

State of Iowa

2020

ACTS AND JOINT RESOLUTIONS
(Session Laws)

Enacted at the

2020 REGULAR SESSION

of the

Eighty-Eighth General Assembly

of the

State of Iowa

HELD AT DES MOINES, THE CAPITAL OF THE STATE
IN THE ONE HUNDRED SEVENTY-FOURTH YEAR OF THE STATE

REGULAR SESSION CONVENED ON THE THIRTEENTH DAY OF JANUARY
AND ADJOURNED ON THE FOURTEENTH DAY OF JUNE, A.D. 2020



Published under the authority of Iowa Code section 2B.10
by the
Legislative Services Agency
GENERAL ASSEMBLY OF IOWA
Des Moines

PREFACE

CERTIFICATION

We, Glen P. Dickinson, Director, Legislative Services Agency, Timothy C. McDermott, Legal Services Division Director, Leslie E. W. Hickey, Iowa Code Editor, and Jamie L. Croatt, Publications Editing Office Supervisor, certify that, to the best of our knowledge, the Acts and Resolutions in this volume have been prepared from the original enrolled Acts and Resolutions on file in the office of the Secretary of State; are correct copies of those Acts and Resolutions; are published under the authority of the statutes of this state; and constitute the Acts and Resolutions of the 2020 Regular Session of the Eighty-eighth General Assembly of the State of Iowa.

STATUTES AS EVIDENCE

Iowa Code section 622.59 is as follows:

622.59 Printed copies of statutes. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.

EXPLANATORY NOTES

Provisional Code numbers. Code numbers assigned to new sections and subsections in the Acts are provisional and may be changed when the 2021 Iowa Code is published. Changes will be shown in the Tables of Disposition of Acts in the 2021 Iowa Code.

Typographic style. The Acts and Resolutions in this volume are printed as they appear on file in the office of the Secretary of State. No editorial corrections have been made. Underlined type indicates new material added to existing statutes; strike-through type indicates deleted material. Italics within an Act indicate material that the Governor has item vetoed. Item vetoed text is also indicated by asterisks at the beginning and ending of the vetoed material. Superscript numbers indicate explanatory footnotes.

Effective and enactment dates. Effective and enactment dates are governed by Iowa Code section 3.7. The date of enactment generally is the date an Act is approved by the Governor, which is shown at the end of each Act. The Acts of the 2020 Regular Session generally took effect on July 1, 2020, unless otherwise provided.

State mandates. Iowa Code sections 2B.10 and 25B.5 require that any updated, final estimate of additional local revenue expenditures required by a state mandate contained in an enacted bill or joint resolution and filed with the Secretary of State must be notated in the Iowa Acts. Such a notation is made by placing a dagger at the beginning of the title of the Act or Resolution indicating the inclusion of a footnote. No enacted bill or joint resolution required the filing or notation of an updated, final estimate this year.

Resolutions. No joint resolutions were passed this regular session. Concurrent resolutions and Senate and House resolutions are generally not included. See Senate and House Journals for adopted resolutions.

Orders for legal publications, including the Iowa Acts, should be directed to:

Legislative Services Agency
1112 E. Grand Avenue, Miller Building, Des Moines, Iowa 50319; 515.281.6766
www.legis.iowa.gov/law/information

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ELECTIVE OFFICERS

Name and Office

County of residence

GOVERNOR

KIM REYNOLDS Clarke
 Sara Craig, Chief of Staff
 Kassidy Krause, Scheduler

LIEUTENANT GOVERNOR

ADAM GREGG Polk
 Taylor Collins, Assistant to the Lieutenant Governor

SECRETARY OF STATE

PAUL D. PATE Linn
 Michael Ross, Chief Deputy Secretary of State

AUDITOR OF STATE

ROB SAND Polk
 John McCormally, Chief of Staff
 Annette Campbell, CPA, Deputy, Performance Investigation Division
 Marlys Gaston, CPA, Deputy, Financial Audit Division

TREASURER OF STATE

MICHAEL L. FITZGERALD Dallas
 Karen Austin, Chief of Staff
 Randi McLaughlin, Deputy Treasurer

SECRETARY OF AGRICULTURE

MIKE NAIG Polk
 Julie Kenney, Deputy Secretary of Agriculture

ATTORNEY GENERAL

THOMAS J. MILLER Polk
 Jeffrey S. Thompson, Solicitor General
 Eric Tabor, Chief Deputy Attorney General
 Nathan Blake, Deputy Attorney General
 Kevin McCarthy, First Assistant

GENERAL ASSEMBLY

“X” means First Extraordinary Session; “XX” means Second Extraordinary Session
 Italicized county in district column denotes home county

SENATORS

Name and Residence	Occupation	Senatorial District	Legislative Service
Behn, Jerry Boone	Farmer/Agribusiness	24th— <i>Boone</i> , Greene, Hamilton, Story, Webster	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bisignano, Tony Des Moines	Retired	17th— <i>Polk</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bolkcom, Joe Iowa City	Outreach Director—University of Iowa Center for Global and Regional Environmental Research and Iowa Flood Center	43rd— <i>Johnson</i>	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Boulton, Nate Des Moines	Attorney	16th— <i>Polk</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Breitbach, Michael Strawberry Point	Business Owner	28th—Allamakee, <i>Clayton</i> , Fayette, Winneshiek	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Brown, Waylon Osage	Small Business Owner/Farmer	26th—Cerro Gordo, Chickasaw, Floyd, Howard, <i>Mitchell</i> , Winneshiek, Worth	87(1st), 87(2nd), 88(1st), 88(2nd)
Carlin, Jim Sioux City	Attorney	3rd—Plymouth, <i>Woodbury</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Celsi, Claire West Des Moines		21st— <i>Polk</i> , Warren	88(1st), 88(2nd)
Chapman, Jake Adel	Businessman/EMT	10th—Adair, Cass, <i>Dallas</i> , Guthrie, Polk	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Costello, Mark Imogene	Farmer	12th—Fremont, <i>Mills</i> , Montgomery, Page, Ringgold, Taylor	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Cournoyer, Chris LeClaire	Webmaster	49th—Clinton, <i>Scott</i>	88(1st), 88(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Dawson, Dan Council Bluffs	Peace Officer	8th— <i>Pottawattamie</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Dotzler, William A., Jr. Waterloo	Retired—John Deere	31st— <i>Black Hawk</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Edler, Jeff State Center		36th— <i>Black Hawk, Marshall, Tama</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Feenstra, Randy Hull	Professor—Dordt College	2nd— <i>Cherokee, O'Brien, Plymouth, Sioux</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Garrett, Julian B. Indianola	Farmer	13th— <i>Madison, Warren</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Giddens, Eric Cedar Falls	Energy Education and Outreach Coordinator—University of Northern Iowa	30th— <i>Black Hawk</i>	88(1st), 88(2nd)
Greene, Thomas A. Burlington		44th— <i>Des Moines, Louisa, Muscatine</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Guth, Dennis Klemme	Farmer	4th— <i>Emmet, Hancock, Kossuth, Winnebago, Wright</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Hogg, Robert Cedar Rapids	Attorney	33rd— <i>Linn</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Jochum, Pam Dubuque	Legislator	50th— <i>Dubuque</i>	75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Johnson, Craig Independence	Manager/Legislator	32nd— <i>Black Hawk, Bremer, Buchanan, Fayette</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Kapucian, Tim L. Keystone	Farmer	38th— <i>Benton, Iowa, Poweshiek</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Kinney, Kevin Oxford	Farmer/Retired Deputy Sheriff	39th— <i>Johnson, Keokuk, Washington</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Koelker, Carrie Dyersville	Executive Director—Tourism and Economic Development	29th— <i>Dubuque,</i> <i>Jackson, Jones</i>	88(1st), 88(2nd)
Kraayenbrink, Tim Fort Dodge	Investment Advisor	5th— <i>Calhoun,</i> <i>Humboldt,</i> <i>Pocahontas, Webster</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Lofgren, Mark S. Muscatine	Real Estate Sales Associate	46th— <i>Muscatine, Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Lykam, Jim Davenport	Legislator	45th— <i>Scott</i>	73(1st), 73(2nd), 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Mathis, Liz Hiawatha	Nonprofit Executive/Family Business Owner	34th— <i>Linn</i>	84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Miller-Meeks, Mariannette Ottumwa	Physician	41st— <i>Davis, Jefferson,</i> <i>Van Buren, Wapello</i>	88(1st), 88(2nd)
Nunn, Zach Altoona	Military Officer	15th— <i>Jasper, Polk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Petersen, Janet Des Moines	Marketing Communications	18th— <i>Polk</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Quirnbach, Herman C. Ames	Retired—Associate Professor of Economics—Iowa State University	23rd— <i>Story</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Ragan, Amanda Mason City	Director—Community Kitchen of North Iowa/Director—Meals on Wheels	27th— <i>Butler, Cerro</i> <i>Gordo, Franklin</i>	79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Rozenboom, Ken Oskaloosa	Farming/Ag Business	40th— <i>Appanoose,</i> <i>Mahaska, Marion,</i> <i>Monroe, Wapello</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Schneider, Charles West Des Moines	Counsel—Principal Financial Group	22nd— <i>Dallas, Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

Name and Residence	Occupation	Senatorial District	Legislative Service
Schultz, Jason Schleswig	Farmer	9th— <i>Crawford</i> , Harrison, Ida, Monona, Shelby, Woodbury	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Segebart, Mark Vail	Farmer	6th—Audubon, Buena Vista, Carroll, <i>Crawford</i> , Sac	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Shipley, Tom Nodaway	Farmer/Legislator	11th— <i>Adams</i> , Cass, Pottawattamie, Union	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Sinclair, Amy Allerton		14th—Clarke, Decatur, Jasper, Lucas, Marion, <i>Wayne</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Smith, Jackie Sioux City		7th— <i>Woodbury</i>	88(1st), 88(2nd)
Smith, Roby Davenport	Small Business Owner	47th— <i>Scott</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Sweeney, Annette Alden	Farmer	25th—Butler, Grundy, <i>Hardin</i> , Story	83(1st), 83(2nd), 84(1st), 84(2nd), 87(2nd), 88(1st), 88(2nd)
Taylor, Rich Mount Pleasant	Master HVAC/R Technician/Master Electrician	42nd— <i>Henry</i> , Jefferson, Lee, Washington	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Taylor, Todd E. Cedar Rapids	AFSCME Representative	35th— <i>Linn</i>	76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Wahls, Zach Coralville	Small Business Owner	37th—Cedar, <i>Johnson</i> , Muscatine	88(1st), 88(2nd)
Whiting, Zach Spirit Lake		1st—Clay, <i>Dickinson</i> , Lyon, Osceola, Palo Alto	88(1st), 88(2nd)
Whitver, Jack Ankeny	Business Owner/Attorney	19th— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Zaun, Brad Urbandale	Director—Master Dowel	20th— <i>Polk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Zumbach, Dan Ryan	Farmer	48th—Buchanan, <i>Delaware</i> , Jones, Linn	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

REPRESENTATIVES

Name and Residence	Occupation	Representative District	Legislative Service
Abdul-Samad, Ako Des Moines	CEO—Creative Visions	35th— <i>Polk</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Anderson, Marti Des Moines	Social Worker	36th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bacon, Robert P. Slater	Funeral Director	48th—Boone, Hamilton, <i>Story, Webster</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Baxter, Terry C. Garner	World Missions GoServ Global	8th— <i>Hancock, Kossuth,</i> <i>Wright</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bearinger, Bruce Oelwein		64th—Buchanan, <i>Fayette</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bennett, Liz Cedar Rapids	Internet Sales and Support Consultant— GoDaddy.com	65th— <i>Linn</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bergan, Michael R. Dorchester	Accountant	55th—Clayton, Fayette, <i>Winneshiek</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Best, Brian Glidden	President—Western Iowa Sleep	12th—Audubon, <i>Carroll,</i> <i>Crawford</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Bloomington, Jane Northwood		51st—Howard, Mitchell, <i>Winneshiek, Worth</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Bossman, Jacob Sioux City		6th— <i>Woodbury</i>	87(2nd), 88(1st), 88(2nd)
Breckenridge, Wes Newton	Adjunct Instructor—DMACC	29th— <i>Jasper</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Brink, Holly Oskaloosa	Benefits Consultant	80th—Appanoose, <i>Mahaska, Monroe,</i> <i>Wapello</i>	88(1st), 88(2nd)
Brown-Powers, Timi Waterloo	Therapist—MercyOne	61st— <i>Black Hawk</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Carlson, Gary L. Muscatine	Retired—HNI Corporation	91st— <i>Muscatine</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Cohoon, Dennis M. Burlington	Retired Teacher	87th— <i>Des Moines</i>	72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Derry, Karin Johnston	Attorney	39th— <i>Polk</i>	88(1st), 88(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Deyoe, Dave Nevada	Farmer	49th—Hardin, <i>Story</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Dolecheck, Cecil Mount Ayr	Retired Farmer	24th—Montgomery, <i>Page, Ringgold,</i> <i>Taylor</i>	77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Donahue, Molly Cedar Rapids	Teacher	68th— <i>Linn</i>	88(1st), 88(2nd)
Ehlert, Tracy Cedar Rapids	Early Childhood Educator/Small Business Owner	70th— <i>Linn</i>	88(1st), 88(2nd)
Fisher, Dean Montour	Engineering/Farming	72nd—Black Hawk, <i>Marshall, Tama</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Forbes, John Urbandale	Pharmacist	40th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Fry, Joel Osceola	Therapist	27th— <i>Clarke, Decatur,</i> <i>Lucas, Wayne</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Gaines, Ruth Ann Des Moines	Professor	32nd— <i>Polk</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Gaskill, Mary A. Ottumwa	Retired County Auditor	81st— <i>Wapello</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Gassman, Tedd Scarville	Farmer/Legislator	7th— <i>Emmet, Kossuth,</i> <i>Winnebago</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Gerhold, Thomas D. Atkins	Research Associate	75th— <i>Benton, Iowa</i>	88(1st), 88(2nd)
Grassley, Pat New Hartford	Farmer	50th— <i>Butler, Grundy,</i> <i>Hardin</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Gustafson, Stan Cumming	Retired Marine/Retired Attorney	25th— <i>Madison, Warren</i>	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Hagenow, Chris Urbandale	Attorney	19th— <i>Dallas, Polk</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Hall, Chris Sioux City		13th— <i>Woodbury</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Hanusa, Mary Ann Council Bluffs	Special Projects and Programs Director—Children's Square USA	16th— <i>Pottawattamie</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Hein, Lee Monticello	Farmer	96th— <i>Delaware, Jones</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Hinson, Ashley Marion	Consultant	67th— <i>Linn</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Hite, Dustin D. New Sharon	Attorney	79th— <i>Mahaska, Marion</i>	88(1st), 88(2nd)
Holt, Steven Denison	Business Owner/Retired U.S. Marine	18th— <i>Crawford, Harrison, Shelby</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Hunter, Bruce Des Moines	Retired	34th— <i>Polk</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Huseman, Daniel Adair Aurelia	Farmer	3rd— <i>Cherokee, O'Brien, Plymouth, Sioux</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Isenhardt, Charles Dubuque	President—Common Good Services/Sports Official	100th— <i>Dubuque</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Jacobsen, Jon Council Bluffs	Senior Trust Officer/VP/Attorney	22nd— <i>Pottawattamie</i>	87(2nd), 88(1st), 88(2nd)
Jacoby, Dave Coralville	STEM Coordinator	74th— <i>Johnson</i>	80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
James, Lindsay Dubuque		99th— <i>Dubuque</i>	88(1st), 88(2nd)
Jeneary, Tom Le Mars	Retired Dentist	5th— <i>Plymouth, Woodbury</i>	88(1st), 88(2nd)
Jones, Megan Sioux Rapids	Nonpracticing Attorney/Farm Wife	2nd— <i>Clay, Dickinson, Palo Alto</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Judge, Kenan Wauke		44th— <i>Dallas</i>	88(1st), 88(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Kacena, Timothy Sioux City	Retired Fire Fighter	14th— <i>Woodbury</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Kaufmann, Bobby Wilton	Grain and Livestock Farmer/Small Business Owner	73rd— <i>Cedar, Johnson, Muscatine</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Kerr, David Morning Sun	Farming/Retired Kinder Morgan Inc.	88th— <i>Des Moines, Louisa, Muscatine</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Klein, Jarad Keota	Family Farmer	78th— <i>Keokuk, Washington</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Konfrst, Jennifer Windsor Heights	Professor	43rd— <i>Polk</i>	88(1st), 88(2nd)
Kressig, Bob Cedar Falls	Retired—John Deere	59th— <i>Black Hawk</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Kurth, Monica Davenport	Retired Teacher	89th— <i>Scott</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Kurtz, Jeff Fort Madison	Retired Locomotive Engineer	83rd— <i>Lee</i>	88(1st), 88(2nd)
Landon, John Ankeny	Retired—Ag Business	37th— <i>Polk</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Lensing, Vicki Iowa City	Funeral Home Owner	85th— <i>Johnson</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Lohse, Brian K. Bondurant	Attorney	30th— <i>Polk</i>	88(1st), 88(2nd)
Lundgren, Shannon Peosta	Small Business Owner	57th— <i>Dubuque</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Mascher, Mary Iowa City	Legislator/Retired Teacher	86th— <i>Johnson</i>	76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Matson, Heather Ankeny		38th— <i>Polk</i>	88(1st), 88(2nd)
Maxwell, David E. Gibson	Drainage Contractor/Farmer	76th— <i>Iowa, Poweshiek</i>	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
McConkey, Charlie Council Bluffs	Retired Steelworker	15th— <i>Pottawattamie</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
McKean, Andy Anamosa	Retired Attorney	58th—Dubuque, Jackson, Jones	68(1st), 68(2nd), 69(1st), 69(1st)X, 69(1st)XX, 69(2nd), 70(1st), 70(2nd), 71(1st), 71(2nd), 72(1st), 72(1st)X, 72(1st)XX, 72(2nd), 73(1st), 73(2nd), 74(1st), 74(2nd), 74(2nd)X, 74(2nd)XX, 75(1st), 75(2nd), 76(1st), 76(2nd), 77(1st), 77(2nd), 78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 87(1st), 87(2nd), 88(1st), 88(2nd)
Meyer, Ann Fort Dodge	Registered Nurse	9th—Webster	88(1st), 88(2nd)
Meyer, Brian Des Moines	Attorney	33rd—Polk	85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Mitchell, Joe Mount Pleasant		84th—Henry, Jefferson, Lee, Washington	88(1st), 88(2nd)
Mohr, Gary M. Bettendorf	Retired Community College Administrator	94th—Scott	87(1st), 87(2nd), 88(1st), 88(2nd)
Mommsen, Norlin G. DeWitt	Farmer	97th—Clinton, Scott	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Moore, Tom Griswold		21st—Adams, Cass, Pottawattamie, Union	86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Nielsen, Amy North Liberty		77th—Johnson	87(1st), 87(2nd), 88(1st), 88(2nd)
Oldson, Jo Des Moines		41st—Polk	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Olson, Rick L. Des Moines	Attorney	31st—Polk	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Osmundson, Anne Volga	Small Business Owner	56th—Allamakee, Clayton	88(1st), 88(2nd)
Ourth, Scott D. Ackworth	Legislator/Operating Engineer	26th—Warren	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Paustian, Ross C. Walcott	Farmer	92nd—Scott	84(1st), 84(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Prichard, Todd Charles City	Attorney	52nd—Cerro Gordo, Chickasaw, Floyd	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Running-Marquardt, Kirsten Cedar Rapids		69th—Linn	83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Salmon, Sandy Janesville	Retired Home Educator	63rd— <i>Black Hawk</i> , Bremer	85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Sexton, Mike Rockwell City	Farmer/Entrepreneur	10th— <i>Calhoun</i> , Humboldt, Pocahontas, Webster	78(1st), 78(2nd), 79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Shipley, Jeff Birmingham	Sauerkraut Salesman	82nd— <i>Davis</i> , <i>Jefferson</i> , <i>Van Buren</i>	88(1st), 88(2nd)
Sieck, David Glenwood	Farmer/Real Estate	23rd— <i>Fremont</i> , <i>Mills</i> , Montgomery	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Smith, Mark Marshalltown	Licensed Independent Social Worker	71st— <i>Marshall</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Smith, RasTafari I. Waterloo	Owner—Rise Advocacy Services/Consultant— Communities In Schools of Mid America	62nd— <i>Black Hawk</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Sorensen, Ray Greenfield	Mural Artist/Business Owner	20th— <i>Adair</i> , <i>Cass</i> , <i>Dallas</i> , <i>Guthrie</i>	88(1st), 88(2nd)
Staed, Art Cedar Rapids	Retired Educator	66th— <i>Linn</i>	82(1st), 82(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Steckman, Sharon S. Mason City	Retired Educator	53rd— <i>Cerro Gordo</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Sunde, Kristin West Des Moines		42nd— <i>Polk</i> , <i>Warren</i>	88(1st), 88(2nd)
Thede, Phyllis Bettendorf	State Legislator	93rd— <i>Scott</i>	83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Thompson, Phil Jefferson	Contractor	47th— <i>Boone</i> , <i>Greene</i>	88(1st), 88(2nd)
Thorup, Jon Knoxville	Iowa State Trooper	28th— <i>Jasper</i> , <i>Lucas</i> , <i>Marion</i>	88(1st), 88(2nd)
Upmeyer, Linda L. Clear Lake	Nurse Practitioner	54th— <i>Butler</i> , <i>Cerro Gordo</i> , <i>Franklin</i>	80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)

Name and Residence	Occupation	Representative District	Legislative Service
Wessel-Kroeschell, Beth Ames	Legislator	45th— <i>Story</i>	81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Wheeler, Skyler Orange City		4th— <i>Sioux</i>	87(1st), 87(2nd), 88(1st), 88(2nd)
Wilburn, Ross Ames	Iowa State University	46th— <i>Story</i>	88(2nd)
Williams, Dave Cedar Falls	Business Consultant	60th— <i>Black Hawk</i>	88(1st), 88(2nd)
Wills, John H. Spirit Lake		1st— <i>Dickinson, Lyon, Osceola</i>	86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Winckler, Cindy Davenport	Retired Educator	90th— <i>Scott</i>	79(1st), 79(1st)X, 79(1st)XX, 79(2nd), 79(2nd)X, 79(2nd)XX, 80(1st), 80(1st)X, 80(2nd), 80(2nd)X, 81(1st), 81(2nd), 81(2nd)X, 82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Windschitl, Matt W. Missouri Valley	Doll Distributing	17th— <i>Harrison, Ida, Monona, Woodbury</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Wolfe, Mary Lynn Clinton	Attorney	98th— <i>Clinton</i>	84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Worthan, Gary Storm Lake	Farmer	11th— <i>Buena Vista, Sac</i>	82(1st), 82(2nd), 83(1st), 83(2nd), 84(1st), 84(2nd), 85(1st), 85(2nd), 86(1st), 86(2nd), 87(1st), 87(2nd), 88(1st), 88(2nd)
Zumbach, Louis J. Coggon		95th— <i>Buchanan, Linn</i>	87(1st), 87(2nd), 88(1st), 88(2nd)

JUDICIAL BRANCH

JUSTICES OF THE SUPREME COURT

(Justices listed according to seniority)

Name	City of Office	Term Ending
Brent R. Appel	Ackworth	December 31, 2024
Thomas D. Waterman	Pleasant Valley	December 31, 2020
Edward M. Mansfield	Des Moines	December 31, 2020
Susan K. Christensen, C.J.	Harlan	December 31, 2020
Christopher L. McDonald	Des Moines	December 31, 2020
Dana L. Oxley	Swisher	December 31, 2020
Matthew C. McDermott	West Des Moines	December 31, 2020

JUDGES OF THE COURT OF APPEALS

(Judges listed according to seniority)

Anuradha Vaitheswaran	Des Moines	December 31, 2024
Richard H. Doyle	Des Moines	December 31, 2022
Mary E. Tabor	Des Moines	December 31, 2024
Michael R. Mullins	Washington	December 31, 2024
Thomas N. Bower, C.J.	Cedar Falls	December 31, 2020
David N. May	Polk City	December 31, 2020
Sharon Soorholz Greer	Marshalltown	December 31, 2020
Julie A. Schumacher	Schleswig	December 31, 2020
Paul B. Ahlers	Fort Dodge	December 31, 2020

CONGRESSIONAL DELEGATION AND DISTRICT OFFICES

UNITED STATES SENATORS

Senator Joni Ernst (R)

730 Hart Senate Office Building
Washington, D.C. 20510
202.224.3254

Website address:
ernst.senate.gov

Email address:
Electronic communications
can be made through website

111 Seventh Avenue SE
Suite 480
Cedar Rapids, Iowa 52401
319.365.4504

221 Federal Building
8 South Sixth Street
Council Bluffs, Iowa 51501
712.352.1167

201 West Second Street
Suite 806
Davenport, Iowa 52801
563.322.0677

733 Federal Building
210 Walnut Street
Des Moines, Iowa 50309
515.284.4574

194 Federal Building
320 Sixth Street
Sioux City, Iowa 51101
712.252.1550

Senator Charles E. Grassley (R)

135 Hart Senate Office Building
Washington, D.C. 20510-1501
202.224.3744

Website address:
grassley.senate.gov

Email address:
Electronic communications
can be made through website

111 Seventh Avenue SE, Box 13
Suite 6800
Cedar Rapids, Iowa 52401
319.363.6832

307 Federal Building
8 South Sixth Street
Council Bluffs, Iowa 51501
712.322.7103

201 West Second Street
Suite 720
Davenport, Iowa 52801
563.322.4331

721 Federal Building
210 Walnut Street
Des Moines, Iowa 50309
515.288.1145

120 Federal Building
320 Sixth Street
Sioux City, Iowa 51101
712.233.1860

210 Waterloo Building
531 Commercial Street
Waterloo, Iowa 50701
319.232.6657

UNITED STATES REPRESENTATIVES

First District: **Representative Abby Finkenauer (D)**

124 Cannon House Office Bldg.
Washington, D.C. 20515
202.225.2911

521A Lafayette Street
Waterloo, Iowa 50703
319.266.6925

Website address:
finkenauer.house.gov

308 Third Street SE
Suite 200
Cedar Rapids, Iowa 52401
319.364.2288

Email address:
Electronic communications
can be made through website

1050 Main Street
Dubuque, Iowa 52001
563.557.7789

Second District: **Representative Dave Loebsack (D)**

1211 Longworth House Office Bldg.
Washington, D.C. 20515
202.225.6576

209 West Fourth Street
Suite 104
Davenport, Iowa 52801
563.323.5988

Website address:
loeb sack.house.gov

125 South Dubuque Street
Iowa City, Iowa 52240
319.351.0789

Email address:
Electronic communications
can be made through website

Third District: **Representative Cindy Axne (D)**

330 Cannon House Office Bldg.
Washington, D.C. 20515
202.225.5476

208 West Taylor Street
Creston, Iowa 50801
641.278.1828

Website address:
axne.house.gov

400 East Court Avenue
Suite 346
Des Moines, Iowa 50309
515.400.8180

Email address:
Electronic communications
can be made through website

501 Fifth Avenue
Council Bluffs, Iowa 51503
712.890.3117

Fourth District: **Representative Steve King (R)**

2210 Rayburn House Office Bldg.
Washington, D.C. 20515
202.225.4426

Website address:
steveking.house.gov

Email address:
meetsteve@mail.house.gov

1421 South Bell Avenue
Suite 102
Ames, Iowa 50010
515.232.2885

723 Central Avenue
Fort Dodge, Iowa 50501
515.573.2738

202 First Street SE
Suite 126
Mason City, Iowa 50401
641.201.1624

320 Sixth Street
Room 112
Sioux City, Iowa 51101
712.224.4692

306 North Grand Avenue
P.O. Box 650
Spencer, Iowa 51301
712.580.7754

CONDITION OF STATE TREASURY

June 30, 2019

	Balance July 1, 2018	Total Receipts and Transfers	Total Available	Total Disbursements and Transfers	Balance June 30, 2019
General Fund	\$ 473,027,020	\$15,900,284,780	\$16,373,311,800	\$15,488,466,103	\$ 884,845,697
Special Revenue Fund	1,005,399,881	4,815,311,264	5,820,711,145	4,660,222,712	1,160,488,433
Capital Projects Fund	13,599,283	30,168,360	43,767,643	28,342,471	15,425,172
Debt Service Fund	0	0	0	0	0
Enterprise Fund	69,301,839	827,691,530	896,993,369	828,887,085	68,106,284
Internal Service Fund	213,455,632	606,517,144	819,972,776	589,195,991	230,776,785
Expendable Trust Fund	172,620,537	434,951,182	607,571,719	433,259,361	174,312,358
Nonexpendable Trust Fund	36,617,934	3,107,066	39,725,000	796,313	38,928,687
Pension Fund	27,322,376,631	4,217,511,804	31,539,888,435	2,331,739,247	29,208,149,188
Trust and Agency Fund	319,582,758	6,166,366,154	6,485,948,912	6,164,740,782	321,208,130
Totals	<u>\$29,625,981,515</u>	<u>\$33,001,909,284</u>	<u>\$62,627,890,799</u>	<u>\$30,525,650,065</u>	<u>\$32,102,240,734</u>

Balance July 1, 2018	\$29,625,981,515
Receipts and Transfers	33,001,909,284
Total Available	62,627,890,799
Disbursements and Transfers	30,525,650,065
Balance June 30, 2019	\$32,102,240,734

DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE ACCOUNTING ENTERPRISE

May 8, 2020

ANALYSIS BY CHAPTERS

2020 REGULAR SESSION

For Conversion Tables of Senate and House Files to chapters of the 2020 Acts, Regular Session, see page 410

CH.	FILE	TITLE
1001	SF 2144	Miscellaneous supplemental appropriations
1002	SF 2164	School finance — regular state cost per pupil — school transportation funding
1003	SF 155	Mobile barbershops
1004	SF 583	Private electricity generation — electric utility billing
1005	SF 2025	Joint employment of county engineers
1006	SF 2091	Requirements for odometer statements — exemptions
1007	SF 2118	College student aid commission loan repayment programs — refinanced student loans
1008	SF 2131	Domestic ceding insurers — credit for ceded reinsurance
1009	SF 2132	Life insurance companies — legal reserve requirements — hedging transactions
1010	SF 2134	Manufacture of canned cocktails by manufacturers of beer
1011	SF 2137	Ancient real estate conveyances or transactions — filing of extensions
1012	SF 2142	School finance — state percents of growth — property tax replacement payments
1013	SF 2187	Application and construction of uniform protected series Act
1014	SF 2198	Open-end credit accounts — notice provisions
1015	SF 2250	Harvesting, purchasing, and transporting of timber
1016	HF 426	Insurance — fraud investigations — licensing requirements
1017	HF 2235	Commercial motor vehicle operation — disqualification — human trafficking
1018	HF 2267	Dentistry — regulation of dental hygienists and assistants
1019	SF 2408	Supplemental, standing, and continuing appropriations and related matters — emergency authority and responsibilities — instructional time waivers
1020	SF 2357	Physician assistants — practice and licensure
1021	SF 537	Coyote hunting — infrared light source
1022	SF 2082	Education — miscellaneous changes
1023	SF 2119	Controlled substances — scheduled substances and cannabis-derived products
1024	SF 2120	Prescription monitoring program — reporting requirements — veterinarians
1025	SF 2135	Disinterment and final disposition of human remains
1026	SF 2196	Wireless communications facilities and infrastructure — repeal extended
1027	SF 2259	Donation of surplus fire fighting, emergency medical response, and law enforcement equipment — liability exemption
1028	SF 2275	Eluding law enforcement vehicles — penalties
1029	SF 2299	Health care facilities and providers — background checks
1030	SF 2337	Asbestos and silica actions — information requirements
1031	HF 2454	Community college career and technical education instructor qualifications
1032	HF 2475	Sewer and water supply distribution system extensions — approval and permitting
1033	HF 2477	County zoning for agricultural experiences
1034	HF 2512	County zoning — exemptions and procedures
1035	SF 2348	Felon voting rights restoration
1036	SF 2413	Regulation of agriculture and food production
1037	HF 2647	Peace officer conduct, certification, training, discipline, and prosecution

CH.	FILE	TITLE
1038	SF 388	Iowa medal of honor highway
1039	SF 2097	Indecent exposure
1040	SF 2182	State public defender pilot project — child welfare legal representation
1041	SF 2188	Hazard mitigation financial assistance
1042	SF 2191	Payment of required medical aid provided to prisoners
1043	SF 2195	Elevator code — applicability to owner-occupied, multi-story, commercial buildings in historic districts
1044	SF 2225	Theft in the third degree — property value
1045	SF 2284	State board of regents, regents institutions, and institution programs and services
1046	SF 2300	Administration of estates, trusts, guardianships, or conservatorships — transfers of real estate
1047	SF 2323	Guardianships and conservatorships — initial care plans and initial plans and inventories
1048	SF 2356	Education of students with dyslexia
1049	SF 2398	Rural veterinarian loan repayment program
1050	HF 717	Veterans preference — rights to judicial review
1051	HF 2220	Preparation for adult living program — eligibility requirements
1052	HF 2236	Public records — fees for examination and copying — veterans benefits claims
1053	HF 2269	Medicaid home and community-based services elderly waiver — elimination of monthly cap
1054	HF 2310	Vehicles of excessive size — transport of hay, straw, stover, or bagged livestock bedding
1055	HF 2312	Veterans home admission requirements — certificate of eligibility affidavits
1056	HF 2362	Unemployment compensation — employer reimbursement of benefits paid — nonprofit organizations — appeals
1057	HF 2382	Disabled veteran tax credit and military tax exemption information — confidentiality
1058	HF 2402	Business entities — resignations of registered agents
1059	HF 2411	Sobriety and drug monitoring program participation — temporary restricted driver's licenses and ignition interlock devices
1060	HF 2474	Confidentiality of information used to secure arrest warrants
1061	HF 2481	Subdivision platting — taxes and special assessments — certificates of the treasurer
1062	HF 2535	Nonsubstantive Code corrections
1063	HF 2536	Substantive Code corrections
1064	HF 2565	Debts owed to public agencies — setoff procedures
1065	HF 2581	Regulation of hemp
1066	HF 2623	Gambling regulation — setoffs, use of credit cards, and qualifying sponsoring organizations
1067	SF 272	Educational loan debt management services
1068	SF 620	Disposal of city telecommunications utilities
1069	SF 2296	Independent contractors — operating a vehicle while performing services — conditional vehicle sale or lease agreements
1070	SF 2338	Civil actions for medical expenses or COVID-19 related damages
1071	HF 716	Deer hunting regulations — firearm and projectile specifications — age requirements
1072	HF 2360	Expiration of driver's licenses — persons seventy-eight years old or older
1073	SF 280	Hunting, fishing, and trapping privileges — residency of active duty armed forces members and their spouses
1074	SF 457	Criminal and civil penalties, fines, surcharges, fees, and costs — related funds — court debt collection
1075	SF 458	Homestead liability for debt — mechanic's liens and improvements
1076	SF 2232	Iowa trust code — miscellaneous changes
1077	SF 2373	Public safety telecommunicators
1078	SF 2400	Broadband service and funding — rural and underserved areas
1079	HF 599	Regulation of hunting — persons under age sixteen

CH.	FILE	TITLE
1080	HF 684	Possession or consumption of alcohol by underage persons — limited criminal immunity — sanctions by regents institutions prohibited
1081	HF 760	Hotel and motel tax exemptions — renting of lodging
1082	HF 2197	Medical residency training state matching grants program — rural rotation opportunity — fields of practice
1083	HF 2221	Local boards of health membership — health professional member
1084	HF 2238	Foodstands operated by minors
1085	HF 2359	Reporting of practitioner preparation program admissions assessment scores
1086	HF 2363	Unemployment insurance contribution rates — landscaping employers
1087	HF 2364	Unemployment insurance — injunctions for employer violations
1088	HF 2365	Unemployment compensation — claims notification and voluntary shared work program
1089	HF 2372	Driver's licenses and nonoperator identification cards — operation of farmers' special trucks — autism spectrum disorder status marks
1090	HF 2389	Administrative rulemaking procedures
1091	HF 2410	Special senior statewide antlerless deer only crossbow licenses — minimum age
1092	HF 2412	Public construction bidding — utility infrastructure and rural water district improvements
1093	HF 2418	Education — review of practitioner licensure decisions and funding requests for at-risk programs and alternative schools
1094	HF 2445	Victims of sex offenses — identifying information — confidentiality
1095	HF 2452	At-risk city water utility systems
1096	HF 2455	Deer hunting — use of leashed dogs
1097	HF 2485	Child development homes — child-to-staff ratio requirements
1098	HF 2486	Elections, electors, and county seals
1099	HF 2502	Regulation of weapons, firearms attachments, ammunition, and shooting ranges
1100	HF 2528	State mutual aid compact — authorized representatives of participating governments
1101	HF 2561	Anatomical gifts and potential transplant recipients
1102	HF 2585	Persons with speech or hearing disorders — terminology changes
1103	HF 2627	Government regulation and standards — occupational and professional licensing
1104	SF 526	Blue alert program
1105	SF 2261	Behavioral health services — use of telehealth in school settings
1106	SF 2268	Tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes — minimum age for purchase, sale, possession, or use
1107	SF 2310	Educational instructional requirements and funding flexibility
1108	SF 2360	Classroom management and violent or disruptive behavior — therapeutic classrooms
1109	HF 310	Practice of optometry — administration of injections
1110	HF 594	Withdrawal of life-sustaining procedures from minors and abortion prerequisites
1111	HF 737	Care and treatment of animals
1112	HF 2259	Human trafficking prevention training — lodging providers — certification — public funds use
1113	HF 2340	Iowa educational savings plan trust — use of funds for out-of-state elementary or secondary school tuition
1114	HF 2540	Alcoholic beverage regulation — charity event permits and alcoholic beverage sales
1115	HF 2554	Continuous sexual abuse of a child
1116	HF 2589	Medical cannabidiol and marijuana — miscellaneous changes
1117	HF 2629	Educational improvement, vocational training, and affordable child care access programs
1118	HF 2641	Taxation, business entities, short-term rentals, special registration plates, and food operation trespass
1119	SF 2403	Excise taxes on motor fuel and special fuel

CH.	FILE	TITLE
1120	HF 2642	Appropriations — infrastructure and capital projects
1121	HF 2643	State and local government and regulatory matters — appropriations and miscellaneous changes
1122	HF 2644	Appropriations — transportation

2020 Regular Session
of the
Eighty-Eighth General Assembly
of the
State of Iowa

CHAPTER 1001
MISCELLANEOUS SUPPLEMENTAL APPROPRIATIONS
S.F. 2144

AN ACT relating to financial and regulatory matters by making and supplementing appropriations for the fiscal year beginning July 1, 2019, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
HEALTH AND HUMAN SERVICES

Section 1. DEPARTMENT OF HUMAN SERVICES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation made for the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes in 2019 Iowa Acts, chapter 85, section 25, subsection 1, paragraph "a":

..... \$ 333,000

As a condition of receiving the moneys appropriated in this section, the department of human services shall submit reports to the chairpersons and ranking members of the senate and house committees on human resources and to the legislative services agency detailing the manner in which the appropriated moneys are being used and containing a status report on any project to which the moneys have been allocated. The department shall submit the first report thirty days after the effective date of this division of this Act, and shall submit an additional report every thirty days thereafter until June 30, 2020.

Notwithstanding section 8.33, moneys appropriated in this division that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
FLOOD RECOVERY

Sec. 3. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT. There is appropriated from the general fund of the state to the department of homeland security and emergency management for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be credited to the flood recovery fund created in section 418.16 and used for the purposes designated in section 418.16:

..... \$ 21,003,186

As a condition of receiving the moneys appropriated in this section, the department of homeland security and emergency management, in coordination with the flood mitigation board, shall submit reports to the chairpersons and ranking members of the senate and house committees on appropriations and to the legislative services agency detailing the amount of the appropriated moneys that have been used and containing a status report on any project to which the moneys have been allocated. The department shall submit the first report thirty days after the effective date of this division of this Act, and shall submit an additional report every thirty days thereafter until June 30, 2020.

Sec. 4. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 13, 2020

CHAPTER 1002

SCHOOL FINANCE — REGULAR STATE COST PER PUPIL — SCHOOL
TRANSPORTATION FUNDING

S.F. 2164

AN ACT relating to public school funding by modifying provisions relating to the regular program state cost per pupil and to appropriations to the transportation equity fund and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.9, subsection 2, Code 2020, is amended to read as follows:

2. *Regular program state cost per pupil for 1992-1993 and succeeding years.*

a. For the budget year beginning July 1, 1992, and succeeding budget years beginning before July 1, 2018, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

b. For the budget year beginning July 1, 2018, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

c. For the budget year beginning July 1, 2019, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus five dollars.

d. For the budget year beginning July 1, 2020, the regular program state cost per pupil is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year, plus ten dollars.

~~d. e.~~ For the budget year beginning July 1, ~~2020~~ 2021, and succeeding budget years, the regular program state cost per pupil for a budget year is the regular program state cost per pupil for the base year plus the regular program supplemental state aid for the budget year.

Sec. 2. Section 257.16C, subsection 3, paragraph d, subparagraph (2), Code 2020, is amended to read as follows:

(2) For ~~each~~ the fiscal year beginning ~~on or after~~ July 1, 2020, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund the sum of the following, or so much thereof as is necessary, to be used for the purposes of this section:

(a) The amount appropriated to the transportation equity fund under this paragraph for the immediately preceding fiscal year.

(b) The product of the amount determined under subparagraph division (a) multiplied by the categorical percent of growth under section 257.8, subsection 2, for the budget year beginning on the same date of the fiscal year for which the appropriation is made.

(c) Seven million two hundred fifty-three thousand eighty-eight dollars.

Sec. 3. Section 257.16C, subsection 3, paragraph d, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) For each fiscal year beginning on or after July 1, 2021, there is appropriated from the general fund of the state to the department of management for deposit in the transportation equity fund the sum of the following, or so much thereof as is necessary, to be used for the purposes of this section:

(a) The amount appropriated to the transportation equity fund under this paragraph for the immediately preceding fiscal year.

(b) The product of the amount determined under subparagraph division (a) multiplied by the categorical percent of growth under section 257.8, subsection 2, for the budget year beginning on the same date of the fiscal year for which the appropriation is made.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved February 25, 2020

CHAPTER 1003
MOBILE BARBERSHOPS
S.F. 155

AN ACT relating to the practice of barbering in movable locations, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 158.1, subsection 3, Code 2020, is amended to read as follows:

3. "Barbershop" means an establishment in a fixed location or a location that is readily movable where one or more persons engage in the practice of barbering.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 10, 2020

CHAPTER 1004**PRIVATE ELECTRICITY GENERATION — ELECTRIC UTILITY BILLING**

S.F. 583

AN ACT relating to billing methods that may be utilized in connection with distributed generation facilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 476.49 Billing methods for distributed generation customers.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. “*Alternate energy production facility*” means the same as defined in section 476.42.

b. “*Distributed generation customer*” means a person other than a public utility that interconnects an eligible distributed generation facility to an electric distribution system.

c. “*Distributed generation facility*” means the same as defined in section 476.58, subsection 1, paragraph “b”, subparagraph (2) or (3).

d. “*Electric utility*” means a public utility that furnishes electricity to the public for compensation that is required to be rate-regulated under this chapter.

e. “*Eligible distributed generation facility*” means a distributed generation facility that elects a billing method pursuant to subsection 3, and to which all of the following apply:

(1) The facility is located behind a customer’s electricity meter.

(2) The facility is interconnected to the electric utility distribution system.

(3) The facility has an aggregate nameplate capacity less than or equal to one megawatt alternating current.

(4) The facility has a capability to produce no more than one hundred ten percent of the customer’s annual electricity usage.

(5) The facility’s generating capacity and associated energy is intended to serve only the on-site electric requirements of the customer.

f. “*Inflow-outflow billing*” means a billing method for an eligible distributed generation facility whereby the net metering interval is measured hourly or subhourly, and a distributed generation customer makes payment and is credited as provided in subsection 3, paragraph “b”.

g. “*Net billing*” means a billing method for an eligible distributed generation facility whereby the net metering interval is equal to a monthly billing period, and a distributed generation customer makes payment and is credited as provided in subsection 3, paragraph “a”.

h. “*Net metering*” means a single meter monitoring only the net amount of electricity delivered to and exported by an eligible distributed generation facility, which electricity offsets electricity that would otherwise be purchased by a distributed generation customer from the electric utility.

i. “*Statewide distributed generation penetration*” means the aggregate nameplate capacity of all eligible distributed generation facilities of electric utilities as a percentage of the aggregate peak demand of all electric utilities.

2. *Publication of data.* The board shall collect data on the nameplate capacity of eligible distributed generation facilities, calculate the statewide distributed generation penetration percentage, and publish the data and penetration rate on an annual basis on the board’s internet site.

3. *Billing methods.* An electric utility shall file either a net billing or an inflow-outflow billing tariff with the board to govern the billing and crediting of eligible distributed generation facilities interconnected with the electric distribution system of an electric utility as follows:

a. (1) An electric utility choosing to utilize the net billing method shall file a tariff with the board whereby a distributed generation customer pays all applicable charges, including applicable rider charges approved by the board and applied to non-net metering customers, for the electricity delivered to the customer over the net metering interval. A distributed generation customer shall be credited in kilowatt-hours for energy exported to

the electric utility over the net metering interval. A distributed generation customer may use the kilowatt-hour credits to offset kilowatt-hours in future billing periods. The offset shall include any applicable volumetric rider charges approved by the board and applied to non-net metering customers.

(2) Any excess kilowatt-hours remaining at the end of a twelve-month period shall be cashed out at the electric utility's avoided cost rate with the funds from the cash out divided evenly between the customer and the electric utility's low-income home energy assistance program. The distributed generation customer shall choose either a January or April cash out date at the time of interconnection.

(3) Net billing shall not be limited in any way based on a customer's peak demand.

(4) Net billing shall not include any fees or charges that are not charged to customers in the same rate class that are not net billing customers.

b. (1) An electric utility choosing to utilize the inflow-outflow billing method shall file a tariff with the board whereby a distributed generation customer pays all applicable charges, including applicable rider charges approved by the board and applied to non-net metering customers, for the electricity delivered by the electric utility over the net metering interval. The distributed generation customer is credited in dollars at the outflow purchase rate for energy exported to the utility over the net metering interval. The distributed generation customer may use the dollar credits to offset any applicable volumetric charges, including applicable rider charges, billed on a kilowatt-hour basis.

(2) The electric utility shall select an hourly or subhourly metering interval that balances the benefits of accurately measuring power flows in each direction with the cost of collecting, storing, and processing meter data.

(3) Inflow-outflow billing shall not be limited in any way based on a customer's peak demand.

(4) Inflow-outflow billing shall not include any fees or charges that are not charged to customers in the same rate class that are not inflow-outflow customers.

(5) Prior to the board's approval of a value of solar methodology and rate, the outflow purchase rate for an eligible distributed generation facility shall be the applicable retail volumetric rate, including applicable rider charges approved by the board and applied to non-net metered customers. The outflow purchase rate for any distributed generation facility will continue to be the applicable retail volumetric rate for a term of twenty years. Any change in ownership of such eligible facility, or adoption and use by the electric utility of a value-of-solar rate pursuant to subsection 4, shall not impact the outflow purchase rate for the distributed generation facility during the twenty-year term.

4. *Value of solar methodology.* If the board is petitioned by an electric utility after July 1, 2027, or when the statewide distributed generation penetration rate is equal to five percent, whichever is earlier, the board shall initiate a proceeding to develop a value of solar methodology and rate for eligible distributed generation facilities. The value of solar rate shall be determined through the use of a methodology that calculates the benefits and costs an eligible distributed generation facility provides to, or imposes on, the electric system. The value of solar methodology shall be applied independently to each electric utility. When the board determines the value of solar methodology, it shall determine if there is a need for separate methodologies for other distributed generation technologies or if it can account for the values of other technologies with modifications to the value of solar methodology.

a. In establishing the methodology, the board shall initiate a formal proceeding. The value of solar methodology shall be determined through a study conducted by an independent third party and overseen by the board. Interested parties shall have the opportunity to comment and offer testimony on any proposed value of solar methodology before it is adopted by the board.

b. The benefits and costs in a value of solar methodology shall include all of the following factors as appropriate and supported by known and measurable evidence:

- (1) The cost of energy and fuel.
- (2) Generation capacity and reserves.
- (3) Transmission capacity and charges.
- (4) Distribution capacity.
- (5) Transmission and distribution line losses.

- (6) Fixed and variable costs associated with plant operations and maintenance.
- (7) Environmental compliance costs.
- (8) Integration costs.
- (9) Grid support services.

(10) Other factors, based on known and measurable evidence of the cost or benefit of solar operations to the electric utility's electric system.

c. Upon approval of the value of solar methodology, the outflow purchase rate shall be limited to either a five percent increase or decrease from the previous outflow purchase rate. The value of solar rate shall be recomputed annually and reflected in the outflow purchase rate, limited to a five percent increase or decrease from the previous outflow purchase rate. If the utility switches from a net billing method to an inflow-outflow billing method after the value of solar methodology is approved, then the previous purchase rate shall be the applicable retail volumetric rate including all applicable rider charges approved by the board.

d. The board shall consider, review, and update as appropriate the value of solar methodology at least every three years after completion of the initial methodology.

e. After the board has approved a value of solar methodology and rate, the outflow purchase rate shall be set using the value of solar methodology. The outflow purchase rate for such a facility will be fixed for a term of twenty years regardless of any subsequent changes in the electric utility's outflow purchase rate or changes in ownership of such facility.

5. *Forfeiture of outflow purchase credits.* Any outflow purchase credits remaining at the end of an annual period shall be forfeited to the rider used by the electric utility pursuant to subsection 7. The distributed generation customer shall choose either a January or April date at the time of interconnection for the purposes of determining the annual period.

6. *Proposal of separate rate classes.* An electric utility shall not propose treating distributed generation customers as a separate rate class in a general rate case prior to the board's approval of a value of solar methodology or prior to July 1, 2027, whichever is earlier. If an electric utility chooses to propose a separate rate class for distributed generation customers in a future proceeding, such a proposal shall be approved or disapproved in accordance with section 476.6 and accompanying rules.

7. *Riders.* An electric utility shall be allowed to recover the amounts credited to an eligible distributed generation customer for outflow purchases pursuant to a rider. To the extent an electric utility does not have such a rider, the board shall allow an electric utility to establish a rider to recover such amounts. For purposes of this subsection, "rider" includes a fuel or energy adjustment clause.

8. *Preexisting tariff.* Any customer utilizing a net billing tariff approved by the board on or before the availability of inflow-outflow billing may continue to receive electric service pursuant to the preexisting tariff for the remaining duration of the contract regardless of any subsequent changes in ownership of such facility.

9. *Use of funds collected through alternate energy purchase programs.* An electric utility may use funds collected pursuant to section 476.47 to offset any amounts that would otherwise be recovered through a rider resulting from outflow purchases of excess energy produced by an eligible distributed generation facility.

10. *Reasonableness of net billing and inflow-outflow billing.* When the statewide net metering penetration level reaches ten percent, the board shall determine whether the net billing and inflow-outflow billing methods are still reasonable and shall make recommendations to the general assembly. Regardless of the board's recommendations, existing facilities shall continue to be eligible for the net billing or inflow-outflow billing tariff in place at the time of installation and for twenty years of operation thereafter.

Approved March 12, 2020

CHAPTER 1005

JOINT EMPLOYMENT OF COUNTY ENGINEERS

S.F. 2025

AN ACT relating to the employment of county engineers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 309.19, Code 2020, is amended to read as follows:

309.19 ~~Adjacent counties~~ Counties joining in employment.

The boards of supervisors of two or more adjacent counties may enter into an agreement to jointly employ a county engineer, employ professional and clerical assistants for the engineer, and to provide such services as can be carried on jointly and will operate to their mutual benefit. Such agreement shall be written and entered in their respective minutes. The engineer employed under such agreement shall be the official county engineer for each of the respective boards and shall be employed for such term of years as shall be determined by the boards but in no event longer than the period of time the mutual agreement between the boards is to be in effect. The written agreement shall provide for the determination of the cost of such joint program and the manner of allocation of the cost to each board for inclusion in the respective budgets. The boards by mutual agreement shall designate one board to make payments for salaries and other costs of the joint program. The board shall be reimbursed by the other board or boards in accordance with the joint agreement. The provisions of chapter 28E shall be applicable to this section.

Approved March 12, 2020

CHAPTER 1006

REQUIREMENTS FOR ODOMETER STATEMENTS — EXEMPTIONS

S.F. 2091

AN ACT providing for exemptions relating to odometer requirements, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.71, subsections 7, 9, and 11, Code 2020, are amended to read as follows:

7. A certificate of title shall not be issued for a motor vehicle ~~less than ten model years old~~ which is equipped with an odometer by the manufacturer, unless an odometer statement which is in compliance with federal law and regulations has been made by the transferor of the vehicle and is furnished with the application for certificate of title, or unless an exemption applies under 49 C.F.R. §580.17. The new certificate of title shall record on its face the odometer reading and the word “actual” if the true mileage is known. If the odometer reading is not the true mileage or the true mileage is unknown, the words “not actual” shall be recorded. If the odometer reading is greater than the odometer can mechanically count, the words “exceeds the mechanical limits” shall be recorded. However, a certificate of title may be issued for a motor vehicle to a person who moves into this state if the person acquired ownership of the motor vehicle prior to moving to this state. ~~This subsection does not apply to motor vehicles having a gross vehicle weight rating of more than sixteen thousand pounds.~~

9. ~~An~~ Unless an exemption applies under 49 C.F.R. §580.17 or unless a certificate of title has been issued for the vehicle in the name of the dealer, an Iowa licensed motor vehicle dealer shall not have in possession as inventory for sale a used motor vehicle acquired by

the dealer ~~after the tenth model year prior to the current registration year~~, for which the dealer does not possess an odometer statement by the transferor which is in compliance with federal law and regulations ~~unless a certificate of title has been issued for the vehicle in the name of the dealer~~. Transfer of a new motor vehicle with an ownership document which is a manufacturer's statement of origin requires an odometer statement only when transferred at retail.

11. The department may adopt rules to administer this section, which rules shall be in compliance with the federal Truth in Mileage Act of 1986, Pub. L. No. 99-579, and 49 C.F.R. pt. 580.

Sec. 2. EFFECTIVE DATE. This Act takes effect January 1, 2021.

Approved March 12, 2020

CHAPTER 1007

COLLEGE STUDENT AID COMMISSION LOAN REPAYMENT PROGRAMS — REFINANCED STUDENT LOANS

S.F. 2118

AN ACT relating to loan repayment for refinanced student loans under the rural physician loan repayment program, the health care professional recruitment program, and the health care loan repayment program, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 261.113, subsection 5, paragraph a, Code 2020, is amended to read as follows:

a. The amount of loan repayment an eligible student who enters into an agreement pursuant to subsection 3 shall receive if in compliance with obligations under the agreement shall ~~not exceed~~ be forty thousand dollars annually for an eligible loan if the total loan amount equals or exceeds two hundred thousand dollars. Payments under this section may be made for each year of eligible practice during a period of five consecutive years and shall not exceed a total of two hundred thousand dollars. If the total amount of an eligible student's eligible loan upon graduation is less than two hundred thousand dollars, the commission shall divide the total amount of the eligible student's eligible loan by five to determine the annual amount of loan repayment the loan recipient is eligible to receive.

Sec. 2. Section 261.113, subsection 5, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 3. Section 261.113, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. *Refinanced loans.* A loan repayment recipient who refinances an eligible loan by obtaining a private educational loan may continue to receive loan repayment under this section if the amount of loan repayment does not exceed the lesser of the amount specified in subsection 5 or the balance of the loan repayment amount the loan repayment recipient qualified to receive with the eligible loan.

NEW SUBSECTION. 5B. *Program agreement limitation.* The commission shall not enter into more than twenty program agreements annually. The percentage of agreements entered into by students attending eligible universities shall be evenly divided. However, if there are fewer applicants at one eligible university, eligible student applicants enrolled in other eligible universities may be awarded the remaining agreements.

Sec. 4. Section 261.115, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 2A. A loan repayment recipient who refinances an eligible loan by obtaining a private educational loan may continue to receive loan repayment under this section.

Sec. 5. Section 261.115, subsection 3, Code 2020, is amended to read as follows:

3. A health care professional recruitment fund is created in the state treasury as a separate fund under the control of the commission for deposit of moneys appropriated to or received by the commission for use under the program. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state but shall remain in the fund and be continuously available for loan ~~forgiveness~~ repayment under the program. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys deposited in the fund shall be credited to the fund.

Sec. 6. Section 261.116, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 4A. *Refinanced loans*. A loan repayment recipient who refinances a qualified student loan by obtaining a private educational loan may continue to receive loan repayment under this section if the amount of loan repayment does not exceed the lesser of the amount specified in subsection 4 or the balance of the loan repayment amount the loan repayment recipient qualified to receive with the qualified student loan.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 8. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2019, for recipients of loan repayment under sections 261.113, 261.115, and 261.116.

Approved March 12, 2020

CHAPTER 1008

DOMESTIC CEDING INSURERS — CREDIT FOR CEDED REINSURANCE

S.F. 2131

AN ACT relating to credit allowed to domestic ceding insurers for reinsurance ceded to reinsurers, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **521B.101A Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. “*Commissioner*” means the commissioner of insurance.
2. “*NAIC*” means the national association of insurance commissioners.

Sec. 2. Section 521B.102, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a reduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subsection 1, 2, 3, 4, 5, 5A, or 6. The commissioner may adopt rules pursuant to section 521B.105 specifying additional requirements related to the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in section 521B.105, and the circumstances pursuant to which credit shall be reduced or eliminated. Credit shall be allowed under subsection 1, 2, or 3 only respecting cessions of those kinds or classes of business which the assuming insurer is licensed or

otherwise permitted to write or assume in the assuming insurer's state of domicile or, in the case of a United States branch of an alien assuming insurer, in the state through which the alien assuming insurer is entered and licensed to transact insurance or reinsurance. Credit shall be allowed under subsection 3 or 4 only if the applicable requirements of subsection 7 have been satisfied.

Sec. 3. Section 521B.102, subsection 2, paragraph e, Code 2020, is amended to read as follows:

e. Demonstrate to the satisfaction of the commissioner that the assuming insurer has adequate financial capacity to meet the assuming insurer's reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of the assuming insurer's application if the assuming insurer maintains a surplus as regards policyholders in an amount of not less than twenty million dollars and the assuming insurer's accreditation has not been denied by the commissioner within ninety calendar days after submission of the assuming insurer's application.

