection with the advance of any such money to the company. The amount of such advance shall be reported in each annual statement.

Sec. 157. Section 523A.601, subsection 1, paragraph i, Code 2013, is amended to read as follows:

i. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION AT ~~(515)281-5705~~ (TELEPHONE NUMBER). WRITTEN INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO THE IOWA SECURITIES AND REGULATED INDUSTRIES BUREAU, ~~330 MAPLE STREET~~ (STREET ADDRESS), ~~DES MOINES~~ (CITY), IOWA ~~50319~~ (ZIP CODE).

Sec. 158. Section 523A.602, subsection 1, paragraph b, subparagraph (3), Code 2013, is amended to read as follows:

(3) State in language that is substantially similar to the following language:

Sec. 159. Section 524.521, subsection 3, unnumbered paragraph 1, Code 2013, is amended to read as follows:

The articles of incorporation of a stock corporation may authorize one or more classes of shares that have any of the

following qualities:

Sec. 160. Section 524.1008, subsection 1, Code 2013, is amended to read as follows:

1. a. A state bank authorized to act in a fiduciary capacity may enter into an agreement for the succession of fiduciary accounts with a trust company subsidiary authorized by the superintendent pursuant to section 524.802, subsection 12, paragraph "b", or one or more other state or national banks that are located in this state and authorized to act in a fiduciary capacity. In the agreement, the succeeding bank or trust company subsidiary may agree to succeed the relinquishing bank as a fiduciary with respect to those fiduciary accounts which are designated in the agreement. The designation of accounts may be by general class or description and may include fiduciary accounts subject and not subject to court administration and fiduciary accounts to arise in the future under wills, trusts, court orders, or other documents under which the relinquishing bank is named as a fiduciary or is named to become a fiduciary upon the death of a testator or settlor or upon the happening of any other subsequent event. The agreement shall provide ~~either (a) that~~ that one of the following applies:

(1) That the succeeding bank or trust company subsidiary maintain one or more employees or agents at the office of the relinquishing bank in order to facilitate the continued servicing of the designated fiduciary accounts, ~~or (b) that.~~

(2) That the relinquishing bank act as an agent of the succeeding bank or trust company subsidiary with respect to the fiduciary accounts that are subject to the agreement, and the relinquishing bank as an agent may perform services other than fiduciary services with respect to those accounts.

b. If the relinquishing bank is an agent under the alternative (b) above specified in paragraph "a", subparagraph (2), then the relinquishing bank shall disclose to its customers that it is acting as an agent of the succeeding bank or trust company subsidiary. The relinquishing bank shall mail a notice of the succession to all persons having an interest in a fiduciary account at their last known address, and shall publish a notice of the succession to fiduciary accounts in a newspaper published in the county of the principal place of business of the relinquishing bank. After the publication, the succeeding bank or trust company subsidiary shall, without further notice, approval or authorization succeed

the relinquishing bank as to the fiduciary accounts and the fiduciary powers, rights, privileges, duties, and liabilities for the fiduciary accounts. On the effective date of the succession to fiduciary accounts, the relinquishing bank is released from fiduciary duties under the fiduciary accounts and shall discontinue its exercise of trust powers to the fiduciary accounts. This subsection does not absolve a relinquishing bank from liabilities arising out of a breach of fiduciary duty occurring prior to the succession of fiduciary accounts.

Sec. 161. Section 524.1413, subsection 2, Code 2013, is amended to read as follows:

2. Within ninety days after the application has been accepted for processing, the superintendent shall approve or disapprove the application on the basis of the investigation. As a condition of receiving the decision of the superintendent with respect to the application, the national bank, or federal savings association, ~~or state savings and loan association~~ shall reimburse the superintendent for all expenses incurred in connection with the application. The superintendent shall give the national bank, or federal savings association, ~~or state savings and loan association~~ written notice of the decision and, in the event of disapproval, a statement of the reasons for the decision. If the superintendent approves the application, the superintendent shall deliver the articles of conversion, with the superintendent's approval indicated on the articles of conversion, to the secretary of state. The decision of the superintendent shall be subject to judicial review pursuant to chapter 17A. Notwithstanding the terms of the Iowa administrative procedure Act, chapter 17A, a petition for judicial review must be filed within thirty days after the superintendent notifies the national bank, or federal savings association, ~~or state savings and loan association~~ of the superintendent's decision.

Sec. 162. Section 533.107, subsection 1, Code 2013, is amended to read as follows:

1. A credit union review board is created. The review board shall consist of seven members, five of whom shall have been members in good standing for at least the previous five years of either an Iowa state chartered credit union, or a credit union chartered under the Federal Credit Union Act, 12 U.S.C. § 1751 et seq., and having its principal place of business in Iowa. Two of the members may be public members; however, at no time shall more than five of the members be directors

or employees of a credit union. The members shall serve for three-year staggered terms beginning and ending as provided by section 69.19.

Sec. 163. Section 533.213, subsection 1, paragraph a, Code 2013, is amended to read as follows:

a. Credit unions organized under this chapter, the Federal Credit Union Act, 12 U.S.C. § 1751 et seq., or any other credit union act and credit union organizations may be members.

Sec. 164. Section 535B.10, subsection 6, paragraph h, Code 2013, is amended to read as follows:

h. The administrator may furnish information to the title guaranty division of the Iowa finance authority relating to supervision of closing agent licensees whose activities relate to the issuance of title guaranty certificates issued by the title guaranty division ~~of the Iowa finance authority to the title guaranty division~~. The title guaranty division may use this information to satisfy its reinsurance requirements and may provide the information to its reinsurer to the extent necessary to satisfy reinsurer requirements provided the reinsurer agrees to maintain the confidentiality of the information. The title guaranty division shall maintain the confidentiality of the information provided pursuant to this paragraph in all other respects.

Sec. 165. Section 543B.7, subsection 5, paragraph c, Code 2013, is amended to read as follows:

c. If an investigation pursuant to this chapter reveals that an auctioneer has violated this subsection or has assumed to act in the capacity of a real estate broker or real estate salesperson, the real estate commission shall issue a cease and desist order, and shall impose a civil penalty of one thousand dollars for the first offense, and impose a civil penalty of up to the greater of ten thousand dollars or ten percent of the real estate sales price for each subsequent violation.

Sec. 166. Section 543B.43, Code 2013, is amended to read as follows:

543B.43 Penalties.

Any person found guilty of violating a provision of sections 543B.1 to ~~543B.42~~ 543B.41 in a first offense shall be guilty of a simple misdemeanor.

Sec. 167. Section 543C.2, Code 2013, is amended to read as follows:

543C.2 Provisions governing sale or lease of subdivided lands.

1. No subdivider shall sell or lease subdivided land, or offer such land for sale or lease, or advertise such land for sale or lease to the public within this state unless the subdivider has filed with the commission an application which shall include an offering statement. No subdivider shall engage in business in this state until the application and the offering statement have been accepted and the subdivider has been registered as a subdivider with the commission. ~~The~~ In addition to the offering statement, the application shall contain the following:

~~1.~~ a. The name of the owner and of the subdivider.

~~2.~~ b. The address of the principal office of the owner and of the subdivider, wherever situated, and the addresses of the principal office and all branch offices of the owner and of the subdivider within this state.

~~3.~~ c. The name of the person, firm, partnership, company, corporation, or association holding legal or equitable title to the land for sale or lease for the purpose of offering such land or part thereof to the general public.

~~4.~~ d. A statement as to whether the owner or the subdivider, or if such owner or subdivider be other than an individual, the name of any partner, principal, officer, director, or branch manager thereof or any owner of more than a five percent interest in the business, ~~who~~ has been convicted of any criminal offense in connection with any transaction involving the sale or lease, or offer for sale or lease, of subdivided land, or ~~who~~ has been enjoined or restrained by order of any court from selling or leasing, or offering for sale or lease, any subdivided land in any state or county, or ~~who~~ has been enjoined or restrained by any court from continuing any practices in connection therewith.

~~5.~~ e. The complete description of the land offered for subdivision by lots, plots, blocks, or sales, with or without streets, together with plats certified to by a duly licensed professional land surveyor accompanied by a certificate attached thereto showing the date of the completion of the survey and of the making of the plat and the name of the subdivision for the purpose of identification of the subdivided land or any part thereof.

~~6.~~ f. Copies of plats of all of the land being filed by the subdivider which plats must have already been recorded by the proper recording office in the state in which the land is located.

7. g. An opinion of an attorney admitted to practice law in this state, a policy of title insurance issued by a title insurer licensed to do business in the state where the subdivided land is located, or an opinion of an attorney admitted or licensed to practice law in the state wherein the lands are situated, reciting in detail all of the liens, encumbrances, and clouds upon the title to such land, and any other defects of title, which may render the title to such land unmarketable.

8. h. The provisions, covenants, terms, and conditions upon which it is the intention of the owner and the subdivider to sell or lease such subdivided land, accompanied by proposed forms of contracts contemplated for execution and delivery upon the consummation of sales or leases.

9. i. If the subdivided land sought to be filed comes within the purview of the federal Interstate Land Sales Full Disclosure Act, codified at 15 U.S.C. § 1701 et seq., the subdivider must furnish a copy of the accepted report filed with the department of housing and urban development. If the subdivision comes under the regulation of the real estate laws of the state where the land is located and that state requires a state offering statement or public report, the subdivider must also include a copy of said state report.

10. j. The subdivider, if a corporation, must register to do business in the state of Iowa as a foreign corporation with the secretary of state and furnish a copy of the certificate of authority to do business in the state of Iowa. If not a corporation, the subdivider must comply with the provisions of chapter 547, by filing a proper trade name with the Polk county recorder. The provisions of this subsection shall also apply to any person, partnership, firm, company, corporation, or association, other than the subdivider, which is engaged by or through the subdivider for the purpose of advertising or selling the land involved in the filing.

11. k. Such other information as the commission may require, which shall be filed pursuant to the provisions of this chapter.

12. 2. The offering statement must contain all of the following:

a. The names, addresses, and business background of the subdivider as required in ~~subsections~~ subsection 1, paragraphs "a" to 4 "d". If such subdivider is a partnership or corporation, the names, addresses, and business background of

each of the partners, officers, and principal stockholders, the nature of their fiduciary relationship and their past, present, or anticipated financial relationship to the subdivider.

b. A complete description of the land and copies of the plat in which the land is located as required in ~~subsections 5~~ subsection 1, paragraphs "e" and "f" and a certified financial statement by a certified public accountant of the assets and liabilities of the subdivider as of a date not more than six months prior to the date of the filing, in such detail as the board may require.

c. Information concerning public improvements, including without limitation, streets, storm sewers, street lighting, water supply, and sewage treatment and disposal facilities in existence or planned on the subdivision, and the estimated cost, date of completion, and responsibility for construction of improvements to be made which are referred to in connection with the sale or lease, or offering for sale or lease, of the subdivision or any unit or lot thereon.

d. Each of the terms and conditions under which each such unit or lot is offered for sale and such opinion or certificates as required in ~~subsections 7~~ subsection 1, paragraphs "g" and "h".

e. A statement as to the exact terms of any guaranties or promises of refund or exchange which are to be used by the subdivider. The guaranty or promise of refund or exchange, if any, must be contained in the body of any contracts used by the subdivider and cannot be in any separate document. Said guaranty or promise of refund or exchange must appear in boldface type in the contract.

f. If the refund privilege, pursuant to paragraph "e" of ~~this subsection~~, is predicated in any way upon the requiring by the subdivider of an inspection by the purchaser prior to requesting a refund or exchange pursuant to the guaranty provisions, the offering statement and the sale contract itself must set out in detail all pertinent information in regard to the inspection trip and in regard to claiming a refund or exchange pursuant to the guaranty after the inspection trip.

~~g. Such additional information as the commission may require as being necessary or appropriate in the public interest or for the protection of purchasers or lessees.~~

~~h.~~ g. A vicinity sketch of sufficient scale to show the entire tract of land, surrounding property ownership, and road access.

h. Such additional information as the commission may require as being necessary or appropriate in the public interest or for the protection of purchasers or lessees.