Sec. 4. Section 521B.102, subsection 3, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled in, or in the case of a United States branch of an alien assuming insurer, is entered through, a state that employs standards regarding credit for reinsurance that are substantially similar to those applicable under this chapter and the assuming insurer or United States branch of an alien assuming insurer does all of the following:

Sec. 5. Section 521B.102, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust fund in a qualified United States financial institution, as defined in section 521B.104, subsection 2, for payment of the valid claims of the assuming insurer's United States ceding insurers, their assigns, and successors in interest. To enable the commissioner to determine the sufficiency of the trust fund, the assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported by licensed insurers on the national association of insurance commissioners' NAIC annual statement form by licensed insurers. The assuming insurer shall submit to examination of the assuming insurer's books and records by the commissioner and bear the expense of examination.

Sec. 6. Section 521B.102, subsection 4, paragraph b, subparagraph (2), Code 2020, is amended to read as follows:

(2) The form of the trust and any trust amendments are filed with the commissioner of every state in which the ceding insurer's insurer beneficiaries of the trust are domiciled. The trust instrument shall provide that contested claims are valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to the trust's assets in its trustees for the benefit of the assuming insurer's United States ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner.

Sec. 7. Section 521B.102, subsection 4, paragraph c, subparagraph (3), subparagraph division (e), Code 2020, is amended to read as follows:

(e) Within ninety calendar days after its financial statements are due to be filed with the group's domiciliary regulator, the group shall provide to the commissioner an annual certification by the group's domiciliary regulator of the solvency of each underwriter member, or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the group.

Sec. 8. Section 521B.102, subsection 4, paragraph c, subparagraph (4), subparagraph division (e), Code 2020, is amended to read as follows:

(e) Within ninety calendar days after the group's financial statements are due to be filed with the group's domiciliary regulator, make available to the commissioner an annual certification of each underwriter member's solvency by the member's domiciliary regulator and financial statements of each underwriter member of the group prepared by the group's independent public accountant.

Sec. 9. Section 521B.102, subsection 5, paragraph a, subparagraph (4), Code 2020, is amended to read as follows:

(4) The assuming insurer shall agree to submit to the jurisdiction of this state, to appoint the commissioner as the assuming insurer's agent for service of process in this state, and agree to provide security for one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers, if the assuming insurer resists enforcement of a final United States judgment.

Sec. 10. Section 521B.102, subsection 5, paragraph b, subparagraph (3), Code 2020, is amended to read as follows:

(3) Within ninety calendar days after the association's financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the commissioner an annual certification by the association's domiciliary regulator, of the solvency of each underwriter member, or if a certification is unavailable, financial statements, prepared by an independent public accountant, of each underwriter member of the association.

Sec. 11. Section 521B.102, subsection 5, paragraph c, subparagraphs (1), (2), and (3), Code 2020, are amended to read as follows:

(1) In order to determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. In order to be recognized as a qualified jurisdiction, a jurisdiction must agree to share information and to cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction shall not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

(2) A list of qualified jurisdictions shall be published through the ~~national association of insurance commissioners'~~ NAIC committee process. The commissioner shall consider this list in determining qualified jurisdictions. If the commissioner recognizes a jurisdiction as qualified that does not appear on the NAIC list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification for the recognition in accordance with criteria ~~to be developed by rule as specified in rules adopted by the commissioner.~~

(3) United States jurisdictions that meet the requirements for accreditation under the ~~national association of insurance commissioners'~~ NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

Sec. 12. Section 521B.102, subsection 5, paragraph e, subparagraph (5), subparagraph division (b), Code 2020, is amended to read as follows:

(b) If the commissioner continues to assign a higher rating to a certified reinsurer as permitted by other provisions of this ~~subsection~~ section, this requirement does not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

Sec. 13. Section 521B.102, subsection 5, paragraph f, Code 2020, is amended to read as follows:

f. If an assuming insurer applying for certification as a reinsurer in this state has been certified as a reinsurer in another jurisdiction accredited by the ~~national association of insurance commissioners~~ NAIC, the commissioner has the discretion to defer to that jurisdiction's certification, and has the discretion to defer to the rating assigned by that jurisdiction, and the assuming insurer shall be considered to be a certified reinsurer in this state.

Sec. 14. Section 521B.102, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. a. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that meets all of the following conditions:

(1) The assuming insurer must have its head office located in or be domiciled in, as applicable, and be licensed in, a reciprocal jurisdiction. For purposes of this subsection, a "reciprocal jurisdiction" is a jurisdiction that meets at least one of the following requirements:

(a) A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union. For purposes of this subsection, a "covered agreement" is an agreement entered into pursuant to Tit. V, §502(a)(3), 31 U.S.C. §§313-314, of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, that is currently in effect or in a period of provisional application and that addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with a ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance.

(b) A United States jurisdiction that meets the requirements for accreditation under the NAIC financial regulation standards and accreditation program.

(c) A qualified jurisdiction, as determined by the commissioner pursuant to subsection 5, paragraph "c", which is not otherwise described in this paragraph or paragraph "b", and that meets certain additional requirements consistent with the terms and conditions of an in-force covered agreement as specified in rules adopted by the commissioner.

(2) The assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus, or its equivalent, calculated according to the methodology of the assuming insurer's domiciliary jurisdiction, in an amount specified in rules adopted by the commissioner. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, the assuming insurer must have and maintain, on an ongoing basis, minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in the assuming insurer's domiciliary jurisdiction, and a central fund containing a balance in an amount as specified in rules adopted by the commissioner.

(3) The assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio, as applicable, as specified in rules adopted by the commissioner. If the assuming insurer is an association, including incorporated and individual unincorporated underwriters, the assuming insurer must have and maintain, on an ongoing basis, a minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and where the assuming insurer is also licensed.

(4) The assuming insurer must agree and shall provide to the commissioner, in the form and manner specified by the commissioner, adequate assurance of all of the following:

(a) Prompt written notice and explanation if the assuming insurer falls below the minimum requirements set forth in subparagraph (2) or (3) of this paragraph, or if any regulatory action is taken against the assuming insurer for serious noncompliance with any applicable law.

(b) Written consent that the assuming insurer shall submit to the jurisdiction of the courts of this state and to the appointment of the commissioner as agent for service of process. The commissioner may also require that consent for service of process be included in each reinsurance agreement entered into by the assuming insurer. This subparagraph division shall not limit or alter the capacity of the parties to a reinsurance agreement to agree to

alternative dispute resolution, except to the extent such alternative dispute resolution is unenforceable under applicable insolvency or delinquency laws.

(c) Written agreement that the assuming insurer shall pay all final judgments, wherever enforcement is sought, obtained against the assuming insurer by a ceding insurer, or the ceding insurer's legal successor, that have been declared enforceable in the jurisdiction in which the final judgment is obtained.

(d) Each reinsurance agreement must include a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that reinsurance agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which the final judgment is obtained or under an enforceable arbitration award, whether obtained by the ceding insurer or by the ceding insurer's legal successor on behalf of the ceding insurer's resolution estate.

(e) Written confirmation that the assuming insurer is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers, and written agreement that the assuming insurer shall notify the ceding insurer and the commissioner and shall provide security in an amount equal to one hundred percent of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into such a solvent scheme of arrangement. Such security shall be in a form consistent with the provisions of subsection 5, and section 521B.103.

(5) The assuming insurer or the assuming insurer's legal successor shall provide to the commissioner, on behalf of itself and any legal predecessors, any documentation required pursuant to rules adopted by the commissioner.

(6) Pursuant to rules adopted by the commissioner, the assuming insurer shall maintain prompt payment of claims under all reinsurance agreements.

(7) The assuming insurer's supervisory authority shall annually confirm to the commissioner that as of the preceding December 31, or as of the annual date otherwise statutorily reported to the reciprocal jurisdiction, the assuming insurer complies with the requirements set forth in subparagraphs (2) and (3) of this paragraph.

(8) An assuming insurer shall not be precluded from voluntarily providing any information to the commissioner.

b. The commissioner shall timely create and publish a list of reciprocal jurisdictions.

(1) The commissioner's list shall include any reciprocal jurisdiction as defined under paragraph "a", subparagraph (1), subparagraph divisions (a) and (b), and the commissioner shall consider any other reciprocal jurisdiction included on the list of reciprocal jurisdictions published through the NAIC committee process. Pursuant to criteria established by rules adopted by the commissioner, the commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions.

(2) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, pursuant to a process established by rules adopted by the commissioner, except that the commissioner shall not remove a reciprocal jurisdiction as defined under paragraph "a", subparagraph (1), subparagraph divisions (a) and (b). Upon removal of a reciprocal jurisdiction from the list of reciprocal jurisdictions, credit for reinsurance ceded to an assuming insurer which has its home office in or is domiciled in that reciprocal jurisdiction shall be allowed if otherwise allowed pursuant to this chapter.

c. The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions in this subsection and to which cessions shall be granted credit pursuant to this subsection. The commissioner may add an assuming insurer to the list if a NAIC accredited jurisdiction has added the assuming insurer to the NAIC accredited jurisdiction's list of assuming insurers or if, upon initial eligibility, the assuming insurer submits the information required under paragraph "a", subparagraph (4), to the commissioner and complies with any additional requirements pursuant to rules adopted by the commissioner, except to the extent that any of those rules conflict with an applicable covered agreement.

d. If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this subsection, the commissioner may revoke or suspend the

eligibility of the assuming insurer for recognition under this subsection in accordance with procedures established by rules adopted by the commissioner.

(1) While an assuming insurer's eligibility is suspended, any reinsurance agreement issued, amended, or renewed after the effective date of the suspension does not qualify for credit except to the extent that the assuming insurer's obligations under the reinsurance agreement are secured in accordance with section 521B.103.

(2) If an assuming insurer's eligibility is revoked, credit for reinsurance shall not be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the reinsurance agreement are secured in a form acceptable to the commissioner and consistent with the provisions of section 521B.103.

e. If subject to a legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer or the ceding insurer's representative may seek, and if determined appropriate by the court in which such legal process is pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities.

f. This subsection shall not limit or alter the capacity of the parties to a reinsurance agreement to agree on requirements for security or other terms in the reinsurance agreement, except as expressly prohibited by this chapter or any other applicable law or regulation.

g. (1) Credit may be taken under this subsection only for reinsurance agreements entered into, amended, or renewed on or after July 1, 2020, and only with respect to losses incurred and reserves reported on or after the later of the date on which the assuming insurer has met all eligibility requirements pursuant to this subsection, and the effective date of the new reinsurance agreement, amendment, or renewal.

(2) This paragraph shall not alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under this subsection, as long as the reinsurance qualifies for credit under any other applicable provision of this chapter.

h. This subsection shall not authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement except as permitted by the terms of the reinsurance agreement.

i. This subsection shall not limit or alter the capacity of parties to any reinsurance agreement to renegotiate the reinsurance agreement.

Sec. 15. Section 521B.102, subsections 6 and 7, Code 2020, are amended to read as follows:

6. Credit shall be allowed when reinsurance is ceded to an assuming insurer that does not meet the requirements of subsection 1, 2, 3, 4, or 5, or 5A, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction.

7. a. If the assuming insurer is not licensed, accredited, or certified to transact insurance or reinsurance in this state, the credit permitted by subsections 3 and 4 shall not be allowed unless the assuming insurer agrees in the reinsurance ~~agreements~~ agreement to do all of the following:

(1) In the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, ~~will~~ shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, ~~will~~ shall comply with all requirements necessary to give the court jurisdiction, and ~~will~~ shall abide by the final decision of the court or of any appellate court in the event of any appeal, concerning such failure.

(2) The assuming insurer ~~will~~ shall designate the commissioner or a designated attorney as its true and lawful attorney to receive lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

b. This subsection is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate ~~their disputes~~ a dispute if the obligation for the parties to arbitrate disputes is created in the reinsurance agreement.

Sec. 16. Section 521B.102, subsection 8, unnumbered paragraph 1, Code 2020, is amended to read as follows:

If the assuming insurer does not meet the requirements of subsection 1, 2, ~~or 3~~, or 5A, the credit permitted by subsection 4 or 5 shall not be allowed unless the assuming insurer agrees in a trust agreement to satisfy the following conditions:

Sec. 17. Section 521B.102, subsection 9, unnumbered paragraph 1, Code 2020, is amended to read as follows:

If an accredited or certified reinsurer ceases to meet the requirements ~~of for accreditation or certification pursuant to this section for accreditation or certification~~, the commissioner may suspend or revoke the reinsurer's accreditation or certification.

Sec. 18. Section 521B.102, subsection 9, paragraph b, Code 2020, is amended to read as follows:

b. While a reinsurer's accreditation or certification is suspended, a reinsurance contract issued or renewed after the effective date of the suspension does not qualify for credit except to the extent that the reinsurer's obligations under the reinsurance contract are secured in accordance with section 521B.103. If a reinsurer's accreditation or certification is revoked, credit for reinsurance shall not be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the reinsurance contract are secured in accordance with subsection 5, paragraph "e", or section 521B.103.

Sec. 19. Section 521B.102, subsection 10, paragraphs a and b, Code 2020, are amended to read as follows:

a. A domestic ceding insurer shall take steps to manage its reinsurance recoverables proportionate to its own book of business. A domestic ceding insurer shall notify the commissioner within thirty calendar days after reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent of the domestic ceding insurer's last reported surplus to policyholders, or after ~~it is determined~~ the domestic ceding insurer has determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

b. A domestic ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the commissioner within thirty calendar days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent of the domestic ceding insurer's gross written premium in the prior calendar year, or after the domestic ceding insurer has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

Sec. 20. Section 521B.103, Code 2020, is amended to read as follows:

521B.103 Limited credit allowed other domestic ceding insurers.

1. An asset or a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of section 521B.102, shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer. The commissioner may adopt rules pursuant to section 521B.105 specifying requirements related to the valuation of assets or reserve credits, the amount and forms of security supporting reinsurance arrangements described in section 521B.105, and the circumstances pursuant to which credit shall be reduced or eliminated. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under the reinsurance contract, if the security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or in the case of a trust, held in a qualified United States financial institution as defined in section 521B.104, subsection 2.

2. The security may be in the form of any of the following:

a. Cash.

b. A security listed by the securities valuation office of the ~~national association of insurance commissioners~~ NAIC, including those securities deemed exempt from filing as defined by the purposes and procedures manual of the securities valuation office and those securities qualifying as admitted assets.

c. (1) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States financial institution, as defined in section 521B.104, subsection 1, effective no later than December 31 of the year for which the filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of the ceding insurer's annual statement.

(2) A letter of credit meeting applicable standards of issuer acceptability as of the date of the ~~issuance or confirmation of the letter of credit's issuance or confirmation~~ credit shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until the expiration, extension, renewal, modification, or amendment of the letter of credit, whichever occurs first.

d. Any other form of security acceptable to the commissioner.

Sec. 21. Section 521B.104, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. Has been determined by either the commissioner or the securities valuation office of the ~~national association of insurance commissioners~~ NAIC to meet the standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.

Sec. 22. Section 521B.105, subsection 1, Code 2020, is amended to read as follows:

1. The commissioner may adopt rules, pursuant to chapter 17A, as necessary or convenient to administer this chapter.

Sec. 23. Section 521B.105, subsection 2, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A rule adopted pursuant to this subsection is applicable only to reinsurance arrangements relating to any of the following:

Sec. 24. Section 521B.105, subsection 2, paragraph a, subparagraph (5), Code 2020, is amended to read as follows:

(5) Other life and health insurance and annuity products as to which the ~~national association of insurance commissioners~~ NAIC adopts model regulatory requirements with respect to credit for reinsurance.

Sec. 25. Section 521B.105, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. A rule adopted pursuant to this subsection may require the ceding insurer, in calculating the amounts or forms of security required to be held under rules adopted under this subsection, to use the valuation manual as defined in section 508.36, including all amendments adopted by the ~~national association of insurance commissioners~~ NAIC and in effect on the date as of which the calculation is made, to the extent applicable.

Sec. 26. Section 521B.105, subsection 3, Code 2020, is amended to read as follows:

3. A rule adopted pursuant to this section is not applicable to cessions to an assuming insurer that meets ~~either any~~ any of the following requirements:

a. Meets the conditions set forth in section 521B.102, subsection 6.

~~a.~~ b. Is certified in Iowa.

~~b.~~ c. Maintains at least two hundred fifty million dollars in capital and surplus when determined in accordance with the accounting practices and procedures manual of the ~~national association of insurance commissioners~~ NAIC, including all amendments adopted by the ~~national association of insurance commissioners~~ NAIC, but excluding the impact of any permitted or prescribed practices; and meets either of the following requirements:

(1) Is licensed in at least twenty-six states.

(2) Is licensed in at least ten states, and is licensed or accredited in a total of at least thirty-five states.

Sec. 27. APPLICABILITY. This Act applies to all cessions under reinsurance agreements that have an inception, anniversary, or renewal date on or after July 1, 2020.

Approved March 12, 2020

CHAPTER 1009

LIFE INSURANCE COMPANIES — LEGAL RESERVE REQUIREMENTS — HEDGING TRANSACTIONS

S.F. 2132

AN ACT relating to the legal reserve requirements of life insurance companies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 511.8, subsection 22, paragraph i, subparagraph (2), Code 2020, is amended to read as follows:

(2) Securities pledged as collateral for financial instruments used in highly effective hedging transactions as defined in the national association of insurance commissioners' statement of statutory accounting principles no. 86 or the national association of insurance commissioners' statement of statutory accounting principles no. 108, together with securities pledged to a counterparty, clearing organization, or clearinghouse on an upfront basis in the form of initial margin, independent amount, or other securities pledged as a precondition of entering into highly effective hedging transactions pursuant to subparagraph (1), are not eligible in excess of ten percent of the legal reserve of the life insurance company or association, less any financial instruments used in hedging transactions held in the legal reserve under this subsection and less any securities included under subparagraph (3).

Approved March 12, 2020

CHAPTER 1010

MANUFACTURE OF CANNED COCKTAILS BY MANUFACTURERS OF BEER

S.F. 2134

AN ACT relating to the manufacturing of canned cocktails by a beer manufacturer and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.126A, Code 2020, is amended to read as follows:

123.126A Canned cocktails — applicability — manufacture.

1. Unless otherwise provided by this chapter, the provisions of this chapter applicable to beer shall also apply to canned cocktails.

2. Notwithstanding any provision of this chapter to the contrary, a manufacturer of beer may obtain and possess alcoholic liquor from the division for the purpose of manufacturing canned cocktails.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 12, 2020

CHAPTER 1011

ANCIENT REAL ESTATE CONVEYANCES OR TRANSACTIONS — FILING OF EXTENSIONS

S.F. 2137

AN ACT relating to filing requirements applicable to extensions of real estate conveyances or transactions under specified circumstances.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 614.21, subsection 2, Code 2020, is amended to read as follows:

2. The date of maturity, when different than as appears by the record of the instrument, and the date of maturity of any extension of the instrument or the debt or of said indebtedness or part thereof, may be shown at any time prior to the expiration of the periods of limitation specified in subsection 1 by the holder of the debt or the owner or assignee of the instrument by filing an extension agreement, duly acknowledged as the original instrument was required to be acknowledged, in the office of the recorder where the instrument is recorded an extension agreement or other documentation confirming an agreement to extend the date of maturity of the instrument or said debt or said indebtedness secured thereby. By authorizing or becoming bound under an existing real estate mortgage, bond for deed, trust deed, or contract for the sale or conveyance of real estate, the grantor or mortgagor thereunder authorizes the holder of said debt or the owner or assignee of said instrument to make the filing under this subsection.

Approved March 12, 2020

CHAPTER 1012

SCHOOL FINANCE — STATE PERCENTS OF GROWTH — PROPERTY TAX REPLACEMENT PAYMENTS

S.F. 2142

AN ACT relating to public school funding by establishing a state percent of growth and the categorical state percent of growth for the budget year beginning July 1, 2020, modifying provisions and references relating to the property tax replacement payment, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 257.8, subsections 1 and 2, Code 2020, are amended to read as follows:

1. *State percent of growth.* ~~The state percent of growth for the budget year beginning July 1, 2017, is one and eleven hundredths percent.~~ The state percent of growth for the budget year beginning July 1, 2018, is one percent. The state percent of growth for the budget year beginning July 1, 2019, is two and six hundredths percent. The state percent of growth for

the budget year beginning July 1, 2020, is two and three-tenths percent. The state percent of growth for each subsequent budget year shall be established by statute which shall be enacted within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year.

~~2. Categorical state percent of growth. The categorical state percent of growth for the budget year beginning July 1, 2017, is one and eleven hundredths percent.~~ The categorical state percent of growth for the budget year beginning July 1, 2018, is one percent. The categorical state percent of growth for the budget year beginning July 1, 2019, is two and six hundredths percent. The categorical state percent of growth for the budget year beginning July 1, 2020, is two and three-tenths percent. The categorical state percent of growth for each budget year shall be established by statute which shall be enacted within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year. The categorical state percent of growth may include state percents of growth for the teacher salary supplement, the professional development supplement, the early intervention supplement, the teacher leadership supplement, and for budget years beginning on or after July 1, 2020, transportation equity aid payments under section 257.16C.

Sec. 2. Section 257.16B, subsections 1 and 2, Code 2020, are amended to read as follows:

1. For each fiscal year beginning on or after July 1, ~~2017~~ 2018, there is appropriated from the general fund of the state to the department of education an amount necessary to make all school district property tax replacement payments under this section, as calculated in subsection 2.

~~2. a. For the budget year beginning July 1, 2017, the department of management shall calculate for each school district all of the following:~~

~~(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.~~

~~(2) The regular program state cost per pupil for the budget year beginning July 1, 2017, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.~~

~~(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year beginning July 1, 2017, multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).~~

~~b. a. For the budget year beginning July 1, 2018, the department of management shall calculate for each school district all of the following:~~

~~(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.~~

~~(2) The regular program state cost per pupil for the budget year beginning July 1, 2018, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.~~

~~(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year beginning July 1, 2018, multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).~~

~~e. b. For each the budget year beginning on or after July 1, 2019, the department of management shall calculate for each school district all of the following:~~

~~(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.~~

~~(2) The regular program state cost per pupil for the budget year beginning July 1, 2019, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.~~

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year beginning July 1, 2019, multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

c. For each budget year beginning on or after July 1, 2020, the department of management shall calculate for each school district all of the following:

(1) The regular program state cost per pupil for the budget year beginning July 1, 2012, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(2) The regular program state cost per pupil for the budget year beginning July 1, 2020, multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1.

(3) The amount of each school district's property tax replacement payment. Each school district's property tax replacement payment equals the school district's weighted enrollment for the budget year multiplied by the remainder of the amount calculated for the school district under subparagraph (2) minus the amount calculated for the school district under subparagraph (1).

Sec. 3. Section 257.16D, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. The moneys available in a fiscal year in the foundation base supplement fund shall be distributed by the department of management to each school district on a per pupil basis calculated using each school district's weighted enrollment, as defined in section 257.6, for that fiscal year. However, the amount of a school district's foundation base supplement payment for a budget year shall not exceed an amount equal to the product of the school district's weighted enrollment for the budget year multiplied by the amount for the budget year calculated under section 257.16B, subsection 2, paragraph "b", subparagraph (2), product of the regular program state cost per pupil for the budget year multiplied by one hundred percent less the regular program foundation base per pupil percentage pursuant to section 257.1, minus the amount of the school district's property tax replacement payment under section 257.16B for the budget year.

Sec. 4. CODE SECTION 257.8 — IMPLEMENTATION. The requirements of section 257.8, subsections 1 and 2, regarding the enactment of bills establishing the state percent of growth and the categorical state percent of growth within thirty days of the transmission of the governor's budget required by February 1 under section 8.21 during the regular legislative session beginning in the base year, do not apply to this Act.

Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 12, 2020

CHAPTER 1013

APPLICATION AND CONSTRUCTION OF UNIFORM PROTECTED SERIES ACT

S.F. 2187

AN ACT providing for the application and construction of the uniform protected series Act.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 489.14801 **Uniformity of application and construction.**

In applying and construing this article, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact the uniform protected series Act as approved and recommended by the national conference of commissioners on uniform state laws.

Approved March 12, 2020

CHAPTER 1014

OPEN-END CREDIT ACCOUNTS — NOTICE PROVISIONS

S.F. 2198

AN ACT relating to notice provisions in connection with designated consumer lending provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 537.3205, subsection 1, Code 2020, is amended to read as follows:

1. Whether or not a change is authorized by prior agreement, a creditor may make a change in the terms of an open-end credit account applying to any balance incurred after the effective date of the change only if the creditor delivers or mails to the consumer a written disclosure of the change at least sixty days before the effective date of the change in accordance with 12 C.F.R. §1026.9.

Approved March 12, 2020

CHAPTER 1015

HARVESTING, PURCHASING, AND TRANSPORTING OF TIMBER

S.F. 2250

AN ACT relating to responsibilities of timber buyers and persons transporting timber, and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 456A.36, subsection 1, paragraphs b and c, Code 2020, are amended to read as follows:

b. “*Timber*” means trees, standing or felled, and logs which can be used for sawing or processing into lumber for building or structural purposes or for the manufacture of an article. However, “*timber*” does not include firewood, Christmas trees, or fruit or ornamental trees or wood products ~~not used or to be used for building, structural, manufacturing, or processing purposes.~~

c. “*Timber buyer*” means a person engaged in the business of buying timber ~~from the timber growers~~ for sawing into lumber, for processing, or for resale, but does not include a person who occasionally purchases timber for sawing or processing for the person’s own use and not for resale. “*Timber buyer*” includes a person who contracts with a timber grower on a shared-profit basis to harvest timber from the timber grower’s land.

Sec. 2. Section 456A.36, subsection 2, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The principal amount of the bond shall be ten percent of the total amount paid to timber growers during the preceding year, plus ten percent of the total amount due or delinquent and unpaid to timber growers at the end of the preceding year, and ten percent of the market value of growers' shares of timber harvested during the previous year. However, the total amount of the bond shall be not less than ~~three~~ twenty-five thousand dollars and not more than ~~fifteen~~ fifty thousand dollars.

Sec. 3. Section 456A.36, subsection 3, Code 2020, is amended to read as follows:

3. The following are violations of this section:

- a. For a ~~timber buyer person~~ to fail to pay, as agreed, for timber purchased.
- b. For a ~~timber buyer person~~ to cut or cause to be cut or appropriate timber not purchased.
- c. For a ~~timber buyer person~~ to willfully make a false statement in connection with the bond or other information required to be given to the commission or a timber grower.
- d. For a ~~timber buyer person~~ to fail to honestly account to the timber grower or the commission for timber purchased or cut if the ~~buyer person~~ is under a duty to do so.
- e. For a ~~timber buyer person~~ to commit a fraudulent act in connection with the purchase or cutting of timber.
- f. For a ~~timber buyer person engaged in the business of transporting timber to transport timber without written proof of ownership or the written consent of the owner a completed timber transport certificate. The timber transport certificate shall be on a form approved by the department. A person shall not be convicted of a violation of this paragraph if the person produces before or at the person's trial a copy of the timber transport certificate, written proof of the vendor's ownership of the timber, or written consent of the owner of the timber.~~
- g. For a person to purchase timber without obtaining, prior to taking possession of the timber, a copy of the timber transport certificate, written proof of the vendor's ownership of the timber, or the written consent of the owner of the timber. The purchaser shall keep the copy of the timber transport certificate or written proof of ownership or consent on file for at least ~~three months~~ one year from the date the timber was released to the purchaser's possession.

Sec. 4. Section 456A.36, subsection 5, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

5. a. A person who engages in business as a timber buyer without filing a bond or surety with the commission is guilty of a serious misdemeanor.
- b. A person who engages in business as a timber buyer who refuses to permit inspection of premises, books, accounts, or records as provided in this section is guilty of a serious misdemeanor.
- c. A person who violates any of the provisions of this section for which no other punishment is provided is guilty of a serious misdemeanor.

Approved March 12, 2020

CHAPTER 1016

INSURANCE — FRAUD INVESTIGATIONS — LICENSING REQUIREMENTS

H.F. 426

AN ACT relating to the insurance fraud bureau, criminal history checks for licenses granted by the insurance division, and resolving inconsistencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 502.604A, Code 2019, is amended to read as follows:

502.604A Limited law Law enforcement authority.

The administrator or the administrator's designee, when carrying out the provisions of section 502.603 or 502.604, may develop, share, and receive information related to any law enforcement purpose, including any criminal investigation. ~~The administrator or designee shall not have the authority to issue criminal subpoenas or make arrests. The administrator or designee shall not be considered a peace officer, including as provided in chapter 801.~~ An insurance fraud bureau investigator shall be authorized to conduct an investigation under article 5 of this chapter and shall have law enforcement authority pursuant to section 507E.8.

Sec. 2. Section 507E.2, Code 2019, is amended to read as follows:

507E.2 Purpose.

An insurance fraud bureau is created within the insurance division. Upon a reasonable determination by the division, by its own inquiries or as a result of ~~complaints~~ a complaint filed with the division, that a person has engaged in, is engaging in, or may be engaging in an act or practice that violates ~~this chapter~~ or any other provision of the insurance code subject to the jurisdiction of the commissioner, the division may administer oaths and affirmations, serve subpoenas ordering the attendance of witnesses, and collect evidence related to such act or practice.

Sec. 3. Section 507E.5, subsection 5, Code 2019, is amended to read as follows:

5. An insurance fraud bureau investigator or other staff member of the bureau is not subject to subpoena in a civil action concerning any matter of which the bureau investigator or other staff member has knowledge pursuant to a pending or continuing investigation being conducted by the bureau pursuant to this chapter.

Sec. 4. Section 507E.8, Code 2019, is amended to read as follows:

507E.8 Law enforcement officer status authority.

1. ~~Bureau investigators~~ For purposes of an arrest resulting from a criminal violation of any provision of the code subject to the jurisdiction of the commissioner established as a result of an investigation pursuant to this chapter, an insurance fraud bureau investigator shall have the power authority and status of a law enforcement officers who by the nature of their duties may be required to perform the duties of a peace officer when making arrests for criminal violations established as a result of their investigations pursuant to this chapter officer pursuant to section 80B.3, subsection 3.

2. ~~The general laws applicable to arrests~~ an arrest by ~~a law enforcement officers~~ an officer of the state ~~also~~ apply to an insurance fraud bureau investigators investigator. ~~Bureau investigators~~ An insurance fraud bureau investigator shall have the power to execute arrest warrants and search warrants for the same criminal violations, serve subpoenas issued for the examination, investigation, and trial of all offenses identified through their investigations the course of an investigation conducted pursuant to this section, and arrest upon probable cause without warrant a person found in the act of committing a violation of the provisions a provision of this chapter.

Sec. 5. Section 508E.3, Code 2019, is amended to read as follows:

508E.3 License requirements.

1. a. A person shall not operate as a viatical settlement provider or viatical settlement broker without first obtaining a license from the commissioner of the state of residence of the viator.

b. ~~(1) A life insurance producer who has been duly licensed as a resident insurance producer with a life line of authority in this state or the life insurance producer's home state for at least one year immediately prior to operating as a viatical settlement broker and is licensed as a nonresident producer in this state shall be deemed to meet the licensing requirements of this section and shall be permitted to operate as a viatical settlement broker.~~

~~(2) Not later than thirty days from the first day of operating as a viatical settlement broker, the life insurance producer shall notify the commissioner that the life insurance producer is acting as a viatical settlement broker on a form prescribed by the commissioner, and shall pay any applicable fee of up to one hundred dollars as provided by rules adopted by~~

~~the commissioner. The notification shall include an acknowledgment by the life insurance producer that the life insurance producer will operate as a viatical settlement broker in accordance with this chapter. The notification shall also include proof that the life insurance producer is covered by an errors and omissions policy for an amount of not less than one hundred thousand dollars per occurrence and not less than one hundred thousand dollars total annual aggregate for all claims during the policy period.~~

~~(3) b.~~ The An insurer that issued the a policy being viaticated shall not be responsible for any act or omission of a viatical settlement broker or viatical settlement provider arising out of or in connection with the viatical settlement transaction, unless the insurer receives compensation for the placement of a viatical settlement contract from the viatical settlement provider or viatical settlement broker in connection with the viatical settlement contract.

c. A person licensed as an attorney, certified public accountant, or financial planner accredited by a nationally recognized accreditation agency who is retained to represent the a viator, whose compensation is not paid directly or indirectly by the viatical settlement provider, may negotiate a viatical settlement ~~contracts~~ contract on behalf of the viator without having to obtain a license as a viatical settlement broker.

2. An application for a viatical settlement provider or viatical settlement broker license shall be made to the commissioner by the applicant on a form prescribed by the commissioner, and the application shall be accompanied by a fee of not more than one hundred dollars as provided by rules adopted by the commissioner.

3. ~~The~~ A viatical settlement provider or viatical settlement broker license term shall be three years and the license may be renewed upon payment of the a renewal fee of not more than one hundred dollars as provided by rules adopted by the commissioner. A failure to pay the fee by the renewal date ~~results~~ shall result in expiration of the license.

4. An applicant shall provide information on forms required by the commissioner and shall meet all requirements pursuant to section 522B.5A if required by the commissioner. ~~The commissioner shall have the authority, at any time, to require the an applicant to fully disclose the identity of all stockholders, partners, officers, members, and employees, and the.~~ The commissioner may, in the ~~exercise of the commissioner's discretion,~~ refuse to issue a license ~~in the name of a legal entity to such applicant~~ if not satisfied that any officer, employee, stockholder, partner, ~~or member thereof, or employee~~ who may materially influence the applicant's conduct meets the standards of this chapter.

~~5. A license issued to a legal entity authorizes all partners, officers, members, and designated employees to act as viatical settlement providers or viatical settlement brokers, as applicable, under the license, and all those persons shall be named in the application and any supplements to the application.~~

~~6.~~ 5. Upon the filing of an application and the payment of the license fee, the commissioner shall ~~make an investigation of~~ investigate each applicant and issue a license if the commissioner finds that the applicant complies with all of the following:

a. If a viatical settlement provider, has provided a detailed plan of operation.

b. Is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for.

c. Has a good business reputation and has had experience, training, or education so as to be qualified in the business for which the license is applied for.

~~d. If a legal entity, provides a certificate of good standing from the state of its domicile.~~

e. d. If a viatical settlement provider or viatical settlement broker, has provided an antifraud plan ~~that meets the requirements of~~ pursuant to section 508E.15, subsection 7.

~~7.~~ 6. The commissioner shall not issue a license to a nonresident applicant unless a written designation of an agent for service of process is filed and maintained with the commissioner or the applicant has filed with the commissioner the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the commissioner. If an applicant files such consent, service of process made on the commissioner as the agent for service of process shall be made as provided in section 505.30.

~~8.~~ 7. A viatical settlement provider or viatical settlement broker shall provide to the commissioner new or revised information about officers, ten-percent-or-more stockholders, partners, directors, members, or designated employees within thirty days of the change.

~~9. 8. An individual licensed as a viatical settlement broker shall complete on a triennial basis running concurrent with the license term twenty credits of training related to viatical settlements and viatical settlement transactions, as required by the commissioner; provided, however, that a life insurance producer who is operating as a viatical settlement broker pursuant to subsection 1, paragraph "b", shall not be subject to the requirements of this subsection. Any person failing to meet the requirements of this subsection shall be subject to the penalties imposed by the commissioner.~~

~~10. 9. Fees collected pursuant to this section shall be deposited as provided in section 505.7.~~

Sec. 6. Section 522B.5, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A person applying for a resident insurance producer license shall make application to the commissioner on the uniform application, meet all requirements pursuant to section 522B.5A, and declare under penalty of refusal, suspension, or revocation of the license that ~~the~~ all statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. Before approving the application, the commissioner shall find all of the following:

Sec. 7. NEW SECTION. 522B.5A Criminal history check.

1. In determining eligibility for licensure, the commissioner is authorized to require an applicant pursuant to subsection 2 to provide to the commissioner the applicant's fingerprints and reasonable fees required to perform a state criminal history check through the department of public safety, division of criminal investigation, and a national criminal history check through the federal bureau of investigation. By submitting such fingerprints, the applicant authorizes the commissioner to do all of the following:

a. Submit the applicant's fingerprints to the department of public safety, division of criminal investigation, for submission to the federal bureau of investigation for the purpose of conducting a national criminal history check.

b. Receive the results of the state and national criminal history checks.

2. The commissioner is authorized to require a state and national criminal history check on each applicant that applies for any of the following:

a. An initial license in Iowa as a resident insurance producer.

b. An initial license or an additional line of authority under a nonresident insurance producer license if a state and national criminal history check has not already been completed.

c. A renewal, reinstatement, or reissuance of a license if the license of a producer has been revoked or suspended pursuant to section 522B.11, the license of a public adjuster has been revoked or suspended pursuant to section 522C.6, or the license of a viatical settlement provider or viatical settlement broker has been revoked or suspended pursuant to section 508E.4.

d. An initial license as a viatical settlement provider or viatical settlement broker in this state.

e. An initial license as a public adjuster in this state.

3. The commissioner shall require an applicant pursuant to subsection 2 to submit a full set of fingerprints and any other required identifying information to the commissioner on a form prescribed by the department of public safety.

4. The commissioner may contract with a third-party vendor for the collection and transmission of an applicant's fingerprints for the purpose of conducting a state and national criminal history check. The commissioner may agree to reasonable fees to be charged by the third-party vendor and may require such reasonable fees to be paid by the applicant directly to the third-party vendor.

5. The results of a criminal history check conducted pursuant to this section shall not be considered a public record pursuant to chapter 22. An applicant's fingerprints and any criminal history check information shall not be subject to subpoena, other than a subpoena issued in a criminal action or investigation, shall be confidential by law and privileged, and shall not be subject to discovery or be admissible in evidence in a private civil action.

Sec. 8. Section 522C.5, Code 2019, is amended to read as follows:

522C.5 Application for license.

1. A person applying for a public adjuster license shall make application on a uniform individual application or uniform business entity application as prescribed by the commissioner pursuant to rules adopted under chapter 17A.

2. In determining eligibility for licensure under this chapter, the commissioner shall be authorized to require a criminal history check pursuant to section 522B.5A for each individual applying for a public adjuster license to submit a full set of fingerprints with the application. The commissioner shall also require and for each individual who will be acting as a public adjuster of a business entity applying for licensure under this chapter to submit a full set of fingerprints for each individual who will be acting as a public adjuster on behalf of the business entity. The commissioner shall conduct a state and national criminal history record check on each applicant. The commissioner is authorized to submit fingerprints and any required fees to the state department of public safety, the state attorney general, and the federal bureau of investigation for the performance of such criminal record checks.

~~a. The commissioner may contract for the collection, transmission, and resubmission of fingerprints required under this section and may contract for a reasonable fingerprinting fee to be charged by the contractor for these services. Any fees for the collection, transmission, and retention of fingerprints submitted pursuant to this subsection shall be paid directly to the contractor by the applicant.~~

~~b. The commissioner may waive submission of fingerprints by any person who has previously furnished fingerprints if those fingerprints are on file with the central repository of the national association of insurance commissioners, its affiliates, or subsidiaries.~~

~~c. The commissioner may receive criminal history record information concerning an applicant that was requested by the state department of justice directly from the federal bureau of investigation.~~

~~d. The commissioner may submit electronic fingerprint records and necessary identifying information to the national association of insurance commissioners, its affiliates, or subsidiaries for permanent retention in a centralized repository whose purpose is to provide state insurance commissioners with access to fingerprint records in order to perform criminal history record checks.~~

Approved March 12, 2020

CHAPTER 1017

COMMERCIAL MOTOR VEHICLE OPERATION — DISQUALIFICATION — HUMAN TRAFFICKING

H.F. 2235

AN ACT disqualifying a person convicted of human trafficking involving the use of a commercial motor vehicle from operating a commercial motor vehicle for life.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.208, subsection 2, paragraph d, Code 2020, is amended to read as follows:

d. A felony or aggravated misdemeanor involving the use of a motor vehicle, other than an offense involving manufacturing, distributing, or dispensing a controlled substance a felony or aggravated misdemeanor otherwise provided for in this section.

Sec. 2. Section 321.208, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 5A. A person is disqualified from operating a commercial motor vehicle for life upon a conviction that the person used a commercial motor vehicle in the

commission of a felony involving an act or practice of human trafficking as defined in section 710A.1.

Approved March 12, 2020

CHAPTER 1018

DENTISTRY — REGULATION OF DENTAL HYGIENISTS AND ASSISTANTS

H.F. 2267

AN ACT relating to the regulation of dental hygienists and dental assistants, and the practice of dentistry, and providing administrative penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 153.15, Code 2020, is amended to read as follows:

153.15 Dental hygienists — scope of term.

A licensed dental hygienist may perform those services which are educational, therapeutic, and preventive in nature which attain or maintain optimal oral health as determined by the board and may include but are not necessarily limited to complete oral prophylaxis, application of preventive agents to oral structures, exposure and processing of radiographs, administration of medicaments prescribed by a licensed dentist, obtaining and preparing nonsurgical, clinical and oral diagnostic tests for interpretation by the dentist, and preparation of preliminary written records of oral conditions for interpretation by the dentist. Such services, except educational services, shall be performed under supervision of a licensed dentist ~~and in a dental office, a public or private school, public health agencies, hospitals, and the armed forces,~~ but nothing herein shall be construed to authorize a dental hygienist to practice dentistry. Educational services shall be limited to assessing the need for, planning, implementing, and evaluating oral health education programs for individual patients and community groups; and conducting workshops and in-service training sessions on dental health for nurses, school personnel, institutional staff, community groups, and other agencies providing consultation and technical assistance for promotional, preventive, and educational services.

Sec. 2. Section 153.33, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5. a. The board may impose an administrative penalty of up to five hundred dollars on a licensee, registrant, or trainee of the board who does any of the following:

(1) Engages in a practice regulated by this chapter without a current license, registration, permit, or qualification.

(2) Employs a person without a current license, registration, permit, or qualification to engage in a practice regulated by this chapter.

(3) Fails to complete the continuing education required for renewal of a license or registration.

b. The assessment and payment of a penalty imposed pursuant to paragraph “a” shall not be considered a disciplinary action or reported as discipline and shall be confidential.

c. A licensee, registrant, or trainee may contest a penalty issued pursuant to paragraph “a” by initiating a contested case proceeding pursuant to chapter 17A.

d. This section shall not prohibit the board from imposing discipline on a licensee, registrant, or trainee for willful or repeated violations.

e. An administrative penalty collected pursuant to this subsection shall be deposited into the general fund of the state.

Sec. 3. Section 153.38, Code 2020, is amended to read as follows:

153.38 Dental assistants — scope of practice.

A registered dental assistant may perform those services of assistance to a licensed dentist as determined by the board by rule. ~~Such services~~ A registered dental assistant with additional education and training, as provided by the board by rule, may become certified to perform expanded functions or become qualified to participate in dental radiography. A registered dental assistant who has successfully completed expanded function training through the university of Iowa college of dentistry or a program certified by the commission on dental accreditation may place dental sealants on teeth. Services performed by a registered dental assistant shall be performed under supervision of a licensed dentist in a dental office, a public or private school, public health agencies, hospitals, and the armed forces, but this section shall not be construed to authorize a dental assistant to practice dentistry or dental hygiene. The board shall not adopt rules that delegate to a dental assistant the administration of local anesthesia or the removal of plaque, stain, calculus, or hard natural material except by toothbrush, floss, or rubber cup coronal polish. Every licensed dentist who utilizes the services of a registered dental assistant for the purpose of assistance in the practice of dentistry shall be responsible for acts delegated to the registered dental assistant. A dentist shall delegate to a registered dental assistant only those acts which are authorized to be delegated to registered dental assistants by the board.

Sec. 4. REPEAL. 2000 Iowa Acts, chapter 1002, section 7, is repealed.

Approved March 12, 2020

CHAPTER 1019

SUPPLEMENTAL, STANDING, AND CONTINUING APPROPRIATIONS AND RELATED MATTERS — EMERGENCY AUTHORITY AND RESPONSIBILITIES — INSTRUCTIONAL TIME WAIVERS

S.F. 2408

AN ACT relating to state and local finances by making and supplementing appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

**DIVISION I
SUPPLEMENTAL APPROPRIATIONS**

Section 1. DEPARTMENT OF HUMAN SERVICES — FY 2019-2020.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. To supplement the appropriation made for medical assistance program reimbursement and associated costs in 2019 Iowa Acts, chapter 85, section 13, unnumbered paragraph 2:

..... \$ 88,982,734

b. To supplement the appropriation made for maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I in 2019 Iowa Acts, chapter 85, section 16, subsection 1:

..... \$ 1,737,294

c. To supplement the appropriations made for the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes in 2019 Iowa Acts, chapter 85, section 25, subsection 1, paragraph “a”, and 2020 Iowa Acts, Senate File 2144, ¹ section 1:

..... \$ 595,608

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. STATE BOARD OF REGENTS — FY 2019-2020.

1. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To supplement the appropriation made for the state hygienic laboratory of the state university of Iowa, including salaries, support, maintenance, and miscellaneous purposes, in 2019 Iowa Acts, chapter 135, section 9, subsection 2, paragraph “c”:

..... \$ 525,578

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 3. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II
STANDING APPROPRIATIONS AND RELATED MATTERS

Sec. 4. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2020-2021. Notwithstanding the standing appropriation in the following designated section for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the amount appropriated from the general fund of the state pursuant to that section for the following designated purpose shall not exceed the following amount:

For payment of claims for nonpublic school pupil transportation under section 285.2:

..... \$ 8,197,091

If total approved claims for reimbursement for nonpublic school pupil transportation exceed the amount appropriated in accordance with this section, the department of education shall prorate the amount of each approved claim.

Sec. 5. INSTRUCTIONAL SUPPORT STATE AID — FY 2020-2021. In lieu of the appropriation provided in section 257.20, subsection 2, the appropriation for the fiscal year beginning July 1, 2020, and ending June 30, 2021, for paying instructional support state aid under section 257.20 for such fiscal year is zero.

Sec. 6. Section 257.35, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 14A. Notwithstanding subsection 1, and in addition to the reduction applicable pursuant to subsection 2, the state aid for area education agencies and the portion of the combined district cost calculated for these agencies for the fiscal year beginning July 1, 2020, and ending June 30, 2021, shall be reduced by the department of management by fifteen million dollars. The reduction for each area education agency shall be prorated based on the reduction that the agency received in the fiscal year beginning July 1, 2003.

DIVISION III
CONTINUING APPROPRIATIONS

Sec. 7. CONTINUING APPROPRIATIONS — FY 2020-2021.

¹ Chapter 1001 herein

1. APPROPRIATIONS DETERMINED FROM 2019-2020 LINE ITEM AND LIMITED STANDING APPROPRIATIONS.

a. For all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, the department of management, in consultation with the legislative services agency, shall determine the amount of such line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, made for the fiscal year beginning July 1, 2019, and ending June 30, 2020, by taking into consideration all of the following:

(1) 2020 Iowa Acts, Senate File 2144,² and other 2020 Iowa Acts.

(2) 2019 Iowa Acts.

(3) All interdepartmental and intradepartmental transfers made pursuant to section 8.39 and other provisions of law.

(4) Other provisions of law.

b. The department of management, in consultation with the legislative services agency, shall also identify the entities to which such appropriations were made, or the entities' successors.

2. CONTINUING APPROPRIATIONS. There is appropriated from the appropriate state fund or account to the entities identified pursuant to subsection 1, for the period beginning July 1, 2020, and ending August 31, 2020, amounts, or so much thereof as is necessary, equal to two-twelfths of the amounts of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including federal and nonstate funds, made for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as determined pursuant to subsection 1.

3. DUPLICATIVE STANDING APPROPRIATIONS TEMPORARILY SUPPLANTED. The amounts appropriated under subsection 2 shall supplant, for only the period beginning July 1, 2020, and ending August 31, 2020, any duplicative standing appropriation for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

4. CONTINUING APPROPRIATION CONSIDERED ALLOTMENT OF FULL YEAR APPROPRIATION. Upon the governor's approval of any enrolled bill, as passed by both the senate and the house of representatives during the 2020 regular session of the eighty-eighth general assembly, containing the same line item or limited standing appropriation for the fiscal year beginning July 1, 2020, and ending June 30, 2021, as made in the two-twelfths appropriation under subsection 2, the two-twelfths appropriation amount shall be considered an allotment of the line item appropriation or limited standing appropriation for the full fiscal year beginning July 1, 2020, and ending June 30, 2021.

5. EXCLUSIONS. This section does not apply to any of the following:

a. Appropriations made from the rebuild Iowa infrastructure fund and the technology reinvestment fund pursuant to 2019 Iowa Acts, chapter 137.

b. Appropriations made to the department of transportation from the road use tax fund for capital costs associated with placing a driver and identification services center in Dallas county pursuant to 2019 Iowa Acts, chapter 52, section 3, subsection 13, and from the primary road fund for replacement of the Sioux City combined facility pursuant to 2019 Iowa Acts, chapter 52, section 4, subsection 16.

c. The appropriation made to the department of administrative services from the general fund of the state for establishing a listing of real property owned or leased by the state pursuant to 2019 Iowa Acts, chapter 136, section 1, subsection 1, paragraph "d".

d. The appropriation made to the department of management from the general fund of the state for distribution of moneys to other governmental entities for the payment of rate adjustments established by the office of the chief information officer pursuant to 2019 Iowa Acts, chapter 136, section 16, subsection 2, paragraph "a".

e. The appropriation made to the department of agriculture and land stewardship from the general fund of the state for deposit in the hungry canyons account of the loess hills development and conservation fund pursuant to 2019 Iowa Acts, chapter 131, section 9, subsection 1.

² Chapter 1001 herein

f. The appropriation made to the department of cultural affairs from the general fund of the state for payment of rent for the state records center pursuant to 2019 Iowa Acts, chapter 154, section 1, subsection 1, paragraph “g”.

g. The appropriation made to the Iowa law enforcement academy from the general fund of the state for costs associated with temporary relocation of the Iowa law enforcement academy pursuant to 2019 Iowa Acts, chapter 163, section 10, subsection 1, paragraph “a”, subparagraph (2).

h. The appropriation made to the department of public safety from the general fund of the state for costs associated with the training and equipment needs of volunteer fire fighters pursuant to 2019 Iowa Acts, chapter 163, section 15, subsection 8.

i. The appropriation made to the department of homeland security and emergency management from the general fund of the state for flood recovery pursuant to 2020 Iowa Acts, Senate File 2144,³ section 3.

Sec. 8. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV INTERDEPARTMENTAL AND INTRADEPARTMENTAL TRANSFERS

Sec. 9. APPLICABILITY OF LIMITATIONS AND REQUIREMENTS. All of the following do not apply to transfers made by the director of the department of management pursuant to section 8.39 for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and for the period beginning July 1, 2020, and ending August 31, 2020:

1. The limitations on the amount of an interdepartmental transfer and the sum of interdepartmental transfers under section 8.39, subsection 2.

2. The limitations on the aggregate amount of intradepartmental and interdepartmental transfers under section 8.39, subsection 3.

3. The requirement under section 8.39, subsection 4, that the director of the department of management give the chairpersons of the standing committees on budget of the senate and the house of representatives, and the chairpersons of subcommittees of such committees, at least two weeks to review and comment on a proposed transfer before the transfer is made. This subsection shall not be construed to relieve the director of the department of management of the director’s duty to notify such chairpersons of a proposed transfer before the transfer is made.

Sec. 10. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION V IOWA ECONOMIC EMERGENCY FUND

Sec. 11. DEPARTMENT OF MANAGEMENT — APPROPRIATION.

1. Notwithstanding section 8.55, subsection 3, there is appropriated from the Iowa economic emergency fund to the department of management for the period beginning on the effective date of this division of this Act, and ending August 31, 2020, an amount not to exceed ten percent of the balance of the Iowa economic emergency fund at the close of the fiscal year beginning July 1, 2019, and ending June 30, 2020, or so much thereof as is necessary, to be used for purposes approved by the governor.

2. Notwithstanding section 8.55, subsection 3, in the event the amount appropriated under subsection 1 is insufficient, there is appropriated from the Iowa economic emergency fund to the department of management for the period beginning on the effective date of this division of this Act, and ending August 31, 2020, an amount not to exceed the maximum balance of the Iowa economic emergency fund under section 8.55, subsection 2, or so much thereof as is necessary, to be used for purposes approved by the governor and the legislative council.

³ Chapter 1001 herein

3. This section is repealed on the date the 2020 regular session of the eighty-eighth general assembly reconvenes after the effective date of this division of this Act, or August 31, 2020, whichever occurs earlier.

Sec. 12. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VI INSTRUCTIONAL TIME WAIVERS FOR SCHOOLS

Sec. 13. INSTRUCTIONAL TIME WAIVERS FOR SCHOOL DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS — COVID-19.

1. Notwithstanding any other provision of law to the contrary, if a school district or accredited nonpublic school is closed or closes on or before April 12, 2020, in order to prevent or contain the spread of COVID-19, the instructional time requirements of section 279.10, subsection 1, and the minimum school day requirements of section 256.7, subsection 19, are waived for the affected school district or accredited nonpublic school for such a closure.

2. The governor, by appropriate executive order, may waive the instructional time requirements of section 279.10, subsection 1, and the minimum school day requirements of section 256.7, subsection 19, for a school district or accredited nonpublic school that is closed or closes after April 12, 2020, in order to prevent or contain the spread of COVID-19.

3. This section is repealed July 1, 2020.

Sec. 14. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 17, 2020

CHAPTER 1020

PHYSICIAN ASSISTANTS — PRACTICE AND LICENSURE

S.F. 2357

AN ACT relating to the practice and licensure of physician assistants, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 147.107, subsections 3, 4, and 5, Code 2020, are amended to read as follows:

3. A ~~physician assistant or~~ registered nurse may supply, when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a ~~physician assistant or~~ registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices.

4. ~~Notwithstanding subsection 3, a~~ A physician assistant shall ~~not~~ may prescribe, dispense, order, administer, or procure prescription drugs as an incident to the practice of the supervising physician or the physician assistant, but may supply, when pharmacist services are not reasonably available, or when it is in the best interests of the patient, a quantity of properly packaged and labeled prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy. ~~However, a remote clinic, staffed~~

~~by a physician assistant, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices. Prescription drugs supplied under the provisions of this subsection shall be supplied for the purpose of accommodating the patient and shall not be sold for more than the cost of the drug and reasonable overhead costs, as they relate to supplying prescription drugs to the patient, and not at a profit to the physician or the physician assistant. If prescription drug supplying authority is delegated by a supervising physician to a physician assistant, a nurse or staff assistant may assist the physician assistant in providing that service. Rules shall be adopted by the board of physician assistants, after consultation with the board of pharmacy, to implement this subsection pursuant to section 148C.4.~~

5. Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician may delegate the function of prescribing drugs, controlled substances, and medical devices for which the supervising physician has sufficient training or experience to a physician assistant licensed pursuant to chapter 148C after the supervising physician determines the physician assistant's proficiency and competence. ~~When delegated prescribing occurs, the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each individual prescription so that the individual who dispenses or administers the prescription knows under whose delegated authority the physician assistant is prescribing.~~ Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of physician assistants, after consultation with the board of medicine and the board of pharmacy. ~~However, the rules shall prohibit the prescribing of schedule II controlled substances which are listed as depressants pursuant to chapter 124.~~

Sec. 2. Section 147.136, subsection 1, Code 2020, is amended to read as follows:

1. Except as otherwise provided in subsection 2, in an action for damages for personal injury against a physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to the cost of reasonable and necessary medical care, rehabilitation services, and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source.

Sec. 3. Section 147.138, Code 2020, is amended to read as follows:

147.138 Contingent fee of attorney reviewed by court.

In any action for personal injury or wrongful death against any physician and surgeon, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, physician assistant, or nurse licensed under this chapter or against any hospital licensed under chapter 135B, based upon the alleged negligence of the licensee in the practice of that profession or occupation, or upon the alleged negligence of the hospital in patient care, the court shall determine the reasonableness of any contingent fee arrangement between the plaintiff and the plaintiff's attorney.

Sec. 4. Section 148C.1, Code 2020, is amended to read as follows:

148C.1 Definitions.

1. "Approved program" means a program for the education of physician assistants which has been accredited by the American medical association's committee on allied health education and accreditation or its successor, by the commission on accreditation of allied health educational programs or its successor, or by the accreditation review commission on education for the physician assistant or its successor, or, if accredited prior to 2001,

either by the committee on allied health education and accreditation, or the commission on accreditation of allied health education programs.

2. “Board” means the board of physician assistants created under chapter 147.

3. “Collaboration” means consultation with or referral to the appropriate physician or other health care professional by a physician assistant as indicated by the patient’s condition; the education, competencies, and experience of the physician assistant; and the standard of care.

3. 4. “Department” means the Iowa department of public health.

4. 5. “Licensed physician assistant” or “licensed P.A.” means a person who is licensed by the board to practice as a physician assistant under the supervision of one or more physicians. “Supervision” does not require the personal presence of the supervising physician at the place where medical services are rendered except insofar as the personal presence is expressly required by this chapter or required by rules of the board adopted pursuant to this chapter.

5. 6. “Physician” means a person who is currently licensed in Iowa to practice medicine and surgery or osteopathic medicine and surgery. Notwithstanding this subsection, a physician supervising a physician assistant practicing in a federal facility or under federal authority shall not be required to obtain licensure beyond licensure requirements mandated by the federal government for supervising physicians.

6. 7. “Physician assistant” or “P.A.” means a person who has successfully completed an approved program and passed an examination approved by the board or is otherwise found by the board to be qualified to perform medical services under the supervision of a physician meets the qualifications under this chapter and is licensed to practice medicine by the board.

7. “Trainee” means a person who is currently enrolled in an approved program.

8. “Supervising physician” means a physician who supervises the medical services provided by a physician assistant consistent with the physician assistant’s education, training, or experience and who accepts ultimate responsibility for the medical care provided by the supervising physician-physician assistant team.

Sec. 5. Section 148C.3, subsections 1 and 3, Code 2020, are amended to read as follows:

1. The board shall adopt rules to govern the licensure of physician assistants. An applicant for licensure shall submit the fee prescribed by the board and shall meet the requirements established by the board with respect to each of the following:

a. Academic qualifications, including evidence of graduation from an approved program. A physician assistant who is not a graduate of an approved program, but who passed the national commission on certification of physician assistants’ physician assistant national certifying examination prior to 1986, is exempt from this graduation requirement.

b. Evidence of passing the national commission on the certification of physician assistants’ physician assistant national certifying examination or an equivalent examination approved by the board.

c. Hours of continuing medical education necessary to become or remain licensed.

3. A licensed physician assistant shall perform only those services for which the licensed physician assistant is qualified by training or education and which are not prohibited by the board.

Sec. 6. Section 148C.4, subsection 1, Code 2020, is amended to read as follows:

1. A physician assistant may perform medical services when the services are rendered under the supervision of a physician. A physician assistant student may perform medical services when the services are rendered within the scope of an approved program provide any legal medical service for which the physician assistant has been prepared by the physician assistant’s education, training, or experience and is competent to perform. For the purposes of this section, “medical services when the services are rendered under the supervision of a physician” “legal medical service for which the physician assistant has been prepared by the physician assistant’s education, training, or experience and is competent to perform” includes making a pronouncement of death for a patient whose death is anticipated if the death occurs in a licensed hospital, a licensed health care facility, a correctional institution listed in section 904.102, a Medicare-certified home health agency, or a Medicare-certified hospice program or facility, with notice of the death to a physician and in accordance with the directions of a physician.

Sec. 7. Section 148C.4, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The degree of collaboration between a physician assistant and the appropriate member of a health care team shall be determined at the practice level, and may involve decisions made by the medical group, hospital service, supervising physician, or employer of the physician assistant, or the credentialing and privileging system of a licensed health care facility. A physician shall be accessible at all times for consultation with a physician assistant unless the physician assistant is providing emergency medical services pursuant to 645 IAC 327.1(1)(n). The supervising physician shall have ultimate responsibility for determining the medical care provided by the supervising physician-physician assistant team.

Sec. 8. Section 249A.4, subsection 7, paragraph b, Code 2020, is amended to read as follows:

b. Advanced registered nurse practitioners licensed pursuant to chapter 152 and physician assistants licensed pursuant to chapter 148C shall be regarded as approved providers of health care services, including primary care, for purposes of managed care or prepaid services contracts under the medical assistance program. This paragraph shall not be construed to expand the scope of practice of an advanced registered nurse practitioner pursuant to chapter 152 or physician assistants pursuant to chapter 148C.

Sec. 9. ADMINISTRATIVE RULEMAKING.

1. The board of medicine and the board of physician assistants shall each, at the next meeting of the respective boards held one calendar week or more after the enactment of this Act, approve a notice of intended action to adopt rules to implement this Act for submission to the administrative rules coordinator and the Iowa administrative code editor pursuant to section 17A.4, subsection 1, paragraph “a”.

2. Notwithstanding section 148C.5, the board of medicine and the board of physician assistants, in accordance with chapter 17A and this section, and consistent with this Act, shall each amend, rescind, or adopt rules which address all of the following:

a. For the board of physician assistants, rules relating to and in substantial conformance with all of the following:

(1) Definitions pursuant to 645 IAC 326.1 including all of the following:

(a) “Approved program” means a program for the education of physician assistants which has been accredited by the accreditation review commission on education for the physician assistant or its successor, or if accredited prior to 2001, either by the committee on allied health education and accreditation, or the commission on accreditation of allied health education programs.

(b) “Collaboration” means consultation with or referral to the appropriate physician or other health care professional by a physician assistant as indicated by the patient’s condition; the education, competencies, and experience of the physician assistant; and the standard of care.

(c) “Opioid” means a drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain or opioid use disorder.

(d) “Physician assistant” or “P.A.” means a person licensed as a physician assistant by the board.

(e) “Remote medical site” means a medical clinic for ambulatory patients which is more than thirty miles away from the main practice location of a supervising physician and in which a supervising physician is present less than fifty percent of the time the site is open. “Remote medical site” does not apply to nursing homes, patient homes, hospital outpatient departments, outreach clinics, or any location at which medical care is incidentally provided such as a diet center, free clinic, site for athletic physicals, or a jail facility.

(f) “Supervising physician” means a physician who supervises the medical services provided by the physician assistant consistent with the physician assistant’s education, training, or experience and who accepts ultimate responsibility for the medical care provided by the physician-physician assistant team.

(2) Examination requirements pursuant to 645 IAC 326.6 including that the applicant for licensure as a physician assistant shall successfully pass the certifying examination

conducted by the national commission on certification of physician assistants or a successor examination approved by the board of physician assistants.

(3) Use of title requirements pursuant to 645 IAC 326.15 including that a physician assistant licensed under chapter 148C may use the words “physician assistant” after the person’s name or signify the same by the use of the letters “P.A.” A person who meets the qualifications for licensure under chapter 148C but does not possess a current license may use the title “P.A.” or “physician assistant” but may not act or practice as a physician assistant unless licensed under chapter 148C.

(4) Recognition of an approved program pursuant to 645 IAC 326.18 including that the board shall recognize a program for education and training of physician assistants if it is accredited by the accreditation review commission on education for the physician assistant or its successor, or, if accredited prior to 2001, either by the committee on allied health education and accreditation or the commission on accreditation of allied health educational programs.

(5) Duties pursuant to 645 IAC 327.1(1), unnumbered paragraph 1, including that the medical services to be provided by the physician assistant are those for which the physician assistant has been prepared by education, training, or experience and is competent to perform. The ultimate role of the physician assistant cannot be rigidly defined because of the variations in practice requirements due to geographic, economic, and sociologic factors. The high degree of responsibility a physician assistant may assume requires that, at the conclusion of formal education, the physician assistant possess the knowledge, skills, and abilities necessary to provide those services appropriate to the practice setting. The physician assistant’s services may be utilized in any clinical settings including but not limited to the office, the ambulatory clinic, the hospital, the patient’s home, extended care facilities, and nursing homes. Diagnostic and therapeutic medical tasks for which the supervising physician has sufficient training or experience may be delegated to the physician assistant after a supervising physician determines the physician assistant’s proficiency and competence.

(6) Duties pursuant to 645 IAC 327.1 relating to prescribing, dispensing, ordering, administering, and procuring drugs and medical devices including all of the following:

(a) A physician assistant may administer any drug.

(b) A physician assistant may prescribe, dispense, order, administer, and procure drugs and medical devices. A physician assistant may plan and initiate a therapeutic regimen that includes ordering and prescribing nonpharmacological interventions, including but not limited to durable medical equipment, nutrition, blood and blood products, and diagnostic support services including but not limited to home health care, hospice, and physical and occupational therapy. The prescribing and dispensing of drugs may include schedule II through V substances as described in chapter 124 and all legend drugs.

(c) A physician assistant may prescribe drugs and medical devices subject to all the following conditions:

(i) The physician assistant shall have passed the national certifying examination conducted by the national commission on the certification of physician assistants or its successor examination approved by the board. Physician assistants with a temporary license may order drugs and medical devices only with the prior approval and direction of a supervising physician. Prior approval may include discussion of the specific medical problems with a supervising physician prior to the patient being seen by the physician assistant.

(ii) The physician assistant must comply with appropriate federal and state regulations.

(iii) If a physician assistant prescribes or dispenses controlled substances, the physician assistant must register with the federal drug enforcement administration.

(iv) The physician assistant may prescribe or order schedule II controlled substances which are listed as depressants in chapter 124 only with the prior approval and direction of a supervising physician who has sufficient training or experience. Prior approval may include discussion of the specific medical problems with a supervising physician prior to the patient being seen by the physician assistant.

(v) A physician assistant shall not prescribe substances that the supervising physician does not have the authority to prescribe except as allowed in 645 IAC 327.1(1)(n) when providing immediate evaluation, treatment, and institution of procedures essential to providing an appropriate response to emergency medical problems.

(vi) The physician assistant may prescribe, supply, and administer drugs and medical devices in all settings including but not limited to hospitals, health care facilities, health care institutions, clinics, offices, health maintenance organizations, and outpatient and emergency care settings.

(vii) A physician assistant may request, receive, and supply sample drugs and medical devices.

(viii) The board of physician assistants shall be the only board to regulate the practice of physician assistants relating to prescribing and supplying prescription drugs, controlled substances, and medical devices.

(d) A physician assistant may supply properly packaged and labeled prescription drugs, controlled substances, or medical devices when pharmacist services are not reasonably available or when it is in the best interests of the patient.

(i) When the physician assistant is the prescriber of the medications supplied, these medications shall be supplied for the purpose of accommodating the patient and shall not be sold for more than the cost of the drug and reasonable overhead costs as they relate to supplying prescription drugs to the patient and not at a profit to the physician or physician assistant.

(ii) A nurse or staff assistant may assist the physician assistant in supplying medications.

(e) A physician assistant may, at the request of the peace officer, withdraw a specimen of blood from a patient for the purpose of determining the alcohol concentration or the presence of drugs.

(f) A physician assistant may direct medical personnel, health professionals, and others involved in caring for patients and the execution of patient care.

(g) A physician assistant may authenticate medical forms by signing the form.

(h) A physician assistant may perform other duties as appropriate to a physician assistant's practice.

(i) Health care providers shall consider the instructions of a physician assistant to be authoritative.

(7) Remote medical site requirements pursuant to 645 IAC 327.4(1) and (2), including all of the following:

(a) A physician assistant may provide medical services in a remote medical site if any of the following conditions is met:

(i) The physician assistant has a permanent license and at least one year of practice as a physician assistant.

(ii) The physician assistant with less than one year of practice has a permanent license and meets all of the following criteria:

(A) The physician assistant has practiced as a physician assistant for at least six months.

(B) The physician assistant and supervising physician have worked together at the same location for a period of at least three months.

(C) The supervising physician reviews patient care provided by the physician assistant as determined to be appropriate by the supervising physician.

(D) The supervising physician reviews a representative sample of patient charts unless the medical record documents that direct consultation with the supervising physician occurred for a period the supervising physician determines is appropriate.

(iii) The physician assistant and supervising physician provide a written statement sent directly to the board that the physician assistant is qualified to provide the needed medical services and that the medical care will be unavailable at the remote site unless the physician assistant is allowed to practice there. In addition, for three months, the supervising physician must review a representative sample of patient charts for patient care provided by the physician assistant at least weekly.

(b) The supervising physician must visit a remote site or communicate with the physician assistant at the remote site via electronic communications to provide additional medical direction, medical services, and consultation at least every two weeks. For purposes of this rule, communication may consist of, but shall not be limited to, in-person meetings, two-way interactive communication directly between the supervising physician and the physician assistant via telephone, secure messaging, electronic mail, or chart review.

(8) Identification as a physician assistant pursuant to 645 IAC 327.5 including that the physician assistant shall be identified as a physician assistant to patients and to the public, regardless of their educational degree.

(9) Prescription requirements pursuant to 645 IAC 327.6(2) including that each oral prescription drug order issued by a physician assistant shall include the same information required for a written prescription, except for the written signature of the physician assistant and the physician assistant's practice address.

(10) Grounds for discipline pursuant to 645 IAC 329.2(25) including prohibiting a person from representing the person as a physician assistant when the person's license has been suspended or revoked, or when the person's license is on inactive status except as provided by 645 IAC 326.15.

b. For the board of medicine rules relating to and in substantial conformance with the following relating to supervisory agreements pursuant to 653 IAC 21.4 including all of the following:

(1) A physician who supervises a physician assistant shall establish a written supervisory agreement prior to supervising a physician assistant. A sample supervisory agreement form is available from the board. The purpose of the supervisory agreement is to define the nature and extent of the supervisory relationship and the expectations of each party. The supervisory agreement shall take into account the physician assistant's demonstrated skills, training and experience, proximity of the supervising physician to the physician assistant, and the nature and scope of the medical practice. The supervising physician shall maintain a copy of the supervisory agreement and provide a copy of the agreement to the board upon request. The supervisory agreement shall, at a minimum, address all of the following provisions:

(a) Review of requirements. The supervising physician and the physician assistant shall review all of the requirements of physician assistant licensure, practice, supervision, and delegation of medical services as set forth in section 148.13 and chapter 148C, Iowa administrative code chapter 653, and 645 IAC chapters 326 to 329.¹

(b) Assessment of education, training, skills, and experience. Each supervising physician shall assess the education, training, skills, and relevant experience of the physician assistant prior to providing supervision. Each supervising physician and physician assistant shall ensure that the other party has the appropriate education, training, skills, and relevant experience necessary to successfully collaborate on patient care delivered by the team. The method for assessing and providing feedback regarding the physician assistant's education, training, skills, and experience shall be reflected in the supervision agreement.

(2) The supervision agreement between the physician assistant and the physician shall address all of the following:

(a) The medical services the supervising physician delegates to the physician assistant. The medical services and medical tasks delegated to and provided by the physician assistant shall be in compliance with 645 IAC 327.1(1). All delegated medical services shall be within the scope of practice of the supervising physician and the physician assistant.

(b) Methods for communication between the physician assistant and the physician and whether the physician assistant practices at the same site or a remote site. Each supervising physician and physician assistant shall conduct ongoing discussions and evaluation of the supervisory agreement, including supervision; expectations for both parties; assessment of education, training, skills, and relevant experience; review of delegated services; review of the medical services provided by the physician assistant; and the types of cases and situations when the supervising physician expects to be consulted.

(i) The plan for completing and documenting chart reviews. A licensed physician within the same facility or health care system as the physician assistant shall conduct an ongoing review of a representative sample of the physician assistant's patient charts encompassing the scope of the physician assistant's practice. The findings of the review shall be discussed with the physician assistant in a manner determined by the practice in consultation with the physician assistant's primary supervising physician.

(ii) Remote medical site. "Remote medical site" means a medical clinic for ambulatory patients which is more than thirty miles away from the main practice location of the

¹ See chapter 1121, §68 herein

supervising physician and in which the supervising physician is present less than fifty percent of the time when the remote medical site is open. "Remote medical site" does not apply to nursing homes, patient homes, hospital outpatient departments, outreach clinics, or any location at which medical care is incidentally provided, such as a diet center, free clinic, site for athletic physicals, or a jail facility. The supervisory agreement shall include a provision which ensures that the supervising physician visits the remote medical site, or communicates with a physician assistant at the remote medical site via electronic communications, at least every two weeks to provide additional medical direction, medical services, and consultation specific to the medical services provided at the remote medical site. For purposes of this subparagraph subdivision, communication may consist of, but shall not be limited to, in-person meetings or two-way, interactive communication directly between the supervising physician and the physician assistant via telephone, secure messaging, electronic mail, or chart review. The board shall only grant a waiver or variance of this provision if substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in this subparagraph subdivision.

(iii) The expectations and plan for alternate supervision. The supervising physician shall ensure that the alternate supervising physician is available for a timely consultation and shall ensure that the physician assistant is notified of the means by which to reach the alternate supervising physician.

Sec. 10. RESCISSION OF ADMINISTRATIVE RULES.

1. The² board of physician assistants shall rescind all of the following:

- a. 645 Iowa administrative code, rule 326.19, subrule (3), paragraph "b", subparagraph (3).
- b. 645 Iowa administrative code, rule 327.1, subrule (1), paragraphs "r" through "z".
- c. 645 Iowa administrative code, rule 327.4, subrules (1) and (2).

2. The board of medicine shall rescind 653 Iowa administrative code, rule 21.4, subrules (3) through (7).

Sec. 11. RULEMAKING — LIMITATION ON AMENDMENTS — CONSTRUCTION.

1. The board of medicine and the board of physician assistants, upon the adoption of rules pursuant to chapter 17A as required by sections 9 and 10 of this Act, shall not thereafter approve a notice of intended action pursuant to section 17A.4, subsection 1, paragraph "a", for the amendment or rescission of such rules for a period of two years from the effective date of this Act.

2. Except as provided in subsection 1, the rulemaking requirements provided in sections 9 and 10 of this Act shall not be construed to prohibit the board of medicine or the board of physician assistants from engaging in further rulemaking not in conflict with sections 9 or 10 of this Act relating to the subject matter of those sections or to otherwise diminish the authority to engage in rulemaking provided to either board by section 147.76 or any other statute.

Sec. 12. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 18, 2020

² See chapter 1121, §69 herein

CHAPTER 1021

COYOTE HUNTING — INFRARED LIGHT SOURCE

S.F. 537

AN ACT relating to taking coyotes while using an artificial source of light.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 481A.93, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A person using an infrared light source to hunt coyotes as long as the infrared light source is mounted to the method of take or to a scope mounted on the method of take. However, no person shall use an infrared light source to hunt coyotes during any established muzzleloader, bow, or shotgun deer hunting season.

Approved June 1, 2020

CHAPTER 1022

EDUCATION — MISCELLANEOUS CHANGES

S.F. 2082

AN ACT relating to matters involving the state board of education and the department of education to reflect current practices, technology, and titles, to delete redundancies, and to resolve inconsistencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.56, Code 2020, is amended to read as follows:

256.56 Electronic access to documents.

The state library shall work to develop a system of electronic access to documents maintained by the state library with a goal of providing electronic access to all such documents. The access shall be provided ~~initially through the use of compact disc using a~~ current, widely accepted and utilized technology. This section shall not prohibit the state librarian from considering other forms of electronic access if the use of such other access is shown to exceed the benefits of, and is more cost-effective than, ~~the use of compact disc~~ currently used technology.

Sec. 2. Section 256A.2, subsection 1, paragraphs a and f, Code 2020, are amended to read as follows:

a. The administrator of the division of ~~child adult, children~~ child adult, children and family services of the department of human services or the administrator's designee.

f. The dean of the college of ~~family and consumer~~ human sciences at Iowa state university of science and technology or the dean's designee.

Sec. 3. Section 257.6, subsection 1, paragraph a, subparagraph (3), Code 2020, is amended to read as follows:

(3) Shared-time and part-time pupils of school age enrolled in public schools within the district, irrespective of the districts in which the pupils reside, in the proportion that the time for which they are enrolled or receive instruction for the school year is to the time that full-time pupils carrying a normal course schedule, at the same grade level, in the same school district, for the same school year, are enrolled and receive instruction. Tuition charges to the parent or guardian of a shared-time or part-time nonresident pupil shall be reduced by the amount of any increased state aid received by the district by the counting of the pupil.

This subparagraph applies to pupils enrolled in grades nine through twelve under section 299A.8 and to pupils from accredited nonpublic schools accessing classes or services on the accredited nonpublic school premises under section 256.12 or on the school district site, but excludes accredited nonpublic school pupils receiving classes or services funded entirely by federal grants or allocations.

Sec. 4. Section 279.42, Code 2020, is amended to read as follows:

279.42 Gifts to schools.

The board of directors of a school district that receives funds through a gift, devise, or bequest shall deposit the funds in a trust fund, permanent fund, or agency custodial fund and shall use the funds in accordance with the terms of the gift, devise, or bequest.

Sec. 5. Section 282.18, subsection 8, Code 2020, is amended to read as follows:

8. a. If a request filed under this section is for a child requiring special education under chapter 256B, the request to transfer to the other district shall only be granted if the following conditions are met:

(1) The receiving district maintains a special education instructional program which is appropriate to meet the child's educational needs and the enrollment of the child in the receiving district's program would not cause the size of the class or caseload in that special education instructional program in the receiving district to exceed the maximum class size in or caseload established pursuant to rules adopted by the state board of education for that program.

(2) If the child would be assigned to a general education class, there is sufficient classroom space for the general education class to which the child would be assigned.

b. For children requiring special education, the board of directors of the district of residence shall pay to the receiving district the actual costs incurred in providing the appropriate special education.

Sec. 6. Section 298A.13, Code 2020, is amended to read as follows:

298A.13 Trust, permanent, or agency custodial funds.

Trust, permanent, or agency custodial funds shall be established by any school corporation to account for gifts it receives to be used for a particular purpose or to account for money and property received and administered by the district as trustee or custodian or in the capacity of an agent. Boards may establish trust, permanent, or agency custodial funds as necessary.

Approved June 1, 2020

CHAPTER 1023

CONTROLLED SUBSTANCES — SCHEDULED SUBSTANCES AND CANNABIS-DERIVED PRODUCTS

S.F. 2119

AN ACT relating to controlled substances, including amending the controlled substance schedules, removing certain references to marijuana, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 124.201A, Code 2020, is amended by striking the section and inserting in lieu thereof the following:

124.201A Cannabis-derived products — rules.

1. If a cannabis-derived investigational product approved as a prescription drug medication by the United States food and drug administration is added to the federal

schedule of controlled substances by the federal drug enforcement administration and notice of the addition is given to the board, the board shall similarly add the prescription drug medication in the schedule of controlled substances under this chapter.

2. If a cannabis-derived product approved as a prescription drug medication by the United States food and drug administration is eliminated from or revised in the federal schedule of controlled substances by the federal drug enforcement administration and notice of the elimination or revision is given to the board, the board shall similarly eliminate or revise the prescription drug medication in the schedule of controlled substances under this chapter.

3. The board shall adopt rules pursuant to chapter 17A to administer this section. The board may adopt rules on an emergency basis as provided in section 17A.4, subsection 3, and section 17A.5, subsection 2, to administer this section, and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any emergency rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4, subsection 1.

4. Any cannabis-derived investigational product or cannabis-derived product approved as a prescription drug medication by the United States food and drug administration shall not be considered marijuana or cannabimimetic agents, both as defined in section 124.204, tetrahydrocannabinols as used in section 124.204, subsection 4, paragraph “u”, unnumbered paragraph 1, or hemp as defined in section 204.2.

Sec. 2. Section 124.204, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *be.* MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine).

Sec. 3. Section 124.204, subsection 4, paragraph m, Code 2020, is amended to read as follows:

m. Marijuana, ~~except as otherwise provided by rules of the board for medicinal purposes.~~

Sec. 4. Section 124.204, subsection 4, paragraph u, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Tetrahydrocannabinols, except as otherwise provided by rules of the board for medicinal purposes,~~ meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (Cannabis plant) as well as synthetic equivalents of the substances contained in the Cannabis plant, or in the resinous extractives of such plant, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

Sec. 5. Section 124.204, subsection 6, paragraph i, Code 2020, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (27) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one. Other names: N-ethylpentylone or ephylone.

NEW SUBPARAGRAPH. (28) N-Ethylhexedrone, its optical, positional, and geometric isomers, salts and salts of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one).

NEW SUBPARAGRAPH. (29) alpha-Pyrrolidinohexanophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: α -PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one).

NEW SUBPARAGRAPH. (30) 4-Methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4—MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one).

NEW SUBPARAGRAPH. (31) 4'-Methyl-alpha-pyrrolidinohexiophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: MPHP; 4'-methyl-alpha-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one).

NEW SUBPARAGRAPH. (32) alpha-Pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one).

NEW SUBPARAGRAPH. (33) 4'-Chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-chloro- α -PVP; 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one).

Sec. 6. Section 124.204, subsection 7, Code 2020, is amended by striking the subsection.

Sec. 7. Section 124.204, subsection 9, Code 2020, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *af.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: cyclopropyl fentanyl.

NEW PARAGRAPH. *ag.* N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers. Other name: valeryl fentanyl.

NEW PARAGRAPH. *ah.* N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: para-fluorobutyryl fentanyl.

NEW PARAGRAPH. *ai.* N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: para-methoxybutyryl fentanyl.

NEW PARAGRAPH. *aj.* N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: para-chloroisobutyryl fentanyl.

NEW PARAGRAPH. *ak.* N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: isobutyryl fentanyl.

NEW PARAGRAPH. *al.* N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: cyclopentyl fentanyl.

NEW PARAGRAPH. *am.* N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its isomers, esters, ethers, salts and salts of isomers, esters, and ethers. Other name: ocfentanil.

NEW PARAGRAPH. *an.* Fentanyl-related substances, their isomers, esters, ethers, salts and salts of isomers, esters and ethers. "*Fentanyl-related substance*" means any substance not otherwise listed under this schedule or another schedule, and for which no exemption or approval is in effect under section 505 of the federal Food, Drug, and Cosmetic Act that is structurally related to fentanyl by one or more of the following modifications:

(1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

(2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

(4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

(5) Replacement of the *N*-propionyl group by another acyl group.

NEW PARAGRAPH. *ao.* Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate. Other names: NM2201 or CBL2201.

NEW PARAGRAPH. *ap.* N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide. Other name: 5F-AB-PINACA.

NEW PARAGRAPH. *aq.* 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide. Other names: 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA, or SGT-78.

NEW PARAGRAPH. *ar.* Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate. Other names: MMB-CHMICA or AMB-CHMICA.

NEW PARAGRAPH. *as.* 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-

pyrrolo[2,3-b]pyridine-3-carboxamide. Other name: 5F-CUMYL-P7AICA.

NEW PARAGRAPH. at. Ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (other name: 5F-EDMB-PINACA).

NEW PARAGRAPH. au. Methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate, its optical, positional, and geometric isomers, salts and salts of isomers (other name: 5F-MDMB-PICA).

NEW PARAGRAPH. av. N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (other names: FUB-AKB48, FUB-APINACA, AKB48 N-(4-FLUOROBENZYL)).

NEW PARAGRAPH. aw. 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its optical, positional, and geometric isomers, salts and salts of isomers (other names: 5F-CUMYL-PINACA, SGT-25).

NEW PARAGRAPH. ax. (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone, its optical, positional, and geometric isomers, salts and salts of isomers (other name: FUB-144).

Sec. 8. Section 124.206, subsection 7, paragraph a, Code 2020, is amended by striking the paragraph.

Sec. 9. Section 124.208, subsection 3, paragraph c, Code 2020, is amended to read as follows:

c. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof including but not limited to Fioricet.

Sec. 10. Section 124.210, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. bd. Brexanolone.

Sec. 11. Section 124.210, subsection 6, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester)).

Sec. 12. Section 124.212, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 6. *Approved cannabidiol drugs.* A drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols.

Sec. 13. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2020

CHAPTER 1024**PRESCRIPTION MONITORING PROGRAM — REPORTING REQUIREMENTS —
VETERINARIANS***S.F. 2120*

AN ACT relating to controlled substances, including information collection and reporting requirements under the Iowa prescription monitoring program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 124.551, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. The information collected shall be used by prescribing practitioners, veterinarians, and pharmacists on a need-to-know basis for purposes of improving patient health care by facilitating early identification of patients who may be at risk for addiction, or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes at risk to themselves and others, or who may be appropriately using controlled substances lawfully prescribed for them but unknown to the practitioner.

Sec. 2. Section 124.553, subsection 1, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) A pharmacist, veterinarian, or prescribing practitioner who requests the information and certifies in a form specified by the board that it is for the purpose of providing medical or pharmaceutical care to a patient of the pharmacist, veterinarian, or prescribing practitioner. A pharmacist, veterinarian, or a prescribing practitioner may delegate program information access to another authorized individual or agent only if that individual or agent registers for program information access, pursuant to board rules, as an agent of the pharmacist, veterinarian, or prescribing practitioner. Board rules shall identify the qualifications for a pharmacist's, veterinarian's, or prescribing practitioner's agent and shall limit the number of agents to whom each pharmacist, veterinarian, or prescribing practitioner may delegate program information access.

Sec. 3. Section 124.553, subsections 5 and 6, Code 2020, are amended to read as follows:

5. Nothing in this section shall require a pharmacist, veterinarian, or prescribing practitioner to obtain information about a patient from the program. A pharmacist, veterinarian, or prescribing practitioner does not have a duty and shall not be held liable in damages to any person in any civil or derivative criminal or administrative action for injury, death, or loss to person or property on the basis that the pharmacist, veterinarian, or prescribing practitioner did or did not seek or obtain or use information from the program. A pharmacist, veterinarian, or prescribing practitioner acting reasonably and in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for requesting or receiving or using information from the program.

6. The board shall not charge a fee to a pharmacy, pharmacist, veterinarian, or prescribing practitioner for the establishment, maintenance, or administration of the program, including costs for forms required to submit information to or access information from the program, except that the board may charge a fee to an individual who requests the individual's own program information. A fee charged pursuant to this subsection shall not exceed the actual cost of providing the requested information and shall be considered a repayment receipt as defined in section 8.2.

Sec. 4. Section 124.554, subsection 1, paragraph g, Code 2020, is amended to read as follows:

g. Including all schedule II, schedule III, and schedule IV controlled substances, ~~those substances in schedules III and IV that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner~~, schedule V controlled substances including when dispensed by a pharmacist without a prescription except for sales of pseudoephedrine that are reported to the real-time

electronic repository, and opioid antagonists, and other prescription substances that the advisory council and board determine can be addictive or fatal if not taken under the proper care and direction of a prescribing practitioner.

Sec. 5. Section 124.554, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Beginning ~~January~~ February 1, 2007 2021, and annually by ~~January~~ February 1 thereafter, the board and advisory council shall present to the general assembly and the governor a report prepared consistent with section 124.555, subsection 3, paragraph “d”, which shall include but not be limited to the following:

Sec. 6. Section 124.554, subsection 3, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Beginning February 1, 2019, and annually~~ Annually by February 1 ~~thereafter~~, the board shall electronically, and at as low a cost as possible, issue each prescribing practitioner who prescribed a controlled substance reported to the program as dispensed in the preceding calendar year in this state a prescribing practitioner activity report which shall include but not be limited to the following:

Approved June 1, 2020

CHAPTER 1025

DISINTERMENT AND FINAL DISPOSITION OF HUMAN REMAINS

S.F. 2135

AN ACT relating to the final disposition and disinterment of human remains.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 144.1, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. “*Cremated remains*” means all the remains of the cremated human body recovered after the completion of the cremation process, including pulverization which leaves only bone fragments reduced to unidentifiable dimensions, and may include the residue of any foreign matter including casket material, bridgework, or eyeglasses that were cremated with the human remains.

NEW SUBSECTION. 3B. “*Cremation*” means the technical process, using heat and flame, that reduces human remains to bone fragments, with the reduction taking place through heat and evaporation. Cremation shall include the processing, and may include the pulverization, of the bone fragments.

Sec. 2. Section 144.34, Code 2020, is amended to read as follows:

144.34 Disinterment — permit.

1. *a.* Disinterment of a dead body or fetus, ~~without a court order~~, shall be allowed for the purpose of autopsy or reburial only, and then only if ~~accomplished~~ supervised by a funeral director. ~~A permit for such disinterment and, thereafter, reinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried.~~

b. Disinterment of cremated remains, without a court order, shall be allowed, but only if supervised by a funeral director.

c. The state registrar, without a court order, shall not issue a permit without the consent of the person authorized to control the decedent’s remains under section 144C.5.

2. a. Disinterment of a dead body or fetus for the purpose of reburial may be allowed by court order only upon a showing of substantial benefit to the public, and then only if supervised by a funeral director.

b. Disinterment of a dead body or fetus for the purpose of autopsy or reburial by court order shall be allowed only when reasonable cause is shown that someone is criminally or civilly responsible for such death, after hearing, upon reasonable notice prescribed by the court to the person authorized to control the decedent's remains under section 144C.5, and then only if supervised by a funeral director.

c. Disinterment of a dead body or fetus for the purpose of cremation may be allowed by court order only if supervised by a funeral director. Subsequent to the disinterment, cremation of the body shall only be allowed upon a determination by the state or county medical examiner that the death was due to natural causes.

3. A permit for disinterment shall be issued by the state registrar according to rules adopted pursuant to chapter 17A or when ordered by the district court of the county in which such body is buried. A person authorized to control final disposition of a decedent's remains under section 144C.5 is an interested person and shall be entitled to notice prior to the obtaining of a court order.

4. Due consideration under this section shall be given to the public health, the dead, and the feelings of relatives preferences of a person authorized to control final disposition of a decedent's remains under section 144C.5, and any court order.

Sec. 3. Section 144C.3, subsection 4, Code 2020, is amended to read as follows:

4. A funeral director, an attorney, or any agent, owner, or employee of a funeral establishment, cremation establishment, cemetery, elder group home, assisted living program, adult day services program, or licensed hospice program shall not serve as a designee unless married to the declarant or related to the declarant within the third degree of consanguinity.

Approved June 1, 2020

CHAPTER 1026

WIRELESS COMMUNICATIONS FACILITIES AND INFRASTRUCTURE — REPEAL EXTENDED

S.F. 2196

AN ACT extending the repeal date of the Iowa cell siting Act and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8C.9, Code 2020, is amended to read as follows:

8C.9 Repeal.

This chapter is repealed July 1, ~~2022~~ 2025.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2020

CHAPTER 1027**DONATION OF SURPLUS FIRE FIGHTING, EMERGENCY MEDICAL RESPONSE, AND
LAW ENFORCEMENT EQUIPMENT — LIABILITY EXEMPTION***S.F. 2259*

AN ACT relating to liability arising from the donation of equipment by a municipality, fire department, emergency medical services provider, or law enforcement agency.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 100B.41 Donation of fire fighting, emergency medical response, and law enforcement equipment.**

A fire department, emergency medical services provider, or law enforcement agency may donate used vehicles or equipment to an organization that provides fire response or emergency medical services, or to a law enforcement agency. An entity making a good faith donation of equipment pursuant to this subsection¹ shall be immune from civil liability from any claim arising from the performance, failure to perform, nature, age, condition, or packaging of any vehicle or equipment used in fire fighting, emergency medical response, or law enforcement.

Sec. 2. Section 669.14, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 16. Any claim arising from the performance, failure to perform, nature, age, condition, or packaging of any vehicle or equipment used in fire fighting, emergency medical response, or law enforcement which has been donated in good faith without payment to any organization engaged in fire fighting or emergency medical services, or to a law enforcement agency.

Sec. 3. Section 670.4, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. r. Any claim arising from the performance, failure to perform, nature, age, condition, or packaging of any vehicle or equipment used in fire fighting, emergency medical response, or law enforcement which has been donated in good faith without payment to any organization engaged in fire fighting or emergency medical services, or to a law enforcement agency.

Approved June 1, 2020

CHAPTER 1028**ELUDING LAW ENFORCEMENT VEHICLES — PENALTIES***S.F. 2275*

AN ACT relating to eluding or attempting to elude a pursuing law enforcement vehicle and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.279, Code 2020, is amended to read as follows:

321.279 Eluding or attempting to elude pursuing law enforcement vehicle.

1. *a.* The driver of a motor vehicle commits a serious misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle driven by a uniformed peace officer after being given a visual

¹ See chapter 1121, §61 herein

and audible signal to stop. The signal given by the peace officer shall be by flashing red light, or by flashing red and blue lights, and siren. For purposes of this section, "peace officer" means those officers designated under section 801.4, subsection 11, paragraphs "a", "b", "c", "f", "g", and "h".

b. The driver of a motor vehicle who commits a second or subsequent violation under this subsection is, upon conviction, guilty of an aggravated misdemeanor.

2. a. The driver of a motor vehicle commits an aggravated misdemeanor if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in this section and in doing so exceeds the speed limit by twenty-five miles per hour or more.

b. The driver of a motor vehicle who commits a violation under this section and who has previously committed a violation under this section or subsection 3 is, upon conviction, guilty of a class "D" felony.¹

3. a. The driver of a motor vehicle commits a class "D" felony if the driver willfully fails to bring the motor vehicle to a stop or otherwise eludes or attempts to elude a marked official law enforcement vehicle that is driven by a uniformed peace officer after being given a visual and audible signal as provided in this section, and in doing so exceeds the speed limit by twenty-five miles per hour or more, and if any of the following occurs:

~~a.~~ (1) The driver is participating in a public offense, as defined in section 702.13, that is a felony.

~~b.~~ (2) The driver is in violation of section 321J.2 ~~or 124.401.~~

(3) The driver is in violation of section 124.401.

~~c.~~ (4) The offense results in bodily injury to a person other than the driver.

b. The driver of a motor vehicle who commits a second or subsequent violation under this subsection is, upon conviction, guilty of a class "C" felony.

Sec. 2. Section 321J.2, subsection 3, paragraph b, subparagraph (2), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) If the offense was committed in violation of section 321.279, subsection 3, paragraph "a", subparagraph (2).

Sec. 3. Section 907.3, subsection 1, paragraph a, subparagraph (6), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) If the offense was committed in violation of section 321.279, subsection 3, paragraph "a", subparagraph (2).

Sec. 4. Section 907.3, subsection 2, paragraph a, subparagraph (2), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (f) The offense is a violation of section 321.279, subsection 3, paragraph "a", subparagraph (2).

Approved June 1, 2020

¹ See chapter 1121, §65 herein

CHAPTER 1029**HEALTH CARE FACILITIES AND PROVIDERS — BACKGROUND CHECKS***S.F. 2299*

AN ACT relating to background checks for employees and students of certain facilities, providers, programs, and agencies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135B.34, subsection 1, Code 2020, is amended to read as follows:

1. a. Prior to employment of a person in a hospital, the hospital shall ~~request~~ do one of the following:

(1) Request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state.

(2) Access the single contact repository to perform the required record checks.

b. (1) If a hospital accesses the single contact repository to perform the required record checks pursuant to paragraph “a”, the hospital may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712 or pursuant to section 726.3, 726.7, or 726.8.

(b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the hospital has requested an evaluation in accordance with subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the person’s employment in the hospital.

(2) The provisional employment under this paragraph “b” may continue until such time as the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, are completed.

c. A hospital shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A hospital shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse
or have you ever been convicted of a crime, in this state or any other
state?

Sec. 2. Section 135B.34, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. Except as provided in subsection 1, paragraph “b”, subsection 2, and paragraph “b” and subsection 2 of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a hospital licensed under this chapter unless an evaluation has been performed by the department of human services.

Sec. 3. Section 135B.34, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For the purposes of this subsection, “*comprehensive preliminary background check*” means the same as defined in section 135C.1.

Sec. 4. Section 135C.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “*Comprehensive preliminary background check*” includes a criminal history check of all states in which the applicant has worked or resided over the

seven-year period immediately prior to submitting an application for employment that is conducted by a third-party vendor.

Sec. 5. Section 135C.33, Code 2020, is amended to read as follows:

135C.33 Employees and certified nurse aide trainees — child or dependent adult abuse information and criminal record checks check options — evaluations — application to other providers — penalty.

1. *a.* For the purposes of this section, the term “*crime*” does not include offenses under chapter 321 classified as a simple misdemeanor or equivalent simple misdemeanor offenses from another jurisdiction.

b. Prior to employment of a person in a facility or with a provider as specified in subsection 5, the facility or provider shall request do one of the following:

(1) Request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state.

(2) Access the single contact repository to perform the required record checks.

c. (1) If a facility or a provider as specified in subsection 5 accesses the single contact repository to perform the required record checks pursuant to paragraph “b”, the facility or provider may utilize a third-party vendor to perform a comprehensive preliminary background check and provisionally employ a person being considered for employment pending completion of the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for employment has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.7, or 726.8.

(b) If the comprehensive preliminary background check determines the person being considered for employment does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the facility or provider has requested an evaluation in accordance with subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the person’s employment in the facility or with the provider.

(2) The provisional employment under this paragraph “c” may continue until such time as the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, are completed.

d. A facility or provider shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A facility or provider shall include the following inquiry in an application for employment:

Do you have a record of founded child or dependent adult abuse or have you ever been convicted of a crime other than a simple misdemeanor offense relating to motor vehicles and laws of the road under chapter 321 or equivalent provisions, in this state or any other state?

2. *a.* If it is determined that a person being considered for employment in a facility or with a provider has been convicted of a crime under a law of any state, the department of public safety shall notify the licensee facility or provider that upon the request of the licensee facility or provider the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person’s employment in the facility or with the provider.

b. (1) If a person being considered for employment, other than employment involving the operation of a motor vehicle, has been convicted of a crime listed in subparagraph (2) but does not have a record of founded child or dependent adult abuse and the licensee facility or provider has requested an evaluation in accordance with paragraph “a” to determine whether the crime warrants prohibition of the person’s employment, the licensee facility or provider

may employ the person for not more than sixty calendar days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

c. If a department of human services child or dependent adult abuse record check shows that such person has a record of founded child or dependent adult abuse, the department of human services shall notify the licensee facility or provider that upon the request of the licensee facility or provider the department of human services will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of employment in the facility or with the provider.

d. An evaluation performed under this subsection shall be performed in accordance with procedures adopted for this purpose by the department of human services.

e. (1) If a person owns or operates more than one facility or a provider owns or operates more than one location, and an employee of one of such facilities or provider locations is transferred to another such facility or provider location without a lapse in employment, the facility or provider is not required to request additional criminal and child and dependent adult abuse record checks of that employee.

(2) If the ownership of a facility or provider is transferred, at the time of transfer the record checks required by this section shall be performed for each employee for whom there is no documentation that such record checks have been performed. The facility or provider may continue to employ such employee pending the performance of the record checks and any related evaluation.

3. In an evaluation, the department of human services shall consider the nature and seriousness of the crime or founded child or dependent adult abuse in relation to the position sought or held, the time elapsed since the commission of the crime or founded child or dependent adult abuse, the circumstances under which the crime or founded child or dependent adult abuse was committed, the degree of rehabilitation, the likelihood that the person will commit the crime or founded child or dependent adult abuse again, and the number of crimes or founded child or dependent adult abuses committed by the person involved. If the department of human services performs an evaluation for the purposes of this section, the department of human services has final authority in determining whether prohibition of the person's employment is warranted.

4. a. Except as provided in subsection 1, paragraph "c", subsection 2, and paragraph "b" and subsection 2 of this subsection, a person who has committed a crime or has a record of founded child or dependent adult abuse shall not be employed in a facility licensed under this chapter or with a provider unless an evaluation has been performed by the department of human services.

b. A person with a criminal or abuse record who is or was employed by a facility licensed under this chapter or provider and is hired by another licensee facility or provider shall be subject to the criminal history and abuse record checks required pursuant to subsection 1. However, if an evaluation was previously performed by the department of human services concerning the person's criminal or abuse record and it was determined that the record did not warrant prohibition of the person's employment and the latest record checks do not indicate a crime was committed or founded abuse record was entered subsequent to that evaluation, the person may commence employment with the other licensee facility or provider in accordance with the department of human services' evaluation and an exemption from the requirements in paragraph "a" for reevaluation of the latest record checks is authorized. Otherwise, the requirements of paragraph "a" remain applicable to the person's employment. Authorization of an exemption under this paragraph "b" from requirements for reevaluation of the latest record checks by the department of human services is subject to all of the following provisions:

(1) The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

(2) Any restrictions placed on the person's employment in the previous evaluation by the department of human services shall remain applicable in the person's subsequent employment.

(3) The person subject to the record checks has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides the previous evaluation from the person's personnel file pursuant to the person's authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record checks shall be reevaluated.

(4) Although an exemption under this paragraph "b" may be authorized, the subsequent employer may instead request a reevaluation of the record checks and may employ the person while the reevaluation is being performed.

5. a. This section shall also apply to prospective employees of all of the following, if the provider is regulated by the state or receives any state or federal funding:

(1) An employee of a homemaker-home health aide, home care aide, adult day services, or other provider of in-home services if the employee provides direct services to consumers.

(2) An employee of a hospice, if the employee provides direct services to consumers.

(3) An employee who provides direct services to consumers under a federal home and community-based services waiver.

(4) An employee of an elder group home certified under chapter 231B, if the employee provides direct services to consumers.

(5) An employee of an assisted living program certified under chapter 231C, if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of this section, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, prior to the employment of such an employee, the provider shall request the performance of the criminal and child and dependent adult abuse record checks. The provider shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a provider shall not be employed by the provider.

6. a. This section shall also apply to an employee of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by this section if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of this section, including the provision authorizing provisional employment following completion of a comprehensive preliminary background check, prior to the employment of such an employee, the temporary staffing agency shall request the performance of the criminal and child and dependent adult abuse record checks. The temporary staffing agency shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a temporary staffing agency shall not be employed by the assisted living program as defined in section 231C.2, the Medicare certified home health agency, or the facility, service, program, or other provider regulated by this section.

c. If a person employed by a temporary staffing agency that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the temporary staffing agency within forty-eight hours and the temporary staffing agency shall inform the facility, service, program, or other provider within two hours.

d. If a temporary staffing agency fails to comply with the requirements of this section, the temporary staffing agency shall be liable to the facility, service, program, or other provider for any actual damages, including civil penalties, and reasonable attorney fees.

e. This section shall not apply to employees employed by a temporary staffing agency for a position that does not provide direct services to consumers.

7. a. The department of inspections and appeals, in conjunction with other departments and agencies of state government involved with criminal history and abuse registry information, shall establish a single contact repository for facilities and other providers to have electronic access to data to perform background checks for purposes of employment, as required of the facilities and other providers under this section.

b. The department may access the single contact repository for any of the following purposes:

- (1) To verify data transferred from the department's nurse aide registry to the repository.
- (2) To conduct record checks of applicants for employment with the department.

8. a. If a person employed by a facility, service, or program employer that is subject to this section is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the employer of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The employer shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied by the employer to determine whether or not the person's employment is continued. The employer may continue to employ the person pending the performance of an evaluation by the department of human services to determine whether prohibition of the person's employment is warranted. A person who is required by this subsection to inform the person's employer of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

b. If a facility, service, or program employer receives credible information, as determined by the employer, that a person employed by the employer has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after employment from a person other than the employee and the employee has not informed the employer of such information within the period required under paragraph "a", the employer shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of subsections 2, 3, and 4 regarding employability and evaluations shall be applied to determine whether or not the person's employment is continued.

c. The employer may notify the county attorney for the county where the employer is located of any violation or failure by an employee to notify the employer of a criminal conviction or entry of an abuse record within the period required under paragraph "a".

9. a. For the purposes of this subsection, unless the context otherwise requires:

(1) "*Certified nurse aide training program*" means a program approved in accordance with the rules for such programs adopted by the department of human services for the training of persons seeking to be a certified nurse aide for employment in any of the facilities or programs this section applies to or in a hospital, as defined in section 135B.1.

(2) "*Student*" means a person applying for, enrolled in, or returning to a certified nurse aide training program.

b. (1) Prior to a student beginning or returning to a certified nurse aide training program, the program shall request do one of the following:

(a) Request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks, in this state, of the student. ~~The program may access~~

(b) ~~Access the single contact repository established pursuant to this section as necessary for the program to initiate perform the required record checks.~~

(2) If a program accesses the single contact repository to perform the required record checks pursuant to subparagraph (1), the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a person to provisionally participate in the clinical component of the certified nurse aide training program pending completion of the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, subject to all of the following:

(a) If the comprehensive preliminary background check determines that the person being considered for provisional participation has been convicted of a crime but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712, or pursuant to section 726.3, 726.7, or 726.8.

(b) If the comprehensive preliminary background check determines the person being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse or if an exception pursuant to subsection 4 is applicable to the person.

(c) If the program has requested an evaluation in accordance with subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the person’s provisional participation.

(d) The provisional participation under this subparagraph (2) may continue until such time as the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, are completed.

c. If a student has a criminal record or a record of founded child or dependent adult abuse, the student shall not be involved in a clinical education component of the certified nurse aide training program involving children or dependent adults unless an evaluation has been performed by the department of human services. Upon request of the certified nurse aide training program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the student’s involvement in a clinical education component of the certified nurse aide training program involving children or dependent adults. The evaluation shall be performed in accordance with the criteria specified in subsection 3, and the department of human services shall report the results of the evaluation to the certified nurse aide training program. The department of human services has final authority in determining whether prohibition of the student’s involvement in the clinical education component is warranted.

d. (1) If a student’s clinical education component of the training program involves children or dependent adults but does not involve operation of a motor vehicle, and the student has been convicted of a crime listed in subparagraph (2), but does not have a record of founded child or dependent adult abuse, and the training program has requested an evaluation in accordance with paragraph “c” to determine whether the crime warrants prohibition of the student’s involvement in such clinical education component, the training program may allow the student’s participation in the component for not more than sixty days pending completion of the evaluation.

(2) Subparagraph (1) applies to a crime that is a simple misdemeanor offense under section 123.47, and to a crime that is a first offense of operating a motor vehicle while intoxicated under section 321J.2, subsection 1.

e. (1) If a student is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the record checks and any evaluation have been performed, the student shall inform the certified nurse aide training program of such information within forty-eight hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. The program shall act to verify the information within seven calendar days of notification. If the information is verified, the requirements of paragraph “c” shall be applied by the program to determine whether or not the student’s involvement in a clinical education component may continue. The program may allow the student involvement to continue pending the performance of an evaluation by the department of human services. A student who is required by this subparagraph to inform the program of a conviction or entry of an abuse record and fails to do so within the required period commits a serious misdemeanor.

(2) If a program receives credible information, as determined by the program, that a student has been convicted of a crime or a record of founded child or dependent adult abuse has been entered in the abuse registry after the record checks and any evaluation have been performed, from a person other than the student and the student has not informed the program of such information within the period required under subparagraph (1), the program shall act to verify the credible information within seven calendar days of receipt of the credible information. If the information is verified, the requirements of paragraph “c” shall be applied to determine whether or not the student’s involvement in a clinical education component may continue.

(3) The program may notify the county attorney for the county where the program is located of any violation or failure by a student to notify the program of a criminal conviction or entry of an abuse record within the period required under subparagraph (1).

f. If a certified nurse aide training program is conducted by a health care facility and a student of that program subsequently accepts and begins employment with the facility within thirty days of completing the program, the criminal history and abuse registry checks of the

student performed pursuant to this subsection shall be deemed to fulfill the requirements for such checks prior to employment pursuant to subsection 1.

Sec. 6. Section 152.5A, Code 2020, is amended to read as follows:

152.5A Student record checks.

1. For the purposes of this section:

a. “Comprehensive preliminary background check” means the same as defined in section 135C.1.

~~α.~~ b. “Nursing program” means a nursing program that is approved by the board pursuant to section 152.5.

b. c. “Student” means a person applying for, enrolled in, or returning to the clinical education component of a nursing program.

~~2. A Prior to a student beginning or returning to a nursing program, the nursing program may access the single contact repository established pursuant to section 135C.33 as necessary for the nursing program to initiate record checks of students.~~

~~3. A nursing program shall request shall do one of the following in substantial conformance with the provisions of section 135C.33:~~

a. Request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the student in this state on the nursing program’s students.

b. Access the single contact repository to perform the required record checks.

3. a. If a program accesses the single contact repository to perform the required record checks pursuant to subsection 2, the program may utilize a third-party vendor to perform a comprehensive preliminary background check to allow a student to provisionally participate in the clinical education component of the nursing program pending completion of the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, subject to all of the following:

(1) If the comprehensive preliminary background check determines that the student being considered for provisional participation has been convicted of a crime, but the crime does not constitute a felony as defined in section 701.7 and is not a crime specified pursuant to chapter 708, 708A, 709, 709A, 710, 710A, 711, or 712 or pursuant to section 726.3, 726.7, or 726.8.

(2) If the comprehensive preliminary background check determines the student being considered for provisional participation does not have a record of founded child abuse or dependent adult abuse, or if an exception pursuant to section 135C.33, subsection 4, is applicable to the student.

(3) If the program has requested an evaluation in accordance with section 135C.33, subsection 2, paragraph “a”, to determine whether the crime warrants prohibition of the student’s provisional participation.

b. The provisional participation under this subsection 3 may continue until such time as the required record checks through the single contact repository and the evaluation by the department of human services, as applicable, are completed.

4. If a student has a criminal record or a record of founded child or dependent adult abuse, upon request of the nursing program, the department of human services shall perform an evaluation to determine whether the record warrants prohibition of the ~~person’s~~ student’s involvement in a clinical education component of a nursing program involving children or dependent adults. The department of human services shall utilize the criteria provided in section 135C.33 in performing the evaluation and shall report the results of the evaluation to the nursing program. The department of human services has final authority in determining whether prohibition of the ~~person’s~~ student’s involvement in a clinical education component is warranted.

Sec. 7. THIRD-PARTY VENDOR — COMPREHENSIVE PRELIMINARY BACKGROUND CHECKS FOR PROVISIONAL EMPLOYMENT OR PROVISIONAL PARTICIPATION. The department of inspections and appeals shall post on the department’s internet site a listing of third-party vendors vetted, approved, and provided to the department by statewide associations of hospitals, health care facilities, programs, and providers described in this Act from which a hospital, health care facility, program, or provider, respectively, may select

a third-party vendor to conduct the comprehensive preliminary background checks for provisional employment of employees or provisional participation by students as provided in this Act.

Approved June 1, 2020

CHAPTER 1030

ASBESTOS AND SILICA ACTIONS — INFORMATION REQUIREMENTS

S.F. 2337

AN ACT relating to civil actions involving asbestos and silica, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 686B.3, subsection 2, Code 2020, is amended to read as follows:

2. A plaintiff in an asbestos action, including an action alleging a nonmalignant or a malignant condition, or a silica action involving silicosis, shall include with the detailed narrative medical report file with the petition or other initial pleading a sworn information form containing specifying the evidence that provides the basis for each claim against each defendant. The sworn information form shall include all of the following with specificity:

a. The name, address, date of birth, social security number, marital status, occupation, current and past worksites, and employer of the exposed person, and any person through whom the exposed person alleges exposure.

b. The plaintiff's relationship to the exposed person or person through whom the exposure is alleged.

b. Each person through whom the exposed person was exposed to asbestos or silica, and the exposed person's relationship to each person.

c. Each asbestos-containing product or silica product, whether from a bankrupt entity or otherwise, to which the exposed person was exposed, or if the exposed person was exposed through another person, to which that person was exposed.

e. d. The specific location and manner of each alleged exposure, including the specific location and manner of exposure for any person through whom the exposed person alleges exposure was exposed to asbestos or silica.

d. e. The beginning and ending dates of each alleged exposure and the frequency of the exposure of the exposed person to the product or its use, including for any person through whom the exposed person was exposed.

e. f. The identity of the manufacturer or seller of the specific asbestos or silica product for each exposure.

~~f. The identity of the defendant or defendants against whom the plaintiff asserts a claim.~~

g. The specific asbestos-related or silica-related disease claimed to exist.

h. Any supporting documentation relating to the information required under this subsection.

Sec. 2. Section 686B.3, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 3. Section 686B.3, subsection 5, Code 2020, is amended to read as follows:

5. The court shall dismiss the asbestos action or silica action without prejudice on finding that the plaintiff has failed to make the prima facie showing required by this chapter or failed to comply with the requirements of this section subsections 1 and 2. The court shall dismiss the asbestos action or silica action without prejudice as to any defendant whose product or premises is not identified in the information required pursuant to subsection 2.

Sec. 4. APPLICABILITY. This Act applies to an asbestos action, including an action alleging a nonmalignant or malignant condition, or a silica action involving silicosis filed on or after July 1, 2020.

Approved June 1, 2020

CHAPTER 1031

COMMUNITY COLLEGE CAREER AND TECHNICAL EDUCATION INSTRUCTOR QUALIFICATIONS

H.F. 2454

AN ACT relating to qualifications for community college career and technical education instructors.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 260C.48, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. (1) Instructors in the subject area of career and technical education shall be registered, certified, or licensed in the occupational area in which the state requires registration, certification, or licensure, and shall hold the appropriate registration, certificate, or license for the occupational area in which the instructor is teaching, and shall meet ~~either~~ at least one of the following qualifications:

~~(1)~~ (a) A Possess a baccalaureate or graduate degree in the area or a related area of study or occupational area in which the instructor is teaching teaches classes, or possesses a baccalaureate degree in any area of study if at least eighteen of the credit hours completed were in the career and technical field of instruction in which the instructor teaches classes.

~~(2)~~ (b) Special Possess an associate degree in the career and technical education field of instruction in which the instructor is teaching, if such degree is considered terminal for that field of instruction, and have at least three thousand hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes.

(c) Have special training and at least six thousand hours of recent and relevant work experience in the occupational area or related occupational area in which the instructor teaches classes if the instructor possesses less than a baccalaureate degree in the area or related area of study or occupational area in which the instructor is teaching classes and the instructor does not meet the requirements of subparagraph (2).

(2) If For purposes of¹ subparagraph divisions (b) and (c), if the instructor is a licensed practitioner who holds a career and technical endorsement under chapter 272, relevant work experience in the occupational area includes but is not limited to classroom instruction in a career and technical education subject area offered by a school district or accredited nonpublic school.

Approved June 1, 2020

¹ See chapter 1121, §64 herein

CHAPTER 1032**SEWER AND WATER SUPPLY DISTRIBUTION SYSTEM EXTENSIONS — APPROVAL AND PERMITTING***H.F. 2475*

AN ACT relating to the review and permitting of sewer extensions and water supply distribution system extensions, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.183, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Upon adoption of standards by the commission pursuant to section 455B.173, subsections 5 through 8, plans and specifications for sewer extensions and water supply distribution system extensions covered by this section shall be submitted to the city or county public works department for approval if the local public works department employs or retains a qualified, licensed engineer who reviews the plans and specifications using the specific state standards known as the Iowa standards for sewer systems and the Iowa standards for water supply distribution systems that have been formulated and adopted by the ~~department~~ commission pursuant to section 455B.173, subsections 5 through 8. The local agency shall issue a written permit to construct if all of the following apply:

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 1, 2020

CHAPTER 1033**COUNTY ZONING FOR AGRICULTURAL EXPERIENCES***H.F. 2477*

AN ACT relating to county regulation of certain agricultural experiences.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 335.26 Agricultural experiences.**

1. For purposes of this section, “*agricultural experience*” includes any agriculture-related activity, as a secondary use in conjunction with agricultural production, on a farm which activity is open to the public with the intended purpose of promoting or educating the public about agriculture, agricultural practices, agricultural activities, or agricultural products.

2. To assist in the promotion of agricultural experiences, a county shall not require a conditional use permit, special use permit, special exception, or variance for agricultural experiences on property of which the primary use is agricultural production.

Approved June 1, 2020

CHAPTER 1034

COUNTY ZONING — EXEMPTIONS AND PROCEDURES

H.F. 2512

AN ACT relating to county zoning procedures, and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 335.2, Code 2020, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. A county shall not require an application, an approval, or the payment of a fee in order for an ordinance to be deemed inapplicable to land, farm barns, farm outbuildings, or other buildings or structures that are primarily adapted for use for agricultural purposes under this section.

NEW UNNUMBERED PARAGRAPH. Land, farm houses, farm barns, farm outbuildings, or other buildings or structures may qualify under this section independently or in combination with other agricultural uses. Land enrolled in a soil or water conservation program shall be considered land primarily adapted for use for agricultural purposes under this section.

Sec. 2. Section 335.5, subsection 4, Code 2020, is amended to read as follows:

4. a. A comprehensive plan recommended for adoption or amendment by the zoning commission established under section 335.8, may be adopted by the board of supervisors. The board of supervisors shall not hold a public hearing or take action on the recommendation until it has received the zoning commission's final report containing the recommendation.

b. Before taking action on the recommendation, the board of supervisors shall hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the hearing shall be published as provided in section 331.305.

c. The board of supervisors may amend a proposed comprehensive plan or amendment prior to adoption. The board of supervisors shall publish notice of the meeting at which the comprehensive plan or amendment will be considered for adoption. The notice shall be published as provided in section 331.305.