Sec. 168. Section 577.1, subsection 2, Code 2013, is amended to read as follows:

2. a. The assent of the owner shall be implied, for purposes of determining whether a lien on inanimate personal property exists, if all of the following are established:

~~a.~~ (1) The inanimate personal property is a multi-engine aircraft, eligible for registration under section 501 of the federal Aviation Act of 1958, 49 U.S.C. § ~~1401~~ 44102.

~~b.~~ (2) The aircraft is either owned, leased, operated, or on order by an air carrier certified under section 604(b) of the federal Aviation Act of 1958, 49 U.S.C. § ~~1424(b)~~ 44705, or by any other person that rents or leases commercial airliners to certified air carriers in the regular course of business.

~~c.~~ (3) The material furnished is new electronic navigation or communications aviation equipment.

~~d.~~ (4) The equipment is delivered for installation on the aircraft at the request of a lessee, operator, or other person, or an agent of the lessee, operator, or other person, who has an interest in or exercises control over the aircraft.

b. The aircraft and equipment shall be deemed, for purposes of determining priority over perfected security interests, to be in the possession of the person who furnished the equipment, if the person either manufactures or sells the equipment in the regular course of business and allows the equipment to be made available for installation on the aircraft by releasing it for delivery. Possession of the aircraft and equipment shall be deemed to continue up to, and including, ninety days after the equipment is fully installed on the aircraft, except that if a notice of lien is filed with the federal aviation administration, and no subsequent release of the lien is on file, it shall be deemed to continue indefinitely. A notice of lien under this section is not required to be verified or notarized, but shall be signed by the lienholder, the lienholder's designated agent, or the lienholder's attorney and must identify the aircraft which is the subject of the lien. Notwithstanding subsection 1, liens obtained under this subsection attach and take priority over all other prior liens of record without the giving of prior notice or the obtaining of consent and are enforceable against all persons, including a bona fide purchaser.

Sec. 169. Section 602.8103, subsection 5, Code 2013, is amended to read as follows:

5. Invest money which is paid to the clerk to be paid to any other person in a any of the following:

a. A savings account of a supervised financial organization as defined in section 537.1301, subsection 44, except a credit union operating pursuant to chapter 533. The provisions of chapter 12C relating to the deposit and investment of public funds apply to the deposit and investment of the money except that a supervised financial organization other than a credit union may be designated as a depository and the money shall be available upon demand. The interest earnings shall be paid into the general fund of the state, except as otherwise provided by law.

b. ~~In addition, the money may be invested in an~~ An open-end management investment company organized in trust form registered with the federal securities and exchange commission under the federal Investment Company Act of 1940, 15 U.S.C. § ~~80(a)~~ 80a, and operated in accordance with 17 C.F.R. § 270.2a-7, the portfolio of which is limited to obligations of the United States of America or agencies or instrumentalities of the United States of America and to repurchase agreements fully collateralized by obligations of the United States of America or an agency or instrumentality of the United States of America if the investment company takes delivery of the collateral either directly or through an authorized custodian.

Sec. 170. Section 602.8105, subsection 2, paragraph a, Code 2013, is amended by striking the paragraph.

Sec. 171. Section 602.8107, subsection 1, Code 2013, is amended to read as follows:

1. As used in this section, "*court debt*" means all fines, penalties, court costs, fees, forfeited bail, surcharges under chapter 911, victim restitution, court-appointed attorney fees or ~~for~~ expenses of a public defender ordered pursuant to section 815.9, or fees charged pursuant to section 356.7 or 904.108.

Sec. 172. Section 602.11101, Code 2013, is amended to read as follows:

602.11101 Implementation by court component.

1. The state shall assume responsibility for components of the court system according to the following schedule:

~~1.~~ a. On October 1, 1983, the state shall assume the responsibility for and the costs of jury fees and mileage as

provided in section 607A.8 and on July 1, 1984, the state shall assume the responsibility for and the costs of prosecution witness fees and mileage and other witness fees and mileage assessed against the prosecution in criminal actions prosecuted under state law as provided in sections 622.69 and 622.72.

~~2.~~ b. Court reporters shall become court employees on July 1, 1984. The state shall assume the responsibility for and the costs of court reporters on July 1, 1984.

~~3.~~ c. Bailiffs who perform services for the court, other than law enforcement services, shall become court employees on January 1, 1985, and shall be called court attendants. The state shall assume the responsibility for and the costs of court attendants on January 1, 1985. Section 602.6601 takes effect on January 1, 1985.

~~4.~~ d. (1) Juvenile probation officers shall become court employees on July 1, 1985. The state shall assume the responsibility for and the costs of juvenile probation officers on July 1, 1985.

(2) Until July 1, 1985, the county shall remain responsible for the compensation of juvenile court referees. Effective July 1, 1985, the state shall assume the responsibility for the compensation of juvenile court referees.

~~5.~~ e. (1) Clerks of the district court shall become court employees on July 1, 1986. The state shall assume the responsibility for and the costs of the offices of the clerks of the district court on July 1, 1986. Persons who are holding office as clerks of the district court on July 1, 1986, are entitled to continue to serve in that capacity until the expiration of their respective terms of office. The district judges of a judicial election district shall give first and primary consideration for appointment of a clerk of the district court to serve the court beginning in 1989 to a clerk serving on and after July 1, 1986, until the expiration of the clerk's elected term of office. A vacancy in the office of clerk of the district court occurring on or after July 1, 1986, shall be filled as provided in section 602.1215.

(2) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for court employees not presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. Effective July 1, 1986, the state shall assume

the responsibility for the compensation of and operating costs for court employees presently designated for state financing and for miscellaneous costs of the judicial branch related to furnishings, supplies, and equipment purchased, leased, or maintained for the use of judicial officers, referees, and their staff. However, the county shall at all times remain responsible for the provision of suitable courtrooms, offices, and other physical facilities pursuant to section 602.1303, subsection 1, including paint, wall covering, and fixtures in the facilities.

(3) Until July 1, 1986, the county shall remain responsible for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs. Effective July 1, 1986, the state shall assume the responsibility for the compensation of and operating costs for probate referees and judicial hospitalization referees and their staffs.

(4) Until July 1, 1986, the county shall remain responsible for necessary fees and costs related to certain court reporters. Effective July 1, 1986, the state shall assume the responsibility for necessary fees and costs related to certain court reporters.

~~6.~~ f. The county shall remain responsible for the court-ordered costs of conciliation procedures under section 598.16.

2. a. For the period beginning July 1, 1983, and ending June 30, 1987, the provisions of division I (articles 1 through 10) take effect only to the extent that the provisions do not conflict with the scheduled state assumption of responsibility for the components of the court system, and the amendments and repeals of divisions II and III take effect only to the extent necessary to implement that scheduled state assumption of responsibility. If an amendment or repeal to a Code section in division II or III is not effective during the period beginning July 1, 1983, and ending June 30, 1987, the Code section remains in effect for that period. On July 1, 1987, ~~this Act~~ 1983 Iowa Acts, chapter 186, takes effect in its entirety.

b. However, if the state does not fully assume the costs for a fiscal year of a component of the court system in accordance with the scheduled assumption of responsibility, the state shall not assume responsibility for that component, and the schedule of state assumption of responsibility shall be delayed. The delayed schedule of state assumption of

responsibility shall again be followed for the fiscal year in which the state fully assumes the costs of that component. For the fiscal year for which the state's assumption of the responsibility for a court component is delayed, the clerk of the district court shall not reduce the percentage remittance to the counties from the court revenue distribution account under section 602.8108. The clerk shall resume the delayed schedule of reductions in county remittances for the fiscal year in which the state fully assumes the costs of that court component. If the schedules of state assumption of responsibility and reductions in county remittances are delayed, the transition period beginning July 1, 1983, and ending June 30, 1987, is correspondingly lengthened, and ~~this Act~~ 1983 Iowa Acts, chapter 186, takes effect in its entirety only at the end of the lengthened transition period.

3. The supreme court shall prescribe temporary rules, prior to the dates on which the state assumes responsibility for the components of the court system, as necessary to implement the administrative and supervisory provisions of ~~this Act~~ 1983 Iowa Acts, chapter 186, and as necessary to determine the applicability of specific provisions of ~~this Act~~ 1983 Iowa Acts, chapter 186, in accordance with the scheduled state assumption of responsibility for the components of the court system.

Sec. 173. Section 622.34, Code 2013, is amended to read as follows:

622.34 Contract not denied in the pleadings.

The ~~above regulations~~ provisions of sections 622.32 and 622.33, relating merely to the proof of contracts, shall not prevent the enforcement of those not denied in the pleadings, except in cases when the contract is sought to be enforced, or damages recovered for the breach thereof, against some person other than the person who made it.

Sec. 174. Section 622.79, Code 2013, is amended to read as follows:

622.79 When party fails to obey subpoena.

In addition to the ~~above remedies~~ provided in sections 622.76 through 622.78, if a party to an action in the party's own right, on being duly subpoenaed, fails to appear and give testimony, the other party may, at the other party's election, have a continuance of the cause at the cost of the delinquent.

Sec. 175. Section 631.1, subsection 1, Code 2013, is amended to read as follows:

1. The following actions or claims are small claims and shall be commenced, heard and determined as provided in this chapter:

a. A civil action for a money judgment where the amount in controversy is four thousand dollars or less for actions commenced before July 1, 2002, and exclusive of interest and costs.

b. A civil action for a money judgment where the amount in controversy is five thousand dollars or less for actions commenced on or after July 1, 2002, exclusive of interest and costs.

Sec. 176. Section 633.128, Code 2013, is amended to read as follows:

633.128 Court accountings.

1. Unless ordered by a court of competent jurisdiction, the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the court, secure approval of such an accounting on such conditions as the court may establish.

2. When an accounting of a common trust fund is presented to a court for approval, the court shall assign a time and place for hearing, and order notice thereof by all of the following:

a. ~~(1)~~ Publication once each week for three consecutive weeks in a newspaper of general circulation, published in the county in which the bank or trust company operating the common trust fund is located, the first publication to be not less than twenty days prior to the date of hearing, and ~~(2) sending.~~

b. Sending by ordinary mail not less than fourteen days prior to the date of hearing, a copy of the notice prescribed to all beneficiaries of the trust participating in the common trust fund whose names are known to the bank or trust company from the records kept by it in the regular course of business in the administration of said trusts, directed to them at the addresses shown by such records, and ~~(3) such.~~

c. Such further notice, if any, as the court may order.

Sec. 177. Section 633.376, subsection 2, Code 2013, is amended to read as follows:

2. The estate's personal representative shall mail pursuant to section 633.40, subsection 5, to the legal guardian of each child qualified under subsection 1 and to each child or the guardian ad litem for such child if necessary, who has no legal guardian, a written notice regarding the right to request an

allowance. The notice shall inform the child and the child's guardian or guardian ad litem, if applicable, of the right to submit an application to the court, within four months after service of the notice, for support for a period of twelve months following the decedent's death. If an application for support has not been filed within four months after service of the notice by or on behalf of the child qualifying for support under subsection 1, the child shall be deemed to have waived the right to support under this section. A child who qualifies for support under this section or the child's guardian or guardian ad litem may waive the child's right to such support by filing an affidavit acknowledging receipt of notice and irrevocably waiving the child's right to support under this section.

Sec. 178. Section 633.704, subsection 2, Code 2013, is amended to read as follows:

2. If a court of another state in which a guardianship or protective proceeding is pending requests assistance ~~pursuant to~~ described in subsection 1, a court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

Sec. 179. Section 633A.3110, Code 2013, is amended to read as follows:

633A.3110 Notice to creditors, heirs, and surviving spouse.

1. As used in this section, "heir" means only such person who would, in an intestate estate, be entitled to a share under section 633.219.