~~b. d.~~ Following its adoption, copies of the comprehensive plan or amended plan shall be sent or made available to neighboring counties, cities within the county, the council of governments or regional planning commission where the county is located, and public libraries within the county.

~~e. Following its adoption, a comprehensive plan may be amended by the board of supervisors at any time.~~

Sec. 3. Section 335.8, subsection 1, Code 2020, is amended to read as follows:

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission, ~~a majority of whose members shall reside within the county but outside the corporate limits of any city,~~ consisting of eligible electors, as defined in section 39.3, who reside within the area regulated by the county zoning ordinance,¹ to be known as the county zoning commission, ~~to.~~ The commission may recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein in the districts. Such The commission shall, with due diligence, prepare a preliminary report and hold public hearings thereon on the preliminary report before submitting its the commission's final report; ~~and the.~~ The board of supervisors shall not hold its public hearings or take action until it has received the final report of ~~such~~ the commission. After the adoption of ~~such~~ the regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes, or

¹ See chapter 1121, §116 herein

modifications. The commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.

Sec. 4. Section 335.11, Code 2020, is amended to read as follows:

335.11 Membership of board.

The board of adjustment shall consist of five members, ~~a majority of whom shall reside within the county but outside the corporate limits of any city~~ who are eligible electors, as defined in section 39.3, and who reside within the area regulated by the county zoning ordinance,² each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Sec. 5. CODE EDITOR DIRECTIVE. The Code editor may number unnumbered paragraphs within section 335.2, as amended in this Act, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 7. APPLICABILITY. The following applies to comprehensive plans and amendments to comprehensive plans proposed or adopted on or after July 1, 2020:

The section of this Act amending section 335.5, subsection 4.

Sec. 8. APPLICABILITY.

1. The following apply on and after the effective date of this Act to members of county zoning commissions and county boards of adjustment holding office on or after that date:

- a. The section of this Act amending section 335.8, subsection 1.
- b. The section of this Act amending section 335.11.

2. If a current member of a county zoning commission or county board of adjustment does not meet the eligibility requirements provided in this Act, the position of the member shall be deemed vacant as provided in section 69.2, and the county board of supervisors shall appoint a successor member who meets the eligibility requirements provided in this Act within one year of the effective date of this Act.

Approved June 1, 2020

CHAPTER 1035

FELON VOTING RIGHTS RESTORATION

S.F. 2348

AN ACT relating to the restoration of voting rights to certain convicted persons and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

² See chapter 1121, §117 herein

Section 1. Section 48A.6, subsection 1, Code 2020, is amended to read as follows:

1. A person who has been convicted of a felony as defined in section 701.7, or convicted of an offense classified as a felony under federal law, and who has not discharged the person's sentence as provided in section 48A.6A. If the person's rights are later restored by the governor, or by the president of the United States, the person may register to vote.

Sec. 2. NEW SECTION. **48A.6A Discharge of sentence — definition.**

A person shall not be considered to have discharged a sentence for purposes of Article II, section 5, of the Constitution of the State of Iowa and section 48A.6 unless the person has done all of the following:

1. Completed any term of confinement, parole, and probation, and completed any special sentence imposed pursuant to chapter 903B.

2. For an offense under chapter 707, the offense of child endangerment resulting in the death of a child or minor under section 726.6, or election misconduct in the first degree under section 39A.2, received a pardon or restoration of rights from the governor.

3. Paid all pecuniary damages owed to a natural person imposed pursuant to chapter 910, as confirmed by the clerk of the court.

Sec. 3. **CONTINGENT EFFECTIVE DATE.** This Act takes effect upon the ratification of a constitutional amendment originating in a resolution passed during the eighty-eighth general assembly relating to the restoration of the voting rights of felons upon the discharge of a criminal sentence pursuant to Article X, section 1, of the Constitution of the State of Iowa. ¹

Sec. 4. **CONTINGENT REPEAL DATE.** This Act is repealed if a constitutional amendment relating to the restoration of the voting rights of felons upon the discharge of a criminal sentence is not ratified pursuant to Article X, section 1, of the Constitution of the State of Iowa prior to January 1, 2023.

Approved June 4, 2020

CHAPTER 1036

REGULATION OF AGRICULTURE AND FOOD PRODUCTION

S.F. 2413

AN ACT relating to agriculture and food, including the powers and duties of the department of agriculture and land stewardship, providing penalties, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I ANIMAL HEALTH

Section 1. NEW SECTION. **163.2A Part — definitions.**

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

1. “*Animal*” means any livestock or agricultural animal as defined in section 717A.1.

2. “*Interested person*” means the owner of an animal; a person caring for the animal, if different from the owner of the animal; or a person holding a perfected agricultural lien or security interest in the animal under chapter 554.

¹ No joint resolution on this subject was passed during the 88th General Assembly

Sec. 2. Section 163.3, Code 2020, is amended to read as follows:

163.3 Veterinary and special assistants.

The secretary or the secretary's designee may appoint one or more veterinarians licensed pursuant to chapter 169 in each county as assistant veterinarians. The secretary may also appoint ~~such one or more~~ special assistants as may be necessary in cases of emergency, including as provided in section 163.3A.

Sec. 3. Section 163.3A, subsection 1, Code 2020, is amended to read as follows:

1. The department may provide veterinary emergency preparedness and response services necessary to prevent or control a serious threat to the public health, public safety, or the state's economy caused by the transmission of disease among ~~livestock as defined in section 717.1 or agricultural animals as defined in section 717A.1~~. The services may include measures necessary to ensure that all such animals carrying disease are properly identified, segregated, treated, or destroyed as provided in this Code.

Sec. 4. Section 163.3C, subsection 1, Code 2020, is amended by striking the subsection.

Sec. 5. Section 163.3C, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The department shall develop and establish a foreign animal disease preparedness and response strategy for use by the department in order to prevent, control, or eradicate the transmission of foreign animal diseases among populations of ~~livestock animals~~. The strategy may be part of the department's veterinary emergency preparedness and response services as provided in section 163.3A. The strategy shall provide additional expertise and resources to increase biosecurity efforts that assist in the prevention of a foreign animal disease outbreak in this state. In developing and establishing the strategy, the department shall consult with interested persons including but not limited to the following:

Sec. 6. Section 163.3C, subsection 3, Code 2020, is amended to read as follows:

3. The department shall implement the foreign animal disease preparedness and response strategy if necessary to prevent, control, or eradicate the transmission and incidence of foreign animal diseases that may threaten or actually threaten ~~livestock animals~~ in this state. In implementing the strategy, the department may utilize emergency response measures as otherwise required under section 163.3A. The department may but is not required to consult with interested persons when implementing the strategy.

Sec. 7. **NEW SECTION. 163.3D Emergency measures — abandoned animals — authorization and seizure.**

1. *a.* The department may seize one or more abandoned animals pursuant to an authorization providing emergency measures to prevent or control the transmission of an infectious or contagious disease among any population or species of animals.

b. The authorization must be any of the following:

(1) A declaration or proclamation issued by the governor pursuant to chapter 29C, including as provided in section 163.3A.

(2) An order issued by the secretary or the secretary's designee pursuant to a provision in this subtitle.

(3) Any other provision of law in this subtitle that requires the department to control the transmission of an infectious or contagious disease among a population or species of animals in this state.

c. If there is a conflict between a measure authorized to be taken under paragraph "a", that is less restrictive than the standards or procedures provided in this section, the measures authorized to be taken under paragraph "a" shall prevail.

2. The department may appoint veterinary assistants or special assistants as provided in section 163.3 as required to administer this section.

3. It is presumed that an abandoned animal belonging to a species subject to emergency measures as provided in subsection 1 has been exposed to an infectious or contagious disease as provided in the authorization.

4. As part of the seizure of an abandoned animal, the department may take, impound, and retain custody of the animal, including by maintaining the animal in a manner and at a location determined by the department to be reasonable under the emergency circumstances. The department may take action as provided in this subtitle to ensure that all animals exposed to an infectious or contagious disease are properly identified, tested, segregated, treated, or destroyed as provided in this subtitle.

5. *a.* The department may seize an animal if the department has a reasonable suspicion the animal has been abandoned, including by entering onto public or private property or into a private motor vehicle, trailer, or semitrailer parked on public or private property, as provided in this subsection.

b. The department may enter onto private property or into a private motor vehicle, trailer, or semitrailer to seize an abandoned animal if the department obtains a search warrant issued by a court, or enters onto the premises in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

c. An abandoned animal shall only be seized by the department pursuant to the following conditions:

(1) The department provides written notice of its abandonment determination to all reasonably identifiable interested persons. The department shall make a good-faith effort to provide the notice to interested persons by regular mail, hand delivery, telephone, electronic mail, or other reasonable means. The notice shall include all of the following:

- (a) The name and address of the department.
- (b) A description of the animal subject to seizure.
- (c) The delivery date of the notice.

(d) A statement informing the interested person that the animal may be seized pursuant to this chapter within one day following the delivery date of the notice. The statement must specify a date, time, and location for delivery of the interested person's response designated by the department, as provided in this subsection.

(e) A statement informing the interested person that in order to avoid seizure of the animal, the person must respond to the notice in writing, stating that the animal has not been abandoned and identifying what measures are being taken to care for and manage the animal.

(2) Notwithstanding subparagraph (1), if the department determines that it is not feasible to provide direct notice of its abandonment determination to an interested person, the department shall deliver a constructive notice of the determination to that person by any reasonable manner, which may include posting the notice at or near the place where the animal is located. The department shall also post the constructive notice on the department's internet site.

d. The department may seize the animal if the department fails to receive a written response by the interested person by the end of normal office hours of the next day the department is available to receive the response after written notice of the department's abandonment determination is delivered.

e. Upon a determination by the department that exigent circumstances exist, the department may enter onto private property without a warrant and may seize an abandoned animal, in a manner consistent with the laws of this state and the United States, including Article I, section 8, of the Constitution of the State of Iowa, or the fourth amendment to the Constitution of the United States.

6. If an animal is seized pursuant to this section, the department shall post a notice in a conspicuous place at the location where the animal was seized. The notice shall state the animal has been seized by the department pursuant to this section and at least briefly describe where and when the animal was seized, the species and number of animals seized, and that a dispositional proceeding is to be conducted pursuant to section 163.3E.

Sec. 8. NEW SECTION. 163.3E Emergency measures — abandoned animals — dispositional proceeding.

1. *a.* The department shall file a petition with the district court for the disposition of an animal seized pursuant to section 163.3D as soon as practicable.

b. The court shall notify the department and all interested persons of the dispositional proceeding in a manner determined reasonable by the court. The court shall hear the matter within twenty-four hours from the time the department's petition is filed. The court may grant a continuance by a motion of the department or upon petition by an interested person. However, the interested person shall post a bond or other security with the department in an amount determined by the court, which shall not be more than the amount sufficient to provide for the maintenance of the animal for the duration of the continuance.

2. Upon a determination by the department that exigent circumstances exist, the dispositional proceeding may be conducted by an administrative law judge in the same manner as an emergency adjudicative proceeding pursuant to section 17A.18A. The administrative law judge shall notify the department and all interested persons of the dispositional proceeding in a manner determined reasonable by the administrative law judge given the circumstances in the case. The procedures provided in this section may be supplemented or modified by a declaration or proclamation issued by the governor or an order issued by the secretary or the secretary's designee pursuant to section 163.3D.

3. a. A court or administrative law judge shall issue an order for the disposition of the animal after making any of the following determinations:

(1) That no interested person holds a legal interest in the seized animal. In that case, the animal shall be deemed abandoned and the order shall extinguish all prior legal interests in the animal. The order shall grant an undivided ownership interest in the animal free from any security interest or other agricultural lien or encumbrance to the department.

(2) That an interested person holds a legal interest in the seized animal, and the department has reasonable suspicion to believe that the animal has been exposed to an infectious or contagious disease. In that case, the order shall provide for the disposition of the animal in the same manner as if the department had identified the animal as having been exposed to the infectious or contagious disease under the authorization provided in section 163.3D.

(3) That a person holds a legal interest in the seized animal, and there is no reasonable suspicion that the seized animal has been exposed to an infectious or contagious disease. In that case, the order shall direct the department to transfer custody of the animal to the interested person. In the event the animal is returned to the interested person, the department shall not be subject to any claim for damages caused by the seizure if the department's actions were taken pursuant to the department's emergency efforts to establish and maintain quarantine in response to a disease outbreak, as set forth in section 669.14, subsection 3.

b. A reasonable suspicion asserted by the department may be based on any credible evidence that shows the animal's possible exposure to an infectious or contagious disease or the animal was abandoned. This paragraph "b" does not require the department to conduct a test of an animal to determine whether an animal has been exposed.

c. If two or more interested parties may be transferred custody of an animal by the department pursuant to paragraph "a", subparagraph (3), the court or administrative law judge shall order the department to transfer the animal to the owner or otherwise to the interested person best able to care for the animal without prejudicing the rights of any other interested person. However, in any cause of action brought by an interested person contesting the order to transfer under this subsection, the department shall not be included as a party.

4. a. In a dispositional proceeding conducted by a court or administrative law judge under this section, or in a separate cause of action brought by the department against an interested person, the court or administrative law judge may award the department all of the following:

(1) An amount necessary to reimburse the department for expenses incurred in seizing and maintaining an abandoned animal as well as any costs for the disposition of the abandoned animal.

(2) Expenses related to the investigation and adjudication of the case.

b. In a dispositional proceeding conducted by a court under this section, or in a separate cause of action brought by the department against an interested person, the court may award the department court costs and reasonable attorney fees.

c. An award ordered under this subsection shall be paid by an interested party who is transferred a seized animal by the court or administrative law judge, or the owner of the seized animal as determined by the court or administrative law judge. The amount awarded

the department shall be subtracted from the proceeds, if any, received by the department from the disposition of the animal. Any amount awarded by a court shall be taxed as part of the costs of the cause of action.

d. If more than one interested person holds a legal interest in the animal, the court or administrative law judge shall calculate the respective contributions of the interested persons based upon the percentage of legal interest in the seized animal held by each interested person. The amount paid to the department shall be sufficient to allow the department to repay the livestock remediation fund as provided in section 459.501 and fully reimburse the department for all costs, fees, and expenses incurred by the department under this section.

Sec. 9. NEW SECTION. 163.3F Interference with official acts.

1. A person shall not interfere with an official act of the department taken in the performance of a duty to prevent or control the transmission of an infectious or contagious disease among a population or species of animals, if the official act is authorized as part of any of the following:

a. A veterinary emergency preparedness and response service pursuant to section 163.3A.

b. A foreign animal disease preparedness and response strategy pursuant to section 163.3C.

c. An emergency measure pursuant to section 163.3D or 163.3E.

2. Under this section, an official act of the department may be performed by a departmental employee, or a veterinary or special assistant appointed pursuant to section 163.3.

Sec. 10. NEW SECTION. 163.33 Feral swine.

1. “*Feral swine*” means any swine running at large.

2. A person shall not knowingly release swine to become feral swine.

3. Upon discovery of feral swine on public or private property, the department may destroy or order the destruction of the feral swine. However, the department shall not destroy the feral swine or order the feral swine’s destruction, unless the department concludes, after conducting a reasonable inquiry in the area where the feral swine is located, that the feral swine’s ownership cannot be determined. The department may call upon a peace officer or appropriate state or federal agency, including but not limited to the department of natural resources or the department of public safety, to enforce this section as set forth in section 159.16.

4. A person may destroy feral swine if the feral swine is on the person’s property or is damaging the person’s personal property. The person shall immediately notify the department of the destruction of the feral swine and allow for possible testing of the feral swine by the department.

5. This section shall not be construed to limit the powers of the department otherwise granted by law.

Sec. 11. Section 163.61, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. A person who interferes with an official act as provided in section 163.3F shall be subject to a civil penalty of at least one hundred dollars but not more than ten thousand dollars. In the case of a continuing violation, each day of the continuing violation is a separate violation. However, a person shall not be subject to a civil penalty totaling more than two hundred fifty thousand dollars arising out of the same violation.

Sec. 12. Section 459.501, subsection 3, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) (a) To allocate moneys to the department of agriculture and land stewardship for the payment of expenses incurred by the department of agriculture and land stewardship associated with all of the following:

(i) Providing for seizure of animals pursuant to sections 169.3D and 169.3E.¹

¹ According to Act; a reference to sections 163.3D and 163.3E probably intended

(ii) Court costs, reasonable attorney fees, and expenses related to the investigation and prosecution of the case arising from the seizure of animals.

(b) The department of natural resources shall allocate any amount of unencumbered and unobligated moneys demanded in writing by the department of agriculture and land stewardship as provided in this subparagraph. The department of natural resources shall complete the allocation upon receiving the demand.

(c) The department of agriculture and land stewardship shall repay the fund any amount received from an interested person pursuant to an order by a court in a dispositional proceeding conducted pursuant to section 163.3E.

Sec. 13. REPEAL. Section 166D.3, Code 2020, is repealed.

Sec. 14. CODE EDITOR DIRECTIVE.

1. The Code editor is directed to make the following transfer:

Section 163.3 to section 163.3G.

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

Sec. 15. CODE EDITOR DIRECTIVE. The Code editor shall divide chapter 163, subchapter I, into parts, including sections 163.1 and 163.2 as part A, sections 163.2A through 163.5, including sections amended or enacted as provided in this division of this Act, as part B, and sections 163.6 through 163.25 as part C.

Sec. 16. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION II FOOD OPERATION TRESPASS

Sec. 17. NEW SECTION. **716.7A Food operation trespass.**

1. As used in this section, unless the context otherwise requires:

a. “*Apiary*” and “*bee*” mean the same as defined in section 160.1A.

b. “*Food animal*” means an animal belonging to the bovine, caprine, ovine, or porcine species; farm deer as defined in section 170.1; turkeys, chickens, or other poultry; fish or other aquatic organisms confined in private waters for human consumption; or bees.

c. “*Food establishment*”, “*food processing plant*”, and “*farmers market*” mean the same as defined in section 137F.1.

d. “*Food operation*” means any of the following:

(1) A location where a food animal is produced, maintained, or otherwise housed or kept, or processed in any manner.

(2) A location other than as described in subparagraph (1) where a food animal is kept, including an apiary, livestock market, vehicle or trailer attached to a vehicle, fair, exhibition, or a business operated by a person licensed to practice veterinary medicine pursuant to chapter 169.

(3) A location where a meat food product, poultry product, milk or milk product, eggs or an egg product, aquatic product, or honey is prepared for human consumption, including a food processing plant, a slaughtering establishment operating under the provisions of 21 U.S.C. §451 et seq. or 21 U.S.C. §601 et seq.; or a slaughtering establishment subject to state inspection as provided in chapter 189A.

(4) A food establishment or farmers market that sells or offers for sale a meat food product, poultry product, milk or milk product, eggs or an egg product, aquatic product, or honey.²

e. “*Meat food product*”, “*poultry product*”, and “*prepared*” mean the same as defined in section 189A.2.

2. A person commits food operation trespass by entering or remaining on the property of a food operation without the consent of a person who has real or apparent authority to allow the person to enter or remain on the property.

² See chapter 1118, §144 herein

3. Subsection 2 does not apply to any of the following:

a. A person entering a right-of-way, 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.

b. A person having lawful authority to enter onto the property of the food operation, including but not limited to a federal, state, or local government official.

c. A person who is given express permission by the owner of the food operation to enter onto or remain on the property of the food operation.

d. A person employed by a food operation while acting in the course of employment.

Sec. 18. Section 716.8, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 8. a. For a first offense, a person who commits food operation trespass as provided in section 716.7A is guilty of an aggravated misdemeanor.

b. For a second or subsequent offense, a person who commits food operation trespass as provided in section 716.7A is guilty of a class “D” felony.

Sec. 19. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 10, 2020

CHAPTER 1037

PEACE OFFICER CONDUCT, CERTIFICATION, TRAINING, DISCIPLINE, AND PROSECUTION

H.F. 2647

AN ACT relating to peace officers, including the certification, training, and prosecution of peace officers and the use of chokeholds by peace officers, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I PROSECUTION BY ATTORNEY GENERAL

Section 1. NEW SECTION. **13.12 Prosecution of criminal offenses committed by law enforcement officers.**

The attorney general may prosecute a criminal offense committed by a law enforcement officer, as defined in section 80B.3, arising from the actions of the officer resulting in the death of another, regardless of whether the county attorney requests the assistance of the attorney general or decides to independently prosecute the criminal offense committed by the officer. If the attorney general determines that criminal charges are not appropriate, the attorney general may refer the matter to the Iowa law enforcement academy council to recommend revocation or suspension of the officer’s certification if the attorney general determines that the officer committed misconduct that would be grounds for revocation or suspension of a certification under chapter 80B or 80D, or rules adopted pursuant to those chapters.

DIVISION II USE OF CHOKEHOLDS BY PEACE OFFICERS

Sec. 2. Section 804.8, Code 2020, 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 or a chokehold is only justified when a person cannot be captured any other way and either of the following apply:

a. The person has used or threatened to use deadly force in committing a felony.

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.

3. For purposes of this section, "chokehold" means the intentional and prolonged application of force to the throat or windpipe that prevents or hinders breathing or reduces the intake of air.

DIVISION III

CERTIFICATIONS — OTHER STATES — REVOCATION OR SUSPENSION

Sec. 3. Section 80B.3, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 4. "Reserve peace officer" means the same as defined in section 80D.1A.

Sec. 4. NEW SECTION. **80B.11F Previous certification in other states.**

1. For purposes of this section, "serious misconduct" means improper or illegal actions taken by a law enforcement officer in connection with the officer's official duties including but not limited to a conviction for a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

2. The council may adopt rules pursuant to chapter 17A to establish a process for the certification through examination of law enforcement officers who have been certified in another state.

3. Before beginning employment with an employing agency in this state, a law enforcement officer who has been certified in another state must submit a preliminary application for certification through examination to the council. The application shall be under oath and shall require the applicant to provide any information determined to be necessary by the council, including but not limited to an attestation by the applicant to any of the following:

a. Whether the applicant's certification as a law enforcement officer has been revoked or suspended in another state.

b. Whether the applicant has pled guilty to or been convicted of a felony.

c. Whether the applicant has been discharged for serious misconduct from employment as a law enforcement officer.

d. Whether the applicant left, voluntarily quit, or has been laid off when the applicant knew or believed that disciplinary investigation or action was imminent or pending which could have resulted in the applicant being discharged for serious misconduct.

4. The council shall deny a preliminary application upon a finding that the applicant has done any of the following:

a. Been revoked as a certified law enforcement officer in another state.

b. Pled guilty to or been convicted of a felony.

c. Been discharged for serious misconduct from employment as a law enforcement officer.

d. Left, voluntarily quit, or been laid off when disciplinary investigation or action was imminent or pending which could have resulted in the applicant being discharged for serious misconduct, if the council determines that the applicant engaged in serious misconduct.

5. If the council denies a preliminary application for certification through examination, the applicant shall be prohibited from continued employment as a law enforcement officer in this state.

Sec. 5. Section 80B.13, subsections 8 and 9, Code 2020, are amended to read as follows:

8. ~~α. Revoke or suspend a law enforcement officer's or reserve peace officer's certification for the conviction of a felony or revoke or suspend a law enforcement officer's certification~~

~~for a violation of rules adopted pursuant to section 80B.11, subsection 1, paragraph “h” pursuant to section 80B.13A. In addition the council may consider revocation or suspension proceedings when an employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. If a law enforcement officer resigns, the employing agency shall notify the council that an officer has resigned and state the reason for the resignation if a substantial likelihood exists that the reason would result in the revocation or suspension of an officer’s certification for a violation of the rules.~~

~~b. A recommendation by an employing agency must be in writing and set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final. “Final”, as used in this section, means that all appeals through a grievance procedure available to the officer or civil service have been exhausted. The written recommendations shall be unavailable for inspection by anyone except personnel of the employing agency, the council and the affected law enforcement officer, or as ordered by a reviewing court.~~

~~e. The council shall establish a process for the protest and appeal of a revocation or suspension made pursuant to this subsection.~~

9. In accordance with chapter 17A, conduct investigations, hold hearings, appoint hearing examiners administrative law judges, administer oaths, and issue subpoenas enforceable in district court on matters relating to the revocation or suspension of a law enforcement officer’s certification.

Sec. 6. NEW SECTION. 80B.13A **Revocation or suspension of certification.**

1. For purposes of this section:

a. “Final” means that all appeals through a grievance procedure available to the officer or civil service have been exhausted.

b. “*Serious misconduct*” means improper or illegal actions taken by a law enforcement officer or reserve peace officer in connection with the officer’s official duties including but not limited to a conviction for a felony, fabrication of evidence, repeated use of excessive force, acceptance of a bribe, or the commission of fraud.

2. The council shall revoke the certification of a law enforcement officer or reserve peace officer upon a finding that the law enforcement officer or reserve peace officer has done any of the following:

a. Pled guilty to or been convicted of a felony.

b. Been discharged for serious misconduct from employment as a law enforcement officer or from appointment as a reserve peace officer, as applicable.

c. Left, voluntarily quit, or been laid off when disciplinary investigation or action was imminent or pending which could have resulted in the law enforcement officer being discharged or the reserve peace officer being removed for serious misconduct, if the council determines that the officer engaged in serious misconduct.

3. The council may revoke or suspend the certification of a law enforcement officer or reserve peace officer due to any of the following:

a. For any other grounds authorized by rules adopted pursuant to section 80B.11, subsection 1, paragraph “h”, or section 80D.4A.

b. When an employing agency recommends to the council that revocation or suspension would be appropriate with regard to a current or former employee. A recommendation by an employing agency must be in writing and set forth the reasons why the action is being recommended, the findings of the employing agency concerning the matter, the action taken by the employing agency, and that the action by the agency is final.

c. When the attorney general recommends to the council that revocation or suspension would be appropriate pursuant to section 13.12.

4. An employing agency shall notify the council within ten days of any termination of employment of a law enforcement officer or appointment as a reserve peace officer. The notification must state whether the law enforcement officer or reserve peace officer was discharged or removed for serious misconduct or whether the officer left, voluntarily quit, or was laid off when disciplinary investigation or action was imminent or pending which could have resulted in the officer being discharged or removed for serious misconduct. Upon

request by the council, the employing agency shall provide any additional information or documentation about the officer including confidential records or information under section 22.7 or other applicable law to the council.

5. Any recommendation, notification, or other record or information provided by an employing agency or the attorney general pursuant to this section shall be confidential except as required by rule or order of the council, an administrative law judge, or a reviewing court. Any employing agency or person who, acting reasonably and in good faith, files a notification or recommendation, releases information, or otherwise cooperates with an investigation under this section is immune from any liability, civil or criminal, which might otherwise be incurred or imposed for such action.

6. The council shall adopt rules pursuant to chapter 17A establishing a process to challenge and appeal a revocation or suspension made pursuant to this section.

Sec. 7. Section 80D.4A, Code 2020, is amended to read as follows:

80D.4A Training and certification requirements — revocation or suspension of certification.

The director of the academy, subject to the approval of the council, shall promulgate rules in accordance with the provisions of this chapter and chapter 17A, giving due consideration to varying factors and special requirements of law enforcement agencies relative to the standardized training and state certification of reserve peace officers. The rules shall provide for grounds for revocation or suspension of a reserve peace officer's certification.

DIVISION IV

LAW ENFORCEMENT TRAINING — DE-ESCALATION TECHNIQUES AND PREVENTION OF BIAS

Sec. 8. NEW SECTION. **80B.11G Annual training — de-escalation techniques and prevention of bias.**

1. A law enforcement agency shall provide annual training to every law enforcement officer on issues relating to de-escalation techniques and the prevention of bias. Every law enforcement officer in the state must participate in annual training in accordance with this section.

2. The academy shall develop and disseminate training guidelines for all law enforcement officers consistent with best practice guidelines.

3. Every law enforcement officer shall adhere to the training guidelines developed by the academy pursuant to this section. The training guidelines shall include all of the following:

a. An emphasis on law enforcement officer understanding and respect for diverse communities and the importance of effective, noncombative methods of carrying out law enforcement activities in a diverse community.

b. Instruction on diverse communities in order to foster mutual respect and cooperation between law enforcement and members of all diverse communities.

c. An examination of the patterns, practices, and protocols that cause biased law enforcement actions, and the tools to prevent such actions.

d. An examination and identification of key indices and perspectives that make up differences among residents in a local community.

e. Instruction on implicit bias and consideration of the negative impact of bias, whether intentional or implicit, on effective law enforcement, including examination of how historical perceptions of profiling have harmed community relations.

f. Instruction on the perspectives of diverse local constituency groups from experts on particular cultural and law enforcement-community relations issues in a local area.

g. A presentation of the history and the role of the civil rights movement and the impact on law enforcement.

h. Instruction on de-escalation techniques, including verbal and physical tactics to minimize the need for the use of force and nonlethal methods of applying force.

4. In developing the training guidelines, the academy shall consult with the Iowa civil rights commission, groups and individuals having an interest and expertise in the field of cultural awareness and diversity, and advocacy organizations with an interest and expertise

in the field of biased law enforcement actions. The academy shall also consult with local law enforcement agencies to consider challenges and barriers to providing training under the guidelines and methods to ease the burden on such agencies.

Sec. 9. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this division of this Act.

DIVISION V
EFFECTIVE DATE AND APPLICABILITY

Sec. 10. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 11. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

Approved June 12, 2020

CHAPTER 1038
IOWA MEDAL OF HONOR HIGHWAY
S.F. 388

AN ACT relating to the Iowa medal of honor highway, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **314.31 Iowa medal of honor highway — signs purchased and installed by private entities.**

1. The segment of the highway known as United States highway 20 which crosses this state from Sioux City to Dubuque shall be designated as the “Iowa Medal of Honor Highway”.

2. The department shall adopt rules pursuant to chapter 17A to provide for an application, approval, and inspection process for the purchase and installation of signs indicating the “Iowa Medal of Honor Highway” designation by private entities. The department shall approve applications for sign purchase and installation that meet its rule requirements. All costs and expenses of the purchase and installation of the signs shall be paid by the private entity whose application is approved. The department may approve more than one application to purchase and install the signs. The department shall require that any signs placed pursuant to this subsection include a graphic depiction of the three versions of the medal of honor for the army, navy, and air force.

Sec. 2. APPLICABILITY. This Act applies to the segment of the highway known as United States highway 20 described in this Act on the effective date of this Act, and shall apply to the segment of that highway thereafter regardless of whether the highway’s designation as United States highway 20 is subsequently changed by the government of the United States.

Approved June 17, 2020

CHAPTER 1039
INDECENT EXPOSURE
S.F. 2097

AN ACT relating to the criminal offense of indecent exposure, providing penalties, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 709.9, Code 2020, is amended to read as follows:

709.9 Indecent exposure — masturbation.

1. A person who exposes the person's genitals or ~~pubes~~ pubic area to another not the person's spouse, or who commits a sex act in the presence of or view of a third person, commits a serious misdemeanor, if all of the following apply:

1. a. The person does so to arouse or satisfy the sexual desires of either party; ~~and~~.

2. b. The person knows or reasonably should know that the act is offensive to the viewer.

2. a. A person who masturbates in public in the presence of another, not a child, commits a serious misdemeanor.

b. A person who masturbates in public in the presence of a child commits an aggravated misdemeanor.

c. For the purpose of this subsection, "masturbate" means physical stimulation of a person's own genitals or pubic area for the purpose of sexual gratification or arousal of the person, regardless of whether the genitals or pubic area is exposed or covered.

Approved June 17, 2020

CHAPTER 1040
STATE PUBLIC DEFENDER PILOT PROJECT — CHILD WELFARE LEGAL
REPRESENTATION
S.F. 2182

AN ACT relating to the state public defender pilot project and legal representation in child welfare cases.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **13B.13 State public defender pilot project — child welfare legal representation.**

Notwithstanding any other provision of the law to the contrary, for each fiscal year for the period beginning July 1, 2020, and ending June 30, 2024, the state public defender may establish a pilot project to implement innovative models of legal representation in order to assist families involved in the child welfare system. The state public defender shall have sole discretion to establish and implement the pilot project. The state public defender may implement the new pilot project in up to six counties throughout the state. The purpose of the pilot project is to implement and study innovative ways, through a team approach or through other methods, to achieve positive outcomes for families, reduce trauma to young children, and deliver financial benefits to families and their communities. The state public defender may coordinate with other agencies and organizations to implement the pilot project, seek grant funding, and measure the results. The state public defender may appoint an attorney to represent an indigent person prior to initiation of formal proceedings, without court order, if such representation is deemed appropriate by the state public defender and relates to the purposes of the pilot project.

Sec. 2. Section 815.11, Code 2020, is amended to read as follows:

815.11 Appropriations for indigent defense — fund created.

Costs incurred for legal representation by a court-appointed attorney under chapter 229A, 665, 822, or 908, or section 232.141, subsection 3, paragraph “d”, or section 598.23A, 600A.6B, 814.9, 814.10, 814.11, 815.4, 815.7, or 815.10 on behalf of an indigent shall be paid from moneys appropriated by the general assembly to the office of the state public defender in the department of inspections and appeals and deposited in an account to be known as the indigent defense fund. Costs incurred representing an indigent defendant in a contempt action, or representing an indigent juvenile in a juvenile court proceeding, or representing a person pursuant to section 13B.13 are also payable from the fund. However, costs incurred in any administrative proceeding or in any other proceeding under this chapter or chapter 598, 600, 600A, 633, 633A, 814, or 915 or other provisions of the Code or administrative rules are not payable from the fund.

Approved June 17, 2020

CHAPTER 1041

HAZARD MITIGATION FINANCIAL ASSISTANCE

S.F. 2188

AN ACT concerning federal financial assistance funding for hazard mitigation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **29C.7 Hazard mitigation financial assistance.**

1. If financial assistance is granted by the federal government under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended, 42 U.S.C. 5121 et seq. or the federal National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325, 42 U.S.C. 4001 et seq. for hazard mitigation and section 29C.6 is not applicable, the state may participate in the funding of the financial assistance authorized to a local government in an amount not to exceed ten percent of the eligible expenses, with the applicant providing the balance of any participation amount. If financial assistance is granted by the federal government as described in this section for state-related hazard mitigation, the state may participate in the funding of the financial assistance authorized, not to exceed fifty percent of the total eligible expenses.

2. State participation in funding financial assistance to local government under subsection 1 is contingent upon the local government having on file a state-approved, comprehensive emergency plan which meets the standards adopted pursuant to section 29C.9, subsection 8.

Approved June 17, 2020

CHAPTER 1042

PAYMENT OF REQUIRED MEDICAL AID PROVIDED TO PRISONERS

S.F. 2191

AN ACT relating to the payment of required medical aid provided to prisoners.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 356.15, Code 2020, is amended to read as follows:

356.15 Expenses.

1. All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, ~~except those~~ with the exception of the following prisoners:

a. Those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county, ~~or those.~~

b. Those committed for violation of a city ordinance, in which case the city shall pay expenses to the county, ~~or those.~~

c. Those committed or detained from another state, in which case the governmental entity from the other state sending the prisoners shall pay expenses to the county.

2. Notwithstanding the charges and expenses allowed pursuant to subsection 1, the costs of required medical aid furnished to prisoners in the custody of the county sheriff pursuant to section 356.5 shall be paid as specified in sections 356.15A and 804.28.

Sec. 2. NEW SECTION. 356.15A Responsibility for payment of required medical aid.

1. For purposes of this section:

a. "Governmental entity" means the state or a state department, division, commission, institution, or authority, an agency, city, county, or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or a department, division, or agency of the United States, and an agency, commission, or authority established pursuant to an interstate compact or agreement.

b. "Health insurance" means a policy, plan, contract, or other agreement providing health insurance, health care benefits, or health care services, provided by an entity including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, or any other entity providing a plan of health insurance, health care benefits, or health care services. "Health insurance" includes but is not limited to private health insurance, Medicaid, and Medicare.

c. "Other benefits" includes but is not limited to veterans administration benefits or other benefits for which the prisoner is eligible or entitled to pay for medical aid.

d. "Prisoner" means an individual confined in a jail or municipal holding facility.

2. A prisoner has the primary responsibility for payment of the costs of required medical aid provided pursuant to section 356.5. Payment and reimbursement for medical aid provided to a prisoner shall be sought as follows:

a. A governmental entity shall request available sources of health insurance or other benefits from a prisoner at the time of intake into a county jail or municipal holding facility. If the governmental entity identifies health insurance or other benefits to which the prisoner is entitled, the governmental entity shall provide the health insurance or benefit information to a hospital or medical provider at the time the prisoner is presented at the hospital or medical provider or at the earliest possible opportunity.

b. A hospital or medical provider shall request available sources of health insurance or other benefits from the governmental entity and the prisoner at the time of intake at or admission of the prisoner into the hospital or medical provider. The hospital or medical provider shall utilize the health insurance or other benefits identified and shall seek payment for medical aid through the prisoner's health insurance or other benefits prior to a request for reimbursement being presented to a governmental entity. If the prisoner is entitled to health insurance or other benefits to pay for the medical aid, any amounts not met by the prisoner's health insurance or other benefits shall be the responsibility of the prisoner.

c. (1) If health insurance is denied or other benefits are not available to pay for medical aid provided to a prisoner, a hospital or medical provider shall submit any bill for reimbursement of medical aid to the governmental entity within sixty days of treatment or shall submit any written denial of coverage to the governmental entity within sixty days of receipt of the denial, whichever is applicable.

(2) The governmental entity shall submit the bill for reimbursement within thirty days of receipt of the bill and shall remit payment to the hospital or medical provider in the governmental entity's next billing cycle.

(3) The hospital or medical provider shall be reimbursed by the governmental entity at the rate negotiated and agreed upon by the hospital or medical provider and the governmental entity. If a rate has not been agreed to, the governmental entity shall reimburse the hospital or medical provider the hospital's or medical provider's Medicaid rate for such treatment, regardless of the prisoner's eligibility for Medicaid.

3. Except as provided in chapters 669 and 670, a governmental entity shall not be responsible for payment of the costs of any medical aid provided to a prisoner if such medical aid is provided after the prisoner is released from the custody of the governmental entity or when the individual is released on parole.

4. This section does not preclude a city or a county from seeking reimbursement from a prisoner for the costs of medical aid incurred by the city or county for the prisoner's medical aid including as provided pursuant to section 356.7.

5. Notwithstanding any provision of this section to the contrary, payment for medical aid provided to a prisoner at a state-funded hospital shall be provided through state funds received by the hospital.

Approved June 17, 2020

CHAPTER 1043

ELEVATOR CODE — APPLICABILITY TO OWNER-OCCUPIED, MULTI-STORY, COMMERCIAL BUILDINGS IN HISTORIC DISTRICTS

S.F. 2195

AN ACT providing an exception to the Iowa state elevator code for certain multi-story commercial buildings in specified circumstances.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 89A.2, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *f.* A conveyance installed in a building in a federally designated national historic district as long as each of the following conditions is met:

(1) The owner of the building owns a commercial enterprise that occupies the first story of the building.

(2) The building has no more than two stories above the first story of the building.

(3) The owner of the building lives in the upper stories of the building.

(4) The building has sufficient physical barriers or safety protocols to ensure that only the owner, the owner's guests, or a government official acting in an official capacity can access the elevator.

Approved June 17, 2020

CHAPTER 1044

THEFT IN THE THIRD DEGREE — PROPERTY VALUE

S.F. 2225

AN ACT relating to the criminal offense of theft in the third degree and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 714.2, subsection 3, Code 2020, is amended to read as follows:

3. The theft of property exceeding seven hundred fifty dollars but not exceeding one thousand five hundred dollars in value, or the theft of any property not exceeding five seven hundred fifty dollars in value by one who has before been twice convicted of theft, is theft in the third degree. Theft in the third degree is an aggravated misdemeanor.

Approved June 17, 2020

CHAPTER 1045

STATE BOARD OF REGENTS, REGENTS INSTITUTIONS, AND INSTITUTION PROGRAMS AND SERVICES

S.F. 2284

AN ACT relating to matters involving the state board of regents and the institutions the state board of regents governs, and including retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8.44, subsection 1, Code 2020, is amended to read as follows:

1. a. Upon receiving federal funds or any other funds from any public or private sources except gifts or donations made to institutions for the personal use or for the benefit of members, patients, or inmates and receipts from the gift shop of merchandise manufactured by members, patients, or inmates, the state departments, agencies, boards, and institutions receiving such funds shall submit a written report within thirty days after receipt of the funds to the director of the department of management. The report shall state the source of the funds that supplement or replace state appropriations for institutional operations, the amount received, and the terms under which the funds are received.

b. Notwithstanding paragraph "a", the state board of regents shall submit the written report required under paragraph "a" on a quarterly basis in the format specified by the director of the department of management.

Sec. 2. Section 8D.9, subsection 2, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A private or public agency, other than an institution under the control of the state board of regents, a private college or university, or a nonpublic school, which certifies to the commission pursuant to subsection 1 that the agency is a part of or intends to become a part of the network shall use the network for all video, data, and voice requirements of the agency unless the private or public agency petitions the commission for a waiver and one of the following applies:

Sec. 3. Section 8D.9, subsection 2, paragraphs b and c, Code 2020, are amended to read as follows:

b. A private or public agency, other than an institution under the control of the state board of regents, a private college or university, or a nonpublic school, shall petition the

commission for a waiver of the requirement to use the network as provided in paragraph “a”, if the agency determines that paragraph “a”, subparagraph (1) or (2) applies. The commission shall establish by rule a review process for determining, upon application of an authorized user, whether paragraph “a”, subparagraph (1) or (2) applies. An authorized user found by the commission to be under contract for such services as provided in paragraph “a”, subparagraph (2), shall not enter into another contract upon the expiration of such contract, but shall utilize the network for such services as provided in this section unless paragraph “a”, subparagraph (1), applies. A waiver approved by the commission may be for a period as requested by the private or public agency of up to three years.

c. ~~A An institution under the control of the state board of regents, a private college or university, or a nonpublic school which certifies to the commission pursuant to subsection 1 that the private college, university, or nonpublic school it is a part of or intends to become a part of the network may use the network for its video, data, or voice requirements as determined by the regents institution, private college or university, or nonpublic school.~~

Sec. 4. Section 21.5, subsection 1, paragraph 1, Code 2020, is amended to read as follows:

l. To discuss patient care quality and process improvement initiatives in a meeting of a public hospital or to discuss marketing and pricing strategies or similar proprietary information in a meeting of a public hospital, where public disclosure of such information would harm such a hospital’s competitive position when no public purpose would be served by public disclosure. The minutes and the audio recording of a closed session under this paragraph shall be available for public inspection when the public disclosure would no longer harm the hospital’s competitive position. For purposes of this paragraph, “*public hospital*” means a hospital licensed pursuant to chapter 135B and governed pursuant to chapter 145A, 226, 347, 347A, or 392, or a health care facility operated by an institution governed by the state board of regents. This paragraph does not apply to the information required to be disclosed pursuant to section 347.13, subsection 11, or to any discussions relating to terms or conditions of employment, including but not limited to compensation of an officer or employee or group of officers or employees.

Sec. 5. Section 23A.2, subsection 10, paragraph k, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The following ~~on-campus~~ activities of an institution or school under the control of the state board of regents or a school corporation:

Sec. 6. Section 23A.2, subsection 10, paragraph k, subparagraphs (8) and (9), Code 2020, are amended to read as follows:

(8) ~~Services Health care and related services to patients and visitors at by the university of Iowa hospitals and clinics, except as specifically listed in subsection 2, paragraph “d”.~~

(9) ~~Goods, products, or professional services which are produced, created, or sold incidental to the schools’ teaching, research, and extension missions provided to the public in furtherance of the institution’s or school’s mission.~~

Sec. 7. Section 135P.1, subsection 3, Code 2020, is amended to read as follows:

3. “*Health facility*” means an institutional health facility as defined in section 135.61, hospice licensed under chapter 135J, home health agency as defined in section 144D.1, assisted living program certified under chapter 231C, clinic, ~~or~~ community health center, or the university of Iowa hospitals and clinics, and includes any corporation, professional corporation, partnership, limited liability company, limited liability partnership, or other entity comprised of such health facilities.

Sec. 8. Section 135P.3, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

If an adverse health care incident occurs in a health facility, the health care provider, the health care facility, or the health care provider jointly with the health facility, may provide the patient with written notice of the desire of the health care provider, the health care facility, or of the health care provider jointly with the health facility, to enter into an open discussion under this chapter. A health care facility may designate a person or class of persons who have

authority to provide such notice on behalf of the facility. If the health care provider or health facility provides such notice, such notice must be sent within one hundred eighty days year after the date on which the health care provider knew, or through the use of diligence should have known, of the adverse health care incident. The notice must include all of the following:

Sec. 9. Section 262.9, subsection 22, Code 2020, is amended by striking the subsection.

Sec. 10. Section 262.9, subsection 36, Code 2020, is amended to read as follows:

36. Implement continuous improvement in every undergraduate program programs offered by an institution of higher education governed by the board.

α. A continuous improvement plan shall be developed and implemented built upon the results of the institution's student outcomes assessment program using the following phase-in timeline:

(1) ~~For each course with typical annual enrollment of three hundred or more, whether in one or multiple sections, a continuous improvement plan shall be developed and implemented beginning in the fall semester of 2013.~~

(2) ~~For each course with typical annual enrollment of two hundred or more but less than three hundred, whether in one or multiple sections, a continuous improvement plan shall be developed and implemented beginning in the fall semester of 2014.~~

(3) ~~For each course with a typical annual enrollment of one hundred or more but less than two hundred, whether in one or multiple sections, a continuous improvement plan shall be developed and implemented beginning in the fall semester of 2015.~~

b. ~~For each undergraduate course, the institution shall collect and use the results of formative and summative assessments in its continuous improvement plan. for courses with typical annual enrollments of one hundred or more students, whether in one or multiple sections. In developing and implementing the continuous improvement plan for each course, the instructor or instructors for such a course shall each year evaluate the results of the instructors' students' performances in comparison with established course goals and shall formulate recommendations for future goals and methods to achieve improved student performance. The board shall annually evaluate the effectiveness of the plans and shall submit an executive summary of its findings and recommendations in its annual strategic plan progress report, a copy of which shall be submitted to the general assembly.~~

Sec. 11. Section 262.9B, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 12. Section 262.14, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Funds belonging to an institution governed by the board may be invested in private enterprises if such investment is made in furtherance of the institution's mission. The board shall annually, on or before November 1, submit a report to the general assembly providing information regarding how the board invested any funds in accordance with this paragraph, including the amount invested, how long the board has invested such funds, and the percentage of equity in each private enterprise held by the board.

Sec. 13. Section 262.26, Code 2020, is amended to read as follows:

262.26 Report of board.

The board shall, ~~biennially, at the time provided by law,~~ report to the governor and the legislature such facts, observations, and conclusions respecting each of ~~such~~ the institutions under its control as in the judgment of the board should be considered by the legislature. Such report shall contain an itemized account of the receipts and expenditures of the board, and also the reports made to the board by the executive officers of the several institutions or a summary thereof, and shall submit budgets for biennial appropriations deemed necessary and proper to be made for the support of the several institutions and for the extraordinary and special expenditures for buildings, betterments, and other improvements.

Sec. 14. Section 262.28, Code 2020, is amended to read as follows:

262.28 Appropriations — monthly installments — transfers.

1. All appropriations made payable annually to each of the institutions under the control of the board of regents shall be paid in twelve equal monthly installments on the last day of each month on order of said board.

~~2. In lieu of the consent and notification requirements of section 8.39, the board may transfer moneys appropriated for the purposes of the southwest Iowa regents resource center, the northwest Iowa regents resource center, and the quad cities graduate studies center between such centers if the board notifies, in writing, the general assembly and the legislative services agency of the amount, the date, and the purpose of the transfer.~~

Sec. 15. Section 263.12, Code 2020, is amended to read as follows:

263.12 Payment by counties.

The provisions of sections 270.4 ~~to and~~ 270.8, inclusive, are hereby made applicable to the university of Iowa hospitals and clinics' center for disabilities and development.

Sec. 16. Section 263.17, subsection 4, Code 2020, is amended to read as follows:

4. An advisory committee consisting of one representative of each of the organizations enumerated in subsection 2, paragraph "a", is established. The advisory committee shall:

~~a. Employ employ~~, as a state employee, a full-time director to operate the center. The director shall coordinate the efforts of the heads of each of the major divisions of laboratory analysis, epidemiology and biostatistics, biomedical assays, and exposure modeling and shall also coordinate the efforts of professional and support staff in the operation of the center.

~~b. Submit an annual report of the activities of the center to the legislative council of the general assembly by January 15 of each year.~~

Sec. 17. Section 266.39E, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 18. Section 269.2, Code 2020, is amended to read as follows:

269.2 Expenses — residence of indigents.

The provisions of sections 270.4 ~~to and~~ 270.8, inclusive, are hereby made applicable to the Iowa braille and sight saving school.

Sec. 19. Section 270.3, Code 2020, is amended to read as follows:

270.3 Admission.

Any resident of the state less than twenty-one years of age, who has a hearing loss which is too severe to acquire an education in the public schools is eligible to attend the school for the deaf. Nonresidents similarly situated may be admitted to an education therein upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be ~~not less than the average expense of resident pupils and shall be paid in advance~~ set by the state board of regents.

Sec. 20. Section 270.4, Code 2020, is amended to read as follows:

270.4 Clothing, and prescriptions, and transportation.

The superintendent shall provide students, who would otherwise be without, with clothing, ~~or~~ prescription refills, ~~or~~ transportation, and shall bill the student's parent or guardian, if the student is a minor, or the student if the student has attained the age of majority, for any clothing, ~~or~~ prescription refills, ~~or~~ transportation provided. The bill shall be presumptive evidence in all courts.

Sec. 21. Section 282.18, subsections 16 and 17, Code 2020, are amended by striking the subsections.

Sec. 22. Section 331.502, subsection 15, Code 2020, is amended by striking the subsection.

Sec. 23. 2019 Iowa Acts, chapter 135, section 9, subsection 1, paragraph a, unnumbered paragraph 2, is amended to read as follows:

~~The~~ For the fiscal year beginning July 1, 2019, and ending June 30, 2020, the state board of regents shall submit a monthly quarterly financial report to the general assembly and the

legislative services agency in a format agreed upon by the state board of regents office and the legislative services agency. The report submitted ~~in~~ for the quarter ending December 31, 2019, shall include the five-year graduation rates for the regents universities.

Sec. 24. REPEAL. Chapter 256G, Code 2020, is repealed.

Sec. 25. REPEAL. Sections 262.24, 262.25, 267A.7, 270.5, 270.6, and 270.7, Code 2020, are repealed.

Sec. 26. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2019:

The section of this Act amending 2019 Iowa Acts, chapter 135, section 9, subsection 1, paragraph “a”, unnumbered paragraph 2.

Approved June 17, 2020

CHAPTER 1046

ADMINISTRATION OF ESTATES, TRUSTS, GUARDIANSHIPS, OR CONSERVATORSHIPS — TRANSFERS OF REAL ESTATE

S.F. 2300

AN ACT relating to the transfer of real estate as part of the administration of a decedent’s estate, guardianship, conservatorship, or trust, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 558A.1, subsection 5, paragraph c, Code 2020, is amended to read as follows:

c. A transfer by a fiduciary in the course of the administration of a decedent’s estate, guardianship, conservatorship, or trust. This exemption shall not apply to a transfer of real estate in which the fiduciary is a living natural person and was an occupant in possession of the real estate at any time within the twelve consecutive months immediately preceding the date of transfer.

Sec. 2. APPLICABILITY. This Act applies to the transfer of real estate as part of the administration of a decedent’s estate, guardianship, conservatorship, or trust on or after July 1, 2020.

Approved June 17, 2020

CHAPTER 1047**GUARDIANSHIPS AND CONSERVATORSHIPS — INITIAL CARE PLANS AND INITIAL PLANS AND INVENTORIES***S.F. 2323*

AN ACT relating to the initial care plan for minor and adult guardianships and the initial plan and inventory for adult conservatorships, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. REPORTS AND POWERS OF GUARDIANS AND CONSERVATORS — TRANSITION PROVISIONS.

1. Minor guardianships. Notwithstanding the provisions of section 232D.501, subsection 1, paragraph “a”, designating a verified initial care plan be filed by the guardian within sixty days of appointment, for all minor guardianship cases wherein the guardianship was established and the guardian was appointed prior to January 1, 2020, the initial care plan required by section 232D.501, subsection 1, paragraph “a”, shall be filed with the previously scheduled annual report. The annual report must comply with the requirements set forth in section 232D.501, subsection 1, paragraph “a”. Guardians appointed prior to January 1, 2020, have continuing authority to perform acts concerning the protected person that were authorized prior to January 1, 2020, through the date of the guardian’s previously scheduled annual report.

2. Adult guardianships. Notwithstanding the provisions of section 633.669, subsection 1, paragraph “a”, designating an initial care plan be filed by the guardian within sixty days of appointment, for all adult guardianship cases wherein the guardianship was established and the guardian was appointed prior to January 1, 2020, the initial care plan required by section 633.669, subsection 1, paragraph “a”, shall be filed with the previously scheduled annual report. The annual report must comply with the requirements set forth in section 633.669, subsection 1, paragraph “a”. Guardians appointed prior to January 1, 2020, have continuing authority to perform acts concerning the protected person that were authorized prior to January 1, 2020, through the date of the guardian’s previously scheduled annual report.

3. Conservatorships. Notwithstanding the provisions of section 633.670, subsection 1, paragraph “a”, and section 633.670, subsection 2, designating an initial plan and inventory be filed within ninety days of appointment, for all conservatorship cases wherein the conservatorship was established and the conservator was appointed prior to January 1, 2020, the initial plan required by section 633.670, subsection 1, paragraph “a”, and inventory required by section 633.670, subsection 2, shall be filed with the previously scheduled annual report. The annual report must comply with the requirements set forth in section 633.670, subsection 3, paragraph “a”. Conservators appointed prior to January 1, 2020, have continuing authority to perform acts concerning the protected person that were authorized prior to January 1, 2020, through the date of the conservator’s previously scheduled annual report.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to January 1, 2020.

Approved June 17, 2020

CHAPTER 1048**EDUCATION OF STUDENTS WITH DYSLEXIA***S.F. 2356*

AN ACT relating to the education of students with characteristics of dyslexia and to the preparation and licensure of practitioners for such instruction, and establishing an Iowa dyslexia board.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.7, subsection 3, Code 2020, is amended to read as follows:

3. a. Prescribe standards and procedures for the approval of practitioner preparation programs and professional development programs offered in this state by practitioner preparation institutions located within or outside this state and by area education agencies.

b. Procedures provided for approval of programs shall include procedures for enforcement of the prescribed standards and, except as provided in section 256.16, subsection 3, shall not include a procedure for the waiving of any of the standards prescribed.

c. By July 1, 2022, the board, in collaboration with the Iowa reading research center, shall adopt rules under chapter 17A prescribing standards and procedures for the approval of practitioner preparation programs that are affiliated with the Iowa reading research center and that offer practitioner preparation for the advanced dyslexia specialist endorsement issued by the board of educational examiners pursuant to section 272.2, subsection 23. The department shall not approve programs that prepare practitioners for such an endorsement if the programs are not approved by the Iowa reading research center.

d. The board may establish by rule and collect from practitioner preparation institutions located outside this state an amount equivalent to the department's necessary travel and actual expenses incurred while engaged in the program approval process for the institution located outside this state. Amounts collected under this subsection shall be deposited in the general fund of the state.

Sec. 2. Section 256.9, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 60. By July 1, 2024, dedicate at least one of the department's authorized full-time equivalent positions to maintain a dyslexia consultant to provide technical guidance and assistance, including but not limited to professional development, strategies, and materials, to the department, area education agencies, school districts, and accredited nonpublic schools relating to the identification of and instruction for students with characteristics of dyslexia. The consultant shall be highly trained in dyslexia and have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders.

Sec. 3. NEW SECTION. 256.32A Iowa dyslexia board.

1. An Iowa dyslexia board is established to guide, facilitate, and oversee implementation of dyslexia instruction in Iowa and make recommendations for continued improvement of such instruction. The Iowa dyslexia board shall also submit recommendations as follows:

a. To the department regarding the required and preferred qualifications for a dyslexia consultant position required in accordance with section 256.9, subsection 60.

b. To the area education agencies regarding the required and preferred qualifications for dyslexia specialists required in accordance with section 273.2, subsection 11.

2. The Iowa dyslexia board shall consist of the following members:

a. The director of the department or the director's designee.

b. A representative of the Iowa reading research center.

c. A representative of an area education agency.

d. One school administrator.

e. One reading specialist.

f. One special education teacher.

g. An elementary core literacy teacher.

h. Two representatives of decoding dyslexia who are parents of children with dyslexia.

- i. One representative of decoding dyslexia who is an individual with dyslexia.
 - j. One provider certified in a structured literacy reading program.
 - k. One psychologist or speech language pathologist licensed in the state of Iowa with experience in diagnosing dyslexia.
 - l. A representative of an institution of higher education in Iowa with documented expertise in dyslexia and reading instruction.
 - m. The department dyslexia consultant if maintained by the department pursuant to section 256.9, subsection 60.
3. The term of membership is three years. The terms shall be staggered so that at least four of the terms end each year, but no member serving on the initial board shall serve less than one year. The governor shall determine the length of the initial terms of office.
4. The Iowa dyslexia board shall submit its findings and recommendations in a report to the general assembly by November 15 annually.
5. This section is repealed July 1, 2025.

Sec. 4. Section 272.2, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 23. By July 1, 2021, adopt rules pursuant to chapter 17A, developed in collaboration with the Iowa reading research center, establishing an advanced dyslexia specialist endorsement. The endorsement shall require a strong understanding of structured literacy instruction; the neurobiological nature, cognitive-linguistic correlates, developmental indicators, compensatory behaviors, potential psychological factors, and co-occurring disorders of dyslexia; demonstrated skill in administering informal and formal assessments related to dyslexia; demonstrated skill in delivery of explicit, systematic literacy intervention; demonstrated skill in developing and supporting services for students with characteristics of dyslexia including those who are eligible for services under chapter 256B or section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. §794, as amended; demonstrated skill in the design and implementation of accommodations and modifications; demonstrated competence in creating a dyslexia-friendly learning environment; and demonstrated skill in the use and integration of assistive technology. This endorsement shall, at a minimum, require three years of prior teaching experience and completion of a supervised practical experience.