2. The trustee may give notice as described herein to creditors, heirs, and the surviving spouse of the settlor for the purpose of establishing their rights to contest the trust and to file claims against the trust assets.

a. No later than the end of the one-year period beginning with the settlor's date of death, the trustee may publish a notice once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the settlor was a resident at the time of death. If the settlor was not a resident of Iowa, but the principal place of administration is in Iowa, the trustee shall publish notice in the county that is the principal place of administration pursuant to section 633A.6102.

b. If notice is published pursuant to paragraph "a", the trustee shall also give notice by ordinary mail within one year of the settlor's death to the surviving spouse and the heirs of

the decedent whose identities are reasonably ascertainable, at such person's last known address.

c. If notice is published pursuant to paragraph "a", the trustee shall also give notice to creditors of the settlor who are known or reasonably ascertainable within the period for filing claims specified in the published notice and who the trustee believes own or possess a claim, which will not or may not be paid or otherwise satisfied during the administration of the trust, by ordinary mail to each person at the person's last known address.

d. The notices described in this subsection shall, if given, include notification of the settlor's death, and the fact that any action to contest the validity of the trust must be brought within the later to occur of four months from the date of the second publication of the notice made pursuant to paragraph "a" or thirty days from the date of mailing of the notice pursuant to paragraph "b", and that any claim against the trust assets will be forever barred unless proof of a creditor's claim is mailed to the trustee by certified mail, return receipt requested, within the later to occur of four months from the date of second publication of notice made pursuant to paragraph "a" or thirty days from the date of mailing of the notice pursuant to paragraph "b", if required. A person who is not entitled to receive a mailed notice or who does not make a claim within the appropriate period is forever barred from asserting any claim against the trust or the trust assets.

3. If notice is published pursuant to subsection 2, paragraph "a", claims of creditors that are discovered or which become reasonably ascertainable after the end of the notice period are barred.

4. If notice is not published and given as provided in this section, the right to challenge the trust and file claims against the trust assets are limited as provided in sections 633A.3108 and 633A.3109.

5. The notice described in subsection 2 shall be substantially in the following form:

To all persons regarding
deceased, who died on or about
(year)(date). You are hereby notified
that is the trustee of the
..... Trust.

Any action to contest the validity of the trust must be brought in the District Court of County, Iowa, within

the later to occur of four months from the date of second publication of this notice, or thirty days from the date of mailing this notice to all heirs of the decedent settlor and the spouse of the decedent settlor whose identities are reasonably ascertainable. Any suit not filed within this period shall be forever barred.

Notice is further given that any person or entity possessing a claim against the trust must mail proof of the claim to the trustee at the address listed below via certified mail, return receipt requested, by the later to occur of four months from the second publication of this notice or thirty days from the date of mailing this notice if required, or the claim shall be forever barred, unless paid or otherwise satisfied.

Dated this day of
.....(month), ~~(year)~~(year)
.....
Trust

.....
Trustee
Address:
.....

Date of second publication
..... day of(month), ~~(year)~~
.....(year)

6. The proof of claim must be in writing stating the party's name and address and describing the nature and amount of the claim, if ascertainable, and accompanied by an affidavit of the party or a representative of the party verifying the amount that is due, or when the amount will become due, that no payments have been made on the claim that are not credited, and that no offsets to the claim exist.

7. At any time after receipt by the trustee of a proof of claim, the trustee may give the party submitting the claim a written notice of disallowance of the claim. The notice shall be given by certified mail, return receipt requested, addressed to the party at the address stated in the claim, and to the attorney of record of the party submitting the claim. Such notice of disallowance shall advise the party submitting the claim that the claim has been disallowed and will be forever barred unless suit is filed against the trustee to enforce the claim within thirty days of the date of the mailing of the notice of disallowance. If suit is filed, the provisions in chapter 633 relating to actions to enforce a claim shall

apply with the trust and trustee substituted for the estate and personal representative.

8. The trustee and creditor may agree to extend the limitations period for filing an action to enforce the claim. If the creditor fails to properly file its claim within the established time period or bring an action to enforce its claim within the established time period, the creditor's claim shall be forever barred.

9. The trustee shall give notice to the beneficiaries of the trust as required by section 633A.4213.

10. The trustee shall give notice to the surviving spouse of the right to elect to take an elective share of the trust as required by section 633.237 and the right to ~~a spousal~~ an allowance for the surviving spouse and any dependents of the settlor residing with the surviving spouse as required by section 633A.3114.

11. The trustee shall give notice to eligible children not residing with the surviving spouse of their right to an allowance as required by section 633A.3115.

Sec. 180. Section 633A.3115, subsections 1 and 3, Code 2013, are amended to read as follows:

1. If the trustee is required to give notice under section 633A.3114, the trustee shall also mail, pursuant to section 633.40, subsection 5, to the legal guardian of each child qualified under subsection 2 and to each such child or the guardian ad litem for such child if necessary, who has no legal guardian, a written notice regarding the right to request an allowance. The notice shall inform the child and the child's guardian or guardian ad litem, if applicable, of the right to submit an application to the trustee within four months after service of the notice, for a support allowance for a period of twelve months following the decedent's death.

3. If an application for a support allowance has not been filed within four months after service of the notice by or on behalf of the child qualifying for an allowance under subsection 2, the child shall be deemed to have waived the right to an allowance under this section. A child who qualifies for an allowance under this section or the guardian or guardian ad litem for the child, if any, may waive the child's right to such an allowance by submitting an affidavit to the trustee acknowledging receipt of notice and irrevocably waiving the child's right to an allowance under this section.

Sec. 181. Section 654.14, Code 2013, is amended to read as

follows:

654.14 Preference in receivership — application of rents.

1. In an action to foreclose a real estate mortgage, if a receiver is appointed to take charge of the real estate, preference shall be given to the owner or person in actual possession, subject to approval of the court, in leasing the mortgaged premises. If the real estate is agricultural land used for farming, as defined in section 9H.1, the owner or person in actual possession shall be appointed as receiver without bond, provided that all parties agree to the appointment. The rents, profits, avails, and income derived from the real estate shall be applied as follows:

~~1.~~ a. To the cost of receivership.

~~2.~~ b. To the payment of taxes due or becoming due during said receivership.

~~3.~~ c. To pay the insurance on buildings on the premises ~~and/or~~ or such other benefits to the real estate, or both, as may be ordered by the court.

~~4.~~ d. The balance shall be paid and distributed as determined by the court.

2. If the owner or person in actual possession of agricultural land as defined in section 9H.1 is not afforded a right of first refusal in leasing the mortgaged premises by the receiver, the owner or person in actual possession has a cause of action against the receiver to recover either actual damages or a one thousand dollar penalty, and costs, including reasonable attorney's fees. The receiver shall deliver notice to the owner or person in actual possession or the attorney of the owner or person in actual possession, of an offer made to the receiver, the terms of the offer, and the name and address of the person making the offer. The delivery shall be made personally with receipt returned or by certified or registered mail, with the proper postage on the envelope, addressed to the owner or person in actual possession or the attorney of the owner or person in actual possession. An offer shall be deemed to have been refused if the owner or person in actual possession or the attorney of the owner or person in actual possession does not respond within ten days following the date that the notice is mailed.

Sec. 182. Section 671.2, Code 2013, is amended to read as follows:

671.2 Exception.

1. The limited liability provided in section 671.1 shall not

apply where:

~~1.~~ a. A guest has offered to deliver ~~such~~ valuables to ~~said~~ the keeper or owner for custody in such metal safe or vault, and

~~2.~~ b. ~~Said~~ The keeper or owner has omitted or refused to receive and deposit the ~~same~~ valuables in ~~such~~ the safe or vault and give such guest a receipt ~~therefor~~ for the valuables.

2. ~~But such~~ The keeper or owner shall not be required to receive from any one guest for deposit in ~~such~~ the keeper's or owner's safe or vault, property having a market value of more than five hundred dollars.

Sec. 183. Section 708.1, Code 2013, is amended to read as follows:

708.1 Assault defined.

1. An assault as defined in this section is a general intent crime.

2. A person commits an assault when, without justification, the person does any of the following:

~~1.~~ a. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

~~2.~~ b. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

~~3.~~ c. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

3. ~~Provided, that where~~ An act described in subsection 2 shall not be an assault under the following circumstances:

a. If the person doing any of the ~~above~~ enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace, ~~the act shall not be an assault.~~

b. ~~Provided, that where~~ If the person doing any of the ~~above~~ enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or

staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, ~~the act shall not be an assault,~~ whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

Sec. 184. Section 708.4, Code 2013, is amended to read as follows:

708.4 Willful injury.

Any person who does an act which is not justified and which is intended to cause serious injury to another commits ~~the following~~ willful injury, which is punishable as follows:

1. A class "C" felony, if the person causes serious injury to another.
2. A class "D" felony, if the person causes bodily injury to another.

Sec. 185. Section 709.16, subsection 2, Code 2013, is amended to read as follows:

2. a. An officer, employee, contractor, vendor, volunteer, or agent of a juvenile placement facility who engages in a sex act with a juvenile placed at such facility commits an aggravated misdemeanor.

b. For purposes of this subsection, a "*juvenile placement facility*" means any of the following:

~~a-~~ (1) A child foster care facility licensed under section 237.4.

~~b-~~ (2) Institutions controlled by the department of human services listed in section 218.1.

~~c-~~ (3) Juvenile detention and juvenile shelter care homes approved under section 232.142.

~~d-~~ (4) Psychiatric medical institutions for children licensed under chapter 135H.

~~e-~~ (5) ~~Substance abuse facilities~~ Facilities for the treatment of persons with substance-related disorders as defined in section 125.2.

Sec. 186. Section 710.5, Code 2013, is amended to read as follows:

710.5 Child stealing.

1. A person commits a ~~class "C" felony~~ child stealing when, knowing that the person has no authority to do so, the person forcibly or fraudulently takes, decoys, or entices away any child with intent to detain or conceal such child from its

parents or guardian, or other persons or institution having the lawful custody of such child, unless the person is a relative of such child, and the person's sole purpose is to assume custody of such child.

2. Child stealing is a class "C" felony.

3. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 187. Section 710A.2, subsection 8, Code 2013, is amended to read as follows:

8. A person's ignorance of the age of the victim or a belief that the victim was older is ~~no~~ not a defense to a violation of this section.

Sec. 188. Section 710A.2A, Code 2013, is amended to read as follows:

710A.2A Solicitation of commercial sexual activity.

A person shall not entice, coerce, or recruit, or attempt to entice, coerce, or recruit, either a person who is under the age of eighteen or a law enforcement officer or agent who is representing oneself to be that the officer or agent is under the age of eighteen, to engage in a commercial sexual activity. A person who violates this section commits a class "D" felony.

Sec. 189. Section 714.24, subsections 2, 3, 4, and 7, Code 2013, are amended to read as follows:

2. An entity that claims an exemption under section 714.19 ~~or 714.22~~ must file an exemption claim with the commission. The commission may approve or deny the exemption claim. Except for a school that claims an exemption under section 714.19, subsection 1, 3, or 10, a filing of a claim for an exemption pursuant to section 714.19 ~~or 714.22~~ must be completed at least once every two years.

3. An entity that claims an exemption under section 714.19 ~~or 714.22~~ must file evidence of financial responsibility pursuant to section 714.18 within sixty calendar days following the date upon which conditions that qualify the entity for an exemption under section 714.19 no longer exist. The commission may grant an entity a longer period to file evidence of financial responsibility based on documentation the entity provides to the commission of its substantial progress to comply with section 714.18, subsection 1, paragraph "a".

4. An entity that is required to file evidence of financial responsibility under section 714.18, or an entity that files

a claim of exemption under section 714.19 ~~or 714.22~~, shall utilize required forms approved and supplied by the commission.

7. Except as provided in section 714.18, subsection 2, paragraph "a", the information submitted under sections 714.18, ~~714.22~~, 714.23, and 714.25 are public records under chapter 22.

Sec. 190. Section 715.3, subsection 2, Code 2013, is amended to read as follows:

2. "Computer software" means a sequence of instructions written in any programming language that is executed on a computer. "Computer software" does not include computer software that is ~~a web page~~ an internet site or data components of ~~a web page~~ an internet site that are not executable independently of the ~~web page~~ internet site.

Sec. 191. Section 715.3, subsection 10, paragraph b, Code 2013, is amended to read as follows:

b. The storage or hosting of the computer software program or an internet ~~web page~~ site through which the software was made available.

Sec. 192. Section 715.4, subsection 1, paragraphs a through c, Code 2013, are amended to read as follows:

a. The ~~web page~~ internet site that appears when an owner or operator launches an internet browser or similar computer software used to access and navigate the internet.

b. The default provider or ~~web~~ internet proxy that an owner or operator uses to access or search the internet.

c. An owner's or an operator's list of bookmarks used to access ~~web pages~~ internet sites.