Sec. 5. Section 273.2, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Subject to an appropriation by the general assembly for such purpose, the area education agency board shall, by July 1, 2024, dedicate at least one full-time equivalent position to maintain a dyslexia specialist. The area education agency board may hire such a specialist or may provide appropriate training to qualify an existing employee as a specialist on dyslexia. The specialist shall provide technical guidance and assistance, including but not limited to professional development, strategies, and materials to school districts and accredited nonpublic schools relating to identification of and instruction for students with characteristics of dyslexia. The specialist shall be highly trained in dyslexia and have a minimum of three years of field experience in screening, identifying, and treating dyslexia and related disorders. In the absence of an appropriation, each area education agency board is encouraged to employ a highly qualified dyslexia specialist.

Sec. 6. Section 273.3, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 25. Require, by July 1, 2024, any person employed by the area education agency who holds a license, certificate, statement of recognition, or authorization other than a coaching authorization, issued by the board of educational examiners under chapter 272, to complete the Iowa reading research center dyslexia overview module. Such persons employed after July 1, 2024, shall complete the module within one year of the employee's initial date of hire.

Sec. 7. Section 279.68, subsection 2, paragraph d, subparagraph (3), subparagraph division (a), Code 2020, is amended to read as follows:

(a) Assists students who are persistently at risk in reading to develop the skills to read at grade level. Assistance shall include but not be limited to strategies that formally address dyslexia, when appropriate. For purposes of this subparagraph division (a), "dyslexia"

~~means a specific and significant impairment in the development of reading, including but not limited to phonemic awareness, phonics, fluency, vocabulary, and comprehension, that is not solely accounted for by intellectual disability, sensory learning disability or impairment, or lack of appropriate instruction that is neurobiological in origin, is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities, and may include difficulties that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction, as well as secondary consequences such as problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.~~

Sec. 8. NEW SECTION. 279.72 Training on dyslexia.

By July 1, 2024, the board of directors of a school district shall require all persons employed by the school district who hold a teaching license with an endorsement for prekindergarten, prekindergarten or elementary special education, or prekindergarten through grade three levels issued under chapter 272, all practitioners and paraprofessionals assigned as Title I teachers and Title I paraprofessionals under the federal Every Student Succeeds Act, Pub. L. No. 114-95, and all practitioners endorsed to teach English as a second language to complete the Iowa reading research center dyslexia overview module. Such persons employed by the school district after July 1, 2024, shall complete the module within one year of the employee's initial date of hire.

Sec. 9. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this Act by and enforcement of this Act against all affected school districts.

Approved June 17, 2020

CHAPTER 1049

RURAL VETERINARIAN LOAN REPAYMENT PROGRAM

S.F. 2398

AN ACT establishing a rural veterinarian loan repayment program for veterinary students and certain licensed veterinarians and a rural veterinary care trust fund, and making appropriations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 261.120 Rural veterinarian loan repayment program — fund — appropriations.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. “*Eligible loan*” means the veterinarian’s total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, or the recipient’s federal grad plus loans, including principal and interest.

b. “*Practice of food supply veterinary medicine*” includes corporate and private practices devoted to food animal medicine, mixed animal medicine located in a rural area, food safety, epidemiology, public health, animal health, and other public and private practices that contribute to the production of a safe and wholesome food supply.

c. “*Rural service commitment area*” means a city in Iowa with a population of less than twenty-six thousand that is located more than twenty miles from a city with a population of fifty thousand or more and which provides a dollar contribution equivalent to twelve and one-half percent of the veterinarian’s total eligible loan amount upon graduation for deposit in the rural veterinary care trust fund.

d. “*Veterinary shortage area*” means a designated veterinary service shortage situation in Iowa identified and nominated by the state veterinarian, or recommended for designation in accordance with the federal National Veterinary Medical Service Act, 7 U.S.C. §3101 et seq., and published by the United States department of agriculture.

2. *Program established.* A rural veterinarian loan repayment program is established to be administered by the college student aid commission for purposes of providing loan repayments for individuals who agree to practice as veterinarians in rural service commitment areas or in veterinary shortage areas in Iowa for four years and meet the requirements of this section. The commission shall adopt rules pursuant to chapter 17A to administer this section. The commission may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund created under subsection 10.

3. *Eligibility.*

a. An individual is eligible to apply to enter into a program agreement with the commission if the individual meets any of the following requirements:

(1) Is enrolled in the final year of a veterinary degree program at a college of veterinary medicine accredited by the American veterinary medical association council on education.

(2) Is a veterinarian licensed pursuant to chapter 169 who, within five years of applying for this program, received a veterinary medicine degree from a college of veterinary medicine accredited by the American veterinary medical association council on education.

b. An individual who participated in and received loan repayment awards through the veterinary medicine loan repayment program administered by the United States department of agriculture, national institute of food and agriculture, is ineligible to enter into a program agreement under this section.

4. *Program agreements.* A program agreement shall be entered into by an individual and the commission if the individual meets the requirements of subsection 3. Under the agreement, to receive loan repayments pursuant to subsection 6, the individual shall fulfill all of the following requirements:

a. Receive or possess a doctor of veterinary medicine, or the equivalent, from a college of veterinary medicine accredited by the American veterinary medical association council on education.

b. Possess, or apply for and obtain, a license to practice veterinary medicine under chapter 169.

c. Secure an offer of employment or establish and maintain a practice in a veterinary shortage situation or rural service commitment area and engage in the full-time practice of veterinary medicine for a period of four consecutive years after entering into the agreement in the veterinary shortage area or rural service commitment area, unless the loan repayment recipient receives a waiver from the commission to complete the years of practice required under the agreement in another veterinary shortage area or rural service commitment area pursuant to subsection 7.

5. *Priority to certain applicants.* The commission shall give priority to applicants who graduated from a high school in Iowa or completed private instruction under chapter 299A.

6. *Loan repayment amounts.*

a. Unless the agreement entered into under subsection 4 stipulates otherwise, the amount of loan repayment an individual who enters into an agreement shall receive if in compliance with obligations under the agreement shall not exceed fifteen thousand dollars annually for an eligible loan. Payments under this section may be made for each year of eligible practice during a period of four consecutive years and shall not exceed a total of sixty thousand dollars or the amount of outstanding eligible loans, whichever amount is less.

b. Subject to the availability of funding for this purpose, the commission shall enter into at least five program agreements annually.

7. *Selection of rural service commitment area or veterinary shortage area.* A loan repayment recipient shall notify the commission of the recipient's rural service commitment area or veterinary shortage area prior to beginning practice in the area in accordance with subsection 4, paragraph "c". The commission may waive the requirement that the loan repayment recipient practice in the same rural service commitment area or veterinary shortage area for all four years.

8. *Rural service commitment area or veterinarian shortage area priority.*

a. When possible, the commission shall enter into agreements under subsection 4 with individuals who agree to practice in areas in the following priority order:

(1) Private practice food supply veterinary medicine in any veterinary shortage area.

(2) Private practice food supply veterinary medicine in a city in Iowa with a population of less than twenty-six thousand that is located more than twenty miles from a city with a population of fifty thousand or more, especially in remote or economically depressed rural areas.

(3) Animal veterinary medicine in a rural service commitment area.

b. Notwithstanding paragraph "a", the commission may consult with the state veterinarian to determine prioritization in accordance with this subsection.

9. *Postponement and satisfaction of service obligation.*

a. The obligation to engage in practice in accordance with subsection 4 shall be postponed for the following purposes:

(1) Active duty status in the armed forces, the armed forces military reserve, or the national guard.

(2) Service in volunteers in service to America.

(3) Service in the federal peace corps.

(4) A period of rural service commitment to the United States public health service commissioned corps.

(5) A period of religious missionary work conducted by an organization exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code.

(6) Any period of temporary medical incapacity during which the person obligated is unable, due to a medical condition, to engage in full-time practice as required under subsection 4, paragraph "c".

b. Except for a postponement under paragraph "a", subparagraph (6), an obligation to engage in practice under an agreement entered into pursuant to subsection 4 shall not be postponed for more than two years from the time the full-time practice was to have commenced under the agreement.

c. An obligation to engage in full-time practice under an agreement entered into pursuant to subsection 4 shall be considered satisfied when any of the following conditions are met:

(1) The terms of the agreement are completed.

(2) The person who entered into the agreement dies.

(3) The person who entered into the agreement, due to a permanent disability, is unable to practice veterinary medicine.

(4) The commission waives the requirement that the person who entered into the agreement fulfill the obligation to engage in practice.

d. If a loan repayment recipient fails to fulfill the obligation to engage in practice in accordance with subsection 4, the recipient shall be subject to repayment to the commission of the loan amount plus interest as specified by rule. A loan repayment recipient who fails to meet the requirements of the obligation to engage in practice in accordance with subsection 4 may also be subject to repayment of moneys advanced by the rural service commitment area as provided in any agreement with the rural service commitment area.

10. *Trust fund established.* A rural veterinary care trust fund is created in the state treasury as a separate fund under the control of the commission. The commission may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. The commission shall remit all repayments made pursuant to this section to the rural veterinary care trust fund. All moneys deposited or paid into the trust fund are appropriated and made available to the commission to be used for meeting the requirements of this section and increasing the number of veterinarians participating in the program. Moneys in the fund up to the total amount that an eligible individual may receive

for an eligible loan in accordance with this section and upon fulfilling the requirements of subsection 4, shall be considered encumbered for the duration of the agreement entered into pursuant to subsection 4. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section and to increase the number of veterinarians participating in the program in subsequent fiscal years.

Approved June 17, 2020

CHAPTER 1050

VETERANS PREFERENCE — RIGHTS TO JUDICIAL REVIEW

H.F. 717

AN ACT concerning appeal rights relating to veterans preference.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 35C.3, Code 2020, is amended to read as follows:

35C.3 Duty to investigate and appoint.

When any preferred person applies for appointment or employment under this chapter, the officer, board, or person whose duty it is or may be to appoint or employ a person to fill the position or place shall, before appointing or employing a person to fill the position or place, make an investigation as to the qualifications of the applicant for the place or position, and if the applicant is of good moral character and can perform the duties of the position applied for, the officer, board, or person shall appoint the applicant to the position, place, or employment. The appointing officer, board, or person shall set forth in writing and file for public inspection the specific grounds upon which it appointed or refused to appoint the person. At the time of application or at an interview for the position, an applicant may request notification of refusal only or notification of refusal and the specific grounds for refusal. The notification shall be sent within ten days after the successful applicant is selected and shall include information on the right of an unsuccessful applicant to maintain an action for mandamus under section 35C.4, or file an appeal and the time to file an appeal under section 35C.5.

Sec. 2. Section 35C.4, Code 2020, is amended to read as follows:

35C.4 Mandamus — judicial review.

A refusal to allow said preference, or a reduction of the salary for said position with intent to bring about the resignation or discharge of the incumbent, shall entitle the applicant or incumbent, as the case may be, to maintain an action of mandamus to right the wrong. At their election such parties may, in the alternative, maintain an action for judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that is otherwise applicable to their case. An action of mandamus shall be filed by an applicant or incumbent within three hundred days after a refusal to allow said preference, or a reduction of the salary for said position with intent to bring about the resignation or discharge of the incumbent.

Sec. 3. Section 35C.6, Code 2020, is amended to read as follows:

35C.6 Removal — certiorari — judicial review.

No person holding a public position by appointment or employment, and belonging to any of the classes of persons to whom a preference is granted under this chapter, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to a review by a writ of certiorari or at such person's election, to judicial review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A, if that

is otherwise applicable to their case. Upon removal from such position or employment, the person shall be provided written notification of the right of such employee or appointee to a review by a writ of certiorari or judicial review. A review by a writ of certiorari shall be filed within three hundred days of the removal of the employee or appointee.

Approved June 17, 2020

CHAPTER 1051

PREPARATION FOR ADULT LIVING PROGRAM — ELIGIBILITY REQUIREMENTS

H.F. 2220

AN ACT relating to the definition of young adult for purposes of participation in the preparation for adult living program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 234.46, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. At the time the person became age eighteen, the person received foster care services that were paid for by the state under section 234.35, services at a state training school, services at a juvenile shelter care home, or services at a juvenile detention home, or court-ordered care in accordance with chapter 232 by a relative or another person with a significant relationship with the person, and the person is no longer receiving such services or care.

Approved June 17, 2020

CHAPTER 1052

PUBLIC RECORDS — FEES FOR EXAMINATION AND COPYING — VETERANS BENEFITS CLAIMS

H.F. 2236

AN ACT concerning fees charged for examining and copying public records relating to claims for veterans benefits.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 22.3, subsection 2, Code 2020, is amended to read as follows:

2. All expenses of the examination and copying shall be paid by the person desiring to examine or copy. The lawful custodian may charge a reasonable fee for the services of the lawful custodian or the custodian's authorized designee in supervising the examination and copying of the records. If copy equipment is available at the office of the lawful custodian of any public records, the lawful custodian shall provide any person a reasonable number of copies of any public record in the custody of the office upon the payment of a fee. The fee for the copying service as determined by the lawful custodian shall not exceed the actual cost of providing the service. Actual costs shall include only those expenses directly attributable to supervising the examination of and making and providing copies of public records. Actual costs shall not include charges for ordinary expenses or costs such as employment benefits, depreciation, maintenance, electricity, or insurance associated with the administration of the

office of the lawful custodian. However, a county recorder shall not charge a fee for the examination and copying of public records necessary to complete and file claims for benefits with the Iowa department of veterans affairs or the United States department of veterans affairs.

Approved June 17, 2020

CHAPTER 1053

MEDICAID HOME AND COMMUNITY-BASED SERVICES ELDERLY WAIVER — ELIMINATION OF MONTHLY CAP

H.F. 2269

AN ACT relating to the Medicaid home and community-based services elderly waiver monthly budget maximum.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. MEDICAID HOME AND COMMUNITY-BASED SERVICES ELDERLY WAIVER MAXIMUM. The department of human services shall eliminate the monthly budget maximum or cap for individuals eligible for the Medicaid home and community-based services elderly waiver. The department shall track the average amount expended per waiver recipient each fiscal year beginning July 1, 2020, and shall report the information annually to the governor and the general assembly by October 1.

Approved June 17, 2020

CHAPTER 1054

VEHICLES OF EXCESSIVE SIZE — TRANSPORT OF HAY, STRAW, STOVER, OR BAGGED LIVESTOCK BEDDING

H.F. 2310

AN ACT removing the requirement to obtain a permit for vehicles or combinations of vehicles of excessive size transporting divisible loads of hay, straw, stover, or bagged livestock bedding that meet certain width, height, and length requirements.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.454, Code 2020, is amended to read as follows:

321.454 Width of vehicles.

1. The total outside width of a vehicle or the load on the vehicle shall not exceed eight feet six inches. This limitation on the total outside width of a vehicle or the load on the vehicle does not include safety equipment on a vehicle or incidental appurtenances or retracted awnings on motor homes, motorsports recreational vehicles, travel trailers, or fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width.

2. Notwithstanding subsection 1, the total outside width of a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding shall not exceed twelve feet five inches. However, if hay, straw, or stover, or bagged livestock

bedding is moved on an implement of husbandry and the total width of load of the implement of husbandry exceeds ~~eight feet six inches~~ twelve feet five inches, the implement of husbandry is not subject to the permit requirements of chapter 321E. If a divisible load of hay, straw, or stover, or bagged livestock bedding is moved on any other vehicle or combination of vehicles subject to registration, the moves are subject to the permit requirements for transporting loads exceeding ~~eight feet six inches~~ twelve feet five inches in width as required under chapter 321E.

3. The limitations on the total outside width of a vehicle, the load on the vehicle, or a combination of vehicles set forth in this section do not include safety equipment on a vehicle or incidental appurtenances or retracted awnings on motor homes, motorsports recreational vehicles, travel trailers, or fifth-wheel travel trailers if the incidental appurtenance or retracted awning is less than six inches in width.

Sec. 2. Section 321.456, Code 2020, is amended to read as follows:

321.456 Height of vehicles.

1. A vehicle unladen or with load shall not exceed a height of thirteen feet, six inches, except that.

2. Notwithstanding subsection 1, a vehicle or combination of vehicles coupled together and used exclusively for the transportation of passenger vehicles, light delivery trucks, panel delivery trucks, pickup trucks, or recreational vehicle chassis may operate with a height not to exceed fourteen feet.

3. Notwithstanding subsection 1, a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding may operate with a height not to exceed fourteen feet six inches.

4. This section shall not be construed to require any railroad or public authorities to provide sufficient vertical clearance to permit the operation of such vehicle upon the highways of this state. Any damage to highways, highway or railroad structures, or underpasses caused by the height of any vehicle provided for by this section shall be borne by the operator or owner of the vehicle.

Sec. 3. Section 321.457, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. p. Notwithstanding any other provision of this chapter, and to the extent allowed under federal law, a vehicle or combination of vehicles transporting a divisible load of hay, straw, stover, or bagged livestock bedding shall not have an overall length in excess of seventy-five feet.

Sec. 4. Section 321E.29, subsection 2, Code 2020, is amended by striking the subsection.

Approved June 17, 2020

CHAPTER 1055

VETERANS HOME ADMISSION REQUIREMENTS — CERTIFICATE OF ELIGIBILITY AFFIDAVITS

H.F. 2312

AN ACT relating to certificate of eligibility affidavits for admission to the veterans home.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. REPEAL. Section 35D.6, Code 2020, is repealed.

Approved June 17, 2020

CHAPTER 1056

UNEMPLOYMENT COMPENSATION — EMPLOYER REIMBURSEMENT OF BENEFITS PAID — NONPROFIT ORGANIZATIONS — APPEALS

H.F. 2362

AN ACT relating to certain appeals by nonprofit organizations concerning reimbursement of the department of workforce development for the cost of unemployment benefits.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.7, subsection 8, paragraph b, subparagraph (4), Code 2020, is amended to read as follows:

(4) The amount due specified in a bill from the department is conclusive unless, not later than fifteen days following the date the bill was mailed or otherwise delivered to the last known address of the nonprofit organization, the nonprofit organization files an application for redetermination with the department setting forth the grounds for the application. The department shall promptly review the amount due specified in the bill and shall issue a redetermination. The redetermination is conclusive on the nonprofit organization unless, not later than within thirty days after the redetermination was mailed or otherwise delivered to the last known address of the nonprofit organization, mailing of the notification, the nonprofit organization files an appeal appeals to the district court pursuant department for a hearing to subsection 5 determine the eligibility of the individual to receive benefits. The appeal shall be referred to an administrative law judge for hearing, and the employer and the individual shall receive notice of the time and place of the hearing.

Approved June 17, 2020

CHAPTER 1057

DISABLED VETERAN TAX CREDIT AND MILITARY TAX EXEMPTION INFORMATION — CONFIDENTIALITY

H.F. 2382

AN ACT relating to confidentiality concerning individuals allowed a disabled veteran tax credit and military tax exemption.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 425.15, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. a. Except as provided in paragraph “b”, the name and address of an individual allowed a credit under this section and maintained by the county recorder, county assessor, city assessor, or other entity is confidential information, unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

b. Upon request, a county recorder, county assessor, city assessor, or other entity may share information as described in paragraph “a” to a county veterans service officer for purposes of providing information on benefits and services available to veterans and their families.

Sec. 2. Section 426A.13, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 5. a. Except as provided in paragraph “b”, the name and address of an individual allowed a military tax exemption under this section and maintained by the county recorder, county assessor, city assessor, or other entity is confidential information, unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

b. Upon request, a county recorder, county assessor, city assessor, or other entity may share information as described in paragraph “a” to a county veterans service officer for purposes of providing information on benefits and services available to veterans and their families.

Approved June 17, 2020

CHAPTER 1058

BUSINESS ENTITIES — RESIGNATIONS OF REGISTERED AGENTS

H.F. 2402

AN ACT relating to the resignations of registered agents serving certain business entities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 486A.1213, subsection 3, Code 2020, is amended to read as follows:

~~3. The agency appointment is terminated, and the registered office discontinued if so provided, A statement of resignation takes effect on the earlier of the following:~~

~~a. 12:01 a.m. on the thirty-first day after the date on which the statement of resignation was it is filed with the secretary of state.~~

~~b. The designation of a new registered agent for the partnership.~~

Sec. 2. Section 488.116, subsection 3, Code 2020, is amended to read as follows:

~~3. A registered agency for service of process is terminated on the date on which the statement of resignation was filed with the secretary of state. A statement of resignation takes effect on the earlier of the following:~~

~~a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.~~

~~b. The designation of a new registered agent for the limited partnership.~~

Sec. 3. Section 489.115, subsection 2, Code 2020, is amended to read as follows:

~~2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement was filed. A statement of resignation takes effect on the earlier of the following:~~

~~a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.~~

~~b. The designation of a new registered agent for the limited liability company.~~

Sec. 4. Section 490.503, subsection 2, Code 2020, is amended to read as follows:

~~2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement was filed. A statement of resignation takes effect on the earlier of the following:~~

~~a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.~~

b. The designation of a new registered agent for the corporation.

Sec. 5. Section 490.1509, subsection 2, Code 2020, is amended to read as follows:

~~2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement was filed. A statement of resignation takes effect on the earlier of the following:~~

a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.

b. The designation of a new registered agent for the foreign corporation.

Sec. 6. Section 499.74, subsection 3, Code 2020, is amended to read as follows:

~~3. The agency appointment is terminated, and the registered office discontinued if so provided, A statement of resignation takes effect on the earlier of the following:~~

a. 12:01 a.m. on the thirty-first day after the date on which the statement was it is filed with the secretary of state.

b. The designation of a new registered agent for the association.

Sec. 7. Section 501.106, subsection 5, paragraph b, Code 2020, is amended to read as follows:

~~b. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement was filed. A statement of resignation takes effect on the earlier of the following:~~

(1) 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.

(2) The designation of a new registered agent for the association.

Sec. 8. Section 501A.403, subsection 2, Code 2020, is amended to read as follows:

~~2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement is filed by the secretary. A statement of resignation takes effect on the earlier of the following:~~

a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.

b. The designation of a new registered agent for the cooperative.

Sec. 9. Section 501B.11, subsection 4, Code 2020, is amended to read as follows:

4. a. An amendment to or cancellation of a statement appointing an agent to receive service of process must meet the requirements for executing an original statement. An agent may resign by filing a resignation in the office of the secretary of state and giving notice to the association.

b. A statement of resignation takes effect on the earlier of the following:

(1) 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.

(2) The designation of a new registered agent for the association.

Sec. 10. Section 504.503, subsection 2, Code 2020, is amended to read as follows:

~~2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date the statement was filed. A statement of resignation takes effect on the earlier of the following:~~

a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.

b. The designation of a new registered agent for the corporation.

Sec. 11. Section 504.1509, subsection 2, Code 2020, is amended to read as follows:

~~2. The agency appointment is terminated, and the registered office discontinued if so provided, on the date on which the statement is filed with the secretary of state. A statement of resignation takes effect on the earlier of the following:~~

a. 12:01 a.m. on the thirty-first day after the day on which it is filed with the secretary of state.

b. The designation of a new registered agent for the foreign corporation.

Approved June 17, 2020

CHAPTER 1059

SOBRIETY AND DRUG MONITORING PROGRAM PARTICIPATION — TEMPORARY RESTRICTED DRIVER'S LICENSES AND IGNITION INTERLOCK DEVICES

H.F. 2411

AN ACT relating to participation in the sobriety and drug monitoring program.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321J.20, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

In addition to other penalties provided by law, a person's temporary restricted license shall be revoked if the person is required to install an ignition interlock device ~~or participate in a program established pursuant to chapter 901D~~ and the person does any of the following:

Sec. 2. Section 321J.20, subsection 3, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 3. Section 321J.20, subsection 9, Code 2020, is amended by striking the subsection.

Sec. 4. Section 901D.3, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The department of public safety shall establish a statewide sobriety and drug monitoring program to be used by participating jurisdictions, which shall be available twenty-four hours per day, seven days per week. Pursuant to the provisions of this chapter, a court or governmental entity, or an authorized officer thereof, within a participating jurisdiction may, as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~, do all of the following:

Sec. 5. Section 901D.3, subsection 2, Code 2020, is amended to read as follows:

2. ~~a. A person who has been required to participate in the program by a court or governmental entity and whose driver's license is suspended or revoked shall not begin participation in the program or be subject to the testing required by the program until the person is eligible for a temporary restricted license under applicable law.~~

~~b. In order to participate in the program, a person shall be required to install an approved ignition interlock device on all motor vehicles owned or operated by the person.~~

e. A person wishing to participate in the program who has been charged with, pled guilty to, or been convicted of an eligible offense, but has not been required by a court or governmental entity to participate in the program, may apply to the court or governmental entity of the participating jurisdiction on a form created by the participating jurisdiction, and the court or governmental entity may order the person to participate in the program as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~. The application form shall include an itemization of all costs associated with participation in the program.

Sec. 6. Section 901D.5, subsection 3, Code 2020, is amended to read as follows:

3. Unless otherwise required by federal law, all alcohol or controlled substance testing performed as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license~~ shall utilize and input results to the data management system.

Sec. 7. Section 901D.7, subsections 1 and 2, Code 2020, are amended to read as follows:

1. Subject to sections 901D.3 and 901D.6, a participant may be placed in the program as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license.~~ ~~However, a person who has been required to participate in the program by a court or governmental entity and whose driver's license is suspended or revoked shall not begin participation in the program or be subject to the testing required by the program until the person is eligible for a temporary restricted license under applicable law.~~

2. a. An order or directive placing a participant in the program shall include ~~the~~ all of the following:

(1) The type of testing required to be administered in the program and the in accordance with section 901D.3, subsection 1, paragraph "b".

(2) The length of time that the participant is required to remain in the program, which shall be for no less than ninety days. The order or directive shall additionally require

(3) A requirement that the participant not have failed a test result or have missed a required testing during the thirty-day period immediately preceding the end of participation in the program.

(4) A requirement that the participant submit to the law enforcement agency of the participating jurisdiction proof that the participant has installed an approved ignition interlock device on all motor vehicles owned or operated by the participant prior to the end of participation in the program, unless the court enters an order pursuant to paragraph "c" finding the participant is not required to provide proof of installation of an approved ignition interlock device as a condition of the participant's completion of the program.

b. The person issuing the order or directive shall send a copy of the order or directive to the law enforcement agency of the participating jurisdiction.

c. (1) A court shall only enter an order finding the participant is not required to provide proof of installation of an approved ignition interlock device on all motor vehicles owned or operated by the participant if any of the following apply:

(a) The participant will be ineligible for a temporary restricted license at the time the participant completes the program.

(b) The participant will not own a motor vehicle or have a motor vehicle registered in the participant's name at the time the participant completes the program, and the participant has submitted an affidavit stating such.

(2) If the court enters an order finding the participant is not required to install an approved ignition interlock device under this paragraph, the court shall specifically state in the order the reasons for not imposing the requirement.

Sec. 8. Section 901D.9, subsection 2, Code 2020, is amended by striking the subsection.

Sec. 9. Section 901D.10, subsection 1, Code 2020, is amended to read as follows:

1. The department, in consultation with the judicial branch ~~and the department of transportation,~~ shall by December 1, 2023, submit a report to the general assembly detailing the effectiveness of the program established pursuant to this chapter and shall make recommendations concerning the continued implementation of the program or the elimination of the program.

Sec. 10. REPEAL. 2017 Iowa Acts, chapter 76, section 17, as amended by 2019 Iowa Acts, chapter 66, section 4, is repealed.

Approved June 17, 2020

CHAPTER 1060

CONFIDENTIALITY OF INFORMATION USED TO SECURE ARREST WARRANTS

H.F. 2474

AN ACT relating to the confidentiality of information filed with the court to secure an arrest warrant.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 804.29, subsection 2, Code 2020, is amended to read as follows:

2. However, during the period of confidentiality in subsection 1, the information in the record may be disseminated, without court order, during the course of official duties to the following persons unless access to such information is expressly denied by court order:

a. A peace officer, or any other employee of a law enforcement agency if allowed access pursuant to section 692.14 and if authorized in writing by the head of the agency.

b. An employee of the county attorney's office.

c. A judicial officer or other court employees.

d. An employee of the department of corrections or judicial district department of correctional services, if authorized by the director of the department of corrections.

e. A court-appointed attorney in a specific case where an arrest warrant has been issued but not served, provided the defendant is in custody and subject to a hold for that arrest warrant.

Approved June 17, 2020

CHAPTER 1061

SUBDIVISION PLATTING — TAXES AND SPECIAL ASSESSMENTS — CERTIFICATES OF THE TREASURER

H.F. 2481

AN ACT relating to the validity of certificates of the treasurer.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 354.11, subsection 1, paragraph f, Code 2020, is amended to read as follows:

f. A certificate of the treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with section 354.12. A certificate of the treasurer shall expire upon the next annual delivery of the tax list from the county auditor to the county treasurer pursuant to the procedures set forth in section 443.4. An expired certificate of the treasurer shall not be considered an acceptable document presented to the recorder for recording.

Approved June 17, 2020

CHAPTER 1062

NONSUBSTANTIVE CODE CORRECTIONS

H.F. 2535

AN ACT relating to nonsubstantive Code corrections, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
MISCELLANEOUS CHANGES

Section 1. Section 12.82, subsection 4, Code 2020, is amended to read as follows:

4. Any amounts remaining in the school infrastructure fund at the end of the fiscal year beginning July 1, 2010, and for each fiscal year thereafter, which are determined by the treasurer of state to be unencumbered and unobligated and otherwise unnecessary to make the payments for such fiscal year, shall be transferred to the rebuild Iowa infrastructure fund created in section 8.57.

Sec. 2. Section 12.89, subsection 5, Code 2020, is amended to read as follows:

5. Moneys in the revenue bonds debt service fund and any bond reserve fund created pursuant to this section are not subject to section 8.33; provided however, that on August 31 following the close of each fiscal year, any moneys on deposit in the revenue bonds debt service fund at the end of such fiscal year, which is determined by the treasurer of state to not be encumbered or obligated or otherwise necessary to make the payments for such fiscal year authorized to be made from such fund pursuant to subsection 1, shall be credited to the rebuild Iowa infrastructure fund created in section 8.57. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the revenue bonds debt service fund and any bond reserve fund shall be credited to such funds.

Sec. 3. Section 12.89A, subsection 5, Code 2020, is amended to read as follows:

5. At any time during each fiscal year that there are moneys on deposit in the revenue bonds federal subsidy holdback fund that are not needed to pay principal and interest on federal subsidy bonds during such fiscal year as determined by the treasurer of state or the treasurer's designee, such moneys on deposit in the revenue bonds federal subsidy holdback fund shall be credited to the rebuild Iowa infrastructure fund ~~of the state~~ created in section 8.57.

Sec. 4. Section 15.101, subsection 2, Code 2020, is amended to read as follows:

2. The collaboration shall involve the economic development authority and the ~~Iowa innovation~~ bioscience development corporation, both of which shall work together to further economic development policy according to the provisions of this subchapter.

Sec. 5. Section 15E.71, Code 2020, is amended to read as follows:

15E.71 Executive council action.

Notwithstanding section 7D.29, subsection 1, the executive council in full consultation with the attorney general, and with the agreement of the attorney general, shall take any action deemed necessary to protect the interests of the state with respect to any certificates, tax credits, entities created, or action taken in relation to this subchapter. Such actions may include but are not limited to initiation of legal action, commencement of special investigations, institution of special audits of any involved entity, or establishment of receiverships. If such action is taken, the council may incur the necessary expense to perform such a duty or cause such a duty to be performed, and pay the same out of any ~~money~~ moneys in the state treasury not otherwise appropriated.

Sec. 6. Section 15E.362, subsection 10, Code 2020, is amended to read as follows:

10. The authority may contract with outside service providers for assistance with the program or may delegate the administration of the program to the Iowa innovation bioscience development corporation pursuant to section 15.106B.

Sec. 7. Section 15H.3, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The ~~Iowa commission on volunteer service~~ shall consist of the following members:

Sec. 8. Section 15H.5, subsection 2, Code 2020, is amended to read as follows:

2. The Iowa summer youth corps program is established to provide meaningful summer enrichment programming to Iowa youth. The program shall be administered by the ~~Iowa commission on volunteer service~~ using a competitive grant process to implement projects in accordance with program requirements. The commission shall adopt administrative rules for the program, including but not limited to incentives, grant criteria, and grantee selection processes. A percentage of the grants shall be designated by the commission to address the needs of economically distressed areas as defined in section 15.335C.

Sec. 9. Section 15H.6, subsection 1, Code 2020, is amended to read as follows:

1. The ~~Iowa commission on volunteer service~~, in collaboration with the department of natural resources, the department of workforce development, and the utilities board of the department of commerce, shall establish an Iowa green corps program. The commission shall work with the collaborating agencies and nonprofit agencies in developing a strategy for attracting additional financial resources for the program from other sources which may include but are not limited to utilities, private sector, and local, state, and federal government funding sources. The financial resources received shall be credited to the community programs account created pursuant to section 15H.5.

Sec. 10. Section 15H.7, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. The ~~Iowa commission on volunteer service~~, in collaboration with the department of education, may establish an Iowa reading corps program to provide Iowa reading corps Americorps members with a data-based, problem-solving model of literacy instruction to use in tutoring students from prekindergarten to third grade who are not proficient in reading or who are at risk of becoming not proficient in reading.

Sec. 11. Section 15H.8, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. The ~~Iowa commission on volunteer service~~, in collaboration with the department of human services, shall establish a Refugee Rebuild, Integrate, Serve, Empower (RefugeeRISE) AmeriCorps program to increase community integration and engagement for diverse refugee communities in rural and urban areas across the state.

Sec. 12. Section 15H.9, subsection 1, Code 2020, is amended to read as follows:

1. The ~~Iowa commission on volunteer service~~ may establish an Iowa national service corps program to provide opportunities for state agencies, political subdivisions of the state, and private, nonprofit organizations to create national service programs outside of existing state and federal programs to meet state and local needs and to provide more opportunities for Iowans to serve their state and country and foster a cultural expectation of service in Iowa through a unified service corps.

Sec. 13. Section 16.82A, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. If, after ~~making~~ a tax credit award is made, the eligible taxpayer or qualified beginning farmer no longer meets the requirements of the agreement or the program, the authority may revoke a the tax credit award and may rescind a any tax credit certificate that has been issued.

Sec. 14. Section 29A.47, subsection 1, Code 2020, is amended to read as follows:

1. Troops occupying a military district established under martial law, may, if necessary, pursue, arrest, and subpoena persons wanted in said the military district, anywhere within the state of Iowa.

Sec. 15. Section 29B.35, subsection 2, Code 2020, is amended to read as follows:

2. If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

Sec. 16. Section 43.77, subsection 5, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A vacancy has occurred in the office of county supervisor or in any of the offices listed in section 39.17, and the term of office has more than seventy days remaining after the date of the next general election, and one of the following circumstances applies:

Sec. 17. Section 43.101, Code 2020, is amended to read as follows:

43.101 County central committee officers.

The county central committee shall elect a chair, co-chair, secretary, treasurer, and other officers as it may determine. The term of office of an officer begins at the time specified by the party's state constitution or bylaws and continues for two years and until the officer's successor is elected and qualified, unless the officer dies, resigns, or is sooner removed by the county central committee for inattention to duty or incompetency.

Sec. 18. Section 45.1, subsection 8, paragraph c, Code 2020, is amended to read as follows:

c. In cities having a population of less than one hundred according to the most recent federal decennial census, nominations may be made by nomination papers signed by not less than five eligible electors who are residents of the city.

Sec. 19. Section 52.2, Code 2020, is amended to read as follows:

52.2 Optical scan voting system required.

Notwithstanding any provision to the contrary, for elections held on or after November 4, 2008, a county shall use an optical scan voting system only. The requirements of the federal Help America Vote Act, Pub. L. No. 107-252, 116 Stat. 1666, relating to disabled voters shall be met by a county through the use of electronic ballot marking devices that are compatible with an optical scan voting system.

Sec. 20. Section 80.15, Code 2020, is amended to read as follows:

80.15 Examination — oath — probation — discipline — dismissal.

1. An applicant to be a peace officer in the department shall not be appointed as a peace officer until the applicant has passed a satisfactory physical and mental examination. In addition, the applicant must be a citizen of the United States and be not less than twenty-two years of age. However, an applicant applying for assignment to provide protection and security for persons and property on the grounds of the state capitol complex or a peace officer candidate shall not be less than eighteen years of age. The mental examination shall be conducted under the direction or supervision of the commissioner and may be oral or written or both. An applicant shall take an oath on becoming a peace officer of the department, to uphold the laws and Constitution of the United States and Constitution of the State of Iowa.

2. During the period of twelve months after appointment, a peace officer of the department is subject to dismissal at the will of the commissioner. After the twelve months' service, a peace officer of the department, who was appointed after having passed the examinations, is not subject to dismissal, suspension, disciplinary demotion, or other disciplinary action resulting in the loss of pay unless charges have been filed with the department of inspections and appeals and a hearing held by the employment appeal board created by section 10A.601, if requested by the peace officer, at which the peace officer has an opportunity to present a defense to the charges. The decision of the appeal board is final, subject to the right of judicial

review in accordance with the terms of the Iowa administrative procedure Act, chapter 17A. However, these procedures as to dismissal, suspension, demotion, or other discipline do not apply to a peace officer who is covered by a collective bargaining agreement which provides otherwise, and do not apply to the demotion of a division head to the rank which the division head held at the time of appointment as division head, if any. A division head who is demoted has the right to return to the rank which the division head held at the time of appointment as division head, if any.

3. All rules, except employment provisions negotiated pursuant to chapter 20, regarding the enlistment, appointment, and employment affecting the personnel of the department shall be established by the commissioner in consultation with the director of the department of administrative services, subject to approval by the governor.

Sec. 21. Section 85.42, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. When it is shown that at the time of the injury the surviving spouse had willfully deserted the deceased without fault of the deceased, then ~~such~~ the survivor shall not be considered as dependent in any degree.

Sec. 22. Section 96.19, subsection 25A, Code 2020, is amended to read as follows:

25A. “*Indian tribe*” shall have the meaning given to the term pursuant to section 4(e) of the federal Indian Self-Determination and Education Assistance Act, Pub. L. No. 93-638, and shall include any subdivision, subsidiary, or business enterprise wholly owned by such an Indian tribe.

Sec. 23. Section 124.409, Code 2020, is amended to read as follows:

124.409 Conditional discharge, commitment for treatment, and probation.

1. Whenever the court finds that a person who is charged with a violation of section 124.401 and who consents thereto, or who has entered a plea of guilty to or been found guilty of a violation of that section, is addicted to, dependent upon, or a chronic abuser of any controlled substance and that such person will be aided by proper medical treatment and rehabilitative services, ~~it~~ the court may order that the person be committed as an in-patient or out-patient to a facility licensed by the Iowa department of public health for medical treatment and rehabilitative services.

2. A person committed under this section who is not possessed of sufficient income or estate to enable the person to make payment of the costs of such treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. The determination of ability to pay shall be made by the court. The court shall require the patient, or the patient’s parent, guardian, or custodian to complete under oath a detailed financial statement. The court may enter appropriate orders requiring the patient or those legally liable for the patient’s support to reimburse the state with the costs, or any part thereof.

3. In order to obtain the most effective results from such medical treatment and rehabilitative services, the court may commit the person to the custody of a public or private agency or any other responsible person and impose other conditions upon the commitment as is necessary to insure compliance with the court’s order and to insure that the person will not, during the period of treatment and rehabilitation, again violate a provision of this chapter.

4. If it is established thereafter to the satisfaction of the court that the person has again violated a provision of this chapter, the person may be returned to custody or sentenced upon conviction as provided by law.

5. The public or private agency or responsible person to whom the accused person was committed by the court shall immediately report to the court when the person has received maximum benefit from the program or has recovered from addiction, dependency, or tendency to chronically abuse any controlled substance. The person shall then be returned to the court for disposition of the case. If the person has been charged or indicted, but not convicted, such charge shall proceed to trial or final disposition. If the person has been convicted or is thereafter convicted, the court shall sentence the person as provided by law

but may remit all or any part of the sentence and place the person on probation upon terms and conditions as the court may prescribe.

Sec. 24. Section 135B.5, subsection 2, Code 2020, is amended to read as follows:

2. The provisions of this section shall not in any way affect, change, deny, or nullify any rights set forth in, or arising from the provisions of this chapter and particularly section 135B.7, arising before or after December 31, 1960.

Sec. 25. Section 144F.1, subsection 1, Code 2020, is amended to read as follows:

1. “*Aftercare assistance*” means any assistance provided by a lay caregiver to a patient following discharge of the patient that are involves tasks directly related to the patient’s condition at the time of discharge, ~~do does not~~ require a licensed professional, and are is determined to be appropriate by the patient’s discharging physician or other licensed health care professional.

Sec. 26. Section 217.6, subsection 3, Code 2020, is amended to read as follows:

3. The director shall organize the department of human services into divisions to carry out in an efficient manner the intent of this chapter. The department of human services may be initially divided into the following divisions of responsibility: ~~the~~

a. The division of child and family services,~~the~~

b. The division of mental health and disability services,~~the~~

c. The division of administration,~~and the~~

d. The division of planning, research, and statistics.

Sec. 27. Section 217.43, subsection 1, Code 2020, is amended to read as follows:

1. a. The department shall establish a service area advisory board in each service area. Each of the county boards of supervisors of the counties comprising the service area shall appoint two service area advisory board members. ~~The~~ All of the following requirements apply to the appointments made by a county board of supervisors: ~~the~~

(1) The membership shall be appointed in accordance with section 69.16, relating to political affiliation, and section 69.16A, relating to gender balance;~~not.~~

(2) Not more than one of the members shall be a member of the board of supervisors;~~and appointments.~~

(3) Appointments shall be made on the basis of interest in maintaining and improving service delivery.

b. Appointments shall be made a part of the regular proceedings of the board of supervisors and shall be filed with the county auditor and the service area manager. A vacancy on the board shall be filled in the same manner as the original appointment.

c. The boards of supervisors shall develop and agree to other organizational provisions involving the advisory board, including reporting requirements.

Sec. 28. Section 218.2, subsection 2, Code 2020, is amended to read as follows:

2. The administrator to whom primary responsibility of for a particular institution has been assigned shall make reports to the director of human services as are requested by the director and the director shall report, in writing, to the governor any abuses found to exist in any of the institutions.

Sec. 29. Section 232.2, subsection 46A, Code 2020, is amended to read as follows:

46A. “*Relative*” for purposes of divisions subchapters III and IV of this chapter includes the parent of a sibling.

Sec. 30. Section 232.11, subsection 6, Code 2020, is amended to read as follows:

6. Nothing in this section shall be construed to prevent the child or the child’s parent, guardian or custodian from retaining counsel to represent the child in proceedings under this division subchapter II of this chapter in which the alleged delinquent act constitutes a simple misdemeanor under the Iowa Code.

Sec. 31. Section 232.37, subsections 3 and 6, Code 2020, are amended to read as follows:

3. Upon request of the child who is identified in the petition as a party to the proceeding, the child's parent, guardian, or custodian; or a county attorney; or on the court's own motion, the court or the clerk of the court shall issue subpoenas requiring the attendance and testimony of witnesses and production of papers at any hearing under this ~~division~~ subchapter.

6. The court may issue an order for the removal of the child from the custody of the child's parent, guardian, or custodian when there exists an immediate threat that the parent, guardian, or custodian will flee the state with the child, or when it appears that the child's immediate removal is necessary to avoid imminent danger to the child's life or health.

Sec. 32. Section 232.48, subsection 4, Code 2020, is amended to read as follows:

4. A predisposition report shall not be disclosed except as provided in this section and in ~~division subchapter VIII of this chapter~~. The court shall permit the child's attorney to inspect the predisposition report prior to consideration by the court. The court may order counsel not to disclose parts of the report to the child, or to the child's parent, guardian, guardian ad litem, or custodian if the court finds that disclosure would seriously harm the treatment or rehabilitation of the child. If the report indicates the child has behaved in a manner that threatened the safety of another person, has committed a violent act causing bodily injury to another person, or has been a victim or perpetrator of sexual abuse, unless otherwise ordered by the court, the child's parent, guardian, or foster parent or other person with custody of the child shall be provided with that information.

Sec. 33. Section 232.89, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Upon the filing of a petition, the court shall appoint counsel and a guardian ad litem for the child identified in the petition as a party to the proceedings. If a guardian ad litem has previously been appointed for the child in a proceeding under ~~division subchapter II of this chapter~~ or a proceeding in which the court has waived jurisdiction under section 232.45, the court shall appoint the same guardian ad litem upon the filing of the petition under this part. Counsel shall be appointed as follows:

Sec. 34. Section 232.103, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The following persons shall be authorized to file a motion to terminate, modify, or vacate and substitute a dispositional order:

Sec. 35. Section 232.109, Code 2020, is amended to read as follows:

232.109 Jurisdiction.

The juvenile court shall have exclusive jurisdiction over proceedings under this chapter to terminate a parent-child relationship and all parental rights with respect to a child. No such termination shall be ordered except under the provisions of this chapter if the court has made an order concerning the child pursuant to the provisions of ~~division subchapter III of this chapter~~ and the order is in force at the time a petition for termination is filed.

Sec. 36. Section 232.147, subsection 10, Code 2020, is amended to read as follows:

10. Subject to restrictions imposed by sections 232.48, subsection 4, and 232.97, subsection 3, all juvenile court records shall be made available for inspection and their contents shall be disclosed to any party to the case and the party's counsel and to any trial or appellate court in connection with an appeal pursuant to ~~division subchapter VI of this chapter~~.

Sec. 37. Section 256.11, subsection 5, paragraph k, subparagraph (1), subparagraph division (e), Code 2020, is amended to read as follows:

(e) Consumer awareness of the power of marketing on buying decisions including zero percent interest offers; marketing methods, including product positioning, advertising, brand recognition, and personal selling; how to read a credit report and correct inaccuracies; how to build a credit score; how to develop a plan to deal with creditors and avoid bankruptcy; and the federal Fair Debt Collection Practices Act, codified at 15 U.S.C. §1692 – 1692p.

Sec. 38. Section 257.39, Code 2020, is amended to read as follows:

257.39 Definitions — returning dropouts and potential dropouts.

As used in this chapter:

~~1. “Returning dropouts” are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the district.~~

2. 1. “Potential dropouts” are resident pupils who are enrolled in a public or nonpublic school who demonstrate poor school adjustment as indicated by two or more of the following:

a. High rate of absenteeism, truancy, or frequent tardiness.

b. Limited or no extracurricular participation or lack of identification with school, including but not limited to, expressed feelings of not belonging.

c. Poor grades, including but not limited to, failing in one or more school subjects or grade levels.

d. Low achievement scores in reading or mathematics which reflect achievement at two years or more below grade level.

e. Children in grades kindergarten through three who meet the definition of at-risk children adopted by the department of education.

2. “Returning dropouts” are resident pupils who have been enrolled in a public or nonpublic school in any of grades seven through twelve who withdrew from school for a reason other than transfer to another school or school district and who subsequently enrolled in a public school in the district.

Sec. 39. Section 261E.8, subsection 2, paragraph b, subparagraph (2), subparagraph divisions (a) and (b), Code 2020, are amended to read as follows:

(a) Subject to an appropriation of funds by the general assembly for this purpose, a student enrolled in a unit of coursework provided under this subparagraph shall be counted as if the student was assigned a weighting under section 257.11, subsection 3, paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4), if the accredited nonpublic school is accredited under the standards required of a school district pursuant to section 256.11, the number of students enrolled in a class used to meet the unit requirement exceeds five, and the accredited nonpublic school’s total enrollment in grades nine through twelve does not exceed two hundred pupils.

(b) A student enrolled in a unit of coursework provided under this subparagraph is not eligible to be counted as if the student was assigned a weighting under section 257.11, subsection 3, paragraph “b”, in determining the amount calculated and paid to a community college under subparagraph (4), if the accredited nonpublic school’s total enrollment in grades nine through twelve exceeds two hundred pupils.

Sec. 40. Section 272.15, subsection 1, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The board of directors of a school district or area education agency, the superintendent of a school district, the chief administrator of an area education agency, and the authorities in charge of an accredited nonpublic school shall report to the board the nonrenewal or termination, for reasons of alleged or actual misconduct, of a person’s contract executed under sections 279.12, 279.13, 279.15, 279.16, 279.18 through 279.21, 279.23, and 279.24, and the resignation of a person who holds a license, certificate, or authorization issued by the board as a result of or following an incident or allegation of misconduct that, if proven, would constitute a violation of the rules adopted by the board to implement section 272.2, subsection 14, paragraph “b”, subparagraph (1); soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student; falsifying student grades, test scores, or other official information or material; or converting public property or funds to the personal use of the school employee, when the board or reporting official has a good faith belief that the incident occurred or the allegation is true. The board may deny a license or revoke the license of an administrator if the board finds by a preponderance of the evidence that the administrator failed to report the termination or resignation of a school employee holding

a license, certificate, statement of professional recognition, or coaching authorization, for reasons of alleged or actual misconduct, as defined by this section.

Sec. 41. Section 279.11, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. A parent or guardian of siblings may request of a school principal that the children siblings be placed in the same classroom or in separate classrooms if the children siblings are in the same grade level academically for kindergarten through grade five. The school principal in consultation with the siblings' classroom teachers for the prior school year, may recommend classroom placement to the parent or guardian. The school principal shall provide the placement requested by the parent or guardian, unless the school principal makes a classroom placement determination as provided under paragraph "b" or if the placement would require the school district to add an additional class at the siblings' grade level. A request made by a parent or guardian under this paragraph must be submitted to the school principal at the time of registration for classes or, if the children siblings are enrolled in the school district after the school year commences, within fourteen days after the children's siblings' first day of attendance during the school year.

Sec. 42. Section 307.13, Code 2020, is amended to read as follows:

307.13 Reassignment of personnel.

The director may reassign personnel within the department among the various divisions of the department in order to properly coordinate the work of the divisions and perform the duties and responsibilities of the department efficiently and economically. However, any employee so transferred or transferred from one employment system to another, either administratively or legislatively, shall not be considered to be a probationary employee simply because of this action.

~~However, any employee so transferred or transferred from one employment system to another either administratively or legislatively, shall not be considered to be a probationary employee simply because of this action.~~

Sec. 43. Section 321.208, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. Operating a commercial motor vehicle involved in a fatal accident and being convicted of manslaughter under section 707.4 or 707.5 or vehicular homicide under section 707.6A.

Sec. 44. Section 322G.12, Code 2020, is amended to read as follows:

322G.12 Resale of returned vehicles.

1. A manufacturer who accepts the return of a motor vehicle pursuant to a settlement, determination, or decision under this chapter shall notify the state department of transportation, report the vehicle identification number of that motor vehicle within ten days after the acceptance, and obtain a new certificate of title for the vehicle in the manufacturer's name pursuant to section 321.46. In obtaining a new certificate of title, the manufacturer shall title the vehicle in the county of the transferor's residence and shall be exempt from the registration fee requirements of section 321.46 and the fee for new registration under section 321.105A. The new certificate of title, and all subsequent registration receipts and certificates of title issued for the motor vehicle, shall contain a designation indicating that the motor vehicle was returned to the manufacturer pursuant to this chapter or a similar law of another state. The state department of transportation shall determine the manner in which the designation is to be indicated on registration receipts and certificates of title and may determine that a "REBUILT" or "SALVAGE" designation supersedes the designation required by this paragraph subsection and include the "REBUILT" or "SALVAGE" designation on the registration receipt and certificate of title in lieu of the designation required by this paragraph subsection.

2. A person shall not knowingly lease, sell, either at wholesale or retail, or transfer a title to a motor vehicle returned by reason of a settlement, determination, or decision pursuant to this chapter or a similar law of another state unless the nature of the nonconformity is clearly and conspicuously disclosed to the prospective transferee, lessee, or buyer. The attorney general shall prescribe by rule the form, content, and procedure pertaining to such

a disclosure statement, recognizing the need of manufacturers to implement a uniform disclosure form. The manufacturer shall make a reasonable effort to ensure that such disclosure is made to the first subsequent retail buyer or lessee. For purposes of this section, “*settlement*” includes an agreement entered into between the manufacturer and the consumer that occurs after the thirtieth day following the manufacturer’s receipt of the consumer’s written notification pursuant to section 322G.4.

Sec. 45. Section 330.13, Code 2020, is amended to read as follows:

330.13 Federal aid.

1. Any subdivision of government is authorized to accept, receive, and receipt for federal moneys, and other moneys, either public or private, for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airports, and other air navigation facilities, and sites for airports and other navigation facilities, and to comply with the laws of the United States and any regulations for the expenditure of federal moneys upon airports and other air navigation facilities.

2. All preapplications for funds authorized to be received pursuant to this section by any governmental subdivision, commission, or authority, whether acting alone or jointly with another governmental or private entity, shall be approved by the state transportation commission prior to being submitted to any federal agency or department. Approval shall be based on criteria consistent with the Iowa aviation system plan. However, this ~~paragraph~~ subsection does not apply to preapplications from airports which receive federal primary commercial service entitlement funds if the airport making the preapplication files a copy of the preapplication with the state department of transportation.

Sec. 46. Section 335.30, Code 2020, is amended to read as follows:

335.30 Manufactured and modular homes.

1. A county shall not adopt or enforce zoning regulations or other ordinances which disallow the plans and specifications of a proposed residential structure solely because the proposed structure is a manufactured home. However, a zoning ordinance or regulation shall require that a manufactured home be located and installed according to the same standards, including but not limited to, a permanent foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot, and shall require that the home is assessed and taxed as a site-built dwelling. A zoning ordinance or other regulation shall not require a perimeter foundation system for a manufactured home which is incompatible with the structural design of the manufactured home structure. A county shall not require more than one permanent foundation system for a manufactured home. For purposes of this section, a permanent foundation may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site. When units are located outside a manufactured home community or mobile home park, requirements may be imposed which ensure visual compatibility of the permanent foundation system with surrounding residential structures. As used in this section, “*manufactured home*” means a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. §5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. This section shall not be construed as abrogating a recorded restrictive covenant.

2. A county shall not adopt or enforce construction, building, or design ordinances, regulations, requirements, or restrictions which would mandate width standards greater than twenty-four feet, roof pitch, or other design standards for manufactured housing if the housing otherwise complies with 42 U.S.C. §5403. A county shall not adopt or enforce zoning or subdivision regulations or other ordinances which mandate width standards for a single modular or manufactured home which is sited upon land otherwise zoned as agricultural land. However, this ~~paragraph~~ subsection shall not prohibit a county from adopting and enforcing zoning regulations related to transportation, water, sewerage, or other land development.

Sec. 47. Section 352.4, subsection 1, paragraphs b, c, and d, Code 2020, are amended to read as follows:

b. The lands used for public facilities, which may include parks, recreation areas, schools, government buildings, and historical sites.

c. The lands used for private open spaces, which may include woodlands, wetlands, and water bodies.

d. The land used for each of the following uses: commercial, industrial including mineral extraction, residential, and transportation.

Sec. 48. Section 352.4, subsection 3, Code 2020, is amended to read as follows:

3. The information required by subsection 1 shall be provided both in narrative and map form. The county commission shall provide a cartographic display which contrasts the county's present land use with the land use in the county in 1960 based on the best available information. The display need only show the areas in agriculture, private open spaces, public facilities, commercial, industrial, residential, and transportation uses.

Sec. 49. Section 357.17, Code 2020, is amended to read as follows:

357.17 Bond of contractor.

1. The successful bidder, when awarded a contract, shall be required to give an approved surety bond for one hundred percent of the contract price, guaranteeing completion of the work in accordance with the plans and specifications, and for maintenance, including backfilling, for one year after the final acceptance of the work.

2. If the contractor ~~shall fail~~ fails to complete the work as provided in the contract, ~~or shall abandon~~ abandons the same work, or fail fails to proceed in a reasonable manner toward its final completion, the board may proceed against the contractor and surety as provided in sections 468.104 and 468.105.

Sec. 50. Section 359.14, Code 2020, is amended to read as follows:

359.14 Changing name — petition — notice.

1. Eligible electors of a township wishing to change its name may petition the board of supervisors ~~and, if,~~

2. If it appears to the board that a majority of the eligible electors of the township are in favor of the change, the board shall cause notices, attested by the auditor, to be posted in three of the most public places of the township, for at least thirty days before the next regular session of the board.

3. The notice shall state ~~that~~ all of the following:

a. That a petition has been presented to the board by the eligible electors of the township, seeking a change of the name of the township ~~and shall state the.~~

b. The name sought in the petition, ~~and that,~~

c. That, unless those interested in the change of name appear at the next regular session of the board and show cause why the name shall not be changed, there will be an order made granting the change.

Sec. 51. Section 411.23, subsection 3, paragraph b, Code 2020, is amended to read as follows:

b. In the event a refund is made in accordance with this subsection without the member's consent, the system shall pay the distribution in a direct rollover to an individual retirement plan designated by the system unless the member elects to have such distribution paid directly to an eligible retirement plan specified by the member in a direct rollover in accordance with section 411.6B or elects to receive the distribution directly. The system may, by rule, implement a ~~de minimus~~ de minimis exception to the automatic rollover provision of this subsection, subject to the limitations of the Internal Revenue Code and any applicable internal revenue service regulations.

Sec. 52. Section 425.8, subsection 1, Code 2020, is amended to read as follows:

1. The director of revenue shall prescribe the form for the making of a verified statement and designation of homestead, the form for the supporting affidavits required herein, and such other forms as may be necessary for the proper administration of this chapter.

Whenever necessary, the department of revenue shall forward to the county auditors of the several counties in the state the prescribed sample forms, and the county auditors shall furnish blank forms prepared in accordance therewith with the assessment rolls, books, and supplies delivered to the assessors. The department of revenue shall prescribe and the county auditors shall provide on the forms for claiming the homestead credit a statement to the effect that the owner realizes that the owner must give written notice to the assessor when the owner changes the use of the property.

Sec. 53. Section 456A.28, Code 2020, is amended to read as follows:

456A.28 Fish restoration projects.

The state of Iowa assents to the provisions of the Act of Congress entitled “An Act To Provide That The United States Shall Aid The States In Fish Restoration Projects, And For Other Purposes”, approved August 9, 1950, ~~Ch. Chapter~~ 658, 64 Stat. 430, codified at 16 U.S.C. §777 – 777n, and the department may perform acts as necessary to the conduct and establishment of cooperative fish restoration projects, as defined in the Act of Congress, in compliance with the Act and with regulations promulgated by the secretary of the interior under the Act. No funds accruing to the state of Iowa from fishing license fees shall be diverted for any other purposes than as set out in sections 456A.17 and 456A.19.