Sec. 193. Section 716.3, Code 2013, is amended to read as follows:

716.3 Criminal mischief in the first degree.

1. Criminal mischief is criminal mischief in the first degree if ~~the~~ either of the following apply:

a. The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed is more than ten thousand dollars, ~~or if such.~~

b. The acts are intended to or do in fact cause a substantial interruption or impairment of service rendered to the public by a gas, electric, steam or waterworks corporation, telephone or telegraph corporation, common carrier, or a public utility operated by a municipality.

2. Criminal mischief in the first degree is a class "C" felony.

Sec. 194. Section 716.4, Code 2013, is amended to read as

follows:

716.4 Criminal mischief in the second degree.

1. Criminal mischief is criminal mischief in the second degree if the cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds one thousand dollars but does not exceed ten thousand dollars.

2. Criminal mischief in the second degree is a class "D" felony.

Sec. 195. Section 716.6, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) The cost of replacing, repairing, or restoring the property ~~so~~ that is damaged, defaced, altered, or destroyed exceeds two hundred dollars, but does not exceed five hundred dollars.

Sec. 196. Section 716.10, subsection 3, Code 2013, is amended to read as follows:

3. For purposes of this section, ~~"railway corporation":~~

a. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within the state.

b. "Train" means a series of two or more train components which are coupled together in a line.

~~c. For purposes of this section, "train component"~~ "Train component" means any locomotive, engine, tender, railroad car, passenger car, freight car, box car, tank car, hopper car, flatbed, container, work equipment, rail-mounted equipment, or any other railroad rolling stock.

~~For purposes of this section, "train" means a series of two or more train components which are coupled together in a line.~~

Sec. 197. Section 716A.3, subsection 2, Code 2013, is amended to read as follows:

2. a. A person who knowingly sells an adulterated or misbranded drug through the use of electronic mail or the internet is guilty of a class "D" felony.

b. ~~However, if~~ If the death of a person occurs as the result of consuming a drug, as defined in section 155A.3, sold in violation of this ~~section~~ subsection, the violation is a class "B" felony.

Sec. 198. Section 716B.2, Code 2013, is amended to read as follows:

716B.2 Unlawful disposal of hazardous waste — penalties.

1. A person ~~who~~ commits the offense of unlawful disposal

of hazardous waste when the person knowingly or with reason to know, disposes of hazardous waste or arranges for or allows the disposal of hazardous waste at any location other than one authorized by the department or the United States environmental protection agency, or in violation of any material term or condition of a hazardous waste facility permit.

2. a. A person who commits the offense of unlawful disposal of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 199. Section 716B.3, Code 2013, is amended to read as follows:

716B.3 Unlawful transportation of hazardous waste — penalties.

1. A person who commits the offense of unlawful transportation of hazardous waste when the person knowingly or with reason to know, transports or causes to be transported any hazardous waste to any location other than a facility that is authorized to receive, treat, store, or dispose of the hazardous waste under rules adopted pursuant to the federal Resource Conservation and Recovery Act, 42 U.S.C. § 6901 - 6992.

2. a. A person who commits the offense of unlawful transportation of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 200. Section 716B.4, Code 2013, is amended to read as follows:

716B.4 Unlawful ~~storage or treatment or storage~~ of hazardous waste — penalties.

1. A person who commits the offense of unlawful treatment or

storage of hazardous waste when the person knowingly or with reason to know, treats or stores hazardous waste without a permit issued pursuant to 42 U.S.C. § 6925 or § 6926.

2. a. A person who commits the offense of unlawful treatment or storage of hazardous waste is guilty of an aggravated misdemeanor and upon conviction shall be punished by a fine of not more than twenty-five thousand dollars for each day of violation or imprisonment for not more than two years, or both.

b. If the conviction is for a violation committed after a first conviction under this section, the person is guilty of a class "D" felony and shall be punished by a fine of not more than fifty thousand dollars for each day of violation or imprisonment for not more than five years, or both.

Sec. 201. Section 717B.1, subsection 5, Code 2013, is amended to read as follows:

5. "Law enforcement officer" means a regularly employed member of a police force of a city or county, including a sheriff, who is responsible for the prevention and ~~dedication~~ detection of crime and the enforcement of the criminal laws of this state.

Sec. 202. Section 719.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. A person ~~who~~ commits interference with official acts when the person knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, ~~commits.~~

a. Interference with official acts is a simple misdemeanor. In addition to any other penalties, the punishment imposed ~~for a violation of~~ under this subsection paragraph shall include assessment of a fine of not less than two hundred fifty dollars.

b. ~~However, if~~ If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.

c. If a person commits an interference with official acts,

as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

2. A person under the custody, control, or supervision of the department of corrections ~~who~~ commits interference with official acts when the person knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, whether paid or volunteer, in the performance of the person's official duties, ~~commits.~~

a. Interference with official acts in violation of this subsection is a serious misdemeanor.

b. If a person violates this subsection and in so doing commits an assault, as defined in section 708.1, the person commits an aggravated misdemeanor.

c. If a person violates this subsection and in so doing inflicts or attempts to inflict bodily injury other than serious injury to another, displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, the person commits a class "D" felony.

d. If a person violates this subsection and uses or attempts to use a dangerous weapon, as defined in section 702.7, or inflicts serious injury to another, the person commits a class "C" felony.

Sec. 203. Section 721.6, Code 2013, is amended to read as follows:

721.6 Exception to sections 721.3 ~~to~~ through 721.5.

The provisions of sections 721.3 ~~to~~ through 721.5 shall not be construed as prohibiting any such officer or employee who is a candidate for political office to engage in campaigning at any time or at any place for the officer's or employee's ~~self~~ own candidacy.

Sec. 204. Section 721.7, Code 2013, is amended to read as follows:

721.7 Penalty for violating sections 721.3 ~~to~~ 721.6 through 721.5.

Any person who violates any provision of sections 721.3 ~~to~~ 721.6 through 721.5 shall be guilty of a serious misdemeanor.

Sec. 205. Section 724.1, subsection 7, unnumbered paragraph 2, Code 2013, is amended by striking the unnumbered paragraph.

Sec. 206. Section 724.2, Code 2013, is amended to read as follows:

724.2 Authority to possess offensive weapons.

1. Any of the following persons or entities is authorized to possess an offensive weapon when the person's or entity's duties or lawful activities require or permit such possession:

- ~~1.~~ a. Any peace officer.
- ~~2.~~ b. Any member of the armed forces of the United States or of the national guard.
- ~~3.~~ c. Any person in the service of the United States.
- ~~4.~~ d. A correctional officer, serving in an institution under the authority of the Iowa department of corrections.
- ~~5.~~ e. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.
- ~~6.~~ f. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.
- ~~7.~~ g. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.
- ~~8.~~ h. A resident of this state who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in the official functions of a historical reenactment organization of which the person is a member, if the offensive weapon has been permanently rendered unfit for the firing of live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

~~9.~~ i. A nonresident who possesses an offensive weapon which is a curio or relic firearm under the federal Firearms Act, 18 U.S.C. ch. 44, solely for use in official functions in this state of a historical reenactment organization of which the person is a member, if the offensive weapon is legally possessed by the person in the person's state of residence and the offensive weapon is at all times while in this state rendered incapable of firing live ammunition. A nonresident who possesses an offensive weapon under this subsection while in this state shall not have in the person's possession live ammunition. The offensive weapon may, however, be adapted for the firing of blank ammunition.

2. Notwithstanding subsection 1, a person is not authorized to possess in this state a shotshell or cartridge intended to project a flame or fireball of the type described in section 724.1.

Sec. 207. Section 724.4B, subsection 2, paragraph b, Code

2013, is amended to read as follows:

b. A person who has been specifically authorized by the school to go armed with, carry, or transport a firearm on the school grounds, including for purposes of conducting an instructional program regarding firearms.

Sec. 208. Section 802.7, Code 2013, is amended to read as follows:

802.7 Continuing crimes.

When an offense is based on a series of acts committed at different times, the period of limitation prescribed by this ~~division~~ chapter shall commence upon the commission of the last of such acts.

Sec. 209. Section 804.14, Code 2013, is amended to read as follows:

804.14 Manner of making arrest — warrant.

1. ~~The~~ A person making ~~the~~ an arrest must inform the person to be arrested of the intention to arrest the person, the reason for arrest, and that the person making the arrest is a peace officer, if such be the case, and require the person being arrested to submit to the person's custody, except when the person to be arrested is actually engaged in the commission of or attempt to commit an offense, or escapes, so that there is no time or opportunity to do so, ~~if~~.

2. If acting under the authority of a warrant, ~~the~~ a law enforcement officer need not have the warrant in the officer's possession at the time of the arrest, but, upon request, the officer shall show the warrant to the person being arrested as soon as possible. If the officer does not have the warrant in the officer's possession at the time of arrest, the officer shall inform the person being arrested of the fact that a warrant has been issued.

Sec. 210. Section 814.11, subsection 4, Code 2013, is amended to read as follows:

4. In all other cases not specified in subsection 2 or 3, or except as otherwise provided in this section, the court shall appoint an attorney ~~to represent an indigent person~~ who has a contract with the state public defender to provide legal services in appellate cases to represent an indigent person.

Sec. 211. Section 815.5, Code 2013, is amended to read as follows:

815.5 Expert witnesses for state and defense.

Notwithstanding the provisions of section 622.72, reasonable compensation as determined by the court shall be awarded expert

witnesses, expert witnesses for an indigent person referred to in section 815.4, or expert witnesses called by the state in criminal cases.

Sec. 212. Section 901B.1, subsection 3, Code 2013, is amended to read as follows:

3. a. Each judicial district and judicial district department of correctional services shall implement an intermediate criminal sanctions program ~~by July 1, 2001~~. An intermediate criminal sanctions program shall consist of only levels two, three, and sublevels one and three of level four of the corrections continuum and shall be operated in accordance with an intermediate criminal sanctions plan adopted by the chief judge of the judicial district and the director of the judicial district department of correctional services. The plan adopted shall be designed to reduce probation revocations to prison through the use of incremental, community-based sanctions for probation violations.

b. The plan shall be subject to rules adopted by the department of corrections. The rules shall include provisions for transferring individuals between levels in the continuum. The provisions shall include a requirement that the reasons for the transfer be in writing and that an opportunity for the individual to contest the transfer be made available.

c. A copy of the program and plan shall be filed with the chief judge of the judicial district, the department of corrections, and the division of criminal and juvenile justice planning of the department of human rights ~~by July 1, 2001~~.

Sec. 213. Section 905.1, subsection 2, Code 2013, is amended to read as follows:

2. "*Community-based correctional program*" means correctional programs and services, including but not limited to an intermediate criminal sanctions program in accordance with the corrections continuum in section 901B.1, designed to supervise and assist individuals who are charged with or have been convicted of a felony, an aggravated misdemeanor or a serious misdemeanor, or who are on probation or parole in lieu of or as a result of a sentence of incarceration imposed upon conviction of any of these offenses, or who are contracted to the district department for supervision and housing while on work release. A community-based correctional program shall be designed by a district department in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.

~~An intermediate criminal sanctions program shall be designed by a district department in a manner that provides services in a manner free of disparities based upon an individual's race or ethnic origin.~~

Sec. 214. Section 907.3, subsections 1 and 2, Code 2013, are amended to read as follows:

1. a. With the consent of the defendant, the court may defer judgment and may place the defendant on probation upon conditions as it may require. ~~However,~~ a A civil penalty shall be assessed as provided in section 907.14 upon the entry of a deferred judgment. ~~Upon a showing that the defendant is not cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908. However, the court shall not defer judgment if any of the following is true:~~

~~However, this subsection shall not apply if any of the following is true:~~

~~a. The offense is a violation of section 709.8 and the child is twelve years of age or under.~~

~~b. (1) The defendant previously has been convicted of a felony. "Felony" means a conviction in a court of this or any other state or of the United States, of an offense classified as a felony by the law under which the defendant was convicted at the time of the defendant's conviction.~~

~~c. (2) Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief, two or more times anywhere in the United States.~~

~~d. (3) Prior to the commission of the offense the defendant had been granted a deferred judgment or similar relief in a felony prosecution anywhere in the United States within the preceding five years, measured from the date of granting of deferment of judgment to the date of commission of the offense.~~

~~e. The defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty.~~

~~f.~~ (4) The defendant is a corporation.

(5) The offense is a violation of section 124.401, subsection 1, paragraph "a" or "b", and the controlled substance is methamphetamine.

~~g.~~ (6) The offense is a violation of section 321J.2 and the person has been convicted of a violation of that section or the person's driver's license has been revoked under chapter 321J, and any of the following apply:

(1) (a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with chapter 321J exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.

(2) (b) If the defendant has previously been convicted of a violation of section 321J.2, subsection 1, or a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

(3) (c) If the defendant has previously received a deferred judgment or sentence for a violation of section 321J.2, subsection 1, or for a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.

(4) (d) If the defendant refused to consent to testing requested in accordance with section 321J.6.

(5) (e) If the offense under chapter 321J results in bodily injury to a person other than the defendant.

~~h. Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.~~

(7) The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.

~~i.~~ (8) The offense is a conviction for or plea of guilty to a violation of section 664A.7 or a finding of contempt pursuant to section 664A.7.

~~j. The offense is a violation of section 707.6A, subsection~~

~~l; or a violation of section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.~~

~~k. The offense is a violation of section 124.401, subsection 1, paragraph "a" or "b", and the controlled substance is methamphetamine.~~

~~l. The offense is a violation of section 462A.14, and a mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.~~

~~m. (9) The offense is a violation of chapter 692A.~~

(10) The offense is a violation of section 707.6A, subsection 1; or a violation of section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.

(11) The defendant committed an assault as defined in section 708.1, against a peace officer in the performance of the peace officer's duty.

(12) Prior to the commission of the offense the defendant had been granted a deferred judgment or deferred sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or was granted similar relief anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A, and the current offense is a violation of section 708.2A.

(13) The offense is a violation of section 709.8 and the child is twelve years of age or under.

b. Upon a showing that the defendant is not cooperating with the program of probation or is not responding to it, the court may withdraw the defendant from the program, pronounce judgment, and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

c. Upon fulfillment of the conditions of probation and the payment of fees imposed and not waived by the judicial district department of correctional services under section 905.14, the defendant shall be discharged without entry of judgment.

2. a. At the time of or after pronouncing judgment and with the consent of the defendant, the court may defer the sentence and assign the defendant to the judicial district department of correctional services. The court may assign the defendant to supervision or services under section 901B.1 at the level of sanctions which the district department determines to be

appropriate. However, the court shall not defer the sentence for a violation of any of the following:

~~a. Section 708.2A, if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A.~~

~~b. Section 664A.7 or for contempt pursuant to section 664A.7.~~

(1) The offense is a violation of section 124.401, subsection 1, paragraph "a" or "b", and the controlled substance is methamphetamine.

~~e. (2) Section 321J.2, subsection 1, if any of the following apply:~~

~~(1) (a) If the defendant's alcohol concentration established by the results of an analysis of a specimen of the defendant's blood, breath, or urine withdrawn in accordance with chapter 321J exceeds .15, regardless of whether or not the alcohol concentration indicated by the chemical test minus the established margin of error inherent in the device or method used to conduct the test equals an alcohol concentration of .15 or more.~~

~~(2) (b) If the defendant has previously been convicted of a violation of section 321J.2, subsection 1, or a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.~~

~~(3) (c) If the defendant has previously received a deferred judgment or sentence for a violation of section 321J.2, subsection 1, or for a violation of a statute in another state substantially corresponding to section 321J.2, subsection 1.~~

~~(4) (d) If the defendant refused to consent to testing requested in accordance with section 321J.6.~~

~~(5) (e) If the offense under chapter 321J results in bodily injury to a person other than the defendant.~~

~~d. Section 707.6A, subsection 1, or section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.~~

~~e. The offense is a violation of section 124.401, subsection 1, paragraph "a" or "b", and the controlled substance is methamphetamine.~~

~~f. (3) The offense is a violation of section 462A.14, and a~~

mandatory minimum sentence must be served or mandatory minimum fine must be paid by the defendant.

(4) Section 664A.7 or for contempt pursuant to section 664A.7.

~~§~~ (5) The offense is a violation of chapter 692A.

(6) Section 707.6A, subsection 1; or section 707.6A, subsection 4, involving operation of a motor vehicle while intoxicated.

(7) Section 708.2A, if the defendant has previously received a deferred judgment or sentence for a violation of section 708.2 or 708.2A which was issued on a domestic abuse assault, or if similar relief was granted anywhere in the United States concerning that jurisdiction's statutes which substantially correspond to domestic abuse assault as provided in section 708.2A.

b. Upon a showing that the defendant is not fulfilling the conditions of probation, the court may revoke probation and impose any sentence authorized by law. Before taking such action, the court shall give the defendant an opportunity to be heard on any matter relevant to the proposed action. Upon violation of the conditions of probation, the court may proceed as provided in chapter 908.

Sec. 215. Section 907.8, Code 2013, is amended to read as follows:

907.8 Supervision during probationary period.

1. A person released on probation shall be assigned to a probation officer. Both the person and the person's probation officer shall be furnished with the conditions of the person's probation including a copy of the plan of restitution and the restitution plan of payment, if any, and the regulations which the person will be required to observe, in writing. The probation officer shall explain these conditions and regulations to the person and shall supervise, assist, and counsel the person during the term of the person's probation.

2. a. When probation is granted, the court shall order said person committed to the custody, care, and supervision:

~~1-~~ (1) Of any suitable resident of this state; or

~~2-~~ (2) Of the judicial district department of correctional services.

b. Jurisdiction over these persons shall remain with the sentencing court.

3. In each case ~~wherein~~ in which the court ~~shall order~~ said orders the person committed to the custody, care, and

supervision of the judicial district department of correctional services, the clerk of the district court shall at once furnish the director of the judicial district department of correctional services with certified copies of the indictment or information, the minutes of testimony attached thereto, the judgment entry if judgment is not deferred, and the original mittimus. The county attorney shall at once advise the director, by letter, that the defendant has been placed under the supervision of the judicial district department of correctional services and give the director a detailed statement of the facts and circumstances surrounding the crime committed and the record and history of the defendant as may be known to the county attorney. If the defendant is confined in the county jail at the time of sentence, the court may order the defendant held until arrangements are made by the judicial district department of correctional services for the defendant's employment and the defendant has signed the necessary probation papers. If the defendant is not confined in the county jail at the time of sentence, the court may order the defendant to remain in the county wherein the defendant has been convicted and sentenced and report to the sheriff as to the defendant's whereabouts.

Sec. 216. REPEAL. Sections 163.28, 256.11A, 256.22, 313.44, 313.45, and 321.499, Code 2013, are repealed.

DIVISION II

VOLUME VI RENUMBERING

Sec. 217. Section 633.304, Code 2013, is amended to read as follows:

633.304 Notice of probate of will with administration.

1. As used in this section, "heir" means only such person as would, in an intestate estate, be entitled to a share under section 633.219.

2. On admission of a will to probate, the executor, as soon as letters are issued, shall cause to be published once each week for two consecutive weeks in a daily or weekly newspaper of general circulation published in the county in which the estate is pending and at any time during the pendency of administration that the executor has knowledge of the name and address of a person believed to own or possess a claim which will not or may not be paid or otherwise satisfied during administration, provide by ordinary mail to each such claimant at the claimant's last known address, and as soon as practicable give notice, except to any executor, by ordinary

mail to the surviving spouse, each heir of the decedent and each devisee under the will admitted to probate whose identities are reasonably ascertainable, at such persons' last known addresses, a notice of admission of the will to probate and of the appointment of the executor, in which shall be included a notice that any action to set aside the probate of the will must be brought within the later to occur of four months from the date of the second publication of the notice or one month from the date of mailing of this notice or thereafter be forever barred, and in which shall be included a notice to debtors to make payment, and to creditors having claims against the estate to file them with the clerk within four months from the second publication of the notice, or thereafter be forever barred.

~~As used in this section, "heir" means only such person as would, in an intestate estate, be entitled to a share under section 633.219.~~

3. The notice shall be substantially in the following form:

Notice of Probate of Will,
of Appointment of Executor,
and Notice to Creditors

In the District Court of Iowa

in and for County.

Probate No.

....

In the Estate of, Deceased

To All Persons Interested in the Estate of, Deceased,
who died on or about (date):

You are hereby notified that on the .. day of (month),
..... (year), the last will and testament of,
deceased, bearing date of the .. day of (month), ..
(year), was admitted to probate in the above named court and
that was appointed executor of the estate. Any
action to set aside the will must be brought in the district
court of said county within the later to occur of four months
from the date of the second publication of this notice or one
month from the date of mailing of this notice to all heirs of
the decedent and devisees under the will whose identities are
reasonably ascertainable, or thereafter be forever barred.

Notice is further given that all persons indebted to
the estate are requested to make immediate payment to the
undersigned, and creditors having claims against the estate
shall file them with the clerk of the above named district

court, as provided by law, duly authenticated, for allowance, and unless so filed by the later to occur of four months from the second publication of this notice or one month from the date of mailing of this notice (unless otherwise allowed or paid) a claim is thereafter forever barred.

Dated this .. day of (month), .. (year)

.....

Executor of estate

.....

Address

.....

Attorney for executor

.....

Address

Date of second publication

.. day of (month), .. (year)

(Date to be inserted by publisher)

Sec. 218. Section 634.2, Code 2013, is amended to read as follows:

634.2 Statutory provisions as part of the trust.

1. The trust instrument of each trust to which this chapter applies shall be deemed to contain provisions prohibiting the trustee from doing any of the following:

~~1.~~ a. Engaging in any act of self-dealing, as defined in section 4941(d) of the Internal Revenue Code, which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code~~;~~.

~~2.~~ b. Retaining any excess business holdings, as defined in section 4943(c) of the Internal Revenue Code, which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code~~;~~.

~~3.~~ c. Making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the Internal Revenue Code, so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code~~;~~and.

~~4.~~ d. Making any taxable expenditures, as defined in section 4945(d) of the Internal Revenue Code, which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code.

2. However, this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations

by reason of the provisions of section 4947 of the Internal Revenue Code.

Sec. 219. Section 656.2, subsection 2, Code 2013, is amended to read as follows:

2. a. The vendor shall also serve a copy of the notice required in subsection 1 on the person in possession of the real estate, if different than the vendee; on all the vendee's mortgagees of record; and on a person who asserts a claim against the vendee's interest, except a government or governmental subdivision or agency holding a lien for real estate taxes or assessments, if the person has done both of the following:

~~a.~~ (1) Requested, on a form which substantially complies with the following form, that notice of forfeiture be served on the person at an address specified in the request.

REQUEST FOR NOTICE PURSUANT TO
IOWA CODE SECTION 656.2, SUBSECTION 2

The undersigned requests service of notice under Iowa Code sections 656.2 and 656.3 to forfeit the contract recorded on the .. day of (month), .. (year), in book or roll, image or page ..., office of the county recorder, county, Iowa, wherein is/are seller(s) and is/are buyer(s), for sale of real estate legally described as: [insert complete legal description]

.....
NAME
.....
.....
.....

ADDRESS

CAUTION: Your name and address must be correct. If not correct, you will not receive notice requested because notice need only be served on you at the above address. If your address changes, a new request for notice must be filed.

~~The request for notice shall be indexed.~~

~~b.~~ (2) Filed the request form for record in the office of the county recorder after acquisition of the vendee's interest but prior to the date of recording of the proof and record of service of notice of forfeiture required by section 656.5 and paid a fee of five dollars.

b. The request for notice is valid for a period of five years from the date of filing with the county recorder. The request for notice may be renewed for additional periods of

five years by the procedure specified in this subsection. The request for notice may be amended at any time by the procedure specified in this subsection. The request for notice shall be indexed.

c. The vendee's mortgages of record include all assignees of record for collateral purposes.

Sec. 220. Section 694.1, Code 2013, is amended to read as follows:

694.1 ~~Missing persons~~ Definitions.

As used in this chapter, unless the context otherwise indicates, ~~"missing person"~~:

1. "Missing person" means a person who is missing and meets one of the following characteristics:

~~1.~~ a. Is a person with a physical or mental disability.

~~2.~~ b. Is missing under circumstances indicating that the person's safety may be in danger.

~~3.~~ c. Is missing under circumstances indicating that the disappearance was not voluntary.

~~4.~~ d. Is an unemancipated minor.