Sec. 54. Section 461A.1, subsection 1, Code 2020, is amended to read as follows:

1. “*Commission*” means the natural resource commission created under section 455A.5.

Sec. 55. Section 462A.5, subsection 4, paragraph b, Code 2020, is amended to read as follows:

b. If the name of a person, who has registered a vessel, is changed, the person shall, within ten days, notify any county recorder of the former and new name.

Sec. 56. Section 462A.12, subsection 4, Code 2020, is amended to read as follows:

4. No person shall operate on the waters of this state under the jurisdiction of the ~~conservation~~ commission any vessel displaying or reflecting a blue light or flashing blue light unless such vessel is an authorized emergency vessel.

Sec. 57. Section 515G.3, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. The manner and basis of exchanging the rights of each voting policyholder and each eligible policyholder of the mutual insurer to be converted to a stock company pursuant to this chapter. Such exchange may include a base value for each voting policyholder in recognition of the voting policyholder’s voting rights as a mutual policyholder as well as consideration to be provided to each eligible policyholder in exchange for the eligible policyholder’s rights as a mutual policyholder of the mutual insurer to be converted. After determining the base value to be provided to each voting policyholder in recognition of the voting rights of the voting policyholder, the equitable share of each eligible policyholder in the remaining statutory surplus of the mutual insurer, plus any adjustments for nonadmitted assets or additional value permitted by the commissioner, to be provided to each eligible policyholder shall be determined by the ratio which the net earned premiums the eligible policyholder has properly and timely paid to the mutual insurer on insurance policies in effect during the three-year period immediately preceding the adoption of the plan of conversion, including the date of the adoption of the plan of conversion, bears to the total net earned premiums received by the mutual insurer from all eligible policyholders during that three-year period. The base value to be provided to each voting policyholder in recognition of voting rights and the equitable share of each eligible policyholder may be exchanged, without additional payment, for securities or other consideration, or both, of the stock corporation or an affiliate into which the mutual insurer is to be converted. If the base value for each voting policyholder or the equitable share of each eligible policyholder entitles the policyholder to the purchase of a fractional share of stock, the policyholder has the option to receive the value of the fractional share in cash or purchase a full share by paying the balance in cash. However, policyholders due a ~~de minimus~~ de minimis amount, as established by the

commissioner, need not be offered the value of the fractional share or the option to purchase a full share. The plan shall also provide for the disposition of any unclaimed shares.

Sec. 58. Section 515I.4A, subsection 7, Code 2020, is amended to read as follows:

7. A policy or contract issued by a domestic surplus lines insurer in this state is exempt from all requirements imposed in this state relating to insurance rating plans, policy or contract forms, policy or contract cancellation and nonrenewal, or premiums charged to the insured, in the same manner and to the same extent as a policy or contract issued by a nonadmitted insurer domiciled in another state.

Sec. 59. Section 521I.11, subsection 3, Code 2020, is amended to read as follows:

3. The allocation to a resulting insurer of capital, surplus, or other asset that is collateral covered by an effective financing statement shall not be effective until a new effective financing statement naming the resulting insurer as a debtor is effective under the uniform commercial code, chapter 554.

Sec. 60. Section 523C.9, subsection 3, Code 2020, is amended to read as follows:

3. The service company has without just cause refused to perform or negligently or incompetently performed services required to be performed under its service contracts and the refusal, or negligent or incompetent performance has occurred with such frequency, as determined by the commissioner ~~determines~~, as to indicate the general business practices of the service company.

Sec. 61. Section 554.2402, subsection 3, paragraph b, Code 2020, is amended to read as follows:

b. where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a ~~pre-existing~~ preexisting claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this Article constitute the transaction a fraudulent transfer or voidable preference.

Sec. 62. Section 573.14, Code 2020, is amended to read as follows:

573.14 Retention of unpaid funds.

1. The fund provided for in section 573.13 shall be retained by the public corporation for a period of thirty days after the completion and final acceptance of the improvement. If at the end of the thirty-day period claims are on file as provided the public corporation shall continue to retain from the unpaid funds a sum equal to double the total amount of all claims on file. The remaining balance of the unpaid fund, or if no claims are on file, the entire unpaid fund, shall be released and paid to the contractor.

2. The public corporation shall order payment of any amount due the contractor to be made in accordance with the terms of the contract. Except as provided in section 573.12 for progress payments, failure to make payment pursuant to this section, of any amount due the contractor, within forty days, unless a greater time period not to exceed fifty days is specified in the contract documents, after the work under the contract has been completed and if the work has been accepted and all required materials, certifications, and other documentations required to be submitted by the contractor and specified by the contract have been furnished the awarding public corporation by the contractor, shall cause interest to accrue on the amount unpaid to the benefit of the unpaid party. Interest shall accrue during the period commencing the thirty-first day following the completion of work and satisfaction of the other requirements of this ~~paragraph~~ subsection and ending on the date of payment. The rate of interest shall be determined by the period of time during which interest accrues, and shall be the same as the rate of interest that is in effect under section 12C.6, as of the day interest begins to accrue, for a deposit of public funds for a comparable period of time. However, for institutions governed pursuant to chapter 262, the rate of interest shall be determined by the period of time during which interest accrues, and shall be calculated as the prime rate plus one percent per year as of the day interest begins to accrue. This ~~paragraph~~ subsection does not abridge any of the rights set forth in section 573.16. Except as provided in sections 573.12 and 573.16, interest shall not accrue on funds retained by the public corporation to

satisfy the provisions of this section regarding claims on file. This chapter does not apply if the public corporation has entered into a contract with the federal government or accepted a federal grant which is governed by federal law or rules that are contrary to the provisions of this chapter. For purposes of this ~~unnumbered paragraph~~ subsection, “prime rate” means the prime rate charged by banks on short-term business loans, as determined by the board of governors of the federal reserve system and published in the federal reserve bulletin.

Sec. 63. Section 602.10134, Code 2020, is amended to read as follows:

602.10134 Plea of guilty or failure to plead.

If the accused ~~plead~~ pleads guilty, or ~~fail~~ fails to answer, the court shall proceed to render such judgment as the case requires.

Sec. 64. Section 624.1, Code 2020, is amended to read as follows:

624.1 Evidence in ordinary actions.

1. All issues of fact in ordinary actions shall be tried upon oral evidence taken in open court, except that depositions may be used as provided by law.

2. A party may interrogate any unwilling or hostile witness by leading questions.

3. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate the party or person by leading questions and contradict and impeach the party or person in all respects as if the party or person had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of the examination in chief.

Sec. 65. Section 633.402, Code 2020, is amended to read as follows:

633.402 Sale defined.

For purposes of ~~this part 6 of this subchapter~~, sale of property includes but is not limited to the granting of an easement, the granting of an option, the granting of a right of refusal and the granting or conveyance of any other interest, title, or right regarding property.

Sec. 66. Section 633.551, subsection 6, Code 2020, is amended to read as follows:

6. Except as otherwise provided in this subchapter, the Iowa rules of civil procedure shall govern proceedings to establish, modify, or terminate a guardianship or conservatorship.

Sec. 67. Section 633.558, subsection 3, Code 2020, is amended to read as follows:

3. Notice of the filing of a petition given to persons under ~~subsections~~ subsection 2 and 3 shall include a statement that such persons may register to receive notice of the hearing on the petition and other proceedings and the manner of such registration.

Sec. 68. Section 633.563, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

At or before a hearing on a petition for the appointment of a guardian or conservator or the modification or termination of a guardianship or conservatorship, the court shall order a professional evaluation of the respondent unless one of the following criteria are met:

Sec. 69. Section 633.634, Code 2020, is amended to read as follows:

633.634 Combination of petitions.

If, prior to the time of hearing on a petition for the appointment of a guardian or a conservator, a petition is filed under the provisions of section 633.556, 633.557, or 633.591, the court shall combine the hearing hearings on such the petitions and determine who shall be appointed guardian or conservator, ~~and such petition.~~ The petitions shall be triable to the court.

Sec. 70. Section 712.2, Code 2020, is amended to read as follows:

712.2 Arson in the first degree.

1. Arson is arson in the first degree when the presence of one or more persons can be reasonably anticipated in or near the property which is the subject of the arson, or the arson results in the death of a fire fighter, whether paid or volunteer.

2. Arson in the first degree is a class “B” felony.

Sec. 71. Section 712.3, Code 2020, is amended to read as follows:

712.3 Arson in the second degree.

1. Arson which is not arson in the first degree is arson in the second degree when the property which is the subject of the arson is a building or a structure, or real property of any kind, or standing crops, or is personal property the value of which exceeds seven hundred fifty dollars.

2. Arson in the second degree is a class “C” felony.

Sec. 72. Section 712.4, Code 2020, is amended to read as follows:

712.4 Arson in the third degree.

1. Arson which is not arson in the first degree or arson in the second degree is arson in the third degree.

2. Arson in the third degree is an aggravated misdemeanor.

Sec. 73. 2019 Iowa Acts, chapter 135, section 14, is amended by striking the section and inserting in lieu thereof the following:

SEC. 14. Section 261.86, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

A national guard ~~educational assistance~~ service scholarship program is established to be administered by the college student aid commission for members of the Iowa national guard who are enrolled as undergraduate students in a community college, an institution of higher learning under the state board of regents, or an accredited private institution. The college student aid commission shall adopt rules pursuant to chapter 17A to administer this section. An individual is eligible for the national guard ~~educational assistance~~ service scholarship program if the individual meets all of the following conditions:

Sec. 74. EFFECTIVE DATE. The following, being deemed of immediate importance, takes effect upon enactment:

The section of this Act amending 2019 Iowa Acts, chapter 135, section 14.

Sec. 75. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2019:

The section of this Act amending 2019 Iowa Acts, chapter 135, section 14.

DIVISION II
CORRESPONDING CHANGES

Sec. 76. Section 85.28, Code 2020, is amended to read as follows:

85.28 Burial expense.

When death ensues from the injury, the employer shall pay the reasonable expenses of burial of such employee, not to exceed twelve times the statewide average weekly wage paid employees as determined by the department of workforce development under section ~~96.19~~ 96.1A, subsection 36, and in effect at the time of death, which shall be in addition to other compensation or any other benefit provided for in this chapter.

Sec. 77. Section 85.31, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. The weekly benefit amount shall not exceed a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section ~~96.19~~ 96.1A, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings

are thirty-five percent of the statewide average weekly wage. Such compensation shall be in addition to the benefits provided by sections 85.27 and 85.28.

Sec. 78. Section 85.34, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Compensation for permanent partial disability shall begin when it is medically indicated that maximum medical improvement from the injury has been reached and that the extent of loss or percentage of permanent impairment can be determined by use of the guides to the evaluation of permanent impairment, published by the American medical association, as adopted by the workers' compensation commissioner by rule pursuant to chapter 17A. The compensation shall be in addition to the benefits provided by sections 85.27 and 85.28. The compensation shall be based upon the extent of the disability and upon the basis of eighty percent per week of the employee's average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to one hundred eighty-four percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section ~~96.19~~ 96.1A, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. For all cases of permanent partial disability compensation shall be paid as follows:

Sec. 79. Section 85.34, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. Compensation for an injury causing permanent total disability shall be upon the basis of eighty percent per week of the employee's average spendable weekly earnings, but not more than a weekly benefit amount, rounded to the nearest dollar, equal to two hundred percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section ~~96.19~~ 96.1A, subsection 36, and in effect at the time of the injury. The minimum weekly benefit amount is equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage. The weekly compensation is payable until the employee is no longer permanently and totally disabled.

Sec. 80. Section 85.37, subsection 1, Code 2020, is amended to read as follows:

1. If an employee receives a personal injury causing temporary total disability, or causing a permanent partial disability for which compensation is payable during a healing period, compensation for the temporary total disability or for the healing period shall be upon the basis provided in this section. The weekly benefit amount payable to any employee for any one week shall be upon the basis of eighty percent of the employee's weekly spendable earnings, but shall not exceed an amount, rounded to the nearest dollar, equal to sixty-six and two-thirds percent of the statewide average weekly wage paid employees as determined by the department of workforce development under section ~~96.19~~ 96.1A, subsection 36, and in effect at the time of the injury. However, as of July 1, 1981, the maximum weekly benefit amount rounded to the nearest dollar shall be increased so that it equals two hundred percent of the statewide average weekly wage as determined in this section. Total weekly compensation for any employee shall not exceed eighty percent per week of the employee's weekly spendable earnings. The minimum weekly benefit amount shall be equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage, or to the spendable weekly earnings of the employee, whichever are less.

Sec. 81. Section 85.59, subsection 3, paragraph d, Code 2020, is amended to read as follows:

d. If death results from the injury, death benefits shall be awarded and paid to the dependents of the inmate as in other workers' compensation cases except that the weekly rate shall be equal to sixty-six and two-thirds percent of the state average weekly wage paid employees as determined by the department of workforce development under section ~~96.19~~ 96.1A, subsection 36, and in effect at the time of the injury.

Sec. 82. Section 93.1, subsections 1 and 2, Code 2020, are amended to read as follows:

1. “*Governmental entity*” means the same as defined in section ~~96.19~~ 96.1A.
2. “*Indian tribe*” means the same as defined in section ~~96.19~~ 96.1A.

Sec. 83. Section 96.3, subsections 1 and 3, Code 2020, are amended to read as follows:

1. *Payment*. Twenty-four months after the date when contributions first accrue under this chapter, benefits shall become payable from the fund; provided, that wages earned for services defined in section ~~96.19~~ 96.1A, subsection 18, paragraph “g”, subparagraph (3), irrespective of when performed, shall not be included for purposes of determining eligibility, under section 96.4 or full-time weekly wages, under subsection 4 of this section, for the purposes of any benefit year, nor shall any benefits with respect to unemployment be payable under subsection 5 of this section on the basis of such wages. All benefits shall be paid through employment offices in accordance with such regulations as the department of workforce development may prescribe.

3. *Partial unemployment*. An individual who is partially unemployed in any week as defined in section ~~96.19~~ 96.1A, subsection 38, paragraph “b”, and who meets the conditions of eligibility for benefits shall be paid with respect to that week an amount equal to the individual’s weekly benefit amount less that part of wages payable to the individual with respect to that week in excess of one-fourth of the individual’s weekly benefit amount. The benefits shall be rounded to the lower multiple of one dollar.

Sec. 84. Section 96.4, subsections 1 and 3, Code 2020, are amended to read as follows:

1. The individual has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the department may prescribe. The provisions of this subsection shall be waived if the individual is deemed temporarily unemployed as defined in section ~~96.19~~ 96.1A, subsection 38, paragraph “c”.

3. The individual is able to work, is available for work, and is earnestly and actively seeking work. This subsection is waived if the individual is deemed partially unemployed, while employed at the individual’s regular job, as defined in section ~~96.19~~ 96.1A, subsection 38, paragraph “b”, subparagraph (1), or temporarily unemployed as defined in section 96.19, subsection 38, paragraph “c”. The work search requirements of this subsection and the disqualification requirement for failure to apply for, or to accept suitable work of section 96.5, subsection 3, are waived if the individual is not disqualified for benefits under section 96.5, subsection 1, paragraph “h”.

Sec. 85. Section 96.4, subsection 4, paragraph b, unnumbered paragraph 1, Code 2020, is amended to read as follows:

For an individual who does not have sufficient wages in the base period, as defined in section ~~96.19~~ 96.1A, to otherwise qualify for benefits pursuant to this subsection, the individual’s base period shall be the last four completed calendar quarters immediately preceding the first day of the individual’s benefit year if such period qualifies the individual for benefits under this subsection.

Sec. 86. Section 96.4, subsection 5, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Benefits based on service in employment in a nonprofit organization or government entity, defined in section ~~96.19~~ 96.1A, subsection 18, are payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the same basis of other service subject to this chapter, except that:

Sec. 87. Section 96.5, subsection 7, paragraphs a, b, and d, Code 2020, are amended to read as follows:

a. When an employer makes a payment or becomes obligated to make a payment to an individual for vacation pay, or for vacation pay allowance, or as pay in lieu of vacation, such payment or amount shall be deemed “wages” as defined in section ~~96.19~~ 96.1A, subsection 41, and shall be applied as provided in paragraph “c” hereof.

b. When, in connection with a separation or layoff of an individual, the individual’s employer makes a payment or payments to the individual, or becomes obligated to make a

payment to the individual as, or in the nature of, vacation pay, or vacation pay allowance, or as pay in lieu of vacation. The amount of a payment or obligation to make payment, is deemed “wages” as defined in section ~~96.19~~ 96.1A, subsection 41, and shall be applied as provided in paragraph “c” of this subsection 7.

d. Notwithstanding contrary provisions in paragraphs “a”, “b”, and “c”, if an individual is separated from employment and is scheduled to receive vacation payments during the period of unemployment attributable to the employer, then payments made by the employer to the individual or an obligation to make a payment by the employer to the individual for vacation pay, vacation pay allowance or pay in lieu of vacation shall not be deemed wages as defined in section ~~96.19~~ 96.1A, subsection 41, for any period in excess of five workdays and such payments or the value of such obligations shall not be deducted for any period in excess of one week from the unemployment benefits the individual is otherwise entitled to receive under this chapter.

Sec. 88. Section 96.7, subsection 2, paragraph b, subparagraph (1), Code 2020, is amended to read as follows:

(1) If an organization, trade, or business, or a clearly segregable and identifiable part of an organization, trade, or business, for which contributions have been paid is sold or transferred to a subsequent employing unit, or if one or more employing units have been reorganized or merged into a single employing unit, and the successor employer, having qualified as an employer as defined in section ~~96.19~~ 96.1A, subsection 16, paragraph “b”, continues to operate the organization, trade, or business, the successor employer shall assume the position of the predecessor employer or employers with respect to the predecessors’ payrolls, contributions, accounts, and contribution rates to the same extent as if no change had taken place in the ownership or control of the organization, trade, or business. However, the successor employer shall not assume the position of the predecessor employer or employers with respect to the predecessor employer’s or employers’ payrolls, contributions, accounts, and contribution rates which are attributable to that part of the organization, trade, or business transferred, unless the successor employer applies to the department within ninety days from the date of the partial transfer, and the succession is approved by the predecessor employer or employers and the department.

Sec. 89. Section 96.8, subsection 2, Code 2020, is amended to read as follows:

2. *Voluntary termination.* Except as otherwise provided in subsection 3 of this section, an employing unit ceases to be an employer subject to this chapter, as of the first day of January of any year, if it files with the department, prior to the fifteenth day of February of that year, a written application for termination of coverage, and the department finds that the employing unit did not meet any of the qualifying liability requirements as provided under section ~~96.19~~ 96.1A, subsection 16, in the preceding calendar year.

Sec. 90. Section 96.23, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The department shall exclude three or more calendar quarters from an individual’s base period, as defined in section ~~96.19~~ 96.1A, subsection 3, if the individual received workers’ compensation benefits for temporary total disability or during a healing period under section 85.33, section 85.34, subsection 1, or section 85A.17 or indemnity insurance benefits during those three or more calendar quarters, if one of the following conditions applies to the individual’s base period:

Sec. 91. Section 96.40, subsection 10, Code 2020, is amended to read as follows:

10. An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year shall be considered an exhaustee, as defined in section ~~96.19~~ 96.1A, subsection 20, for purposes of the extended benefit program administered pursuant to section 96.29.

Sec. 92. Section 422.11A, Code 2020, is amended to read as follows:

422.11A New jobs tax credit.

The taxes imposed under this division, less the credits allowed under section 422.12, shall be reduced by a new jobs tax credit. An industry which has entered into an agreement under chapter 260E and which has increased its base employment level by at least ten percent within the time set in the agreement or, in the case of an industry without a base employment level, adds new jobs within the time set in the agreement is entitled to this new jobs tax credit for the tax year selected by the industry. In determining if the industry has increased its base employment level by ten percent or added new jobs, only those new jobs directly resulting from the project covered by the agreement and those directly related to those new jobs shall be counted. The amount of this credit is equal to the product of six percent of the taxable wages upon which an employer is required to contribute to the state unemployment compensation fund, as defined in section ~~96.19~~ 96.1A, subsection 37, times the number of new jobs existing in the tax year that directly result from the project covered by the agreement or new jobs that directly result from those new jobs. The tax year chosen by the industry shall either begin or end during the period beginning with the date of the agreement and ending with the date by which the project is to be completed under the agreement. An individual may claim the new jobs tax credit allowed a partnership, subchapter S corporation, or estate or trust electing to have the income taxed directly to the individual. The amount claimed by the individual shall be based upon the pro rata share of the individual's earnings of the partnership, subchapter S corporation, or estate or trust. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following ten tax years or until depleted, whichever is the earlier. For purposes of this section, "agreement", "industry", "new job", and "project" mean the same as defined in section 260E.2 and "base employment level" means the number of full-time jobs an industry employs at the plant site which is covered by an agreement under chapter 260E on the date of that agreement.

Sec. 93. Section 422.33, subsection 6, Code 2020, is amended to read as follows:

6. The taxes imposed under this division shall be reduced by a new jobs tax credit. An industry which has entered into an agreement under chapter 260E and which has increased its base employment level by at least ten percent within the time set in the agreement or, in the case of an industry without a base employment level, adds new jobs within the time set in the agreement is entitled to this new jobs tax credit for the tax year selected by the industry. In determining if the industry has increased its base employment level by ten percent or added new jobs, only those new jobs directly resulting from the project covered by the agreement and those directly related to those new jobs shall be counted. The amount of this credit is equal to the product of six percent of the taxable wages upon which an employer is required to contribute to the state unemployment compensation fund, as defined in section ~~96.19~~ 96.1A, subsection 37, times the number of new jobs existing in the tax year that directly result from the project covered by the agreement or new jobs that directly result from those new jobs. The tax year chosen by the industry shall either begin or end during the period beginning with the date of the agreement and ending with the date by which the project is to be completed under the agreement. Any credit in excess of the tax liability for the tax year may be credited to the tax liability for the following ten tax years or until depleted in less than the ten years. For purposes of this section, "agreement", "industry", "new job" and "project" mean the same as defined in section 260E.2 and "base employment level" means the number of full-time jobs an industry employs at the plant site which is covered by an agreement under chapter 260E on the date of that agreement.

DIVISION III CODE EDITOR DIRECTIVES

Sec. 94. CODE EDITOR DIRECTIVES.

1. Sections 257.11, subsection 3, paragraph "c", subparagraph (1); 272.2, subsection 22; 279.50A, subsection 1, paragraph "a"; 284.17, subsection 3; and 915.80, subsection 8, Code 2020, are amended by striking the words "good-faith effort" and inserting in lieu thereof the words "good faith effort".

2. a. The Code editor is directed to number unnumbered chapter headings in chapter 12.

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

3. The Code editor may change chapter division designations to subchapter designations and correct internal references as necessary in and to the following chapters:

a. 232.

b. 422.

4. Sections 232.12, 232.39, 232.41, 232.67, 232.88, 232.92, 232.94, 232.107, 232.115, 232.168, 232.175, 232.180, 422.1, 422.2, 422.4, 422.5, 422.10B, 422.11, 422.11A, 422.11C, 422.11D, 422.11E, 422.11F, 422.11H, 422.11J, 422.11Q, 422.11R, 422.11V, 422.11Z, 422.22, 422.27, 422.31, 422.38, 422.39, 422.40, 422.41, 422.66, 422.74, 422.85, 422.110, and 422D.2, Code 2020, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

5. Sections 15.319, subsection 2; 15.333, subsection 2; 16.82, subsection 1; 29C.24, subsection 3, paragraph “b”, subparagraph (2); 35A.13, subsection 2, paragraph “b”; 100B.13, subsection 2, paragraph “a”; 135L.3, subsection 3, paragraph “m”, subparagraph (4); 232.2, subsection 11, paragraph “a”; 232.11, subsection 1, unnumbered paragraph 1; 232.38, subsection 1; 232.42, subsection 2; 232.52, subsection 9; 232.55, subsection 1; 232.55, subsection 2, paragraph “a”; 232.57, subsections 1 and 3; 232.58, subsection 1, unnumbered paragraph 1; 232.68, unnumbered paragraph 1; 232.72, subsection 1; 232.87, subsection 5; 232.90, subsections 2 and 4; 232.91, subsections 1 and 2; 232.96, subsection 6; 232.99, subsection 4; 232.101A, subsection 1, paragraph “b”; 232.102, subsection 10, paragraph “a”, unnumbered paragraph 1; 232.108, subsection 1; 232.112, subsection 1; 232.114, subsections 2 and 4; 232.117, subsection 9; 232.127, subsection 2; 232.182, subsection 2; 235A.2, subsection 1; 235A.13, unnumbered paragraph 1; 257.21, subsection 2; 422.6, subsection 1; 422.7, subsection 36; 422.8, subsection 4; 422.10, subsection 1, unnumbered paragraph 1; 422.10, subsection 4; 422.11L, subsection 1, unnumbered paragraph 1; 422.11N, subsection 3, unnumbered paragraph 1; 422.11O, subsection 2, unnumbered paragraph 1; 422.11P, subsection 3, unnumbered paragraph 1; 422.11S, subsection 1; 422.11W, subsection 1; 422.11Y, subsection 3, unnumbered paragraph 1; 422.12, subsection 2, unnumbered paragraph 1; 422.12A, subsection 2; 422.12B, subsection 1, paragraph “a”, unnumbered paragraph 1; 422.12C, subsection 1, unnumbered paragraph 1; 422.12C, subsection 2, paragraph “a”; 422.12N, subsection 1; 422.13, subsection 1, paragraphs “a” and “b”; 422.13, subsection 2; 422.13, subsection 5, paragraph “c”; 422.14, subsections 1 and 3; 422.25, subsections 5, 6, and 8; 422.32, subsection 1, unnumbered paragraph 1; 422.32, subsection 1, paragraph “k”; 422.32, subsection 2; 422.33, subsection 4, paragraph “a”; 422.33, subsection 5, paragraph “a”, unnumbered paragraph 1; 422.33, subsections 6 and 8; 422.33, subsection 9, paragraph “a”; 422.33, subsection 10; 422.33, subsection 11A, unnumbered paragraph 1; 422.33, subsection 11B, unnumbered paragraph 1; 422.33, subsection 11C, unnumbered paragraph 1; 422.33, subsection 11D, unnumbered paragraph 1; 422.33, subsections 12, 13, 14, 15, 19, 20, 21, and 22; 422.33, subsection 25, paragraph “a”; 422.33, subsections 26 and 28; 422.33, subsection 29, paragraph “a”; 422.33, subsection 30; 422.34, unnumbered paragraph 1; 422.34, subsection 2, paragraph “b”; 422.34A, unnumbered paragraph 1; 422.35, subsection 18; 422.36, subsection 2; 422.60, subsection 2, paragraph “a”; 422.60, subsections 4, 5, 6, 7, 8, 9, 10, and 11; 422.60, subsection 12, paragraph “a”; 422.60, subsection 13; 422.61, unnumbered paragraph 1; 422.61, subsection 3, paragraph “b”; 422.61, subsection 5; 422.73, subsection 1; 422D.3, subsection 3; 428A.8, subsection 1, paragraph “c”; 452A.17, subsection 2; 476B.6, subsection 5, paragraphs “a”, “b”, “c”, and “d”; 476C.4, subsection 4, paragraphs “a”, “b”, “c”, and “d”; 483A.1A, subsection 10, paragraph “e”; and 600A.5, subsection 2, Code 2020, are amended by striking the word “division” and inserting in lieu thereof the word “subchapter”.

6. Sections 28A.24, 190B.103, and 476B.2, Code 2020, are amended by striking the word “divisions” and inserting in lieu thereof the word “subchapters”.

7. Section 15.293A, subsection 1, paragraph “a”; 15.293A, subsection 2, paragraphs “c” and “f”; 15.319, subsection 6, paragraph “c”; 15.355, subsection 3, paragraph “b”; 15.355, subsection 3, paragraph “e”, subparagraphs (3) and (6); 15E.43, subsection 1, paragraphs “a” and “d”; 15E.44, subsection 4; 15E.52, subsection 2, paragraph “a”; 15E.52, subsection 13; 15E.62, subsection 8; 15E.305, subsection 1; 16.64, subsection 2; 16.82A, subsection 3,

paragraph “c”; 29C.24, subsection 3, paragraph “a”, subparagraph (3); 404A.2, subsection 2; 404A.2, subsection 3, paragraph “c”; 404A.2, subsection 5, paragraph “c”; 422.16, subsection 5; 476B.7, subsection 2; and 476C.6, subsection 1, paragraph “b”, Code 2020, are amended by striking the word “divisions” and inserting in lieu thereof the word “subchapters”.

8. a. The Code editor is directed to make the following transfers:

(1) Section 96.1A to section 96.1B.

(2) Section 96.19 to section 96.1A.

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

9. The Code editor may number unnumbered paragraphs within sections 1C.9, 6B.45, 8E.208, 9G.6, 21.3, 24.17, 25B.6, 55.3, 55.4, 69.13, 85A.12, 85A.19, 142.4, 142.8, 154C.7, 158.6, 173.6, 173.16, 182.3, 182.7, 216A.99, 225C.41, 303.51, 307.11, 307.44, 307.48, 311.6, 311.15, 311.16, 311.19, 311.23, 311.26, 330.21, 330.23, 335.30A, 357.7, 357.14, 357.28, 357.29, 357.34, 359.23, 372.12, 422.111, 428.20, 434.15, 458A.21, 543C.8, 554.12206, 599.1, and 633.13, Code 2020, in accordance with established section hierarchy and correct internal references in the Code and in any enacted Iowa Acts, as necessary.

Approved June 17, 2020

CHAPTER 1063

SUBSTANTIVE CODE CORRECTIONS

H.F. 2536

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, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

MISCELLANEOUS CHANGES

Section 1. Section 6B.32, Code 2020, is amended to read as follows:

6B.32 Removal of condemner.

The sheriff, upon being furnished with a copy of the assessment as determined on appeal, certified to by the clerk of the district court, may remove from said premises the condemner and all persons acting for or under the condemner, unless the amount of the assessment is forthwith paid or deposited as ~~hereinbefore~~ provided in sections 6B.25 through 6B.31.

Sec. 2. Section 8.2, subsection 5, Code 2020, is amended to read as follows:

5. The terms “*department and establishment*” and “*department*” or “*establishment*”, mean any executive department, commission, board, institution, bureau, office, or other agency of the state government, by whatever name called, that uses, expends, or receives any state funds, including the state department of transportation, except for funds which are required to match federal aid allotted to the state by the federal government for highway special purposes, and except but excluding the courts, by whatever name called, other than and the legislature, ~~that uses, expends or receives any state funds.~~

Sec. 3. Section 8.35, Code 2020, is amended to read as follows:

8.35 General supervisory control.

The governor and the director of the department of management and any officer of the department of management, ~~hereinabove provided for~~, when authorized by the governor, are hereby authorized to make such inquiries regarding the receipts, custody, and application of state funds, existing organization, activities, and methods of business of the departments and establishments, assignments of particular activities to particular services and regrouping of such services, as in the opinion of the governor, will enable the governor to make recommendations to the legislature, and, within the scope of the powers possessed by the governor, to order action to be taken, having for their purpose to bring about increased economy and efficiency in the conduct of the affairs of government.

Sec. 4. Section 8D.3, subsection 3, paragraph e, subparagraph (3), Code 2020, is amended by striking the subparagraph.

Sec. 5. Section 8D.13, subsection 13, Code 2020, is amended by striking the subsection.

Sec. 6. Section 9H.1, subsection 23, Code 2020, is amended to read as follows:

23. “*Testamentary trust*” means a trust created by devising or bequeathing property in trust in a will as such terms are used in the Iowa ~~probate~~ trust code as provided in chapter 633A. Testamentary trust includes a revocable trust that has not been revoked prior to the grantor’s death.

Sec. 7. Section 10.2, unnumbered paragraph 1, Code 2020, is amended to read as follows:
As used in this chapter, all of the following apply:

Sec. 8. Section 12.20, Code 2020, is amended to read as follows:

12.20 Issuance of new check.

Upon presentation of any check voided as ~~above~~ provided in section 12.19 by the holder ~~thereof of the check after said the six months’~~ six-months’ period, the state treasurer is ~~hereby~~ authorized to issue ~~to said holder~~, a new check for the amount of the original check to the holder.

Sec. 9. Section 12.30, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. “*Authority*” means a department, or public or quasi-public instrumentality of the state including but not limited to the authority created under chapter 12E, 16, 257C, or 261A, which has the power to issue obligations, except that “*authority*” does not include the state board of regents or the Iowa finance authority to the extent ~~it~~ the Iowa finance authority acts pursuant to chapter 260C. “*Authority*” also includes a port authority created under chapter 28J.

Sec. 10. Section 16.2, subsection 1, Code 2020, is amended to read as follows:

1. An Iowa finance authority board of directors is created. The powers of the authority are vested in and shall be exercised by the board. The authority includes nine voting members appointed by the governor subject to confirmation by the senate. The authority also includes one ex officio voting member who must be designated by the agricultural development board created in section 16.2C and be a member of that board.

a. Not more than five members shall belong to the same political party.

b. As far as possible, when appointing members the governor shall include ~~within the membership~~ persons who represent community and housing development industries, housing finance industries, the real estate sales industry, elderly families, minorities, lower income families, very low income families, families which include persons with disabilities, average taxpayers, local government, business interests, and any other person specially interested in community housing, finance, or small business.

Sec. 11. Section 16.47, subsection 1, Code 2020, is amended to read as follows:

1. A home and community-based services revolving loan program fund is created within the authority to further the goals specified in section 231.3, adult day services, case management services, options counseling, family caregiving, homemaker services, respite services, congregate and home delivered meals, health and wellness, health screening, and

nutritional assessments. The moneys in the home and community-based services revolving loan program fund shall be used by the authority for the development and operation of a revolving loan program to develop and expand facilities and infrastructure that provide adult day services, case management services, options counseling, family caregiving, homemaker services, respite services, congregate and home delivered meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

Sec. 12. Section 24.4, Code 2020, is amended to read as follows:

24.4 Time of filing estimates.

~~All such~~ The estimates required under section 24.3 and any other estimates required by law shall be made and filed a sufficient length of time in advance of any regular or special meeting of the certifying board or levying board, as the case may be, at which tax levies are authorized to be made to permit publication, discussion, and consideration thereof and action thereon as hereinafter provided.

Sec. 13. Section 24.5, Code 2020, is amended to read as follows:

24.5 Estimates itemized.

The estimates ~~herein~~ required under this chapter shall be fully itemized and classified so as to show each particular class of proposed expenditure, showing under separate heads the amount required in such manner and form as shall be prescribed by the state board.

Sec. 14. Section 29A.1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The following words, terms, and phrases when used in this chapter shall have the respective meanings ~~herein~~ set forth in this section:

Sec. 15. Section 29A.1, subsection 14, Code 2020, is amended to read as follows:

14. Except when otherwise expressly defined ~~herein in this section~~, military words, terms, and phrases shall have the meaning commonly ascribed to them in the military profession.

Sec. 16. Section 29A.4, Code 2020, is amended to read as follows:

29A.4 Organization — armament — equipment and discipline.

The organization, armament, equipment and discipline of the national guard, and the militia when called into state active duty, except as ~~hereinafter~~ specifically provided in this chapter, shall be the same as that which is now or may be hereafter prescribed under the provisions of federal law and regulations as to those requirements which are mandatory ~~therein~~ under federal law and regulation, but as to those things which are optional ~~therein~~ under federal law and regulation they shall become effective when an order or regulation to that effect ~~shall have been~~ is promulgated by the governor.

Sec. 17. Section 29A.20, Code 2020, is amended to read as follows:

29A.20 Officers.

Officers of the national guard shall be selected from the classes of persons having the qualifications prescribed by federal law and regulations. They shall be appointed by the governor upon the recommendation of their superiors in the chain of command, provided that they shall have successfully passed such tests as to physical, moral, and professional fitness, as shall be prescribed by law and regulations. Each officer shall take an oath of office and shall hold office until the officer shall have attained the maximum age of retirement that is prescribed by federal law or regulations pertaining to officers of the armed forces of the United States, unless the officer's commission or warrant is sooner vacated by resignation, death, or as ~~hereinafter~~ provided in this chapter. In case the officer has no immediate superiors, within the state, in the chain of command, the officer shall be appointed, as ~~above~~ provided in this section, upon the recommendation of the adjutant general. A commission shall designate the arm or branch of service in which the officer is commissioned. Provided, however, that no person shall be appointed a commissioned or warrant officer who has not reached the person's eighteenth birthday at or prior to the time of such appointment.

Sec. 18. Section 29A.74, subsection 2, Code 2020, is amended to read as follows:

2. Except as otherwise provided in this chapter ~~no~~, a report or listing, either official or otherwise, of “missing” or “missing in action” shall not constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency.

Sec. 19. Section 29B.119, subsection 1, Code 2020, is amended to read as follows:

1. Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that the person’s property has been wrongfully taken by members of the state military forces, the person may, subject to such regulations as the adjutant general may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved shall be charged against the pay of the offenders. The order of the commanding officer directing charges ~~herein~~ authorized in this section is conclusive, except as provided ~~herein in this chapter~~, on any disbursement officer for the payment by the officer to the injured parties of the damages so assessed and approved.

Sec. 20. Section 29C.24, subsection 6, Code 2020, is amended to read as follows:

6. *Powers and duties not created.* This ~~Aet~~ section shall not be construed to place any new mandates or duties upon a local emergency management commission or create any new authority or power for a local emergency management commission not already expressly granted in another provision of this chapter.

Sec. 21. Section 39.25, Code 2020, is amended to read as follows:

39.25 ~~Sex~~ Gender not a disqualification.

~~No~~ A person shall not be disqualified on account of ~~sex~~ the person’s gender from holding any office created by the statutes of this state.

Sec. 22. Section 43.77, subsection 1, Code 2020, is amended to read as follows:

1. ~~No~~ Either no person filed under section 43.11 as a candidate for the party’s nomination for that office in the primary election, or all persons who filed under section 43.11 as candidates for the party’s nomination for that office in the primary election subsequently withdrew as candidates, were found to lack the requisite qualifications for the office, or died before the date of the primary election, and no candidate received a sufficient number of write-in votes to be nominated.

Sec. 23. Section 43.103, Code 2020, is amended to read as follows:

43.103 Duty of county commissioner.

The commissioner, in case the district delegates for the commissioner’s county have not been selected, shall deliver a copy of ~~said~~ the call of the state party chairperson to the chairperson of the convention which selects said delegates.

Sec. 24. Section 43.112, Code 2020, is amended to read as follows:

43.112 Nominations in certain cities.

1. This chapter shall, so far as applicable, govern the nominations of candidates by political parties for all offices to be filled by a direct vote of the people in cities acting under a special charter in 1973 and having a population of over fifty thousand, except all such cities as choose by special election to conduct nonpartisan city elections under the provisions of chapter 44, 45, or 376. An election on the question of conducting city elections in such a special charter city on a nonpartisan basis may be called by the city council on its own initiative, and shall be called by the council upon receipt of a petition of the voters which so requests and is presented in conformity with section 362.4, but a special election on that question shall be held concurrently with any election being held on the first Tuesday after the first Monday in November of any odd-numbered year.

2. Sections 43.114 to through 43.118 shall apply only to cities to which this chapter is made applicable by this section.

Sec. 25. Section 43.116, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. ~~No~~ Either no person filed at the time required by section 43.115 as a candidate for the party's nomination for that office in the city primary election held under section 43.112, or all persons who did so subsequently withdrew as candidates, were found to lack the requisite requirements for the office, or died before the date of the city primary election, and no candidate received a number of write-in votes sufficient for nomination under section 43.53; or

Sec. 26. Section 44.13, Code 2020, is amended to read as follows:

44.13 Certificates in matter of vacancies.

The certificates of nominations made to supply fill such vacancies shall state, in addition to the facts and candidate's affidavit required in an original certificate, the name of the original nominee, the date of death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and shall be signed and sworn to by the presiding officer and secretary of the convention, or caucus, or by the chairperson and secretary of the committee, as the case may be.

Sec. 27. Section 46.2A, subsection 3, Code 2020, is amended to read as follows:

3. The terms of any commissioner currently serving on May 8, 2019, on the state judicial nominating commission or any commissioner already elected to begin serving on July 1, 2019, shall not be affected by 2019 Iowa Acts, ch. 89.

Sec. 28. Section 46.2A, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 4. This section is repealed July 1, 2024.

Sec. 29. Section 46.5, subsection 5, Code 2020, is amended to read as follows:

5. Notwithstanding section 69.1A, appointed and elected commissioners on the state and district judicial nominating commissions shall not hold over until their successor is appointed or elected and qualified.

Sec. 30. Section 49.31, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. (1) The commissioner shall determine the order of candidates on the ballot as provided in this paragraph. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

(2) The state commissioner shall compile a list of each county in the state in alphabetical order and assign a number to each county such that the first county listed is number one, the second county listed is number two, and continuing in descending order in the same manner. The commissioner shall put in alphabetical order the top two political parties receiving the highest votes from the most recent election.

(3) The commissioner of each county assigned an even number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the first general election at which the governor will be elected following July 1, 2019, and second on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the

president of the United States is to be elected following July 1, 2019, and first on the ballot for the first general election at which the governor will be elected following July 1, 2019, and first on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(4) The commissioner of each county assigned an odd number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the first general election at which the governor will be elected following July 1, 2019, and second on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following July 1, 2019, and first on the ballot for the first general election at which the governor will be elected following July 1, 2019, and first on the ballot for the second general election at which the president of the United States is to be elected following July 1, 2019, and second on the ballot for the second general election at which the governor will be elected following July 1, 2019, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(e) (5) The commissioner shall determine the order of candidates of nonparty political organizations on the ballot. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

Sec. 31. Section 49.38, Code 2020, is amended to read as follows:

49.38 Candidate's name to appear but once.

The name of a candidate shall not appear upon the ballot in more than one place for the same office, whether nominated by convention, primary, caucus, or petition, except as hereinafter otherwise provided in this chapter.

Sec. 32. Section 49.49, Code 2020, is amended to read as follows:

49.49 Certain sample ballots prohibited.

The commissioner and state commissioner of elections shall not distribute or authorize the distribution of sample ballots to voters other than as provided in sections 43.30, 49.53, and 52.29.

Sec. 33. Section 49.58, subsection 2, Code 2020, is amended to read as follows:

2. Each candidate for that office whose name appeared on the general election ballot shall also be a candidate for the office in the special election, except that the deceased candidate's political party may designate another candidate in substantially the manner provided by section 43.78 for filling vacancies on the general election ballot. However, a political party which did not have a candidate on the general election ballot for the office in question may similarly designate a candidate for that office in the special election. The name of any replacement or additional candidate so designated shall be submitted in writing to the state commissioner, or the commissioner in the case of a candidate for county supervisor, not later than 5:00 p.m. on the first Tuesday after the date of the general election. The name of a any other candidate that did not appear on the general election ballot as a candidate for the office in question shall not be placed on the ballot for the special election, in any manner. The special election shall be held and canvassed in the manner prescribed by law for the general election.

Sec. 34. Section 49A.10, subsection 1, Code 2020, is amended to read as follows:

1. Whenever an amendment to the Constitution of the State of Iowa ~~shall have been~~ is proposed and agreed to by the general assembly and ~~shall have been~~ is agreed to by the succeeding general assembly, any taxpayer may file suit in equity in the district court at the seat of government of the state, challenging the validity, legality, or constitutionality of ~~such the~~ the amendment, ~~and in such~~. In the suit, the district court shall have jurisdiction to determine the validity, legality, or constitutionality of ~~said the~~ the amendment and enter its decree accordingly, ~~and~~. The court may grant a writ of injunction enjoining the governor and state commissioner of elections from submitting ~~such the~~ the constitutional amendment to the electorate, if the proposed constitutional amendment ~~shall have been~~ is found to be invalid, illegal, or unconstitutional.

Sec. 35. Section 49A.11, Code 2020, is amended to read as follows:

49A.11 Parties.

In ~~such~~ a suit under section 49A.10, the taxpayer shall be plaintiff and the governor and state commissioner of elections shall be defendants. Any taxpayer may intervene, either as party plaintiff or defendant.

Sec. 36. Section 50.8, Code 2020, is amended to read as follows:

50.8 Error on state or district office — tie vote.

If the error ~~be~~ is in relation to a district or state office, ~~it the error~~ shall be certified with the number of the excess to the state commissioner. If the error affects the result of the election, the canvass shall be suspended and a new vote ordered in the precinct where the error occurred. When there is a tie vote due to such an excess, there shall be a new election. ~~No A~~ person who was not a registered voter in that precinct at the time of the general election shall not be allowed to vote at ~~such the~~ the special election. When the new vote is taken and returned, the canvass shall be completed.

Sec. 37. Section 69.2, subsection 1, paragraph h, Code 2020, is amended to read as follows:

h. The incumbent simultaneously holding more than one elective office at the same level of government. This ~~subsection~~ paragraph does not apply to the county agricultural extension council or the soil and water conservation district commission.

Sec. 38. Section 69.16, subsection 1, Code 2020, is amended to read as follows:

1. All appointive boards, commissions, and councils of the state established by the Code if not otherwise provided by law shall be bipartisan in their composition. ~~No A~~ person shall not be appointed or reappointed to any board, commission, or council established by the Code, if the effect of that appointment or reappointment would cause the number of members of the board, commission, or council belonging to one political party to be greater than one-half the membership of the board, commission, or council plus one.

Sec. 39. Section 76.1, subsection 1, Code 2020, is amended to read as follows:

1. ~~Hereafter issues~~ Issues of bonds of every kind and character by counties, cities, and school corporations shall be consecutively numbered.

Sec. 40. Section 84A.1B, subsection 14, paragraph a, Code 2020, is amended to read as follows:

a. An entry-level hourly wage of not less than fourteen dollars.

Sec. 41. Section 84A.2, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. If a local workforce development area includes more than one unit of general local government, the individuals designated under the agreement described in section 84A.4, subsection 2, paragraph ~~“h”~~ “g”, subparagraph (2).

Sec. 42. Section 85.22, subsection 5, Code 2020, is amended to read as follows:

5. For subrogation purposes hereunder, any payment made unto an injured employee, the employee's guardian, parent, next friend, or legal representative, by or on behalf of any third party, or the third party's principal or agent liable for, connected with, or involved in causing an injury to such employee shall be considered as having been so paid as damages resulting from and because said injury was caused under circumstances creating a legal liability against said third party, whether such payment be made under a covenant not to sue, compromise settlement, denial of liability or otherwise.

Sec. 43. Section 85.42, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. When it is shown that at the time of the injury the surviving spouse had willfully deserted the deceased without fault of the deceased, then ~~such survivor~~ the surviving spouse shall not be considered as dependent in any degree.

Sec. 44. Section 85A.5, Code 2020, is amended to read as follows:

85A.5 Compensation payable.

1. All employees subject to the provisions of this chapter who shall become disabled from injurious exposure to an occupational disease ~~herein~~ designated and defined in this chapter and within the conditions, limitations, and requirements provided herein in this chapter, shall receive compensation, reasonable surgical, medical, osteopathic, chiropractic, physical rehabilitation, nursing, and hospital services and supplies therefor, and burial expenses as provided in the workers' compensation law of Iowa except as otherwise provided in this chapter.

2. If, however, an employee incurs an occupational disease for which the employee would be entitled to receive compensation if the employee were disabled as provided ~~herein~~ in this chapter, but is able to continue in employment and requires medical treatment for said disease, then the employee shall receive reasonable medical services therefor.

Sec. 45. Section 85A.6, Code 2020, is amended to read as follows:

85A.6 Dependents — defined.

Dependents of a deceased employee whose death has been caused by an occupational disease as ~~herein~~ defined in this chapter and under the provisions, conditions, and limitations of this chapter shall be those persons defined as dependents under the workers' compensation law of Iowa and such dependents shall receive compensation benefits as provided by said law.

Sec. 46. Section 85A.16, Code 2020, is amended to read as follows:

85A.16 Reference to compensation law.

The provisions of the workers' compensation law, so far as applicable, and not inconsistent ~~herewith~~ with this chapter, shall apply in cases of compensable occupational diseases as specified and defined ~~herein~~ in this chapter.

Sec. 47. Section 85A.18, Code 2020, is amended to read as follows:

85A.18 Notice of disability or death — filing of claims.

Except as ~~herein~~ otherwise provided in this chapter, procedure with respect to notice of disability or death, as to the filing of claims and determination of claims shall be the same as in cases of injury or death arising out of and in the course of employment under the workers' compensation law. Written notice shall be given to the employer of an occupational disease by the employee within ninety days after the first distinct manifestation thereof, and in the case of death from such an occupational disease, written notice of such claim shall also be given to the employer within ninety days thereafter.

Sec. 48. Section 96.7, subsection 2, paragraph d, subparagraph (1), Code 2020, is amended to read as follows:

(1) The current reserve fund ratio is computed by dividing the total funds available for payment of benefits, on the computation date or on August 15 following the computation date if the total funds available for payment of benefits is a higher amount on August 15, by the total wages paid in covered employment excluding reimbursable employment wages

during the first four calendar quarters of the five calendar quarters immediately preceding the computation date. However, in computing the current reserve fund ratio, beginning July 1, 2007, one hundred fifty million dollars shall be added to the total funds available for payment of benefits on each subsequent computation date.

Sec. 49. Section 97B.7A, subsection 5, Code 2020, is amended to read as follows:

5. *Travel*. In the administration of the investment of moneys in the retirement fund, employees of the system and members of the board may travel outside the state for the purpose of meeting with investment firms and consultants and attending conferences and meetings to fulfill their fiduciary responsibilities. ~~This travel is not subject to section 8A.512, subsection 2.~~

Sec. 50. Section 99D.7, subsection 23, Code 2020, is amended to read as follows:

23. To establish a process to allow a person to be voluntarily excluded from advance deposit wagering as defined in section 99D.11, from an internet fantasy sports contest as defined in section 99E.1, from advance deposit sports wagering as defined in section 99F.9, and from the wagering area of a racetrack enclosure, and from the gaming floor, and from the sports wagering area, as defined in section 99F.1, of all other licensed facilities under this chapter and chapter 99F as provided in this subsection. The process shall provide that an initial request by a person to be voluntarily excluded shall be for a period of five years or life and any subsequent request following any five-year period shall be for a period of five years or life. The process established shall require that licensees be provided electronic access to names and social security numbers of persons voluntarily excluded through a secured interactive internet site maintained by the commission and information regarding persons voluntarily excluded shall be disseminated to all licensees under this chapter, chapter 99E, and chapter 99F. The names, social security numbers, and information regarding persons voluntarily excluded shall be kept confidential unless otherwise ordered by a court or by another person duly authorized to release such information. The process established shall also require a person requesting to be voluntarily excluded be provided information compiled by the Iowa department of public health on gambling treatment options. The state and any licensee under this chapter, chapter 99E, or chapter 99F shall not be liable to any person for any claim which may arise from this process. In addition to any other penalty provided by law, any money or thing of value that has been obtained by, or is owed to, a voluntarily excluded person as a result of wagers made by the person after the person has been voluntarily excluded shall be forfeited by the person and shall be credited to the general fund of the state.

Sec. 51. Section 99F.1, subsection 14, Code 2020, is amended to read as follows:

14. "*Gambling game*" means any game of chance authorized by the commission. However, for racetrack enclosures, "*gambling game*" does not include table games of chance or video machines which simulate table games of chance, unless otherwise authorized by this chapter. "*Gambling game*" does not include sports betting wagering.

Sec. 52. Section 99F.10, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. In determining the license fees and state regulatory fees to be charged as provided under section 99F.4 and this section, the commission shall use as the basis for determining the amount of revenue to be raised from the license fees and regulatory fees the amount appropriated to the commission plus the following as applicable:

~~(1) Prior to July 1, 2016, the cost of salaries for no more than two special agents for each excursion gambling boat or gambling structure and no more than four gaming enforcement officers for each excursion gambling boat or gambling structure with a patron capacity of less than two thousand persons or no more than five gaming enforcement officers for each excursion gambling boat or gambling structure with a patron capacity of at least two thousand persons, plus any direct and indirect support costs for the agents and officers, for the division of criminal investigation's excursion gambling boat or gambling structure activities. However, the division of criminal investigation may add one additional special agent to the number of special agents specified in this subparagraph for each excursion gambling boat or gambling structure if at least two gaming enforcement officer full-time~~

~~equivalent positions are vacant. Otherwise, the division of criminal investigation shall not fill vacant gaming enforcement officer positions.~~

~~(2) On or after July 1, 2016, the cost of salaries for no more than three special agents for each excursion gambling boat or gambling structure, plus any direct and indirect support costs for the agents, for the division of criminal investigation's excursion gambling boat or gambling structure activities.~~

Sec. 53. Section 123.36, subsection 5, paragraph c, Code 2020, is amended to read as follows:

c. For air common carriers, each company shall pay a base an annual fee of five hundred dollars.

Sec. 54. Section 123.45, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. Directly or indirectly supply, furnish, give, or pay for any furnishings, fixtures, or equipment used in the storage, handling, serving, or dispensing of alcoholic beverages, ~~wine, beer,~~ or food within the place of business of a licensee or permittee authorized under this chapter to sell at retail.

Sec. 55. Section 123.45, subsection 3, Code 2020, is amended to read as follows:

3. ~~However,~~ a A person engaged in the wholesaling of beer or wine may sell only disposable glassware, which is constructed of paper, paper laminated, or plastic materials and designed primarily for personal consumption on a one-time usage basis, to retailers for use within the premises of licensed establishments, for an amount which is greater than or equal to an amount which represents the greater of either the amount paid for the disposable glassware by the supplier or the amount paid for the disposable glassware by the wholesaler. Also, a person engaged in the business of manufacturing beer may sell beer at retail for consumption on or off the premises of the manufacturing facility and, notwithstanding any other provision of this chapter or the fact that a person is the holder of a class "A" beer permit, may be granted not more than one class "B" beer permit as defined in section 123.124 for that purpose regardless of whether that person is also a manufacturer of native distilled spirits pursuant to a class "A" native distilled spirits license or a manufacturer of native wine pursuant to a class "A" wine permit.

Sec. 56. Section 123.90, Code 2020, is amended to read as follows:

123.90 Penalties generally.

Unless other penalties are ~~herein~~ provided in this chapter, any person, except a person under legal age, who violates any of the provisions of this chapter, or who makes a false statement concerning any material fact in submitting an application for a permit or license, shall be guilty of a serious misdemeanor. Any person under legal age who violates any of the provisions of this chapter shall upon conviction be guilty of a simple misdemeanor.

Sec. 57. Section 123.188, subsection 1, Code 2020, is amended to read as follows:

1. A person desiring to deliver wine subject to direct shipment within this state pursuant to section 123.187 shall submit an application for a wine carrier permit electronically, or in a manner prescribed by the administrator, ~~and~~ which shall be accompanied by a fee in the amount of one hundred dollars.

Sec. 58. Section 124.201, subsection 2, Code 2020, is amended to read as follows:

2. After considering the ~~above~~ factors described in subsection 1, the board shall make a recommendation to the general assembly, ~~specifying the change which should be made in existing schedules, if it finds that the potential for abuse or lack thereof of the substance is not properly reflected by the existing schedules.~~

Sec. 59. Section 135.42, Code 2020, is amended to read as follows:

135.42 Unlawful use.

All information, interviews, reports, statements, memoranda, or other data furnished in accordance with this subchapter and any findings or conclusions resulting from such studies

shall not be used or offered or received in evidence in any legal proceedings of any kind or character, but nothing contained ~~herein in this subchapter~~ shall be construed as affecting the admissibility as evidence of the primary medical or hospital records pertaining to the patient or of any other writing, record or reproduction thereof not contemplated by this subchapter.

Sec. 60. Section 135.74, subsection 1, Code 2020, is amended to read as follows:

1. The department, after study and in consultation with any advisory committees which may be established pursuant to law, shall promulgate by rule pursuant to chapter 17A uniform methods of financial reporting, including such allocation methods as may be prescribed, by which hospitals and health care facilities shall respectively record their revenues, expenses, other income, other outlays, assets and liabilities, and units of service, according to functional activity center. These uniform methods of financial reporting shall not preclude a hospital or health care facility from using any accounting methods for its own purposes provided these accounting methods can be reconciled to the uniform methods of financial reporting prescribed by the department and can be audited for validity and completeness. Each hospital and each health care facility shall adopt the appropriate system for its fiscal year, effective upon such date as the department shall direct. ~~In determining the effective date for reporting requirements, the department shall consider both the immediate need for uniform reporting of information to effectuate the purposes of this subchapter and the administrative and economic difficulties which hospitals and health care facilities may encounter in complying with the uniform financial reporting requirement, but the effective date shall not be later than January 1, 1980.~~

Sec. 61. Section 144A.7, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. The guardian of the person of the patient if one has been appointed, provided court approval is obtained in accordance with section 232D.401, subsection 4, paragraph "a", or section 633.635, subsection 3, paragraph "b", subparagraph (1). This paragraph does not require the appointment of a guardian in order for a treatment decision to be made under this section.

Sec. 62. Section 144F.1, subsection 6, Code 2020, is amended to read as follows:

6. "*Legal representative*" means, in order of priority, an attorney in fact under a durable power of attorney for health care pursuant to chapter 144B or, if no durable power of attorney for health care has been executed pursuant to chapter 144B or if the attorney in fact is unavailable, a legal guardian appointed pursuant to chapter 232D or 633.

Sec. 63. Section 144F.6, Code 2020, is amended to read as follows:

144F.6 Construction of chapter relative to other health care directives.

Nothing in this chapter shall be construed to interfere with the authority or responsibilities of an agent operating under a valid durable power of attorney for health care pursuant to chapter 144B or of the powers and duties granted to a guardian pursuant to section 232D.401 or 633.635.

Sec. 64. Section 152.2, Code 2020, is amended to read as follows:

152.2 Executive director.

The board shall retain a full-time executive director, who shall be appointed pursuant to ~~section 135B.11~~ 135.11B. The executive director shall be a registered nurse. The governor, with the approval of the executive council pursuant to section 8A.413, subsection 3, under the pay plan for exempt positions in the executive branch of government, shall set the salary of the executive director.