2. ~~For purposes of this chapter an "unemancipated minor"~~ "Unemancipated minor" means a minor who has not married and who resides with a parent or other legal guardian.

Sec. 221. Section 705.1, Code 2013, is amended to read as follows:

705.1 Solicitation.

1. ~~Any~~ A ~~person who~~ solicits another person to commit a felony or aggravated misdemeanor when the person commands, entreats, or otherwise attempts to persuade another the other person to commit a particular felony or aggravated misdemeanor, with the intent that such act be done and under circumstances which corroborates that intent by clear and convincing evidence, ~~solicits such other to commit that felony or aggravated misdemeanor.~~

2. ~~One~~ A ~~person who~~ solicits another person to commit a felony of any class commits a class "D" felony.

3. ~~One~~ A ~~person who~~ solicits another person to commit an aggravated misdemeanor commits an aggravated misdemeanor.

Sec. 222. Section 705.2, Code 2013, is amended to read as follows:

705.2 Renunciation.

It is a defense to a prosecution for solicitation that the defendant, after soliciting another person to commit a felony or aggravated misdemeanor, persuaded the person not to do so

or otherwise prevented the commission of the offense, under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "*voluntary and complete*" if it is motivated in whole or in part by ~~for~~ either of the following:

1. The person's belief that circumstances exist which increase the possibility of detection or apprehension of the defendant or another or which make more difficult the consummation of the offense ~~or (b) the~~.

2. The person's decision to postpone the offense until another time or to substitute another victim or another but similar objective.

Sec. 223. Section 706A.3, subsection 9, Code 2013, is amended to read as follows:

9. a. Notwithstanding any other provision of law, any pleading, motion, or other paper filed by a nongovernmental aggrieved party in connection with a proceeding or action under subsection 7 shall be verified.

(1) If such aggrieved person is represented by an attorney, such pleading, motion, or other paper shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated.

(2) If such pleading, motion, or other paper includes an averment of fraud, coercion, accomplice, respondent superior, conspiratorial, enterprise, or other vicarious accountability, it shall state, insofar as practicable, the circumstances with particularity.

~~b. If such pleading, motion, or other paper includes an averment of fraud, coercion, accomplice, respondent superior, conspiratorial, enterprise, or other vicarious accountability, it shall state, insofar as practicable, the circumstances with particularity.~~ The verification and the signature by an attorney required by this subsection shall constitute a certification by the signer that the attorney has carefully read the pleading, motion, or other paper and, based on a reasonable inquiry, believes that all of the following exist:

~~a.~~ (1) It is well grounded in fact.

~~b.~~ (2) It is warranted by existing law, or a good faith argument for the extension, modification, or reversal of existing law.

~~c.~~ (3) It is not made for an improper purpose, including to harass, to cause unnecessary delay, or to impose a needless increase in the cost of litigation.

c. The court may, after a hearing and appropriate findings of fact, impose upon any person who verified the complaint, cross-claim, or counterclaim, or any attorney who signed it in violation of this subsection, or both, a fit and proper sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the complaint or claim, including reasonable attorney fees.

d. If the court determines that the filing of a complaint or claim under subsection 7 by a nongovernmental party was frivolous in whole or in part, the court shall award double the actual expenses, including attorney fees, incurred because of the frivolous portion of the complaint or claim.

Sec. 224. Section 707.4, Code 2013, is amended to read as follows:

707.4 Voluntary manslaughter.

1. A person commits voluntary manslaughter when that person causes the death of another person, under circumstances which would otherwise be murder, if the person causing the death acts solely as the result of sudden, violent, and irresistible passion resulting from serious provocation sufficient to excite such passion in a person and there is not an interval between the provocation and the killing in which a person of ordinary reason and temperament would regain control and suppress the impulse to kill.

~~Voluntary manslaughter is an included offense under an indictment for murder in the first or second degree.~~

2. Voluntary manslaughter is a class "C" felony.

3. Voluntary manslaughter is an included offense under an indictment for murder in the first or second degree.

4. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 225. Section 707.5, Code 2013, is amended to read as follows:

707.5 Involuntary manslaughter.

1. A person commits a involuntary manslaughter punishable as:

a. A class "D" felony when the person unintentionally causes the death of another person by the commission of a public offense other than a forcible felony or escape.

2. ~~b.~~ b. ~~A person commits an~~ An aggravated misdemeanor when

the person unintentionally causes the death of another person by the commission of an act in a manner likely to cause death or serious injury.

2. Involuntary manslaughter as defined in this section is an included offense under an indictment for murder in the first or second degree or voluntary manslaughter.

3. For purposes of determining whether a person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 226. Section 707.11, Code 2013, is amended to read as follows:

707.11 Attempt to commit murder.

1. A person commits a ~~class "B" felony~~ attempt to commit murder when, with the intent to cause the death of another person and not under circumstances which would justify the person's actions, the person does any act by which the person expects to set in motion a force or chain of events which will cause or result in the death of the other person.

2. Attempt to commit murder is a class "B" felony.

3. It is not a defense to an indictment for attempt to commit murder that the acts proved could not have caused the death of any person, provided that the actor intended to cause the death of some person by so acting, and the actor's expectations were not unreasonable in the light of the facts known to the actor.

4. For purposes of determining whether the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Sec. 227. Section 708.3, Code 2013, is amended to read as follows:

708.3 Assault while participating in a felony.

Any person who commits an assault as defined in section 708.1 while participating in a felony other than a sexual abuse is guilty of a:

1. A class "C" felony if the person thereby causes serious injury to any person; ~~if no serious injury results, the person is guilty of a~~

2. A class "D" felony if no serious injury results.

Sec. 228. Section 709.3, Code 2013, is amended to read as follows:

709.3 Sexual abuse in the second degree.

1. A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances:

~~1.~~ a. During the commission of sexual abuse the person displays in a threatening manner a dangerous weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person.

~~2.~~ b. The other person is under the age of twelve.

~~3.~~ c. The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed.

2. Sexual abuse in the second degree is a class "B" felony.

Sec. 229. Section 709.11, Code 2013, is amended to read as follows:

709.11 Assault with intent to commit sexual abuse.

Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse ~~is:~~

1. Is guilty of a class "C" felony if the person thereby causes serious injury to any person ~~and.~~

2. Is guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury. ~~The person is~~

3. Is guilty of an aggravated misdemeanor if no injury results.

Sec. 230. Section 709.15, Code 2013, is amended to read as follows:

709.15 Sexual exploitation by a counselor, therapist, or school employee.

1. As used in this section:

a. "Counselor or therapist" means a physician, psychologist, nurse, professional counselor, social worker, marriage or family therapist, alcohol or drug counselor, member of the clergy, or any other person, whether or not licensed or registered by the state, who provides or purports to provide mental health services.

b. "Emotionally dependent" means that the nature of the patient's or client's or former patient's or client's emotional condition or the nature of the treatment provided by the counselor or therapist is such that the counselor or therapist knows or has reason to know that the patient or client or former patient or client is significantly impaired in the ability to withhold consent to sexual conduct, as described in subsection 2, by the counselor or therapist. For the purposes

of subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.

~~For the purposes of subsection 2, a former patient or client is presumed to be emotionally dependent for one year following the termination of the provision of mental health services.~~

c. "Former patient or client" means a person who received mental health services from the counselor or therapist.

d. "Mental health service" means the treatment, assessment, or counseling of another person for a cognitive, behavioral, emotional, mental, or social dysfunction, including an intrapersonal or interpersonal dysfunction.

e. "Patient or client" means a person who receives mental health services from the counselor or therapist.

f. "School employee" means a practitioner as defined in section 272.1.

g. "Student" means a person who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a student enrolled in or who attended a public or nonpublic elementary or secondary school within thirty days of any violation of subsection 3.

2. *a.* Sexual exploitation by a counselor or therapist occurs when any of the following are found:

~~a-~~ (1) A pattern or practice or scheme of conduct to engage in any of the conduct described in ~~paragraph "b"~~ subparagraph (2) or ~~"c"~~ (3).

~~b-~~ (2) Any sexual conduct, with an emotionally dependent patient or client or emotionally dependent former patient or client for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the emotionally dependent patient or client or emotionally dependent former patient or client, which includes but is not limited to the following: ~~kissing; touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; ~~or a.~~

(c) A sex act as defined in section 702.17.

~~c-~~ (3) Any sexual conduct with a patient or client or former patient or client within one year of the termination of the provision of mental health services by the counselor or therapist for the purpose of arousing or satisfying the sexual desires of the counselor or therapist or the patient or client or former patient or client which includes but is not limited

to the following: ~~kissing, touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; ~~or a.~~

(c) A sex act as defined in section 702.17.

b. Sexual exploitation by a counselor or therapist does not include touching which is part of a necessary examination or treatment provided a patient or client by a counselor or therapist acting within the scope of the practice or employment in which the counselor or therapist is engaged.

3. a. Sexual exploitation by a school employee occurs when any of the following are found:

~~a.~~ (1) A pattern or practice or scheme of conduct to engage in any of the conduct described in ~~paragraph "b"~~ subparagraph (2).

~~b.~~ (2) Any sexual conduct with a student for the purpose of arousing or satisfying the sexual desires of the school employee or the student. Sexual conduct includes but is not limited to the following: ~~kissing, touching~~

(a) Kissing.

(b) Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; ~~or a.~~

(c) A sex act as defined in section 702.17.

b. Sexual exploitation by a school employee does not include touching that is necessary in the performance of the school employee's duties while acting within the scope of employment.

4. a. A counselor or therapist who commits sexual exploitation in violation of subsection 2, paragraph "a", subparagraph (1), commits a class "D" felony.

b. A counselor or therapist who commits sexual exploitation in violation of subsection 2, paragraph ~~"b"~~ "a", subparagraph (2), commits an aggravated misdemeanor.

c. A counselor or therapist who commits sexual exploitation in violation of subsection 2, paragraph ~~"c"~~ "a", subparagraph (3), commits a serious misdemeanor. In lieu of the sentence provided for under section 903.1, subsection 1, paragraph "b", the offender may be required to attend a sexual abuser treatment program.

5. a. A school employee who commits sexual exploitation in violation of subsection 3, paragraph "a", subparagraph (1), commits a class "D" felony.

b. A school employee who commits sexual exploitation in violation of subsection 3, paragraph ~~"b"~~ "a", subparagraph (2),

commits an aggravated misdemeanor.

Sec. 231. Section 711.4, Code 2013, is amended to read as follows:

711.4 Extortion.

1. A person commits extortion if the person does any of the following with the purpose of obtaining for oneself or another anything of value, tangible or intangible, including labor or services:

~~1.~~ a. Threatens to inflict physical injury on some person, or to commit any public offense.

~~2.~~ b. Threatens to accuse another of a public offense.

~~3.~~ c. Threatens to expose any person to hatred, contempt, or ridicule.

~~4.~~ d. Threatens to harm the credit or business or professional reputation of any person.

~~5.~~ e. Threatens to take or withhold action as a public officer or employee, or to cause some public official or employee to take or withhold action.

~~6.~~ f. Threatens to testify or provide information or to withhold testimony or information with respect to another's legal claim or defense.

~~7.~~ g. Threatens to wrongfully injure the property of another.

2. Extortion is a class "D" felony.

3. It is a defense to a charge of extortion that the person making a threat other than a threat to commit a public offense, reasonably believed that the person had a right to make such threats in order to recover property, or to receive compensation for property or services, or to recover a debt to which the person has a good faith claim.

~~Extortion is a class "D" felony.~~

Sec. 232. Section 714.15, Code 2013, is amended to read as follows:

714.15 Reproduction of sound recordings.

1. For the purposes of this section:

~~"Person" shall mean person as defined in section 4.1, subsection 20.~~

a. "Owner" means any person who owns the original fixation of sounds embodied in the master phonograph record, master disc, master tape, master film or other device used for reproducing sounds on phonograph records, discs, tapes, films, or other articles upon which sound is recorded, and from which the transferred recorded sounds are derived.

b. "Person" shall mean person as defined in section 4.1, subsection 20.

~~1.~~ 2. Except as provided in subsection ~~3~~ 4, it is unlawful for a person knowingly to:

a. Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film or other article without the consent of the owner; or

b. Sell; distribute; circulate; offer for sale, distribution or circulation; possess for the purpose of sale, distribution or circulation; or cause to be sold, distributed, circulated; offered for sale, distribution or circulation; or possessed for sale, distribution or circulation, any article or device on which sounds have been transferred without the consent of the person who owns the master phonograph record, master disc, master tape or other device or article from which the sounds are derived.

~~2.~~ 3. It is unlawful for a person to sell, distribute, circulate, offer for sale, distribution or circulation or possess for the purposes of sale, distribution or circulation, any phonograph record, disc, wire, tape, film or other article on which sounds have been transferred unless the phonograph record, disc, wire, tape, film or other article bears the actual name and address of the transferor of the sounds in a prominent place on its outside face or package.

~~3.~~ 4. This section does not apply to a person who transfers or causes to be transferred sounds intended for or in connection with radio or television broadcast transmission or related uses, synchronized sound tracks of motion pictures or sound tracks recorded for synchronizing with motion pictures, for archival purposes or for the personal use of the person transferring or causing the transfer and without any compensation being derived by the person from the transfer.

~~4.~~ 5. A person who violates the provisions of this section is guilty of theft.

Sec. 233. Section 715B.4, subsection 1, Code 2013, is amended to read as follows:

1. An art merchant who sells a work of fine art or a multiple to a buyer under a warranty attesting to facts about the work which are not true is liable to the buyer to whom the work was sold.

a. If the warranty was untrue through no fault of the art merchant, the merchant's liability is the consideration paid by the buyer upon return of the work in substantially the same

condition in which it was received by the buyer.

b. If the warranty is untrue and the buyer is able to establish that the art merchant failed to make reasonable inquiries according to the custom and the usage of the trade to confirm the warranted facts about the work, or that the warranted facts would have been found to be untrue if reasonable inquiries had been made, the merchant's liability is the consideration paid by the buyer with interest from the time of the payment at the rate prescribed by section 535.3 upon the return of the work in substantially the same condition in which it was received by the buyer.

c. (1) If the warranty is untrue and the buyer is able to establish that the art merchant knowingly provided false information on the warranty or willfully and falsely disclaimed knowledge of information relating to the warranty, the merchant is liable to the buyer in an amount equal to three times the amount provided in paragraph "b".

(2) This remedy shall not bar or be deemed inconsistent with a claim for damages or with the exercise of additional remedies otherwise available to the buyer.

Sec. 234. Section 716.7, Code 2013, is amended to read as follows:

716.7 Trespass defined.

1. For purposes of this section:

a. The term "~~property~~" "Property" shall include any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure whether publicly or privately owned.

b. "Public utility property" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. For the purposes of this section, a "public utility" is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.

c. "Railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.

d. "Railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation.

2. a. The term "~~trespass~~" "Trespass" shall mean one or more of the following acts:

~~a.~~ (1) Entering upon or in property without the express permission of the owner, lessee, or person in lawful possession with the intent to commit a public offense, to use, remove therefrom, alter, damage, harass, or place thereon or therein anything animate or inanimate, or to hunt, fish or trap on or in the property, including the act of taking or attempting to take a deer, other than a farm deer as defined in section 170.1 or preserve whitetail as defined in section 484C.1, which is on or in the property by a person who is outside the property. This ~~paragraph~~ subparagraph does not prohibit the unarmed pursuit of game or fur-bearing animals by a person who lawfully injured or killed the game or fur-bearing animal which comes to rest on or escapes to the property of another.

~~b.~~ (2) Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by the owner, lessee, or person in lawful possession, or the agent or employee of the owner, lessee, or person in lawful possession, or by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

~~c.~~ (3) Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

~~d.~~ (4) Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

~~e.~~ (5) Entering or remaining upon or in railway property without lawful authority or without the consent of the railway corporation which owns, leases, or operates the railway property. This ~~paragraph~~ subparagraph does not apply to passage over a railroad right-of-way, other than a track, railroad roadbed, viaduct, bridge, trestle, or railroad yard, by an unarmed person if the person has not been notified or requested to abstain from entering on to the right-of-way or to vacate the right-of-way and the passage over the right-of-way does not interfere with the operation of the railroad.

~~f.~~ (6) Entering or remaining upon or in public utility property without lawful authority or without the consent of the public utility that owns, leases, or operates the public utility property. This ~~paragraph~~ subparagraph does not apply to passage over public utility right-of-way by a person if the

person has not been notified or requested by posted signage or other means to abstain from entering onto the right-of-way or to vacate the right-of-way.

~~3. b. The term "trespass"~~ "Trespass" shall not mean entering either of the following:

(1) Entering upon the property of another for the sole purpose of retrieving personal property which has accidentally or inadvertently been thrown, fallen, strayed, or blown onto the property of another, provided that the person retrieving the property takes the most direct and accessible route to and from the property to be retrieved, quits the property as quickly as is possible, and does not unduly interfere with the lawful use of the property. This subsection subparagraph does not apply to public utility property where the person has been notified or requested by posted signage or other means to abstain from entering.

~~4. (2) The term "trespass" does not mean the entering~~ Entering upon the right-of-way of a public road or highway.

~~5. a. For purposes of this section, "railway property" means all tangible real and personal property owned, leased, or operated by a railway corporation with the exception of any administrative building or offices of the railway corporation.~~

~~b. For purposes of this section, "railway corporation" means a corporation, company, or person owning, leasing, or operating any railroad in whole or in part within this state.~~

~~6. For purposes of this section, "public utility property" means any land, dwelling, building, conveyance, vehicle, or other temporary or permanent structure owned, leased, or operated by a public utility and that is completely enclosed by a physical barrier of any kind. For the purposes of this section, a "public utility" is a public utility as defined in section 476.1 or an electric transmission line as provided in chapter 478.~~

~~7. 3.~~ This section shall not apply to the following persons:

a. Representatives of the state department of transportation, the federal railroad administration, or the national transportation safety board who enter or remain upon or in railway property while engaged in the performance of official duties.

b. Employees of a railway corporation who enter or remain upon or in railway property while acting in the course of employment.

c. Any person who is engaged in the operation of a lawful business on railway station grounds or in the railway depot.

d. Representatives of the Iowa utilities board, the federal energy regulatory commission, or the federal communications commission who enter or remain upon or in public utility property while engaged in the performance of official duties.

e. Employees of a public utility who enter or remain upon or in public utility property while acting in the course of employment.

Sec. 235. Section 724.16A, Code 2013, is amended to read as follows:

724.16A Trafficking in stolen weapons.

1. A person who knowingly transfers or acquires possession, or who facilitates the transfer, of a stolen firearm commits a:

a. A class "D" felony for a first offense and ~~a.~~

b. A class "C" felony for second and subsequent offenses or if the weapon is used in the commission of a public offense.

2. However, this section shall not apply to a person purchasing stolen firearms through a buy-back program sponsored by a law enforcement agency if the firearms are returned to their rightful owners or destroyed.

Sec. 236. Section 726.1, Code 2013, is amended to read as follows:

726.1 Bigamy.

1. a. Any person, having a living husband or wife, who marries another, commits bigamy. ~~Any of the following is a defense to the charge of bigamy:~~

~~1. The prior marriage was terminated in accordance with applicable law, or the person reasonably believes on reasonably convincing evidence that the prior marriage was so terminated.~~

~~2. The person believes, on reasonably convincing evidence, that the prior spouse is dead.~~

~~3. The person has, for three years, had no evidence by which the person can reasonably believe that the prior spouse is alive.~~

b. Any person who marries another who the person knows has another living husband or wife commits bigamy.

2. Bigamy is a serious misdemeanor.

3. Any of the following is a defense to the charge of bigamy:

a. The prior marriage was terminated in accordance with applicable law, or the person reasonably believes on reasonably convincing evidence that the prior marriage was so terminated.

b. The person believes, on reasonably convincing evidence, that the prior spouse is dead.

c. The person has, for three years, had no evidence by which the person can reasonably believe that the prior spouse is alive.

Sec. 237. Section 729.5, Code 2013, is amended to read as follows:

729.5 Violation of individual rights — penalty.

1. A person, who acts alone, or who conspires with another person or persons, to injure, oppress, threaten, or intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the state of Iowa or by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property damage, bodily injury or death when the person or persons intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

2. A person intimidates or interferes with another person if the act of the person results in any of the following:

a. Physical injury to the other person.

b. Physical damage to or destruction of the other person's property.

c. Communication in a manner, or action in a manner, intended to result in either of the following:

(1) To place the other person in fear of physical contact which will be injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

(2) To place the other person in fear of harm to the other person's property, or harm to the person or property of a third person.

~~2.~~ 3. This section does not make unlawful the teaching of any technique in self-defense.

~~3.~~ 4. This section does not make unlawful any activity of any of the following officials or persons:

a. Law enforcement officials of this or any other jurisdiction while engaged in the lawful performance of their official duties.

b. Federal officials required to carry firearms while engaged in the lawful performance of their official duties.

c. Members of the armed forces of the United States or the

national guard while engaged in the lawful performance of their official duties.

d. Any conservation commission, law enforcement agency, or any agency licensed to provide security services, or any hunting club, gun club, shooting range, or other organization or entity whose primary purpose is to teach the safe handling or use of firearms, archery equipment, or other weapons or techniques employed in connection with lawful sporting or other lawful activity.

Sec. 238. Section 804.8, Code 2013, is amended to read as follows:

804.8 Use of force by peace officer making an arrest.

1. A peace officer, while making a lawful arrest, is justified in the use of any force which the peace officer reasonably believes to be necessary to effect the arrest or to defend any person from bodily harm while making the arrest. However, the use of deadly force is only justified when a person cannot be captured any other way and either of the following apply:

~~1.~~ a. The person has used or threatened to use deadly force in committing a felony ~~or.~~

~~2.~~ b. The peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

2. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which the peace officer would be justified in using if the warrant were valid, unless the peace officer knows that the warrant is invalid.

Sec. 239. Section 804.11, Code 2013, is amended to read as follows:

804.11 Arrest of material witness.

1. When a law enforcement officer has probable cause to believe that a person is a necessary and material witness to a felony and that such person might be unavailable for service of a subpoena, the officer may arrest such person as a material witness with or without an arrest warrant.

2. At the time of the arrest, the law enforcement officer shall inform the person of:

~~1.~~ a. The officer's identity as a law enforcement officer, ~~and.~~

~~2.~~ b. The reason for the arrest which is that the person is believed to be a material witness to an identified felony and that the person might be unavailable for service of a subpoena.

Sec. 240. Section 901.2, Code 2013, is amended to read as follows:

901.2 Presentence investigation.

1. Upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction of a public offense may be rendered, the court shall receive from the state, from the judicial district department of correctional services, and from the defendant any information which may be offered which is relevant to the question of sentencing. The court may consider information from other sources.

2. a. The court shall not order a presentence investigation when the offense is a class "A" felony. If, however, the board of parole determines that the Iowa medical and classification center reception report for a class "A" felon is inadequate, the board may request and shall be provided with additional information from the appropriate judicial district department of correctional services.

b. The court shall order a presentence investigation when the offense is any felony punishable under section 902.9, subsection 1, or a class "B", class "C", or class "D" felony. A presentence investigation for any felony punishable under section 902.9, subsection 1, or a class "B", class "C", or class "D" felony shall not be waived. The court may order, with the consent of the defendant, that the presentence investigation begin prior to the acceptance of a plea of guilty, or prior to a verdict of guilty.

c. The court may order a presentence investigation when the offense is an aggravated misdemeanor.

d. The court may order a presentence investigation when the offense is a serious misdemeanor only upon a finding of exceptional circumstances warranting an investigation. Notwithstanding section 901.3, a presentence investigation ordered by the court for a serious misdemeanor shall include information concerning only the following:

~~1.~~ (1) A brief personal and social history of the defendant.

~~2.~~ (2) The defendant's criminal record.

~~3.~~ (3) The harm to the victim, the victim's immediate family, and the community, including any completed victim impact statement or statements and restitution plan.

3. The court may withhold execution of any judgment or sentence for such time as shall be reasonably necessary for an investigation with respect to deferment of judgment, deferment

of sentence, or suspension of sentence and probation. The investigation shall be made by the judicial district department of correctional services.

4. The purpose of the report by the judicial district department of correctional services is to provide the court pertinent information for purposes of sentencing and to include suggestions for correctional planning for use by correctional authorities subsequent to sentencing.