Sec. 65. Section 153.33B, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~The board shall appoint a~~ A full-time executive director shall be appointed as provided under section 135.11B. The executive director shall not be a member of the board. The duties of the executive director shall be the following:

Sec. 66. Section 159.23, Code 2020, is amended to read as follows:

159.23 Special fund.

All fees collected as a result of the inspection and grading provisions set out ~~herein in this chapter~~ shall be paid into the state treasury, there to be set aside in a separate fund which is hereby appropriated for the use of the department except as indicated. Withdrawals ~~therefrom from the fund~~ shall be by warrant of the director of the department of administrative services upon requisition by the secretary of agriculture. ~~Such~~ The fund shall be continued from year to year, provided, however, that if there be any balance remaining at the end of the biennium which, in the opinion of the governor, director of the department of management, and secretary of agriculture, is greater than necessary for the proper administration of the inspection and grading program referred to ~~herein in this section~~, the treasurer of state is hereby authorized on the recommendation and with the approval of the governor, director of the department of management, and secretary of agriculture to transfer to the general fund of the state that portion of such account as they shall deem advisable.

Sec. 67. Section 163.51, subsection 1, paragraph a, subparagraph (3), Code 2020, is amended to read as follows:

(3) The compelling of a person who is the owner or custodian of the animal to provide information regarding the movement or relocation of the animal or the vaccination status of the animal or the herd where the animal originates. The department may issue a subpoena for relevant testimony or records as defined in section ~~516E.1~~ 523C.1. In the case of a failure or refusal of the person to provide testimony or records, the district court upon application of the department or the attorney general acting upon behalf of the department, may order the person to show cause why the person should not be held in contempt. The court may order the person to provide testimony or produce the record or be punished for contempt as if the person refused to testify before the court or disobeyed a subpoena issued by the court.

Sec. 68. Section 176A.4, Code 2020, is amended to read as follows:

176A.4 Establishment — body corporate — county agricultural extension districts.

1. Each county, except Pottawattamie, is constituted and established as a “county agricultural extension district” and shall be a public body corporate organized in accordance with the provisions of this chapter for the purposes, with the powers and subject to the restrictions ~~hereinafter~~ set forth in this chapter.

2. Pottawattamie county shall be divided into and constitute two districts ~~with one~~ as follows:

a. A district to be known as “East Pottawattamie” which shall include the following townships: Pleasant, Layton, Knox, James, Valley, Lincoln, Washington, Belknap, Center, Wright, Carson, Macedonia, Grove, Waveland; ~~and the other~~.

b. A district to be known as “West Pottawattamie” which shall include the following townships: Rockford, Boomer, Neola, Minden, Hazel Dell, York, Crescent, Norwalk, Lake, Garner, Hardin, Kane, Lewis, Keg Creek, Silver Creek.

Sec. 69. Section 176A.8, subsections 3, 6, 7, 10, and 11, Code 2020, are amended to read as follows:

3. a. To ~~and shall~~, at least ninety days prior to the date fixed for the election of council members, appoint a nominating committee consisting of four persons who are not council members and designate the chairperson. The membership of the nominating committee shall be gender balanced. The nominating committee shall consider the geographic distribution of potential nominees in nominating one or more resident registered voters of the extension district as candidates for election to each office to be filled at the election. To qualify for the election ballot, each nominee shall file a nominating petition signed by at least twenty-five eligible electors of the district with the county commissioner of elections at least sixty-nine days before the date of election.

b. To ~~and shall also~~ provide for the nomination by petition of candidates for election to membership on the extension council. A nominating petition shall be signed by at least twenty-five eligible electors of the extension district and shall be filed with the county commissioner of elections at least sixty-nine days before the date of the election.

6. To prepare annually before March 15 a budget for the fiscal year beginning July 1 and ending the following June 30, in accordance with the provisions of chapter 24 and certify the same budget to the board of supervisors of the county of their extension district as required by law.

7. To ~~and shall~~ be responsible for the preparation and adoption of the educational program on extension work in agriculture, home economics, and 4-H club work, and periodically review said the program, and for the carrying out of the same program in cooperation with the extension service in accordance with the memorandum of understanding with said the extension service.

10. To ~~and shall~~, as soon as possible following the meeting at which the officers are elected, file in the office of the board of supervisors and of the county treasurer a certificate signed by its the chairperson and secretary of the extension council certifying the names, addresses, and terms of office of each member, and the names and addresses of the officers of the extension council with the signatures of the officers affixed ~~thereto~~, and said to the certificate. The certificate shall be conclusive as to the organization of the extension district, its extension council, and as to its members and its officers.

11. To ~~and shall~~ deposit all funds received from the "county agricultural extension education fund" in a bank or banks approved by ~~it~~ the extension council in the name of the extension district. These receipts shall constitute a fund known as the "county agricultural extension education fund" which shall be disbursed by the treasurer of the extension council on vouchers signed by its chairperson and secretary and approved by the extension council and recorded in its minutes.

Sec. 70. Section 176A.9, subsection 5, Code 2020, is amended to read as follows:

5. The extension council and its employed personnel may cooperate with, and give information and advice to organized and unorganized groups, but shall not promote, sponsor, or engage in the organization of any group for any purpose except the promoting, organization, and the development of the programs of 4-H clubs. Nothing in this chapter shall prevent the county extension council or extension agents employed by it from using or seeking opportunities to reach an audience of persons interested in agricultural extension work through the help of interested farm organizations, civic organizations, or any other group: ~~Provided, that. However,~~ in using or seeking such opportunities, the county extension council or agents employed by ~~it~~ the extension council shall make available to all groups and organizations in the county equal opportunity to cooperate in the educational extension program.

Sec. 71. Section 200.15, Code 2020, is amended to read as follows:

200.15 Refusal to register, or cancellation of registration and licenses.

The secretary is authorized and empowered to cancel the registration of any product of commercial fertilizer or soil conditioner or license or to refuse to register any product of commercial fertilizer or soil conditioner or refuse to license any applicant ~~as herein provided~~, upon satisfactory evidence that the registrant or licensee has used fraudulent or deceptive practices or who has willfully violates violated any provisions of this chapter or any rules and regulations promulgated ~~thereunder~~: ~~Except no~~ under this chapter. However, a registration or license shall not be revoked or refused until the registrant or licensee shall have has been given the opportunity to appear for a hearing by the secretary.

Sec. 72. Section 204.9, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. The department of public safety or a local law enforcement agency may obtain a sample of plants that are part of the crop and provide for a test of that sample as provided in section 204.8. The department of public safety or a local law enforcement agency shall not impose, assess, or collect a fee for conducting an inspection or test under this section.

Sec. 73. Section 204.15, subsection 3, Code 2020, is amended to read as follows:

3. A licensee shall not be ineligible to participate in the negligent violation program, if a test of a sample of plants that are part of a crop produced on the licensee's crop site exceeds a maximum concentration of two percent delta-9 tetrahydrocannabinol on a dry weight basis.

Sec. 74. Section 214A.12, Code 2020, is amended to read as follows:

214A.12 Industrial petroleum — permits.

Any wholesale dealer as ~~herein~~ defined in this chapter may apply to the department for a permit to make importations of petroleum products for industrial use only and not intended to be used for internal combustion engines, on a form to be supplied by the department, and upon receiving such permission may make importations of petroleum products for industrial use only, exempt from the specifications of this chapter.

Sec. 75. Section 216A.135, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. Analysis ~~of~~ and recommendations ~~of~~ regarding current criminal code provisions.

Sec. 76. Section 216A.136, subsection 1, Code 2020, is amended to read as follows:

1. Juvenile court records and all other information maintained under sections 232.147 through ~~232.153~~ 232.151.

Sec. 77. Section 218.68, Code 2020, is amended to read as follows:

218.68 Money deposited with treasurer of state.

~~Said money~~ Moneys under section 218.67 shall be transmitted to the treasurer of state as soon after one year after the death of the intestate as practicable, and be credited to the support fund of the institution of which the intestate was a resident.

Sec. 78. Section 218.70, Code 2020, is amended to read as follows:

218.70 Payment to party entitled.

~~Said money~~ Moneys transmitted to the treasurer or ¹ state under section 218.68 shall be paid, at any time within ten years from the death of the intestate, to any person who is shown to be entitled thereto. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

Sec. 79. Section 222.7, subsection 2, Code 2020, is amended to read as follows:

2. In the case of a patient hospitalized pursuant to sections 229.6 ~~to~~ through 229.15, the consent of the court which hospitalized the patient is obtained in advance, rather than afterward as otherwise permitted by section 229.15, subsection 4.

Sec. 80. Section 222.34, Code 2020, is amended to read as follows:

222.34 Guardianship proceedings.

If a guardianship is proposed for a person with an intellectual disability, guardianship proceedings shall be initiated and conducted as provided in chapter 232D or 633.

Sec. 81. Section 222.84, Code 2020, is amended to read as follows:

222.84 Patients' personal deposit fund.

There is hereby established at each resource center and special unit a fund which shall be known as the "patients' personal deposit fund"; provided that in the case of a special unit, the director may direct that the patients' personal deposit fund be maintained and administered as a part of the fund established, pursuant to sections 226.43 ~~to~~ through 226.46, by the mental health institute where the special unit is located.

Sec. 82. Section 225C.2, subsection 13, Code 2020, is amended to read as follows:

13. "*Serious emotional disturbance*" means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the most current diagnostic and statistical manual of mental disorders published by the American psychiatric association that results in a functional impairment. "*Serious emotional disturbance*" does not include substance use ~~and~~ or developmental disorders unless ~~such~~ those disorders co-occur with such a diagnosable mental, behavioral, or emotional disorder.

¹ See chapter 1121, §63 herein

Sec. 83. Section 225C.52, subsection 4, Code 2020, is amended to read as follows:

4. Submit a written report on or before December 1 of each year to the governor and the general assembly. At a minimum, the report shall include a summary of all activities undertaken by the state board, ~~a summary of state board activities~~, and results from identified behavioral health outcomes and indicators for the children's behavioral health system.

Sec. 84. Section 226.31, Code 2020, is amended to read as follows:

226.31 Examination by court — notice.

Before granting the order authorized in section 226.30, the court or judge shall investigate the allegations of the petition and before proceeding to a hearing on the allegations shall require notice to be served on the attorney who represented the patient in any prior proceedings under sections 229.6 ~~to through~~ 229.15 or the advocate appointed under section 229.19, or in the case of a patient who entered the hospital voluntarily, on any relative, friend, or guardian of the person in question of the filing of the application. At the hearing the court or judge shall appoint a guardian ad litem for the person, if the court or judge deems such action necessary to protect the rights of the person. The guardian ad litem shall be a practicing attorney.

Sec. 85. Section 229.1, subsection 20, paragraph d, subparagraph (2), Code 2020, is amended to read as follows:

(2) Lack of compliance has resulted in one or more acts of causing serious physical injury to the person's self or others or an attempt to physically injure the person's self or others.

Sec. 86. Section 229.13, subsection 7, paragraph b, Code 2020, is amended to read as follows:

b. A region shall contract with mental health professionals to provide the appropriate treatment including treatment by the use of oral medicine or injectable antipsychotic medicine pursuant to this section.

Sec. 87. Section 229.36, Code 2020, is amended to read as follows:

229.36 Limitation on proceedings.

The proceeding authorized in sections 229.31 ~~to through~~ 229.35, ~~inclusive~~, shall not be had more often than once in six months regarding the same person; nor regarding any patient within six months after the patient's admission to the hospital.

Sec. 88. Section 229.38, Code 2020, is amended to read as follows:

229.38 Cruelty or official misconduct.

If any person having the care of a person with mental illness who has voluntarily entered a hospital or other facility for treatment or care, or who is responsible for psychiatric examination care, treatment, and maintenance of any person involuntarily hospitalized under sections 229.6 ~~to through~~ 229.15, whether in a hospital or elsewhere, with or without proper authority, shall treat such patient with unnecessary severity, harshness, or cruelty, or in any way abuse the patient or if any person unlawfully detains or deprives of liberty any person with mental illness or any person who is alleged to have mental illness, or if any officer required by the provisions of this chapter and chapters 226 and 227, to perform any act shall willfully refuse or neglect to perform the same, the offending person shall, unless otherwise provided, be guilty of a serious misdemeanor.

Sec. 89. Section 232.99, subsection 4, Code 2020, is amended to read as follows:

4. When the dispositional hearing is concluded the court shall make the least restrictive disposition appropriate considering all the circumstances of the case. The dispositions which may be entered under this division are listed in sections 232.100 ~~to through~~ 232.102 in order from least to most restrictive.

Sec. 90. Section 232.103, subsection 6, Code 2020, is amended to read as follows:

6. If the court vacates the order it may make any other order in accordance with and subject to the provisions of sections 232.100 ~~to through~~ 232.102.

Sec. 91. Section 232.166, Code 2020, is amended to read as follows:

232.166 Statutes not affected.

Nothing contained in sections 232.158 ~~to~~ through 232.165 shall be deemed to affect or modify the other provisions of this chapter or of chapter 600.

Sec. 92. Section 232.178, subsection 1, Code 2020, is amended to read as follows:

1. For a placement initiated on or after July 1, 1992, the department shall file a petition to initiate a voluntary placement proceeding prior to the child's placement in accordance with criteria established pursuant to the federal Adoption Assistance and Child Welfare Act of 1980, Pub. L. No. 96-272, as codified in 42 U.S.C. §627(a). ~~For a placement initiated before July 1, 1992, the department shall file a petition to approve placement on or before September 1, 1992.~~

Sec. 93. Section 232D.105, subsection 1, Code 2020, is amended to read as follows:

1. A petition alleging that a minor is in need of a conservatorship is not subject to this chapter. Such proceedings shall be governed by chapter 633 and may be initiated pursuant to section ~~633.627~~ 633.557.

Sec. 94. Section 249A.4, subsections 11 and 15, Code 2020, are amended to read as follows:

11. Shall provide an opportunity for a fair hearing before the department of inspections and appeals to an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services. Judicial review of the decisions of the department of human services may be sought in accordance with chapter 17A. If a petition for judicial review is filed, the department of human services shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.

15. Establish appropriate reimbursement rates for community mental health centers that are accredited by the mental health and disability services commission.

~~Judicial review of the decisions of the department of human services may be sought in accordance with chapter 17A. If a petition for judicial review is filed, the department of human services shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.~~

Sec. 95. Section 249L.2, subsection 6, Code 2020, is amended to read as follows:

6. "Nursing facility" means a licensed nursing facility as defined in section 135C.1 that is a freestanding facility or a nursing facility operated by a hospital licensed pursuant to chapter 135B, but does not include a distinct-part skilled nursing unit or a swing-bed unit operated by a hospital, or a nursing facility owned by the state or federal government or other governmental unit. "Nursing facility" includes a non-state government-owned nursing facility if the nursing facility participates in the non-state government-owned nursing facility quality of care rate add-on program.

Sec. 96. Section 249L.2, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. "Non-state governmental entity" means a hospital authority, hospital district, health care district, city, or county.

NEW SUBSECTION. 5B. "Non-state government-owned nursing facility" means a nursing facility that is owned or operated by a non-state governmental entity and for which a non-state governmental entity holds the nursing facility's license and is party to the nursing facility's Medicaid contract.

Sec. 97. Section 252B.2, Code 2020, is amended to read as follows:

252B.2 Unit established — intervention.

There is created within the department of human services a child support recovery unit for the purpose of providing the services required in sections 252B.3 ~~to~~ through 252B.6. The unit is not required to intervene in actions to provide such services.

Sec. 98. Section 252H.5, unnumbered paragraph 1, Code 2020, is amended by striking the unnumbered paragraph.

Sec. 99. Section 252H.12, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 100. Section 256.7, subsection 32, paragraph b, subparagraph (1), unnumbered paragraph 1, Code 2020, is amended to read as follows:

Adopt rules which require that educational instruction and course content delivered primarily over the internet be aligned with the Iowa core content standards as applicable. Under such rules, a school district may develop and offer to students enrolled in the district educational instruction and course content for delivery primarily over the internet. A school district providing educational instruction and course content that are delivered primarily over the internet shall annually submit to the department, in the manner prescribed by the department, data that includes but is not limited to the following:

Sec. 101. Section 260I.3, subsection 1, Code 2020, is amended to read as follows:

1. The state board of education, ~~in consultation with the economic development authority,~~ shall adopt rules pursuant to chapter 17A defining eligibility criteria for persons applying to receive tuition assistance under this chapter.

Sec. 102. Section 261.130, subsection 8, paragraph b, Code 2020, is amended to read as follows:

b. Adopt rules for approving career-technical or career option programs in industries identified by the department of workforce development ~~pursuant to section 84A.6, subsection 4;~~ determining financial need; defining residence for the purposes of this section; processing and approving applications for grants; and determining priority for grants.

Sec. 103. Section 261A.24, Code 2020, is amended to read as follows:

261A.24 Chapter as alternative method — powers not subject to supervision or regulation.

Sections 261A.1 ~~to through~~ 261A.23 provide a complete, additional, and alternative method for the doing of the things authorized by the chapter and the limitations imposed by this chapter do not affect powers or rights conferred by other laws, and the issuance of obligations and refunding obligations under this chapter need not comply with the requirements of any other law applicable to the issuance of obligations. Except as otherwise expressly provided in this chapter, the powers granted to the authority under this chapter are not subject to the supervision or regulation and do not require the approval or consent of a city or political subdivision or department, division, commission, board, body, bureau, official, or agency of a political subdivision or of the state.

Sec. 104. Section 261E.8, subsection 2, paragraph b, subparagraph (3), Code 2020, is amended to read as follows:

(3) A community college that enters into a contract as provided in this paragraph shall submit to the department, during the fall and spring semesters, or the equivalent, a list of the accredited nonpublic school students enrolled for the semester, or the equivalent, who are participating in the program. The community college and the accredited nonpublic school shall verify to the department that the accredited nonpublic school and the coursework provided under this paragraph meet the requirements of this section and section 257.11, subsection 3, and shall provide to the department data and information elements as required under subsection ~~8~~ 9 by rule.

Sec. 105. Section 262.9, subsections 10 and 15, Code 2020, are amended to read as follows:

10. Direct the expenditure of all appropriations made to ~~said institutions under the control of the board,~~ and of any other moneys belonging ~~thereto to those institutions,~~ but in no event shall the perpetual funds of the Iowa state university of science and technology, nor the permanent funds of the state university of Iowa derived under Acts of Congress, be diminished.

15. Lease properties and facilities, either as lessor or lessee, for the proper use and benefit of said institutions under the control of the board upon such terms, conditions, and considerations as the board deems advantageous, including leases with provisions for ultimate ownership by the state of Iowa, and to pay the rentals from funds appropriated to the institution for operating expenses thereof or from such other funds as may be available therefor.

Sec. 106. Section 262.23, Code 2020, is amended to read as follows:

262.23 Duties of treasurer.

The treasurer of each of said the institutions under the control of the board shall:

1. Receive all appropriations made by the general assembly for said the institution, and all other funds from all other sources, belonging to said the institution.

2. Pay out said funds on order of the board of regents, or of such committee or official as the board of regents designates, on bills duly audited in accordance with the rules prescribed by said the board.

3. Retain all bills, ~~so~~ paid by the treasurer, with receipts for their payment as vouchers.

4. Keep an accurate account of all revenue and expenditures of said the institution, so that the receipts and disbursements of each of its the institution's several departments shall be apparent at all times.

5. Annually, and at such other times as the board may require, report to ~~it~~ said the board all receipts and disbursements in detail.

Sec. 107. Section 262.24, Code 2020, is amended to read as follows:

262.24 Reports of executive officers.

The executive officer of each of said the institutions under the control of the board shall, on or before the first day of August of each even-numbered year, make a report to the board, setting forth ~~such~~ all of the following:

1. Such observations and recommendations as in the executive officer's judgment are for the benefit of the institution, and also the.

2. The executive officer's recommendations of a budget for the several colleges and departments of the institution, in detail, and estimates.

3. Estimates of the amount of funds required ~~therefor~~ for the ensuing biennium.

Sec. 108. Section 262.31, Code 2020, is amended to read as follows:

262.31 Payment.

The contract for ~~such~~ instruction under section 262.30 shall authorize the payment for ~~such service~~ services furnished to the school district, or for such service services furnished to the state, and the amount to be agreed upon by the state board of regents and the board of the school district thus cooperating.

Sec. 109. Section 262.32, Code 2020, is amended to read as follows:

262.32 Contract — time limit.

~~Such contracts~~ A contract for instruction under section 262.30 shall be in writing and shall extend over a period of not to exceed two years, and a. A copy thereof of the contract shall be filed in the office of the administrator of the area education agency.

Sec. 110. Section 262.37, Code 2020, is amended to read as follows:

262.37 Title to property.

The title to all real estate ~~so~~ acquired under section 262.36 and the improvements erected ~~thereon~~ on that real estate shall be taken and held in the name of the state.

Sec. 111. Section 262.38, unnumbered paragraph 1, Code 2020, is amended to read as follows:

In carrying out the ~~above~~ powers enumerated in this subchapter, said the board may:

Sec. 112. Section 262.39, unnumbered paragraph 1, Code 2020, is amended to read as follows:

No ~~An~~ obligation created ~~hereunder~~ under this subchapter shall ~~ever~~ never be ~~or~~ nor become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely:

Sec. 113. Section 262.41, Code 2020, is amended to read as follows:

262.41 Exemption from taxation.

All obligations created ~~hereunder~~ under this subchapter shall be exempt from taxation.

Sec. 114. Section 262.42, Code 2020, is amended to read as follows:

262.42 Limitation on funds.

~~No state~~ State funds shall ~~not~~ be loaned or used for ~~this purpose~~ the purposes of this subchapter. This prohibition shall not apply to funds derived from the net earnings of dormitories ~~now or hereafter~~ owned by the state.

Sec. 115. Section 262.45, Code 2020, is amended to read as follows:

262.45 Purchase or condemnation of real estate.

The erection of the buildings, improvements, and facilities for the educational institutions of higher learning in this state is a public necessity and the board is vested with full power to purchase or condemn at ~~said those~~ those institutions, or convenient ~~thereto~~ to those institutions, all real estate necessary to carry out the powers herein granted.

Sec. 116. Section 262.46, Code 2020, is amended to read as follows:

262.46 Title in name of state.

The title to all real estate ~~so~~ acquired under this subchapter and the improvements erected ~~thereon~~ on that real estate shall be taken and held in the name of the state.

Sec. 117. Section 262.48, unnumbered paragraph 1, Code 2020, is amended to read as follows:

In carrying out the ~~above~~ powers said enumerated in this subchapter, the board may:

Sec. 118. Section 262.48, subsection 2, Code 2020, is amended to read as follows:

2. Mortgage any real estate ~~so~~ acquired under this subchapter and the improvements erected ~~thereon~~ on that real estate in order to secure necessary loans.

Sec. 119. Section 262.49, unnumbered paragraph 1, Code 2020, is amended to read as follows:

No ~~An~~ obligation created ~~hereunder~~ under this subchapter shall ~~ever~~ never be ~~or~~ nor become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely from any of the following:

Sec. 120. Section 262.51, Code 2020, is amended to read as follows:

262.51 Tax exemption.

All obligations created ~~hereunder~~ under this subchapter shall be exempt from taxation, together with the interest ~~thereon~~ on the obligations.

Sec. 121. Section 262.52, Code 2020, is amended to read as follows:

262.52 No state funds loaned.

~~No state~~ State funds shall ~~not~~ be loaned for ~~this purpose~~ the purposes of this subchapter. This prohibition shall not apply to funds derived from the net earnings of ~~such~~ buildings, structures, areas, and facilities ~~now or hereafter~~ owned by the state or to funds received from student fees or charges.

Sec. 122. Section 262.68, Code 2020, is amended to read as follows:

262.68 Speed limit on institutional grounds.

1. The maximum speed limit of all vehicles on institutional roads at institutions under the control of the state board of regents shall be forty-five miles per hour. All driving shall be confined to driveways designated by the state board.

2. Whenever the state board shall determine that the speed limit ~~hereinbefore~~ set forth in subsection 1 is greater than is reasonable or safe under the conditions found to exist at any place of congestion or upon any part of its institutional roads, ~~said~~ the board shall determine and declare a reasonable and safe speed limit, ~~thereat~~ which shall be effective when appropriate signs giving notice ~~thereof~~ of the speed limit are erected at such places of congestion or other parts of its institutional roads.

3. Any person violating the ~~aforementioned~~ speed limits established in subsections 1 and 2 shall be guilty of a simple misdemeanor.

Sec. 123. Section 272.15, subsection 3, Code 2020, is amended to read as follows:

3. Information required to be reported to the board under this section shall be reported within thirty days of ~~the~~ either of the following:

a. The date action was taken which necessitated the report, including the date of disciplinary action taken, nonrenewal or termination of a contract for reasons of alleged or actual misconduct, or resignation of a person following an incident or allegation of misconduct as required under subsection 1; ~~or awareness.~~

b. The date the employee becomes aware of alleged misconduct as required under subsection 2.

Sec. 124. Section 273.2, subsection 3, Code 2020, is amended to read as follows:

3. The area education agency board shall furnish educational services and programs as provided in section 273.1, this section, sections 273.3 ~~to 273.9~~ through 273.8, and chapter 256B to the pupils enrolled in public or nonpublic schools located within its boundaries which are on the list of accredited schools pursuant to section 256.11. The programs and services provided shall be at least commensurate with programs and services existing on July 1, 1974. The programs and services provided to pupils enrolled in nonpublic schools shall be comparable to programs and services provided to pupils enrolled in public schools within constitutional guidelines.

Sec. 125. Section 273.3, subsections 2 and 12, Code 2020, are amended to read as follows:

2. Be authorized to receive and expend money for providing programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 ~~to 273.9~~ through 273.8, and chapters 256B and 257. All costs incurred in providing the programs and services, including administrative costs, shall be paid from funds received pursuant to sections 273.1, 273.2, this section, sections 273.4 ~~to 273.9~~ through 273.8, and chapters 256B and 257.

12. Prepare an annual budget estimating income and expenditures for programs and services as provided in sections 273.1, 273.2, this section, sections 273.4 ~~to 273.9~~ through 273.8, and chapter 256B within the limits of funds provided under section 256B.9 and chapter 257. The board shall give notice of a public hearing on the proposed budget by publication in an official county newspaper in each county in the territory of the area education agency in which the principal place of business of a school district that is a part of the area education agency is located. The notice shall specify the date, which shall be not later than March 1 of each year, the time, and the location of the public hearing. The proposed budget as approved by the board shall then be submitted to the state board of education, on forms provided by the department, no later than March 15 preceding the next fiscal year for approval. The state board shall review the proposed budget of each area education agency and shall before May 1, either grant approval or return the budget without approval with comments of the state board included. An unapproved budget shall be resubmitted to the state board for final approval not later than May 15. The state board shall give final approval only to budgets submitted by area education agencies accredited by the state board or that have been given conditional accreditation by the state board.

Sec. 126. Section 277.3, Code 2020, is amended to read as follows:

277.3 Election laws applicable.

The provisions of chapters 39 ~~to~~ through 53 shall apply to the conduct of all school elections and the school elections shall be conducted by the county commissioner of elections, except as otherwise specifically provided in this chapter.

Sec. 127. Section 279.50A, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

If a school district's total enrollment exceeds six hundred pupils, the school district may enter into an agreement with a community college under which the community college may offer, or provide a community college-employed instructor to teach, one of the units in accordance with section 256.11, subsection 5, paragraph "a", ~~or~~ one of the units in accordance with section 256.11, subsection 5, paragraph "d" or "e", and if the unit of coursework under the agreement meets the requirements specified in section 257.11, subsection 3, paragraph "b", subparagraphs (2) through (7), the unit offered shall be deemed to meet the education program requirement for a unit of mathematics or science, as applicable, under section 256.11, subsection 5, paragraph "a", "d", or "e". The provisions of this subsection are applicable only if all of the following conditions are met:

Sec. 128. Section 282.3, subsection 3, Code 2020, is amended to read as follows:

~~3. Nothing herein provided shall~~ This section does not prohibit a school board from requiring the attainment of a greater age than the age requirements ~~herein~~ set forth in this section.

Sec. 129. Section 303.21, Code 2020, is amended to read as follows:

303.21 Petition.

~~1. Not less than ten percent of the~~ The eligible voters in an area of asserted historical significance may petition the department for a referendum for the establishment of a district.

2. The petition ~~shall~~ must be signed by not less than ten percent of the eligible voters of the area and shall contain both a description of the property suggested for inclusion in the district and the reasons justifying the creation of the district.

Sec. 130. Section 303.34, subsections 2 and 4, Code 2020, are amended to read as follows:

2. A city shall not designate an area as an area of historical significance unless it contains contiguous pieces of property under diverse ownership which meets the criteria specified in section 303.20, subsection 1, paragraphs "a" ~~to~~ through "f".

4. An area shall be designated an area of historical significance upon enactment of an ordinance of the city. Before the ordinance or an amendment to ~~it~~ the ordinance is enacted, the governing body of the city shall submit the ordinance or amendment to the historical division for its review and recommendations.

Sec. 131. Section 306.13, Code 2020, is amended to read as follows:

306.13 Notice — requirements.

~~Said~~ The notice of the hearing under section 306.11 shall state the time and place of such hearing, the location of the particular road, or part thereof, or crossing, the vacation and closing of which is to be considered, and such other data as may be deemed pertinent.

Sec. 132. Section 306.24, Code 2020, is amended to read as follows:

306.24 Conditions.

Any sale of land as ~~herein~~ authorized in this chapter shall be upon the conditions that the tract, parcel, or piece of land so sold shall not be used in any manner so as to interfere with the use of the highway by the public, or to endanger public safety in the use of the highway, or to the material damage of the adjacent owner.

Sec. 133. Section 306A.6, Code 2020, is amended to read as follows:

306A.6 New and existing facilities — grade-crossing eliminations.

1. Cities and highway authorities having jurisdiction and control over the highways of the state, as provided by chapter 306, may designate and establish an existing street or highway as included within a controlled-access facility. The state or any of its subdivisions shall have authority to provide for the elimination of intersections at grade of controlled-access facilities with existing state and county roads, and city or village streets, by grade separation or service road, or by closing off such roads and streets at the right-of-way boundary line of such controlled-access facility, ~~the~~.

2. The provisions of sections 306.11 to ~~through~~ 306.17 shall apply and govern the procedure for the closing of ~~such a~~ road or street and the method of ascertaining damages sustained by any person as a consequence of ~~such~~ the closing, provided, however, that the highway authority desiring the closing of such road or street shall conduct the hearing and carry out the procedure therefor and pay any damages, including any allowed on appeal, as a consequence thereof, any law to the contrary notwithstanding, ~~and after.~~

3. ~~After~~ the establishment of any controlled-access facility, no highway or street which is not part of said facility shall intersect the same at grade. ~~No~~ A city or village street, county or state highway, or other public way shall not be opened into or connected with any such controlled-access facility without the consent and previous approval of the highway authority in the state, county, city or village having jurisdiction over ~~such the~~ controlled-access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

Sec. 134. Section 307.48, Code 2020, is amended to read as follows:

307.48 Longevity pay.

1. An employee of the department who was hired by the state highway commission on or before June 30, 1971, is entitled to longevity pay. An employee eligible for longevity pay under this section whose employment is terminated on or after July 1, 1971, if reemployed by the department, forfeits any right the employee may have had to longevity pay.

2. An employee under the supervision of the department's administrator of highways who became an employee of the state department of transportation on July 1, 1974, retains all rights to longevity pay so long as the employee continues employment with the department.

Sec. 135. Section 309.24, Code 2020, is amended to read as follows:

309.24 Uniform and unified plan required.

~~Said~~ The secondary road construction program or project shall be planned on the basis of one general, uniform, and unified plan for the complete and permanent construction of the roads embraced ~~therein~~ in the program or project as to bridge, culvert, tile, and grading or other improvements.

Sec. 136. Section 309.27, Code 2020, is amended to read as follows:

309.27 Report of engineer.

In addition to ~~the foregoing~~ meeting the requirements of sections 309.22 through 309.26, the engineer, when so ordered by the board, shall make written report to the board and shall designate therein in their order of importance the roads which, in the engineer's judgment, are most urgently in need of construction.

Sec. 137. Section 309.37, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Said~~ The engineer's survey shall show:

Sec. 138. Section 309.47, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Such certificates~~ Certificates issued under this subchapter shall be authorized by a duly adopted resolution which shall specify all of the following:

Sec. 139. Section 309.51, Code 2020, is amended to read as follows:

309.51 Taxation.

~~Said certificates~~ Certificates issued under this subchapter shall be exempt from taxation.

Sec. 140. Section 312.3, subsection 1, Code 2020, is amended to read as follows:

1. ~~For the fiscal year ending June 30, 2006, apportion among the counties the road use tax funds credited to the secondary road fund by using the allocation method contained in section 312.3, subsection 1, Code 2005. For subsequent fiscal years, apportion~~ Apportion among the counties the road use tax funds credited to the secondary road fund by using the distribution methodology adopted pursuant to section 312.3C.

Sec. 141. Section 313.4, subsection 3, Code 2020, is amended to read as follows:

3. There is appropriated from funds appropriated to the department which would otherwise revert to the primary road fund pursuant to the provisions of the Act appropriating the funds or chapter 8, an amount sufficient to pay the increase in salaries, which increase is not otherwise provided for by the general assembly in an appropriation bill, resulting from the annual review of the merit pay plan as provided in section 8A.413, subsection 3. The appropriation ~~herein~~ provided in this subsection shall be in effect from the effective date of the revised pay plan to the end of the fiscal biennium in which it becomes effective.

Sec. 142. Section 313.20, Code 2020, is amended to read as follows:

313.20 Auditor — appointment — bond — duties.

The director of the department of administrative services shall appoint the auditor of the department who shall give bond in the sum of fifty thousand dollars for the faithful performance of the auditor's duties. The premium on ~~said~~ the bond shall be paid by the department from the primary road fund. ~~Said~~ The auditor shall check and audit all claims against the department before such claims are approved by the department, and shall keep all records and accounts relating to the expenditures of the department. The auditor shall, in the checking and auditing of claims against the department, and keeping the records and accounts of the department, be under the direction and supervision of the director of the department of administrative services, and act as an agent of ~~said~~ the director. The department shall furnish ~~said~~ the auditor with such help and assistants as may be necessary to properly perform the duties ~~herein~~ specified in this section. The ~~said~~ auditor may be removed by the director of the department of administrative services.

Sec. 143. Section 313.24, Code 2020, is amended to read as follows:

313.24 Separated cities.

The department shall designate the street or streets which shall constitute the primary road extensions in any city of the state, which city is separated from the remainder of the state by a river more than five hundred feet in width from bank to bank. The laws of this state relating to the construction, reconstruction, or maintenance of the extensions of primary roads in cities, and to the purchase or condemnation of right-of-way ~~therefor~~ for those primary roads, and to the expenditure of primary road funds thereon, shall apply to the roads or streets designated ~~hereunder~~ under this section, the same as though said community were not so separated from the rest of the state.

Sec. 144. Section 313.29, Code 2020, is amended to read as follows:

313.29 Detours located in city.

When the temporary primary road detour or temporary primary road haul road, or any portion thereof, is located within the corporate limits of a city, then as to the portion so located, the provisions of section 313.28 as to consultation, designation, restoration, and payment by the department shall apply in like manner to the benefit of the city, ~~and credits thereunder~~. Credits under section 313.28 shall be made to the general fund of the city. A city may designate the county engineer or city engineer to inspect such street so used jointly with the representative of the department.

Sec. 145. Section 321.1, subsection 26, Code 2020, is amended to read as follows:

26. "*Foreign vehicle*" means every vehicle of a type required to be registered ~~hereunder~~ under this chapter brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

Sec. 146. Section 321.187, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. Any third-party skills test examiner used by the third-party tester shall meet the requirements of 49 C.F.R. §383.75 and 49 C.F.R. §384.228, as adopted by rule by the department. The department shall adopt rules requiring that a third-party tester, other than a community college established under chapter 260C, ~~shall either~~ be an Iowa-based motor carrier, or its subsidiary, that has its principal office within this state and operates a permanent

commercial driver training facility in this state, or be an Iowa nonprofit corporation that serves as a trade association for Iowa-based motor carriers. The rules may also provide that a third-party tester conduct a number of skills test examinations above the number required under 49 C.F.R. §383.75 in order to remain qualified as a third-party tester under this section.

Sec. 147. Section 321.258, subsection 1, paragraphs b and c, Code 2020, are amended to read as follows:

- b. Steady ~~and/or~~ flashing left-turn red arrow.
- c. Steady ~~and/or~~ flashing right-turn red arrow.

Sec. 148. Section 321.258, subsection 2, paragraphs b and c, Code 2020, are amended to read as follows:

- b. Steady ~~and/or~~ flashing left-turn red arrow.
- c. Steady ~~and/or~~ flashing right-turn red arrow.

Sec. 149. Section 321.378, Code 2020, is amended to read as follows:

321.378 Applicability.

The provisions of sections 321.372 ~~to through 321.377~~, this section, and sections 321.379 and 321.380, shall apply to all public and nonpublic schools where children are transported to and from school.

Sec. 150. Section 321.380, Code 2020, is amended to read as follows:

321.380 Enforcement.

It shall be the duty of all peace officers and of the state patrol to enforce the provisions of sections 321.372 ~~to through~~ 321.379.

Sec. 151. Section 321.431, subsections 2 and 3, Code 2020, are amended to read as follows:

2. Under the ~~above~~ conditions specified in subsection 1, the hand brake shall be adequate to hold ~~such the~~ vehicle or vehicles stationary on any grade upon which operated.

3. Under the ~~above~~ conditions specified in subsection 1, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted ~~hereunder~~ under this section, shall be adequate to stop the vehicle within a distance of forty-five feet and the hand brake adequate to stop the vehicle within a distance of fifty-five feet.

Sec. 152. Section 321.463, subsection 4, paragraph b, subparagraph (4), subparagraph division (b), Code 2020, is amended to read as follows:

(b) "*Fence-line feeder, grain cart, or tank wagon*" means all of the following:

- (i) ~~A fence-line feeder, grain cart, or tank wagon manufactured on or after July 1, 2001.~~
- (ii) ~~After July 1, 2005, any fence-line feeder, grain cart, or tank wagon.~~

Sec. 153. Section 321.480, Code 2020, is amended to read as follows:

321.480 Limitation on expense.

For the purposes of sections 321.476 ~~to through 321.479~~, this section, and section 321.481 and the enforcement of the provisions of the motor vehicle laws relating to the size, weight, and load of motor vehicles and trailers the department is hereby authorized to expend from the primary road fund only the amount appropriated for each biennium.

Sec. 154. Section 321.481, Code 2020, is amended to read as follows:

321.481 No impairment of other authority.

Nothing in sections 321.476 ~~to through~~ 321.480 shall be so construed as to limit or impair the authority or duties of other peace officers in the enforcement of the motor vehicle laws or any portion thereof.

Sec. 155. Section 321.488, Code 2020, is amended to read as follows:

321.488 Procedure not exclusive.

The provisions of this chapter shall govern all peace officers in making arrests without a warrant for violations of this chapter for offenses committed in their presence, but the

procedure prescribed ~~herein~~ in this chapter shall not be exclusive of any other method prescribed by law for the arrest and prosecution of a person.

Sec. 156. Section 321.504, Code 2020, is amended to read as follows:

321.504 Optional notification.

In lieu of mailing ~~said~~ the notification described in section 321.502 to the defendant in a foreign state, the plaintiff may cause ~~said~~ the notification to be personally served in the foreign state on the defendant by any adult person not a party to the suit, by delivering ~~said~~ the notification to the defendant or by offering to make such delivery in case defendant refuses to accept delivery.

Sec. 157. Section 321.511, Code 2020, is amended to read as follows:

321.511 Dismissal — effect.

The dismissal of an action after the nonresident has entered a general appearance under the substituted service ~~herein~~ authorized in section 321.498, sections 321.500 through 321.502, and sections 321.504 through 321.510, shall bar the recommencement of the same action against the same defendant unless ~~said~~ the recommenced action is accompanied by actual personal service of the original notice of suit on ~~said~~ the defendant in this state.

Sec. 158. Section 321A.11, Code 2020, is amended to read as follows:

321A.11 Matters not to be evidence in civil suits.

Neither the report required by section 321A.4, the action taken by the department pursuant to sections 321A.4 ~~to through~~ through 321A.10 and this section, the findings, if any, of the department upon which action is based, nor the security filed as provided in said sections shall be referred to in any way, or be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

Sec. 159. Section 321A.13, subsection 3, Code 2020, is amended to read as follows:

3. Any person whose license, registration, or nonresident's operating privilege has been suspended or is about to be suspended or shall become subject to suspension under the provisions of section 321A.12, this section, and sections 321A.14 through 321A.29 may be relieved from the effect of ~~such the judgment as hereinbefore~~ such the judgment as prescribed in ~~said those sections~~ such the judgment by filing with the department an affidavit stating that at the time of the accident upon which ~~such the judgment~~ such the judgment has been rendered the affiant was insured, that the insurer is liable to pay ~~such the judgment~~ such the judgment, and the reason, if known, why ~~such the insurance company~~ such the insurance company has not paid ~~such judgment~~ such judgment. Such a person shall also file the original policy of insurance or a certified copy thereof, if available, and such other documents as the department may require to show that the loss, injury, or damage for which ~~such the judgment~~ such the judgment was rendered, was covered by ~~such the policy of insurance~~ such the policy of insurance. If the department is satisfied ~~from such papers~~ that such the insurer was authorized to issue ~~such the policy of insurance~~ such the policy of insurance at the time and place of issuing ~~such the policy~~ such the policy and that ~~such the insurer~~ such the insurer is liable to pay ~~such the judgment~~ such the judgment, at least to the extent and for the amounts required in this chapter, the department shall not suspend ~~such the person's license or registration or nonresident's operating privilege, or, if already suspended,~~ such the person's license or registration or nonresident's operating privilege, or, if already suspended, shall reinstate them.

Sec. 160. Section 321A.14, Code 2020, is amended to read as follows:

321A.14 Suspension to continue until judgments paid and proof given.

A license, registration, and nonresident's operating privilege shall remain suspended under section 321A.13, and shall not be renewed, nor shall any such license or registration be subsequently issued in the name of the person, including any person not previously licensed, until every judgment is satisfied in full or to the extent ~~hereinafter~~ hereinafter provided in this chapter, or until evidence is provided, to the satisfaction of the department, that the judgment has not been renewed and is no longer enforceable. A person whose license, registration, or nonresident's operating privilege was suspended under section 321A.13 must provide proof to the department of financial responsibility subject to the exemptions stated in sections 321A.13 and 321A.16 prior to obtaining a license, registration, or nonresident's operating privilege.

Sec. 161. Section 321A.26, Code 2020, is amended to read as follows:

321A.26 Owner may give proof for others.

Whenever any person required to give proof of financial responsibility ~~hereunder~~ under this chapter is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the department shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as ~~herein~~ provided in this subchapter or has qualified as a self-insurer under section 321A.34. The department shall designate the restrictions imposed by this section on the face of such person's license.

Sec. 162. Section 321A.31, Code 2020, is amended to read as follows:

321A.31 Surrender of license and registration.

Any person whose license or registration ~~shall have~~ has been suspended as ~~herein~~ provided in this chapter, or whose policy of insurance or bond, when required under this chapter, ~~shall have~~ has been canceled or terminated, or who ~~shall neglect~~ neglects to furnish other proof upon request of the department shall immediately return the person's license and registration to the department. If any person ~~shall fail~~ fails to return to the department the license or registration as provided ~~herein~~ in this section, the department shall forthwith direct any peace officer to secure possession ~~thereof~~ and to return the ~~same~~ license or registration to the department.

Sec. 163. Section 322.13, Code 2020, is amended to read as follows:

322.13 Rules.

1. The department shall have full authority to prescribe reasonable rules for the administration and enforcement of this chapter, which shall be in addition hereto to and not inconsistent herewith with this chapter. All rules shall be filed and entered by the department in its office in an indexed, permanent book or record, with the effective date ~~thereof of the rules~~ suitably indicated, and such. The book or record shall be a public document. The department may provide notice of a new rule or regulation by a posting on the department's internet site.

2. The department shall have power to prescribe the forms to be used in connection with the licensing of persons as ~~herein~~ provided in this chapter.

Sec. 164. Section 322.15, subsection 2, Code 2020, is amended to read as follows:

2. Nothing contained ~~herein~~ in this chapter shall be construed to require the licensing or to apply to any bank, credit union, or trust company in Iowa.

Sec. 165. Section 322.19, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. A motor vehicle service contract as defined in section ~~516E.1~~ 523C.1.

Sec. 166. Section 322.32, Code 2020, is amended to read as follows:

322.32 Construction of applicability to contracts.

Nothing in this chapter shall be construed to impair the obligations of a contract or to prevent a licensee ~~hereunder~~ under this chapter from requiring performance of a written contract entered into with another licensee ~~hereunder~~ under this chapter, nor shall the requirement of such performance constitute a violation of any of the provisions of this chapter.

Sec. 167. Section 322C.4, subsection 4, Code 2020, is amended to read as follows:

4. Before the issuance of a dealer's license, the applicant shall furnish a surety bond executed by the applicant as principal and executed by a corporate surety company licensed and qualified to do business within this state, which bond shall run to the state of Iowa, be in the amount of seventy-five thousand dollars, ~~and~~ be conditioned upon the faithful compliance by the applicant as a dealer with all statutes of this state regulating or applicable to a dealer, and ~~shall~~ indemnify any person dealing or transacting business with the dealer from loss or damage caused by the failure of the dealer to comply with the provisions of chapter 321 and this chapter, including the furnishing of a proper and valid certificate of

title to a towable recreational vehicle. The bond shall be filed with the department prior to the issuance of the license.

Sec. 168. Section 322C.14, subsection 3, paragraph c, subparagraph (2), Code 2020, is amended to read as follows:

(2) The dealer has abandoned or closed the dealer's business operations for ten consecutive business days. This subparagraph does not apply if the closing is due to a normal seasonal closing and the dealer notifies the manufacturer or distributor of the planned closing, or is due to an act of God, a strike, a labor difficulty, or any other cause over which the dealer has no control.

Sec. 169. Section 322C.15, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. The manufacturer's or distributor's business operations have been abandoned or caused the dealer's business operations to close for ten consecutive business days. This paragraph does not apply if the closing is due to a normal seasonal closing and the manufacturer or distributor notifies the dealer of the planned closing, or is due to an act of God, a strike, a labor difficulty, or any other cause over which the manufacturer or distributor has no control.

Sec. 170. Section 322C.21, subsection 2, paragraph f, Code 2020, is amended to read as follows:

f. Each party to the mediation shall pay ~~its~~ the party's own costs for attorney fees. The costs of the mediation services shall be ~~equally allocated among each party~~ equally amongst the parties.

Sec. 171. Section 322C.21, subsection 3, Code 2020, is amended to read as follows:

3. In addition to the remedies provided in this section, and notwithstanding the existence of any ~~additional~~ remedy at law, a manufacturer, distributor, warrantor, or dealer may petition the district court, ~~upon a hearing and for cause shown,~~ for a temporary or permanent injunction, or both, restraining any person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of this chapter, or from failing or refusing to comply with the requirements of this chapter. Such injunction shall be issued, upon a hearing and for cause shown, without bond. A single act in violation of this chapter shall be considered sufficient cause to authorize the issuance of an injunction pursuant to this subsection.

Sec. 172. Section 327F.27, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Every railroad corporation shall ~~insure~~ ensure that vegetation on railroad property which is on or immediately adjacent to the roadbed be controlled so that it does not:

Sec. 173. Section 330.4, Code 2020, is amended to read as follows:

330.4 Joint exercise of powers.

Agreements between political subdivisions for joint exercise of any powers relating to airports may provide for the creation and establishment of a joint airport commission which, when so created or established, shall function in accordance with the provisions of sections 330.17 ~~to~~ through 330.24 insofar as provided by ~~said~~ the agreements.

Sec. 174. Section 330.24, Code 2020, is amended to read as follows:

330.24 No restrictions on former commissions.

Nothing in sections 330.17 ~~to~~ through 330.22 shall be interpreted as limiting or affecting airport commissions of cities in the above classification which have already been in existence and operation prior to January 1, 1941, under the provisions of this chapter.

Sec. 175. Section 331.322, subsection 3, Code 2020, is amended to read as follows:

3. Fill vacancies in county offices in accordance with sections 69.8 ~~to~~ through 69.12 and section 69.14A, and make appointments in accordance with section 69.16 unless a special election is called pursuant to section 69.14A.

Sec. 176. Section 331.383, Code 2020, is amended to read as follows:

331.383 Duties and powers relating to elections.

The board shall ensure that the county commissioner of elections conducts primary, general, city, school, and special elections in accordance with applicable state law. The board shall canvass elections in accordance with sections 43.49 ~~to~~ through 43.51, 43.60 ~~to~~ through 43.62, 46.24, 50.13, 50.24 ~~to~~ through 50.29, 50.44 ~~to~~ through 50.47, 260C.39, 275.25, 277.20, 376.1, 376.7, and 376.9. The board shall prepare and deliver a list of persons nominated in accordance with section 43.55, provide for a recount in accordance with section 50.48, provide for election precincts in accordance with sections 49.3, 49.4, 49.6 ~~to~~ through 49.8, and 49.11, pay election costs as provided in section 47.3, participate in election contests as provided in sections 62.1A and 62.9, and perform other election duties required by state law. The board ~~may~~ shall provide for the use of an optical scan voting system as provided in sections 52.2, and 52.3, ~~and~~ 52.8, and exercise other election powers as provided by state law.

Sec. 177. Section 331.390, subsection 2, Code 2020, is amended to read as follows:

2. The governing board shall comply with all of the following requirements:

a. The voting membership of the governing board shall consist of at least one board of supervisors member from each county comprising the region or ~~their designees~~ a person designated by the board of each county.

b. The membership of the governing board shall also include one adult person who utilizes mental health and disability services or is an actively involved relative of such an adult person. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph "~~h~~" "e".

c. The membership of the governing board shall not include employees of the department of human services or an ~~unelected~~ nonelected employee of a county.

d. The membership of the governing board shall also consist of ~~one~~ all of the following:

(1) One member representing adult service providers in the region. This member shall be designated by the regional advisory committee formed by the governing board pursuant to paragraph "~~h~~" "e". The member designated in accordance with this ~~paragraph~~ subparagraph shall serve in a nonvoting, ex officio capacity.

~~e. (2) The membership of the governing board shall also consist of one~~ One member representing children's behavioral health services providers in the region. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "~~i~~" "f". The member designated in accordance with this ~~paragraph~~ subparagraph shall serve in a nonvoting, ex officio capacity.

~~f. (3) The membership of the governing board shall also consist of one~~ One member representing the education system in the region. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "~~i~~" "f".

~~g. (4) The membership of the governing board shall also consist of one~~ One member who is a parent of a child who utilizes children's behavioral health services or who is an actively involved ~~relatives~~ relative of such ~~children~~ a child. This member shall be designated by the regional children's advisory committee formed by the governing board pursuant to paragraph "~~i~~" "f".

~~h. e.~~ The governing board shall have a regional advisory committee consisting of adults who utilize services or actively involved relatives of such adults, service providers, and regional governing board members.

~~i. f.~~ The governing board shall have a regional children's advisory committee consisting of parents of children who utilize services or actively involved relatives of such children, a member of the education system, an early childhood advocate, a child welfare advocate, a children's behavioral health service provider, a member of the juvenile court, a pediatrician, a child care provider, a local law enforcement representative, and regional governing board members.

Sec. 178. Section 331.397A, subsection 5, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A region shall ensure that services within the following additional core service domains are available to children not eligible for the medical assistance program under chapter 249A or not receiving other third-party payment for the services, when public funds are made available for such services:

Sec. 179. Section 331.606, subsection 3, Code 2020, is amended to read as follows:

3. The county recorder may give the county sheriff the records filed under this chapter or ~~chapter 695, Code 1977~~, pertaining to the sale and registration of weapons or may dispose of those records if the sheriff does not wish to receive the records.

Sec. 180. Section 335.4, Code 2020, is amended to read as follows:

335.4 Areas and districts.

~~For any and all of said purposes the~~ The board of supervisors may divide the county, or any area or areas within the county, into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures or land. All such regulations and restrictions shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Sec. 181. Section 335.10, Code 2020, is amended to read as follows:

335.10 Board of adjustment — review and remand.

1. The board of supervisors shall provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this chapter shall provide that the said board of adjustment may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinances or regulations in harmony with its general purpose and intent and in accordance with the general or specific rules ~~therein contained~~ in the ordinances or regulations, and provide that any property owner aggrieved by the action of the board of supervisors in the adoption of such regulations and restrictions may petition the said board of adjustment direct to modify regulations and restrictions as applied to such property owners.

2. The board of supervisors may provide for its review of variances granted by the board of adjustment before their effective date. The board of supervisors may remand a decision to grant a variance to the board of adjustment for further study. If remanded, the effective date of the variance is delayed for thirty days from the date of the remand.

Sec. 182. Section 335.21, Code 2020, is amended to read as follows:

335.21 Trial to court.

1. If upon the hearing which shall be tried de novo it shall appear to the court that testimony is necessary for the proper disposition of the matter, ~~it the court~~ may take evidence or appoint a referee to take such evidence as ~~it the court~~ may direct and report the ~~same evidence~~ to the court with the referee's findings of fact and conclusions of law, which. The evidence and the referee's findings and conclusions shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

2. Costs shall not be allowed against the board unless it shall appear to the court that ~~it the board~~ acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Sec. 183. Section 347.9, subsections 1 and 3, Code 2020, are amended to read as follows:

1. When it has been determined by the voters of a county to establish a county public hospital, the board shall appoint five or seven trustees chosen from among the resident citizens of the county with reference to their fitness for office. The appointed trustees shall hold office until the following general election, at which time their successors shall be elected, three for a term of four years and the remainder for a term of two years, and they

shall determine by lot their respective terms, and thereafter their successors shall be elected for regular terms of four years each, ~~except as provided in subsection 3.~~

3. Trustees Notwithstanding subsections 1 and 2, trustees in a county with a population of at least four hundred thousand shall serve for a term of six years. A trustee elected to a term of four years in or after January 2018 shall instead serve a term of six years.

Sec. 184. Section 347.25, subsection 1, Code 2020, is amended to read as follows:

1. The election of hospital trustees whose offices are established by this chapter or chapter 145A or 347A shall take place at the general election on ballots which shall not reflect a nominee's political affiliation. Nomination shall be made by petition in accordance with chapter 45. The petition form shall be furnished by the county commissioner of elections, shall be signed by fifty eligible electors of the county, and shall be filed with the county commissioner of elections. A plurality is sufficient to elect hospital trustees.

Sec. 185. Section 349.6, subsection 1, Code 2020, is amended to read as follows:

1. The county auditor shall, on the direction of the board while it is in session, open said the envelopes which have been deposited as provided under section 349.5. The board may receive other evidence of circulation. In counties in which two newspapers are to be selected, the two newspapers showing the largest number of bona fide yearly subscribers living within the county shall be selected as such official newspapers. In counties in which three newspapers are to be selected, the three showing the largest number of such subscribers shall be selected except when such three newspapers are all published in the same city, in which case the two newspapers in such city having the largest lists of such subscribers and the newspaper having the next largest list of such subscribers and published outside such city, shall be selected as such official newspapers.

Sec. 186. Section 349.8, Code 2020, is amended to read as follows:

349.8 Tie lists.

When newspapers are, by equality of circulation, equally entitled to ~~such~~ selection as an official newspaper, the board shall, in the presence of the contestants, determine the question by lot.

Sec. 187. Section 357.3, Code 2020, is amended to read as follows:

357.3 Scope of assessment.

The special assessment ~~hereinafter~~ provided for in this chapter may be used to cover the costs of installing all the necessary elements of a water system, for both production and distribution.

Sec. 188. Section 357.26, Code 2020, is amended to read as follows:

357.26 Duties of trustees.

It is anticipated that this ~~law chapter~~ will usually be utilized to finance a distribution system where the source of supply is without the district, and not under its control, and that individuals within the district will pay water rent to a municipality or corporation without the district. It is intended that the trustees may so operate the utility as will best serve the users, and they are expressly authorized to buy and sell water, to fix the rates to consumers and make all contracts reasonable or necessary to accomplish the purpose of this chapter and to carry on all the operations incident to maintaining and operating said utility and to the procuring and furnishing of water to the consumers therein. If the development of a source of supply is within the means of the district, the trustees may install wells, tanks, meters and any other equipment properly pertaining to operate it.

Sec. 189. Section 357.27, Code 2020, is amended to read as follows:

357.27 Public property in district.

Whenever property of the state of Iowa, or any political subdivision thereof, shall be included either wholly or in part within ~~such the~~ water district and ~~shall own the state of Iowa or the political subdivision owns~~ facilities which may be used as a part of such water system, the executive council, board of supervisors, or city council, as the case may be, may

permit ~~such the~~ use of ~~said the~~ facilities for such consideration and on such terms as may be agreed upon with the board of trustees.

Sec. 190. Section 357A.20, subsection 2, paragraph e, Code 2020, is amended to read as follows:

e. The district shall bring its operation and structure in compliance with sections 357A.7 ~~to through~~ 357A.10 at the first annual meeting of the participating members and board of directors.

Sec. 191. Section 358.2, subsection 2, Code 2020, is amended to read as follows:

2. ~~No territory~~ Territory shall not be included within more than one sanitary district organized under this chapter, and if any proposed sanitary district ~~shall fail~~ fails to receive a majority of votes cast at any election ~~thereon~~ at which the establishment of the district is proposed as ~~hereinafter~~ provided in this chapter, ~~no~~ a petition shall not be filed for establishment of such a sanitary district within one year from the date of such previous election.

Sec. 192. Section 358.23, Code 2020, is amended to read as follows:

358.23 Appeal to district court.

Any person aggrieved by any proceeding had by the board of supervisors or by the board of trustees as ~~herein~~ provided in this chapter in relation to any matter involving the person's rights not included under the provisions of section 358.22 may appeal to the district court of the county in which the proceedings were had. Such appeals shall be governed in all respects as is provided by pertinent sections under chapter 468, subchapter I, parts 1 ~~to through~~ 5.

Sec. 193. Section 358.25, Code 2020, is amended to read as follows:

358.25 Revenue bonds.

Sanitary districts incorporated under this chapter may exercise the powers granted to counties in sections 331.462 ~~to through~~ 331.470, to issue revenue bonds for the purposes in section 331.461, subsection 2, paragraphs "b" and "c".