Sec. 241. Section 905.3, subsection 1, Code 2013, is amended to read as follows:

1. a. The board of directors of each district department shall be composed as follows:

~~a.~~ (1) One member shall be chosen from and by the board of supervisors of each county in the judicial district and shall be so designated annually by the respective boards of supervisors at the organizational meetings held under section 331.211.

~~b.~~ (2) One member shall be chosen from each of the project advisory committees within the judicial district, which person shall be designated annually, no later than January 15, by and from the project advisory committee. However, in lieu of the designation of project advisory committee members as members of the district board, the district board may on or before December 31 appoint two citizen members to serve on the district board for the following calendar year.

~~c.~~ (3) A number of members equal to the number of authorized board members from project advisory committees or equal to the number of citizen members shall be appointed by the chief judge of the judicial district no later than January 15 of each year.

b. Within thirty days after the members of the district board have been so designated for the year, the district board shall organize by election of a chairperson, a vice chairperson, and members of the executive committee as required by subsection 2. The district board shall meet at least quarterly during the calendar year but may meet more frequently upon the call of the chairperson or upon a call signed by a majority, determined by weighted vote computed as in subsection 4, of the members of the board.

DIVISION III

CONFORMING CHANGES

Sec. 242. Section 309.57, subsection 4, Code 2013, is amended to read as follows:

4. Notwithstanding section 716.7, subsection 4 2, paragraph "b", subparagraph (2), entering or remaining upon an area service "C" classification road without justification after being notified or requested to abstain from entering or to remove or vacate the road by any person lawfully allowed access shall be a trespass as defined in section 716.7.

Sec. 243. Section 321.210, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. Parking violations, meaning violation of a local authority parking ordinance or violation of sections 321L.4, 321.366, subsection 1, paragraph "f", and 321.354 through 321.361 except section 321.354, subsection 1, paragraph "a".

Sec. 244. Section 331.211, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. Choose one of its members to be a member of the board of directors of the judicial district department of correctional services as provided in section 905.3, subsection 1, paragraph "a", subparagraph (1).

Sec. 245. Section 331.321, subsection 1, paragraph x, Code 2013, is amended to read as follows:

x. A member of the judicial district department of corrections as provided in section 905.3, subsection 1, paragraph "a", subparagraph (1).

Sec. 246. Section 427B.19A, subsection 5, Code 2013, is amended to read as follows:

5. A municipality may elect to reduce the amount of assessed value of property defined in section 403.19, subsection 1, by an amount equal to that portion of the amount of such assessed value which was phased out for the fiscal year by operation of section 427B.17, subsection 3 4. The applicable assessment roll and ordinance providing for the division of taxes under section 403.19 in the urban renewal taxing district shall be deemed to be modified for that fiscal year only to the extent of such adjustment without further action on the part of the city or county implementing the urban renewal taxing district.

Sec. 247. Section 427B.19C, Code 2013, is amended to read as follows:

427B.19C Adjustment of certain assessments required.

In the assessment year beginning January 1, 2003, the amount of assessed value of property defined in section 403.19, subsection 1, for an urban renewal taxing district which received replacement moneys under section 427B.19A, subsection 4, shall be reduced by an amount equal to that portion of the

amount of assessed value of such property which was assessed pursuant to section 427B.17, subsection ~~3~~ 4.

Sec. 248. Section 437A.3, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) "*Base year assessed value*", for a taxpayer other than an electric company, natural gas company, or electric cooperative, means the value attributable to property identified in section 427A.1, subsection 1, paragraph "h", certified by the department of revenue to the county auditors for the assessment date of January 1, 1997, and the value attributable to property identified in section 427A.1 and section 427B.17, subsection ~~5~~ 8, as certified by the local assessors to the county auditors for the assessment date of January 1, 1997, provided, that for a taxpayer subject to section 437A.17A, such value shall be the value certified by the department of revenue and local assessors to the county auditors for the assessment date of January 1, 1998.

Sec. 249. Section 543C.3, subsection 1, Code 2013, is amended to read as follows:

1. There may be omitted from the offering statement any of the information required under section 543C.2, ~~subsections 6~~ subsection 1, paragraph "f", 9 "i", and 10 "j" which the commission may by a properly promulgated rule designate as being unnecessary or inappropriate for the protection of the public interest or a purchaser.

Sec. 250. Section 692A.102, subsection 1, paragraph a, subparagraph (1), Code 2013, is amended to read as follows:

(1) Sexual abuse in the second degree in violation of section 709.3, subsection ~~2~~ 1, paragraph "b", if committed by a person under the age of fourteen.

Sec. 251. Section 692A.102, subsection 1, paragraph c, subparagraphs (8) and (9), Code 2013, are amended to read as follows:

(8) Sexual abuse in the second degree in violation of section 709.3, subsection 1, paragraph "a" or ~~3~~ "c".

(9) Sexual abuse in the second degree in violation of section 709.3, subsection ~~2~~ 1, paragraph "b", if committed by a person fourteen years of age or older.

Sec. 252. Section 714.3A, subsection 1, Code 2013, is amended to read as follows:

1. A person commits aggravated theft when the person commits an assault as defined in section 708.1, subsection ~~1~~ 2, paragraph "a", that is punishable as a simple misdemeanor

under section 708.2, subsection 6, after the person has removed or attempted to remove property not exceeding two hundred dollars in value which has not been purchased from a store or mercantile establishment, or has concealed such property of the store or mercantile establishment, either on the premises or outside the premises of the store or mercantile establishment.

Sec. 253. Section 716.8, subsections 2 and 6, Code 2013, are amended to read as follows:

2. Any person committing a trespass as defined in section 716.7, other than a trespass as defined in section 716.7, subsection 2, paragraph ~~"f"~~ "a", subparagraph (6), which results in injury to any person or damage in an amount more than two hundred dollars to anything, animate or inanimate, located thereon or therein commits a serious misdemeanor.

6. Any person who commits a trespass as defined in section 716.7, subsection 2, paragraph ~~"f"~~ "a", subparagraph (6), commits a class "D" felony.

Sec. 254. Section 724.26, subsection 2, paragraph c, Code 2013, is amended to read as follows:

c. For purposes of this section, *"misdemeanor crime of domestic violence"* means an assault under section 708.1, subsection ~~1~~ 2, paragraph "a" or ~~3~~ "c", committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

Sec. 255. Section 901A.2, subsection 5, Code 2013, is amended to read as follows:

5. A person who has been convicted of a violation of section 709.3, subsection ~~2~~ 1, paragraph "b", shall, upon a second conviction for a violation of section 709.3, subsection ~~2~~ 1, paragraph "b", be committed to the custody of the director of the Iowa department of corrections for the rest of the person's life. In determining whether a conviction is a first or second conviction under this subsection, a prior conviction for a criminal offense committed in another jurisdiction which would constitute a violation of section 709.3, subsection ~~2~~ 1, paragraph "b", if committed in this state, shall be considered a conviction under this subsection. The terms and conditions applicable to sentences for class "A" felons under chapters 901 through 909 shall apply to persons sentenced under this subsection.

Sec. 256. Section 903B.10, subsection 1, Code 2013, is amended to read as follows:

1. A person who has been convicted of a serious sex offense may, upon a first conviction and in addition to any other punishment provided by law, be required to undergo medroxyprogesterone acetate treatment as part of any conditions of release imposed by the court or the board of parole. The treatment prescribed in this section may utilize an approved pharmaceutical agent other than medroxyprogesterone acetate. Upon a second or subsequent conviction, the court or the board of parole shall require the person to undergo medroxyprogesterone acetate or other approved pharmaceutical agent treatment as a condition of release, unless, after an appropriate assessment, the court or board determines that the treatment would not be effective. In determining whether a conviction is a first or second conviction under this section, a prior conviction for a criminal offense committed in another jurisdiction which would constitute a violation of section 709.3, subsection 2 1, paragraph "b", if committed in this state, shall be considered a conviction under this section. This section shall not apply if the person voluntarily undergoes a permanent surgical alternative approved by the court or the board of parole.

DIVISION IV

DIRECTIVES

Sec. 257. CODE EDITOR DIRECTIVES.

1. Section 915.11, Code 2013, is amended by striking the word "website" and inserting in lieu thereof the words "internet site".

2. Sections 8D.9, subsection 3; 23B.3, subsection 5; 99D.7, subsection 24; 99F.4, subsection 26; 144D.2, subsection 2; 256.9, subsection 57; 260C.14, subsection 22, paragraph "a"; 261.7, subsection 2; 262.9, subsection 33, paragraphs "a", "d", and "f"; 321.134, subsection 1; 331.553, subsection 6; 384.65, subsection 4, paragraph "c"; 421.17, subsection 28; 423.56, subsection 3, paragraph "c"; 445.37, unnumbered paragraph 4; 453D.3, subsection 2, unnumbered paragraph 1; 523A.807, subsection 4; and 556.17, subsection 2, paragraph "b"; Code 2013, are amended by striking the word "website" and inserting in lieu thereof the words "internet site".

3. Section 715.4, subsection 2, paragraph "b", Code 2013, is amended by striking the word "websites" and inserting in lieu thereof the words "internet sites".

4. Sections 15.115, subsection 4; 68A.401, subsection 1; 68A.405, subsection 1, paragraph "a", subparagraph (3); 249J.8, subsection 3; 249J.14, subsection 6; 257.31, subsection 2; 279.63, subsection 3; 322.13, subsection 1; 331.439, subsection 5, paragraph "b"; 331.604, subsection 3, paragraph "b", subparagraph (2), subparagraph divisions (a) and (c); 331.604, subsection 3, paragraph "d"; 331.606A, subsection 6, paragraph "c"; 455B.152, subsection 4; 459A.208, subsection 5, paragraph "b", subparagraph (6); 459A.208, subsection 5, paragraph "c"; 515A.6, subsection 7, paragraph "a"; 533A.8, subsection 10; 556.2C, subsection 1, paragraph "b"; 572.8, subsection 1, unnumbered paragraph 1; 572.8, subsections 2 and 3; 572.13, subsection 2; 572.13A, subsection 1, unnumbered paragraph 1; 572.13A, subsection 2; 572.13A, subsection 3, paragraph "a"; 572.13B, subsection 1, unnumbered paragraph 1; 572.18, subsection 1; 572.22, unnumbered paragraph 1; 572.24, subsection 2; 572.34, subsections 2, 5, 6, 7, and 8; 715.3, subsection 1; and 715C.2, subsection 4, paragraph "c"; Code 2013, are amended by striking the word "website" and inserting in lieu thereof the word "site".

5. Sections 15.115, subsection 4; 331.604, subsection 3, paragraph "d"; 455B.807, subsection 2; Code 2013, are amended by striking the word "websites" and inserting in lieu thereof the word "sites".

6. Sections 15.274 and 535D.19, Code 2013, are amended by striking the word "websites" and inserting in lieu thereof the word "sites".

7. Sections 73.16, subsection 2, paragraph "c", subparagraph (2), and 307.49, subsection 2, Code 2013, are amended by striking the words "web page" and inserting in lieu thereof the words "internet site".

8. Sections 103.31, subsection 6; 256.9, subsection 50, paragraph "a"; and 260C.36, subsection 4, paragraph "b", subparagraph (1); Code 2013, are amended by striking the word "web-based" and inserting in lieu thereof the word "internet-based".

9. Section 237A.30, subsection 3, Code 2013, is amended by striking the word "webpage" and inserting in lieu thereof the words "internet site".

10. Sections 68B.35A, 147.93, 190A.4, 249J.17, 298.6, and 572.10, Code 2013, are amended by striking the word "website" and inserting in lieu thereof the word "site".

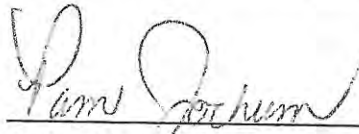
11. The Code editor is directed to remove former reserved

section 15.410 from part 22 of chapter 15, and add new section 15.410, as enacted in this Act, to part 23 of chapter 15.



KRAIG PAULSEN

Speaker of the House



PAM JOCHUM

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 556, Eighty-fifth General Assembly.



CARMINE BOAL

Chief Clerk of the House

Approved Mar 1, 2013



TERRY E. BRANSTAD

Governor