Sec. 194. Section 358.30, Code 2020, is amended to read as follows:

358.30 Annexation of land by a city — compensation.

A sanitary district shall be fairly compensated for losses resulting from annexation by a city. The governing body of a city or city utility and the board of trustees of the sanitary district may agree to terms which provide that the facilities owned by the sanitary district and located within the city shall be retained by the sanitary district for the purpose of sanitary service to customers outside the city. If an agreement is not reached within ninety days, the issues may be submitted to arbitration. If submitted, an arbitrator shall be selected by a committee which includes one member of the governing body of the city or its designee, one member of the sanitary district's board of trustees or its designee, and a disinterested party selected by the other two members of the committee. A list of qualified arbitrators may be obtained from the American arbitration association or another recognized arbitration organization or association.

Sec. 195. Section 359.6, Code 2020, is amended to read as follows:

359.6 Petition — remonstrance.

Such petition shall be accompanied by the affidavit of three eligible electors, to the effect that all the signatures to such petition are genuine, and that the signers thereof are all eligible electors of said township, residing outside said corporate limits. Remonstrances signed by such eligible electors may also be presented at the hearing before the board of supervisors ~~hereinafter~~ provided for in this subchapter, and if the same persons petition and remonstrate, they shall be counted on the remonstrance only.

Sec. 196. Section 359.15, Code 2020, is amended to read as follows:

359.15 Hearing — order.

If, at the time fixed for the hearing of ~~said~~ a petition filed under section 359.14, the board be is satisfied that there is a majority in favor of ~~such the~~ change of name, ~~it the board~~ shall

make an order granting the ~~same name change~~, which shall be attested by the auditor, and recorded in the office of the recorder of the county.

Sec. 197. Section 359.30, Code 2020, is amended to read as follows:

359.30 Cemetery and park tax.

They Township trustees shall, at the regular meeting in November, levy a tax sufficient to pay for any lands so condemned or purchased, or for the necessary improvement and maintenance of cemeteries thus established, and for the necessary improvement and the maintenance of public parks acquired by gift, devise, or bequest under section 359.29, or for the maintenance and improvement of cemeteries so established in adjoining townships, ~~in ease they if the trustees~~ deem such action advisable.

Sec. 198. Section 359.31, Code 2020, is amended to read as follows:

359.31 Power and control.

They Township trustees shall control any such cemeteries, or appoint trustees for the same, or sell the same to any private corporation for cemetery purposes.

Sec. 199. Section 359.32, Code 2020, is amended to read as follows:

359.32 Sale of lots — gifts.

They Township trustees shall have authority to provide for the sale of lots or portions thereof, in any cemetery under their control, and make rules in regard thereto, ~~and~~ Township trustees may provide for perpetual upkeep by the establishment of a perpetual upkeep fund from the proceeds of sale of lots, and may accept gifts, devise or bequest, made to them for that purpose.

Sec. 200. Section 359.33, Code 2020, is amended to read as follows:

359.33 Tax for nonowned cemetery.

They Township trustees may levy a tax not to exceed six and three-fourths cents per thousand dollars of assessed value of taxable property to improve and maintain any cemetery not owned by the township, provided the ~~same cemetery~~ is devoted to general public use.

Sec. 201. Section 359.37, Code 2020, is amended to read as follows:

359.37 Regulations.

1. The trustees, board of directors, or other officers having the custody and control of any cemetery in this state, shall have power, subject to the bylaws and regulations of such cemetery, to do all of the following:

a. To enclose, improve, and adorn the ground of such cemetery; ~~to~~

b. To construct avenues in the ~~same~~; ~~to~~ cemetery.

c. To erect proper buildings for the use of ~~said the~~ cemetery; ~~to~~

d. To prescribe rules for the improving or adorning the lots ~~therein~~, in the cemetery or for the erection of monuments or other memorials of the dead upon ~~such the~~ lots; ~~and to~~

e. To prohibit any use, division, improvement, or adornment of a lot which ~~they the trustees, directors, or officers~~ may deem improper.

2. The trustees, after such land has been advertised for sealed bids by the trustees, shall have authority to sell and dispose of any lands or parcels of lands ~~heretofore~~ previously dedicated for cemetery purposes and which are no longer necessary for such purposes, for the reason that no burials are being made in ~~such the~~ cemetery, ~~provided that~~. However, any portion of ~~said the~~ cemetery in which burials have been made shall be kept and maintained by ~~said the~~ trustees. The proceeds from such sales shall be deposited in the tax fund established in accordance with section 359.30, to be used for the purposes of that fund.

Sec. 202. Section 376.1, Code 2020, is amended to read as follows:

376.1 City election held.

1. A city shall hold a regular city election on the first Tuesday after the first Monday in November of each odd-numbered year. A city shall hold regular, special, primary, or runoff city elections as provided by state law.

2. The mayor or council shall give notice of any special election to the county commissioner of elections. The county commissioner of elections shall publish notice of any city election

and conduct the election pursuant to the provisions of chapters 39 ~~to~~ through 53, except as otherwise specifically provided in chapters 362 ~~to~~ through 392. The results of any election shall be canvassed by the county board of supervisors and certified by the county commissioner of elections to the mayor and the council of the city for which the election is held.

Sec. 203. Section 376.3, Code 2020, is amended to read as follows:

376.3 Nominations.

Candidates for elective city offices must be nominated as provided in sections 376.4 ~~to~~ through 376.9 unless by ordinance a city chooses the provisions of chapters 44 or 45. However, a city acting under a special charter in 1973 and having a population of over fifty thousand shall continue to hold partisan elections as provided in sections 43.112 ~~to~~ through 43.118 and 420.126 ~~to~~ through 420.137 unless the city by election as provided in section 43.112 chooses to conduct city elections under this chapter or chapter 44 or 45. The choice of one of these options by such a special charter city does not otherwise affect the validity of the city's charter. However, special charter cities which choose to exercise the option to conduct nonpartisan city elections may choose in the same manner the original decision was made, to resume holding city elections on a partisan basis.

Sec. 204. Section 386.7, subsection 3, Code 2020, is amended to read as follows:

3. If the council orders the construction of the self-liquidating improvement, contracts for ~~it~~ the improvement shall be let in accordance with chapter 26.

Sec. 205. Section 388.3, subsection 3, Code 2020, is amended to read as follows:

3. A public officer or a salaried employee of the city ~~may~~ shall not serve on a utility board.

Sec. 206. Section 388.9, subsection 1, Code 2020, is amended to read as follows:

1. Notwithstanding section 21.5, subsection 1, the governing body of a city utility or combined utility system, or a city enterprise or combined city enterprise as defined in section 384.80, by a vote of two-thirds of the members of the body or all of the members present at the meeting, may hold a closed session to discuss marketing and pricing strategies or proprietary information if its competitive position would be harmed by public disclosure not required of potential or actual competitors, and if no public purpose would be served by such disclosure. The minutes and ~~a tape~~ an audio or audiovisual recording of a session closed under this subsection shall be available for public examination at that point in time when the public disclosure would no longer harm the utility's competitive position.

Sec. 207. Section 390.3, Code 2020, is amended to read as follows:

390.3 Hearing — exception to general statutes.

1. Before a city may enter into or amend a joint agreement, the governing body shall adopt a proposed form of agreement and give notice and conduct a public hearing on the agreement in the manner provided by sections 73A.1 ~~to~~ through 73A.11, which action shall be subject to appeal as provided in chapter 73A.

2. However, in the performance of a joint agreement, the governing body is not subject to statutes generally applicable to public contracts, including hearings on plans, specifications, form of contracts, costs, notice and competitive bidding required under chapter 26 and section 384.103, unless all parties to the joint agreement are cities located within the state of Iowa.

Sec. 208. Section 400.14, Code 2020, is amended to read as follows:

400.14 Civil service status of chiefs.

A police officer under civil service may be appointed chief of police and a fire fighter under civil service may be appointed chief of the fire department without losing civil service status, and shall retain, while holding the office of chief, the same civil service rights that the officer or fire fighter may have had immediately previous to appointment as chief, but nothing herein in this section shall be deemed to extend to such individual any civil service right upon which the individual may retain the position of chief.

Sec. 209. Section 403.2, subsection 1, Code 2020, is amended to read as follows:

1. It is hereby found and declared that there exist in municipalities of the state slum and blighted areas, as ~~herein~~ defined in this chapter, which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blighted areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency and consume an excessive proportion of state revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

Sec. 210. Section 403.4, unnumbered paragraph 1, Code 2020, is amended to read as follows:

No A municipality shall not exercise the authority ~~herein~~ conferred upon municipalities by this chapter until after its local governing body ~~shall have~~ has adopted a resolution finding that:

Sec. 211. Section 403.9, subsections 1 and 6, Code 2020, are amended to read as follows:

1. A municipality shall have power to periodically issue bonds in its discretion to pay the costs of carrying out the purposes and provisions of this chapter, including but not limited to the payment of principal and interest upon any advances for surveys and planning, and the payment of interest on bonds, ~~herein~~ authorized under this chapter, not to exceed three years from the date the bonds are issued. The municipality shall have power to issue refunding bonds for the payment or retirement of such bonds previously issued by the municipality. Said bonds shall be payable solely from the income and proceeds of the fund and portion of taxes referred to in section 403.19, subsection 2, and revenues and other funds of the municipality derived from or held in connection with the undertaking and carrying out of urban renewal projects under this chapter. The municipality may pledge to the payment of the bonds the fund and portion of taxes referred to in section 403.19, subsection 2, and may further secure the bonds by a pledge of any loan, grant, or contribution from the federal government or other source in aid of any urban renewal projects of the municipality under this chapter, or by a mortgage of any such urban renewal projects, or any part thereof, title which is vested in the municipality.

6. In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as ~~herein~~ defined in this chapter, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

Sec. 212. Section 403.14, subsection 1, Code 2020, is amended to read as follows:

1. A municipality may itself exercise its urban renewal project powers, as ~~herein~~ defined in this section, or may, if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency, if one exists or is subsequently established in the community. In the event the local governing body makes such determination, the urban renewal agency shall be vested with all of the urban renewal project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the local governing body does not elect to make such determination, the municipality in its discretion may exercise its urban renewal project powers through a board or commissioner, or through such officers of the municipality as the local governing body may by resolution determine.

Sec. 213. Section 403.16, unnumbered paragraph 1, Code 2020, is amended to read as follows:

No public official or employee of a municipality, or board or commission thereof, and no commissioner or employee of an urban renewal agency, which has been vested by a municipality with urban renewal project powers under section 403.14, shall voluntarily acquire any personal interest, as ~~hereinafter defined~~ described in this section, whether direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality, or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner, or employee presently owns or controls, or has owned or controlled within the preceding two years, any interest, as ~~hereinafter defined~~ described in this section, whether direct or indirect, in any property which the official, commissioner, or employee knows is included or planned to be included in an urban renewal project, the official, commissioner, or employee shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body; and any such official, commissioner, or employee shall not participate in any action by the municipality, or board or commission thereof, or urban renewal agency affecting such property, ~~as the terms of such proscription are hereinafter defined which is proscribed in this section.~~ For the purposes of this section the following definitions and standards of construction shall apply:

Sec. 214. Section 414.13, Code 2020, is amended to read as follows:

414.13 Decision on appeal.

In exercising the ~~above-mentioned~~ powers ~~such enumerated in section 414.12~~, the board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

Sec. 215. Section 420.43, subsection 2, Code 2020, is amended to read as follows:

2. This section shall not be construed as depriving boards of supervisors, county auditors, and county treasurers of their powers to spread tax levies and collect taxes certified by cities acting under special charter as provided in section 420.206 and other state law. Nothing contained ~~herein in this section~~ shall be deemed to affect the procedure for the assessment of property by the city or county assessor.

Sec. 216. Section 420.224, Code 2020, is amended to read as follows:

420.224 Limitation on resale by city.

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 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 through 420.223~~, this section, or sections 420.225 through 420.229 shall prevent the sale of property for any unpaid taxes collectible by the county.

Sec. 217. Section 420.226, Code 2020, is amended to read as follows:

420.226 City clerk makes purchases.

The city clerk shall act on behalf of the city under general or specific resolutions of its city council in making the purchases at tax sale ~~hereby authorized~~ under this subchapter.

Sec. 218. Section 420.228, Code 2020, is amended to read as follows:

420.228 City may compromise tax — effect.

For the purpose of collecting and realizing on account of delinquent taxes and special assessments collectible by it a city as fully and expeditiously as deemed possible in the judgment of its city council, any such city is hereby authorized to settle, compromise, and adjust any general tax, then having been delinquent for a period of two years or more and any special assessment then having been delinquent in whole or as to any installment thereof for a period of two years or more, and, in connection with any such settlement, compromise, or adjustment, the city is also authorized to accept a conveyance of real property and extend the time for payment of any installment of any special assessment. If any special assessment shall be is reduced in amount in connection with any such settlement, compromise, or adjustment, the full amount of the reduction shall thereby become an obligation of such the city to the special assessment fund into which such assessment was payable. The lien or charge created by law for the payment of any special assessment certificates or bonds against any special assessment so reduced in amount or against the proceeds thereof shall remain in effect against the balance of such special assessment and the proceeds of such balance. All such settlements, compromises, and adjustments heretofore effected are hereby ratified and validated.

Sec. 219. Section 420.235, Code 2020, is amended to read as follows:

420.235 Tax receipt.

1. The collector or treasurer shall in all cases make out and deliver to the taxpayer a receipt, which receipt shall contain the description and the assessed value of each lot and parcel of real estate, and the assessed value of personal property, and in case the property has been sold for taxes and not redeemed, the date of such sale and to whom sold, also the amount of taxes, interest, and costs paid; and the.

2. The collector or treasurer shall give separate receipts for each year; whereupon the collector or treasurer and shall make proper entries of such payments on the books of the collector's or treasurer's office.

Sec. 220. Section 420.238, Code 2020, is amended to read as follows:

420.238 Redemption — terms.

Real property sold under the provisions of this chapter, or by virtue of any other power heretofore given, may be redeemed before the time of redemption expires, as hereinafter provided in this chapter, by payment to the treasurer, collector, or person authorized to receive the same, to payment. The payment shall be held by the treasurer, collector, or other authorized person subject to the order of the purchaser on surrender of the certificate, or in case if the same certificate is lost and or destroyed, on the purchaser's making affidavit of such fact, and of the further fact that it the certificate was not assigned, of the amount for which the same real property was sold, and ten percent of such amount immediately added as a penalty, with eight percent per annum on the whole amount thus made from the day of sale, and the amount of all taxes, either general or special, with interest and costs, paid at any time by the purchaser or the purchaser's assignee subsequent to the sale, and a similar penalty of ten percent added as before on the amount of the payment made at any subsequent time, with eight percent interest per annum on the whole of such amount or amounts from the day or days of payment; provided that such penalty for the nonpayment of the taxes at any subsequent time or times shall not attach, unless such subsequent tax or taxes shall have remained unpaid for thirty days after they became delinquent.

Sec. 221. Section 422.19, Code 2020, is amended to read as follows:

422.19 Scope of nonresidents tax.

The tax herein imposed under this subchapter upon certain income of nonresidents shall apply to all such income actually received by such nonresident regardless of when such income was earned. If the nonresident is reporting on the accrual basis it shall apply to all such income which first became available to the nonresident so that the nonresident might demand payment thereof regardless of when such income was earned. The duty to withhold herein imposed under this subchapter upon withholding agents shall apply only to amounts paid after June 30, 1937.

Sec. 222. Section 422.20, subsections 1 and 2, Code 2020, are amended to read as follows:

1. a. It shall be unlawful for any present or former officer or employee of the state to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; ~~and it.~~

b. It shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; ~~and any.~~

c. Any person committing an offense ~~against the foregoing provision~~ described in this subsection shall be guilty of a serious misdemeanor. If the offender is an officer or employee of the state, such person shall also be dismissed from office or discharged from employment.

d. Nothing ~~herein~~ in this section shall prohibit turning over to duly authorized officers of the United States or tax officials of other states state information and income returns pursuant to agreement between the director and the secretary of the treasury of the United States or the secretary's delegate or pursuant to a reciprocal agreement with another state.

2. It is unlawful for an officer, employee, or agent, or former officer, employee, or agent of the state to disclose to any person, except as authorized in subsection 1 of this section, any federal tax return or return information as defined in section 6103(b) of the Internal Revenue Code. It is unlawful for a person to whom any federal tax return or return information, as defined in section 6103(b) of the Internal Revenue Code, is disclosed in a manner unauthorized by subsection 1 of this section to thereafter print or publish in any manner not provided by law any such return or return information. A person violating this ~~provision~~ subsection is guilty of a serious misdemeanor.

Sec. 223. Section 422.21, subsection 3, Code 2020, is amended to read as follows:

3. The department shall make available to persons required to make personal income tax returns under the provisions of this chapter, and when such income is derived mainly from salaries and wages or from the operation of a business or profession, a form which shall take into consideration the normal deductions and credits allowable to any such taxpayer, and which will permit the computation of the tax payable without requiring the listing of specific deductions and credits. In arriving at schedules for payment of taxation under such forms the department shall as nearly as possible base such schedules upon a total of deductions and credits which will result in substantially the same payment as would have been made by such taxpayer were the taxpayer to specifically list the taxpayer's allowable deductions and credits. In lieu of such return any taxpayer may elect to list permissible deductions and credits as provided by law. It is the intent and purpose of this provision to simplify the procedure of collection of personal income tax, and the director shall have the power in any case when deemed necessary or advisable to require any taxpayer, who has made a return in accordance with the schedule ~~herein~~ provided for in this section, to make an additional return in which all deductions and credits are specifically listed. The department may revise the schedules adopted in connection with such simplified form whenever such revision is necessitated by changes in federal income tax laws, or to maintain the collection of substantially the same amounts from taxpayers as would be received were the specific listing of deductions and credits required.

Sec. 224. Section 422.33, subsection 3, Code 2020, is amended to read as follows:

3. If any taxpayer believes that the method of allocation and apportionment ~~hereinbefore~~ prescribed in subsections 1A and 2, as administered by the director and applied to the taxpayer's business, has operated or will so operate as to subject the taxpayer to taxation on a greater portion of the taxpayer's net income than is reasonably attributable to business or sources within the state, the taxpayer shall be entitled to file with the director a statement of the taxpayer's objections and of such alternative method of allocation and apportionment as the taxpayer believes to be proper under the circumstances with such detail and proof and within such time as the director may reasonably prescribe; and if the director shall conclude that the method of allocation and apportionment theretofore employed is in fact inapplicable

and inequitable, the director shall redetermine the taxable income by such other method of allocation and apportionment as seems best calculated to assign to the state for taxation the portion of the income reasonably attributable to business and sources within the state, not exceeding, however, the amount which would be arrived at by application of the statutory rules for apportionment.

Sec. 225. Section 422.38, Code 2020, is amended to read as follows:

422.38 Statutes governing corporations.

All the provisions of sections 422.15 to ~~through~~ 422.22 of division II, insofar as the same are applicable, shall apply to corporations taxable under this division.

Sec. 226. Section 422.39, Code 2020, is amended to read as follows:

422.39 Statutes applicable to corporation tax.

All the provisions of sections 422.24 to ~~through~~ 422.27 of division II, respecting payment and collection, shall apply in respect to the tax due and payable by a corporation taxable under this division.

Sec. 227. Section 423.3, subsection 29, Code 2020, is amended by striking the subsection.

Sec. 228. Section 423.3, subsection 47A, Code 2020, is amended to read as follows:

47A. The sales price from the sale or rental of central office equipment or transmission equipment primarily used by local exchange carriers and competitive local exchange service providers as defined in section 476.96, Code 2017; by franchised cable television operators, mutual companies, municipal utilities, cooperatives, and companies furnishing communications services that are not subject to rate regulation as provided in chapter 476; by long distance companies as defined in section 477.10; or for a commercial mobile radio service as defined in 47 C.F.R. §20.3 in the furnishing of telecommunications services on a commercial basis. For the purposes of this subsection, “central office equipment” means equipment utilized in the initiating, processing, amplifying, switching, or monitoring of telecommunications services. “Transmission equipment” means equipment utilized in the process of sending information from one location to another location. “Central office equipment” and “transmission equipment” also include ancillary equipment and apparatus which support, regulate, control, repair, test, or enable such equipment to accomplish its function.

Sec. 229. Section 423F.3, subsection 6, Code 2020, is amended to read as follows:

6. a. (1) For purposes of this chapter, “school infrastructure” means those activities authorized in section 423E.1, subsection 3, Code 2007.

b. (2) Additionally, “school infrastructure” includes the payment or retirement of outstanding bonds previously issued for school infrastructure purposes as defined in this subsection, and the payment or retirement of bonds issued under sections 423E.5 and 423F.4.

c. (3) Additionally, “school infrastructure” includes the acquisition or installation of information technology infrastructure. For purposes of this ~~paragraph~~ subparagraph, “information technology infrastructure” means the basic, underlying physical framework or system necessary to deliver technology connectivity to a school district and to network school buildings within a school district.

d. (4) Additionally, “school infrastructure” includes school safety and security infrastructure. For purposes of this ~~paragraph~~ subparagraph, “school safety and security infrastructure” includes but is not limited to safe rooms, remote entry technology and equipment, security camera systems, card access systems, and communication systems with access to fire and police emergency frequencies. For purposes of this ~~paragraph~~ subparagraph, “school safety and security infrastructure” does not include the cost of personnel, development of safety and security plans, or training related to the implementation of safety and security plans.

b. It is the intent of the general assembly that each school district prioritize the use of revenues under this chapter for secure entries for the district’s attendance centers before expending such revenues for athletic facility infrastructure projects.

~~e. c.~~ A school district that uses secure an advanced vision for education fund moneys for school infrastructure shall comply with the state building code in the absence of a local building code.

Sec. 230. Section 425.8, subsection 1, Code 2020, is amended to read as follows:

1. The director of revenue shall prescribe the form for the making of a verified statement and designation of homestead, the form for the supporting affidavits required herein, and such other forms as may be necessary for the proper administration of this chapter. Whenever necessary, the department of revenue shall forward to the county auditors of the several counties in the state the prescribed sample forms, and the county auditors shall furnish blank forms prepared in accordance therewith with the assessment rolls, books, and supplies delivered to the assessors. The department of revenue shall prescribe and the county auditors shall provide on the forms for claiming the homestead credit a statement to the effect that the owner realizes that the owner must give written notice to the assessor when the owner changes the use of the property.

Sec. 231. Section 425.16, Code 2020, is amended to read as follows:

425.16 Additional tax credit.

In addition to the homestead tax credit allowed under section 425.1, subsections 1 ~~to through~~ 4, persons who own or rent their homesteads and who meet the qualifications provided in this subchapter are eligible for an extraordinary property tax credit or reimbursement.

Sec. 232. Section 434.10, Code 2020, is amended to read as follows:

434.10 Reports additional.

The reports provided for in sections 434.7 ~~to through~~ 434.9 are not in lieu of, but in addition to, the reports provided for by law, and they shall be made at the time and as a part of the reports already required.

Sec. 233. Section 434.12, Code 2020, is amended to read as follows:

434.12 Refusal to obey.

If any railway company shall fail or refuse to obey or conform to the rules, regulations, method, and requirements so made or prescribed by the director of revenue under the provisions of sections 434.7 ~~to through~~ 434.11 or to make the reports therein provided, the department of revenue shall proceed to assess the property of such railway company so failing or refusing, according to the best information obtainable, and shall then add to the taxable valuation of such railway company twenty-five percent thereof, which valuation and penalty shall be separately shown, and together shall constitute the assessment for that year.

Sec. 234. Section 434.18, Code 2020, is amended to read as follows:

434.18 Plats.

Every railroad company owning or operating a line of railroad within this state shall, on or before the first day of August 1902, place on file in the office of the county auditor of each county in the state into which any part of the lines of any said company lies, a plat of the lines of said companies within said county, showing the length of their said lines and the area of the land owned or occupied by said companies in each government subdivision of land not included within the platted portion of any city, within each of said counties, and the length of the said lines within the platted portion of cities. Companies having on file such plats of part or all of their lines, in any of said counties, shall be required to file plats only of that part of their lines not fully shown as above required on the plats now on file. On the first day of January of each year hereafter, like plats shall be filed of all new lines or extensions of existing lines built or completed within the calendar year preceding.

Sec. 235. Section 437A.3, subsection 3, Code 2020, is amended to read as follows:

3. "Centrally assessed property tax" means property tax imposed with respect to the value of property determined by the director pursuant to section 427.1, subsection 2, Code 1997, section 428.29, Code 1997, ~~and chapters chapter 437, Code 1997, and chapter 438, Code 1997,~~ and allocated to electric service and natural gas service. For purposes of this

subsection, “*natural gas service*” means such service provided by natural gas pipelines permitted pursuant to chapter 479.

Sec. 236. Section 452A.66, subsection 2, Code 2020, is amended to read as follows:

2. All the provisions of section 422.26 shall apply in respect to the taxes, penalties, interest, and costs imposed by this chapter excepting that as applied to any tax imposed by this chapter, the lien provided in section 422.26 shall be prior and paramount over all subsequent liens upon any personal property within this state, or right to such personal property, belonging to the taxpayer without the necessity of recording as ~~therein~~ provided in section 422.26. The requirements for recording shall, as applied to the tax imposed by this chapter, apply only to the liens upon real property. When requested to do so by any person from whom a taxpayer is seeking credit, or with whom the taxpayer is negotiating the sale of any personal property, or by any other person having a legitimate interest in such information, the director shall, upon being satisfied that such a situation exists, inform such person as to the amount of unpaid taxes due by such taxpayer under the provisions of this chapter. The giving of such information under such circumstances shall not be deemed a violation of section 452A.63 as applied to this chapter.

Sec. 237. Section 453A.20, Code 2020, is amended to read as follows:

453A.20 Subpoena for witnesses and papers.

For the purpose of enforcing the provisions of this chapter and of detecting violations thereof, the director shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all relevant books, papers, and records. Such attendance and production may be required at the statehouse at Des Moines, or at any place convenient for such investigation. In case any person fails or refuses to obey a subpoena so issued, the director may procure an order from the district court in the county where such person resides, or where such person is found, requiring such person to appear for examination ~~and/or~~ or to produce such books, papers, and records as are required in the subpoena. Failure to obey such order shall be punished by such court as contempt thereof.

Sec. 238. Section 453A.33, Code 2020, is amended to read as follows:

453A.33 Seizure not to affect criminal prosecution.

The seizure, forfeiture, and sale of cigarettes, tobacco products, and other property under the terms and conditions ~~hereinabove~~ set out in section 453A.32, shall not constitute any defense to the person owning or having control or possession of the property from criminal prosecution for any act or omission made or offense committed under this chapter or from liability to pay penalties provided by this chapter.

Sec. 239. Section 453A.44, subsection 6, Code 2020, is amended to read as follows:

6. A distributor or subjobber applying for a license between January 1 and June 30 of any year shall be required to pay only one-half of the license fee provided for ~~herein~~ in this section.

Sec. 240. Section 455B.137, Code 2020, is amended to read as follows:

455B.137 Privileged information.

Information received by the department or any employees of the department through filed reports, inspections, or as otherwise authorized in this division II or chapter 459, subchapter II, concerning trade secrets, secret industrial processes, or other privileged communications, except emission data, shall not be disclosed or opened to public inspection, except as may be necessary in a proceeding concerning a violation of said division or of any rules promulgated thereunder, or as otherwise authorized or ordered by appropriate court action or proceedings. Nothing ~~herein~~ in this section shall be construed to prevent the director from compiling or publishing analyses or summaries relating to the general condition of the atmosphere; provided that such analyses or summaries do not reveal any information otherwise confidential under this section.

Sec. 241. Section 455B.340, Code 2020, is amended to read as follows:

455B.340 Penalty.

Any person who violates any provisions of this part 2 of division IV or rules adopted under this part 2, or any order of the department or director issued pursuant to said this part 2, shall be guilty of a serious misdemeanor and, in addition, the person may be enjoined from continuing such violation. Each day of continued violation after notice that a violation is being committed shall constitute a separate violation.

Sec. 242. Section 455B.476, subsection 1, Code 2020, is amended to read as follows:

1. If there is substantial evidence that a person has violated or is violating a provision of this part or a rule adopted under this part, the director may issue an order directing the person to desist in the practice ~~which that~~ constitutes the violation, and to take corrective action as necessary to ensure that the violation will cease, and may impose appropriate administrative penalties pursuant to section 455B.109. The person to whom the order is issued may appeal the order to the commission as provided in chapter 17A. On appeal, the commission may affirm, modify, or vacate the order of the director. The applicable time frames for the issuance and appeal of the order are defined in section 455B.110.

Sec. 243. Section 455D.23, Code 2020, is amended to read as follows:

455D.23 Administrative enforcement — compliance orders.

The director may issue any order necessary to secure compliance with or prevent a violation of the provisions of this chapter or any rule adopted or permit or order issued pursuant to this chapter. Any order issued to enforce section 455D.4A may include a requirement to remove and properly dispose of materials being accumulated speculatively from a property and impose costs and penalties as determined by the department by rule. The person to whom ~~such a~~ compliance order is issued under this section may cause to be commenced a contested case within the meaning of chapter 17A by filing a notice of appeal to the commission. On appeal, the commission may affirm, modify, or vacate the order of the director. The applicable time frames for the issuance and appeal of the order are defined in section 455B.110.

Sec. 244. Section 455E.11, subsection 2, paragraph b, subparagraph (2), Code 2020, is amended by striking the subparagraph.

Sec. 245. Section 456.5, Code 2020, is amended to read as follows:

456.5 Authority to enter lands.

For the purpose of carrying on ~~the aforesaid~~ investigations, the state geologist and the state geologist's assistants and employees shall have authority to enter and cross all lands within the state; provided that in so doing no damage is done to private property.

Sec. 246. Section 458A.11, subsection 4, Code 2020, is amended to read as follows:

4. Any notice required by this chapter shall be given at the election of the department either by personal service or by letter to the last recorded address and one publication in a newspaper of general circulation in the state capital city and in a newspaper of general circulation in the county where the land affected or some part of the land is situated. The notice shall issue in the name of the state, shall be signed by the director, shall specify the style and number of the proceeding, and the time and place of the hearing, and shall briefly state the purpose of the proceeding. Should the department elect to give notice by personal service, the service may be made by any officer authorized to serve process, or by any agent of the department, in the same manner as is provided by law for the service of original notices in civil actions in the district court of the state. Proof of the service by such agent shall be by the affidavit of the person making personal service.

Sec. 247. Section 461A.31, Code 2020, is amended to read as follows:

461A.31 Sale of islands.

~~No islands~~ Islands in any of the meandered streams and lakes of this state or in any of the waters bordering upon this state shall ~~hereafter~~ not be sold, except with the majority vote of the executive council upon the majority recommendation of the commission, ~~and in.~~ In the event that any of such islands are sold as ~~herein~~ provided in this section, the proceeds ~~thereof of the sale~~ shall become a part of the funds to be expended under the terms and provisions of this chapter.

Sec. 248. Section 461A.77, Code 2020, is amended to read as follows:

461A.77 Prohibited near borders of state.

In order to reduce the possibility of affecting conservation measures to flood control projects which may be in progress in other states, water recreational areas shall not be established ~~hereunder~~ under this subchapter within seventy miles of the border of any other state.

Sec. 249. Section 462A.27, Code 2020, is amended to read as follows:

462A.27 Removal of nonpermanent structures.

Every structure, not considered a permanent structure by the commission or excepted by the rules of the commission, shall be removed from the waters, ice, or land of this state under the jurisdiction of the commission on or before December 15 of each year. Failure to comply with this section shall cause the structure to be declared a public nuisance and disposition shall be in accordance with sections 483A.32 ~~to~~ through 483A.34.

Sec. 250. Section 466B.2, subsection 2, Code 2020, is amended by striking the subsection.

Sec. 251. Section 468.20, Code 2020, is amended to read as follows:

468.20 Adjournment for service — jurisdiction retained.

If at the date set for hearing, it ~~shall appear~~ appears that any person entitled to notice has not been properly served with notice, the board may postpone ~~said the~~ hearing and set another time for the same not less than thirty days from ~~said the original hearing date, and notice.~~ Notice of such hearing as hereinbefore provided shall be served on such omitted parties in the manner provided in sections 468.15 through 468.18. By fixing ~~such a~~ new date for hearing and ~~the adjournment of said~~ adjourning the proceeding to ~~said the new~~ date, the board shall not lose jurisdiction of the subject matter of ~~said the~~ proceeding nor of any parties already served with notice.

Sec. 252. Section 468.22, Code 2020, is amended to read as follows:

468.22 Establishment — further investigation.

1. *a.* If the board shall find that such petition complies with the requirements of law in form and substance, and that such improvement would be conducive to the public health, convenience, welfare, benefit, or utility, and that the cost thereof is not excessive, and no claim shall have been filed for damages, ~~it the board~~ may locate and establish the said district in accordance with the recommendation of the engineer and the report and plans on file; ~~or it.~~

b. The board may refuse to establish the proposed district if it deem best, or it may direct the engineer or another one employed for that purpose to make further examinations, surveys, plats, profiles, and reports for the modification of said plans, or for new plans in accordance with sections 468.11 and 468.12, and continue further hearing to a fixed date. All parties over whom the board then has jurisdiction shall take notice of such further hearing; but any new parties rendered necessary by any modification or change of plans shall be served with notice in the same manner as for the original establishment of a district.

2. The county auditor shall appoint three appraisers as provided for in section 468.24 to assess the value of the right-of-way required for open ditches or other improvements.

Sec. 253. Section 468.75, Code 2020, is amended to read as follows:

468.75 Form.

Each of such bonds shall be numbered and have printed upon its face that it is a “Drainage Bond”, stating the county and number of the district for which it is issued, the date and maturity thereof, that it is in pursuance of a resolution of the board of supervisors, and that it is to be paid only from taxes for levee and drainage improvement purposes levied and collected on the lands assessed for benefits within the district for which the bond is issued.

Sec. 254. Section 468.184, subsection 10, Code 2020, is amended to read as follows:

10. *a.* All proceedings taken prior to July 1, 1968, purporting to establish or reestablish a drainage or levee district or districts, or to enlarge or change the boundaries of any drainage or levee district, and any assessments not heretofore declared invalid by any court, are hereby legalized, validated, and confirmed.

b. ~~The foregoing Paragraph "a"~~ shall not be construed to affect any litigation that may be pending ~~at the time this section becomes effective on July 1, 1968,~~ involving the establishment, reestablishment, enlargement, or change in boundaries or any assessments of drainage or levee districts.

Sec. 255. Section 468.293, Code 2020, is amended to read as follows:

468.293 Failure of board to act.

When the establishment of a district, extending into two or more counties, is petitioned for as ~~hereinbefore~~ provided in this part and one or more of such boards fails to take action thereon, the petitioners may cause notice in writing to be served upon the chairperson of each board demanding that action be taken upon the petition within twenty days from and after the service of such notice.

Sec. 256. Section 468.396, Code 2020, is amended to read as follows:

468.396 Cost of maintaining.

The board of supervisors shall have the right and power to keep and maintain any such levee, ditches, drains, or system of drainage, either in whole or in part, established under sections 468.390 through 468.395, as may in their judgment be required, and to levy the expense thereof upon the real estate within such drainage district as ~~herein~~ provided for in this part, and collect and expend the same; provided, however, that no such work which shall impose a tax exceeding three dollars and thirty-seven and one-half cents per thousand dollars on the assessable value of the lands and improvements within the district shall be authorized by ~~them~~ the board, unless the same work is first petitioned for and authorized in substantially the manner required by this part for the inauguration of new work ~~except that~~. However, if such work is of the kinds contemplated by section 468.126, and the cost thereof is within the limitations of said section 468.126, or is of the kinds contemplated by section 468.188, and the cost thereof is within the limitations of said section 468.188, then the provisions of section 468.126 or section 468.188 shall supersede the limitations of this section.

Sec. 257. Section 468.557, Code 2020, is amended to read as follows:

468.557 Effect of extension.

The extension of the time of payment of any unpaid assessments or installment or installments thereof, in the manner aforesaid provided in section 468.556, shall in no way impair the lien of said assessments as originally levied or the priority thereof, nor the right, duty, and power of the officers authorized by law to levy, collect, and apply the proceeds thereof to the payment of said drainage refunding bonds.

Sec. 258. Section 468.626, Code 2020, is amended to read as follows:

468.626 Original plat filed.

In lieu of making the record as ~~herein~~ provided in section 468.623, any landowner may file with the county recorder the original plat used in the establishment of the drainage system, or a copy of the plat, which shall be certified by the engineer having made the same. If practicable, a plat filed under this section shall be made a matter of record and shall contain the applicable entries specified in sections 558.49 and 558.52.

Sec. 259. Section 468.627, Code 2020, is amended to read as follows:

468.627 Record not part of title.

The drainage records ~~herein~~ provided for in this subchapter shall not be construed as an essential part of the title to said lands, but may upon request be set out by abstracters as part of the record title of said lands.

Sec. 260. Section 473.1, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 261. Section 474.2, Code 2020, is amended to read as follows:

474.2 Certain persons barred from office.

~~No A~~ person in the employ of who is employed by any common carrier or other public utility, or owning who owns any bonds, stock, or property in any public utility shall not be eligible to hold the office of utilities board member or chief operating officer of the utilities board.

~~The entering A member or chief operating officer who enters into the employ of employment with any common carrier or other public utility or the acquiring of who acquires any stock or other interest in any common carrier or other public utility by such member or chief operating officer after appointment shall disqualify the as a member or chief operating officer to hold shall be disqualified from holding or perform performing the duties of the office.~~

Sec. 262. Section 476.2, subsection 1, Code 2020, is amended to read as follows:

1. The board shall have broad general powers to effect the purposes of this chapter notwithstanding the fact that certain specific powers are hereinafter set forth in this section. The board shall have authority to issue subpoenas and to pay the same fees and mileage as are payable to witnesses in the courts of record of general jurisdiction and shall establish all needful, just and reasonable rules, not inconsistent with law, to govern the exercise of its powers and duties, the practice and procedure before it, and to govern the form, contents and filing of reports, documents and other papers provided for in this chapter or in the board's rules. In the establishment, amendment, alteration or repeal of any of such rules, the board shall be subject to the provisions of chapter 17A.

Sec. 263. Section 476.4, subsection 3, Code 2020, is amended to read as follows:

3. Every rate, charge, rule, and regulation contained in any filing made with the commission on or prior to July 4, 1963, shall be effective as of such date, subject, however, to investigation as herein provided in this chapter. If any such filing is made prior to the time the commission prescribes rules as aforesaid, and if such filing does not comply as to form or substance with such rules, then the public utility which filed the same shall within a reasonable time after the adoption of such rules make a new filing or filings complying with such rules, which new filing or filings shall be deemed effective as of July 4, 1963.

Sec. 264. Section 476.6, subsection 2, Code 2020, is amended to read as follows:

2. *Written notice of increase.* All public utilities, except those exempted from rate regulation by section 476.1 and telecommunications service providers registered pursuant to section 476.95A, shall give written notice of a proposed increase of any rate or charge to all affected customers served by the public utility no more than sixty-two days prior to and prior to the time the application for the increase is filed with the board. Public utilities exempted from rate regulation by section 476.1, except telecommunications service providers registered pursuant to section 476.95A, shall give written notice of a proposed increase of any rate or charge to all affected customers served by the public utility at least thirty days prior to the effective date of the increase. If the public utility is subject to rate regulation, the notice to affected customers shall also state that the customer has a right to file a written objection to the rate increase and that the affected customers may request the board to hold a public hearing to determine if the rate increase should be allowed. The board shall prescribe the manner and method that the written notice to each affected customer of the public utility shall be served.

Sec. 265. Section 476.55, subsection 2, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Notwithstanding section 476.1D, the board may receive a complaint from a local exchange carrier that another local exchange carrier has engaged in an activity that is inconsistent with antitrust laws and the policies which underlie them. For purposes of this subsection, "local exchange carrier" means the same as defined in section 476.96, Code 2017, and includes a city utility authorized pursuant to section 388.2 to provide local exchange services. If, after notice and opportunity for hearing, the board finds that a local exchange carrier has engaged in an activity that is inconsistent with antitrust laws and the policies which underlie them, the board may order any of the following:

Sec. 266. Section 489.701A, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. If the limited liability company has delivered to the secretary of state for filing a statement of dissolution and any of the following applies:

(1) ~~The~~ If the statement has not become effective, delivery to the secretary of state for filing of a statement of withdrawal under section 489.205 applicable to the statement of dissolution.

(2) If the statement of dissolution has become effective, delivery to the secretary of state for filing of a statement of rescission stating the name of the company and that dissolution has been rescinded under this section.

Sec. 267. Section 489.701A, subsection 3, Code 2020, is amended to read as follows:

3. If a limited liability company rescinds its dissolution all of the following apply:

a. The company ~~resumes~~ shall resume carrying on its activities and affairs as if the dissolution had never occurred.

b. Subject to paragraph "c", any liability incurred by the company after the dissolution and before the rescission has become effective is shall be determined as if dissolution had never occurred.

c. The rights of a third party arising out of conduct in reliance on the dissolution before the third party knew or had notice of the rescission ~~may~~ must not be adversely affected.

Sec. 268. Section 489.1105, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. For purposes of this section, marital and family therapy, mental health counseling, psychology, and social work shall be deemed to be professions which could lawfully be practiced in combination by licensed individuals or a partnership of licensed individuals.

Sec. 269. Section 505B.1, subsection 1, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~"Delivered or deliver or delivery by electronic means"~~ "Delivered by electronic means", "deliver by electronic means", or "delivery by electronic means" means any of the following:

Sec. 270. Section 507B.7, subsection 2, Code 2020, is amended to read as follows:

2. Until the expiration of the time allowed under section 507B.8 for filing a petition for review if no such petition has been duly filed within such time, or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in the district court, ~~as hereinafter provided~~, the commissioner may at any time, upon such notice and in such manner as the commissioner may deem proper, modify or set aside in whole or in part any order issued by the commissioner under this section.

Sec. 271. Section 507B.12, subsection 2, Code 2020, is amended to read as follows:

2. The powers vested in the commissioner by this chapter shall be additional to any other powers to enforce any penalties, fines, or forfeitures authorized by law with respect to the methods, acts, and practices ~~hereby~~ declared to be unfair or deceptive.

Sec. 272. Section 508.14, subsection 1, Code 2020, is amended to read as follows:

1. Upon a failure of a company organized under the laws of this state to make the deposit provided in section 511.8, subsection 16, or file the statement in the time ~~herein~~ stated in section 508.11, or to file in a timely manner any financial statement required by rule of the commissioner of insurance, the commissioner of insurance shall notify the attorney general of the default, who shall at once apply to the district court of the county where the home office of the company is located for an order requiring the company to show cause, upon reasonable notice to be fixed by the court, why its business shall not be discontinued. If, upon the hearing, sufficient cause is not shown, the court shall decree its dissolution.

Sec. 273. Section 508.32, subsection 1, Code 2020, is amended to read as follows:

1. Any life insurance company organized under the provisions of this chapter and doing business in this state, shall have the power to hold in trust the premiums or consideration paid for, or the proceeds of any life insurance policy or annuity contract, either individual or group, issued by it, upon such terms and subject to such limitations as to revocation or control by the policyholder or beneficiary thereunder, as shall have been agreed to in writing by such company and the policyholder; provided that the trust provisions ~~herein~~ contemplated in this

section shall in no manner subject ~~said~~ the corporation to any of the provisions of the laws of Iowa relating to banks or trust companies; and provided further, that the trust or trusts for premiums or considerations may be invested by such company in the manner specified in the trust instruments or agreements and held in a separate or segregated account; and provided further, that the forms of such trust agreements for beneficiaries shall be first submitted to and approved by the commissioner of insurance. The word “trust” shall include, but not be limited to settlement options and contracts issued pursuant to policies or contracts, and funds held in a separate or segregated account in connection with pension or profit-sharing plans pursuant to agreements with the policyholders.

Sec. 274. Section 508C.3, subsection 4, paragraph k, subparagraph (5), Code 2020, is amended to read as follows:

(5) A claim for penalties, consequential damages, or incidental damages.

Sec. 275. Section 508C.8, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. Guarantee, assume, reissue, reinsure, or cause to be guaranteed, assumed, reissued, or reinsured, any or all of the covered policies or contracts of the impaired insurer.

Sec. 276. Section 508C.13, subsection 3, Code 2020, is amended to read as follows:

3. For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies or contracts reduced by any amounts to which the association is entitled pursuant to its subrogation rights under section 508C.8, subsection 7. Assets of the impaired or insolvent insurer attributable to covered policies or contracts shall be used to continue all covered policies or contracts and pay all contractual obligations of the impaired or insolvent insurer as required by this chapter. As used in this subsection, “*assets attributable to covered policies or contracts*” means that proportion of the assets which the reserves that should have been established for the policies or contracts bear to the reserves that should have been established for all policies of insurance or health benefit plans written by the impaired or insolvent insurer.

Sec. 277. Section 509A.9, Code 2020, is amended to read as follows:

509A.9 Exemption from debts.

All amounts payable to employees under and pursuant to the plan of group insurance established as ~~herein~~ provided in this chapter shall be exempt from liability for debts of the person to or on account of whom the same is payable and shall not be subject to seizure upon execution or other process.

Sec. 278. Section 509A.10, Code 2020, is amended to read as follows:

509A.10 Decisions of governing body final.

The decisions of the governing body upon all matters upon which the said governing body is empowered to act, under and pursuant to the provisions ~~hereof~~ of this chapter, shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom nor shall such decisions of the governing body, in the absence of fraud, be reviewed, enjoined or set aside by any court.

Sec. 279. Section 510C.1, subsections 1, 2, 8, and 9, Code 2020, are amended to read as follows:

1. “*Administrative fees*” means a fee or payment, other than a rebate, under a contract between a pharmacy ~~benefit~~ benefits manager and a pharmaceutical drug manufacturer in connection with the pharmacy ~~benefit~~ benefits manager’s management of a health carrier’s prescription drug benefit, that is paid by a pharmaceutical drug manufacturer to a pharmacy ~~benefit~~ benefits manager or is retained by the pharmacy ~~benefit~~ benefits manager.

2. “*Aggregate retained rebate percentage*” means the percentage of all rebates received by a pharmacy ~~benefit~~ benefits manager that is not passed on to the pharmacy ~~benefit~~ benefits manager’s health carrier clients.

8. “*Health carrier administrative service fee*” means a fee or payment under a contract between a pharmacy ~~benefit~~ benefits manager and a health carrier in connection with the pharmacy ~~benefit~~ benefits manager’s administration of the health carrier’s prescription drug benefit that is paid by a health carrier to a pharmacy ~~benefit~~ benefits manager or is otherwise retained by a pharmacy ~~benefit~~ benefits manager.

9. “*Pharmacy ~~benefit~~ benefits manager*” means a person who, pursuant to a contract or other relationship with a health carrier, either directly or through an intermediary, manages a prescription drug benefit provided by the health carrier.

Sec. 280. Section 510C.1, subsection 11, unnumbered paragraph 1, Code 2020, is amended to read as follows:

“*Rebate*” means all discounts and other negotiated price concessions paid directly or indirectly by a pharmaceutical manufacturer or other entity, other than a covered person, in the prescription drug supply chain to a pharmacy ~~benefit~~ benefits manager, and which may be based on any of the following:

Sec. 281. Section 510C.1, subsection 11, paragraph c, Code 2020, is amended to read as follows:

c. To maintain a net price for a prescription drug for a specified period of time for the pharmacy ~~benefit~~ benefits manager in the event the pharmaceutical manufacturer’s list price increases.

Sec. 282. Section 510C.2, subsection 1, Code 2020, is amended to read as follows:

1. Each pharmacy ~~benefit~~ benefits manager shall provide a report annually by February 15 to the commissioner that contains all of the following information regarding prescription drug benefits provided to covered persons of each health carrier with whom the pharmacy benefits manager has contracted during the prior calendar year:

a. The aggregate dollar amount of all rebates received by the pharmacy ~~benefit~~ benefits manager.

b. The aggregate dollar amount of all administrative fees received by the pharmacy ~~benefit~~ benefits manager.

c. The aggregate dollar amount of all health carrier administrative service fees received by the pharmacy ~~benefit~~ benefits manager.

d. The aggregate dollar amount of all rebates received by the pharmacy ~~benefit~~ benefits manager that the pharmacy ~~benefit~~ benefits manager did not pass through to the health carrier.

e. The aggregate amount of all administrative fees received by the pharmacy ~~benefit~~ benefits manager that the pharmacy ~~benefit~~ benefits manager did not pass through to the health carrier.

f. The aggregate retained rebate percentage as calculated by dividing the dollar amount in paragraph “d” by the dollar amount in paragraph “a”.

g. Across all health carrier clients with whom the pharmacy benefits manager was contracted, the highest and the lowest aggregate retained rebate percentages.

Sec. 283. Section 510C.2, subsection 2, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A pharmacy ~~benefit~~ benefits manager shall provide the information pursuant to subsection 1 to the commissioner in a format approved by the commissioner that does not directly or indirectly disclose any of the following:

Sec. 284. Section 510C.2, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. Information provided under this section by a pharmacy ~~benefit~~ benefits manager to the commissioner that may reveal the identity of a specific health carrier, the price charged by a specific pharmaceutical manufacturer for a specific prescription drug or class of prescription drugs, or the amount of rebates provided for a specific prescription drug or class of prescription drugs shall be considered a confidential record and be recognized and protected as a trade secret pursuant to section 22.7, subsection 3.

Sec. 285. Section 511.23, Code 2020, is amended to read as follows:

511.23 Penalties.

Any person, firm, or corporation violating any of the provisions of section 511.22, or sections 515.8 through 515.10 ~~and, or~~ section 515.23 or failing to comply with any of the provisions in those sections, shall be subjected to the penalties provided in sections 507.10 and 507.12.

Sec. 286. Section 515.10, Code 2020, is amended to read as follows:

515.10 Subscriptions of stock — applications.

After compliance by the incorporators with sections 515.1 and 515.2, the secretary of state shall certify the articles of incorporation to the commissioner of insurance. When the commissioner of insurance is satisfied that all provisions of law in relation to the promotion and organization of ~~said~~ the corporation, including sections 506.4 ~~to~~ through 506.6, have been complied with, the commissioner shall issue a certificate to that effect, ~~and thereupon such.~~ The corporation may ~~then~~ open books for subscriptions to the stock of stock companies or, if a mutual company, take applications and receive premiums for insurance at such times and places as it may find convenient, ~~and.~~ The corporation may keep such books open until the full amount required is subscribed or taken, or the time granted therefor has expired, or until an order is issued by the commissioner of insurance to desist for failure to comply with the provisions of law in reference thereto.

Sec. 287. Section 515.19, Code 2020, 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 in this chapter, and upon approval of the commissioner of insurance may be repaid, but only out of the surplus earnings of such company. No 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. 288. Section 515.38, Code 2020, is amended to read as follows:

515.38 Examination — certificate of compliance.

Such commissioner may appoint in writing some disinterested person to make an examination and if it shall be found that the capital or assets ~~herein~~ required under this chapter of the company named, according to the nature of the business proposed to be transacted by such company, have been paid in, and are now possessed by it in money or such stock, bonds, and mortgages as are required by the preceding sections of this chapter, the commissioner shall so certify; but if the examination is made by another than the commissioner, the certificate shall be by that person, and under that person's oath.

Sec. 289. Section 515.40, subsection 3, Code 2020, is amended to read as follows:

3. Other securities, as the case may be, to the extent and value ~~hereinbefore~~ required under this chapter.

Sec. 290. Section 515.111, Code 2020, is amended to read as follows:

515.111 Nuclear loss or damage excluded.

Insurers issuing the standard policy pursuant to section 515.109 are authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under ~~said the~~ the policy; ~~provided, however,~~ However, that nothing ~~herein~~ contained in this section shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction or nuclear radiation or radioactive contamination.

Sec. 291. Section 520.5, Code 2020, is amended to read as follows:

520.5 Actions — venue — commissioner as process agent.

Concurrently with the filing of the declaration provided for by the terms of section 520.4, the attorney shall file with the commissioner of insurance, an instrument in writing executed by the attorney for said the subscribers, conditioned that, upon the issuance of certificate of authority provided for in this chapter, action may be brought in the county in which the property or person insured thereunder is located, and that service of process shall be had upon the commissioner of insurance or upon the attorney in fact in all suits in this state, whether arising out of such policies, contracts, agreements or otherwise, ~~which service.~~ Service shall be valid and binding upon all subscribers exchanging at any time reciprocal or interinsurance contracts through such attorney. All suits of every kind and description brought against such the reciprocal exchange, or the subscribers thereto on account of their connection therewith with the reciprocal exchange, must be brought against the attorney in fact therefor or the exchange as such, and shall not be brought against any of the subscribers thereto individually on account of their connection with or membership in such reciprocal exchange, and must be brought in the manner and method above provided in this section.

Sec. 292. Section 520.15, Code 2020, is amended to read as follows:

520.15 Refusal or revocation of certificate.

In addition to the ~~foregoing~~ penalties provided in sections 520.10 and 520.12, and where not otherwise provided, the penalty for failure or refusal to comply with any of the terms and provisions of this chapter, upon the part of the attorney, shall be the refusal, suspension, or revocation of certificate of authority or license by the commissioner of insurance and the public announcement of the commissioner's act, after due notice and opportunity for hearing has been given such attorney so that the attorney may appear and show cause why such action should not be taken.

Sec. 293. Section 521I.5, subsections 2 and 3, Code 2020, are amended to read as follows:

2. A dividing insurer shall not amend the dividing insurer's plan of division after the plan of division becomes effective under section 521I.10, subsection 2.

3. A dividing insurer shall not amend the dividing insurer's plan of division after the plan of division is approved by the commissioner under section 521I.8.

Sec. 294. Section 521I.6, subsection 2, Code 2020, is amended to read as follows:

2. A dividing insurer shall not abandon the dividing insurer's plan of division after the plan of division becomes effective under section 521I.10, subsection 2.

Sec. 295. Section 521I.7, subsection 2, Code 2020, is amended to read as follows:

2. If a provision of a dividing insurer's articles of incorporation or bylaws adopted before July 1, 2019, requires that a specific number of or a percentage of the board of directors or shareholders propose or adopt a plan of merger or impose other procedures for the proposal or adoption of a plan of merger, the dividing insurer shall adhere to such provision in proposing or adopting a plan of division. If any such provision of the articles of incorporation or bylaws is amended on or after July 1, 2019, ~~such the amended~~ provision shall apply to a division thereafter occurring after adoption of the amendment only in accordance with its the express terms of the provision as amended.

Sec. 296. Section 522E.1, subsection 3, Code 2020, is amended to read as follows:

3. ~~"Delivered or deliver by electronic means"~~ "Delivered by electronic means" or "deliver by electronic means" means the same as defined in section 505B.1.

Sec. 297. Section 522E.9, subsection 7, Code 2020, is amended to read as follows:

7. In order for all portable electronic insurance notices and documents to be delivered by electronic means to the consumer, affirmative consent shall be obtained pursuant to section 505B.1, subsection 5.

Sec. 298. Section 522E.13, subsection 6, Code 2020, is amended to read as follows:

6. Whenever notice or correspondence with respect to a policy of portable electronics insurance is required pursuant to this section, it shall be in writing and sent within the notice period required pursuant to this section. Notices and correspondence shall be sent to the licensed portable electronics vendor that is the policyholder at the portable electronics vendor's mailing or electronic mail address specified for that purpose and to its affected enrolled consumers' last known mailing or electronic mail addresses on file with the insurer or the portable electronics vendor. All notices and documents that are delivered by electronic means shall comply with section 505B.1, except for the provisions in section 505B.1, subsection 4. The insurer or portable electronics vendor shall maintain proof that the notice or correspondence was sent for not less than three years ~~after~~ from the date that the notice or correspondence was sent.

Sec. 299. Section 523C.7, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. A service contract shall be written in clear, understandable language in at least eight point ~~font~~ type.

Sec. 300. Section 523C.9, subsection 3, Code 2020, is amended to read as follows:

3. The service company has without just cause refused to perform or negligently or incompetently performed services required to be performed under its service contracts and the refusal, or negligent or incompetent performance has occurred with such frequency, as determined by the commissioner ~~determines~~, as to indicate the general business practices of the service company.

Sec. 301. Section 524.108, Code 2020, is amended to read as follows:

524.108 Applicability of safe deposit provisions.

The provisions of sections 524.809 ~~to through~~ 524.812 shall apply, to the extent applicable, to any person engaged in this state in the business of leasing safe deposit boxes for the storage of property.

Sec. 302. Section 524.1309, unnumbered paragraph 1, Code 2020, is amended to read as follows:

In lieu of the dissolution procedure prescribed in sections 524.1303 ~~to through~~ 524.1306, a state bank may cease to carry on the business of banking and, after compliance with this section, continue as a corporation subject to chapter 490; or if the state bank is organized as a limited liability company under this chapter, continue as a limited liability company subject to chapter 489.

Sec. 303. Section 524.1310, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. All amounts due creditors and shareholders described in section 490.1440 shall be deposited with the treasurer of state in accordance with that section. Such amounts shall be retained by the treasurer of state and subject to claim in the manner provided for in section 490.1440. Amounts due to depositors who are unknown, or who are under a disability and there is no person legally competent to receive the amount, or who cannot be found after the exercise of reasonable diligence, shall be transmitted to the treasurer of state in the manner required by section 524.1305, subsection 6. Such property shall be treated as abandoned, retained by the treasurer of state, and is subject to claim, in the manner provided for in sections 556.14 ~~to through~~ 556.21.

Sec. 304. Section 524.1602, subsection 3, Code 2020, is amended to read as follows:

3. On which it has money loaned, credit extended or holds discounted or purchased evidences of indebtedness or agreements for the payment of money, in violation of sections 524.904 ~~to through~~ 524.907.

Sec. 305. Section 524.1807, Code 2020, is amended to read as follows:

524.1807 Penalties.

Any bank holding company which willfully violates any provision of sections 524.1801 ~~to~~ through 524.1806 shall, upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars for each day during which the violation continues. Any individual who willfully participates in a violation of any provisions of sections 524.1801 ~~to~~ through 524.1806 shall be guilty of a serious misdemeanor.

Sec. 306. Section 533.401, subsection 2, Code 2020, is amended to read as follows:

2. ~~Prior to the sending of~~ At least fifteen days before notice of balloting for the membership vote on a merger is sent to the members, a merging credit union shall submit to the superintendent all materials to be included in the notice ~~at least fifteen days before the notice is sent to the members~~. The superintendent shall review and approve the materials to be included in the notice at least ten days before the notice is sent to the members. The superintendent may direct any materials to be included in the notice of balloting sent to members.

Sec. 307. Section 533.508, subsection 1, Code 2020, is amended to read as follows:

1. A director, officer, or employee of a state credit union shall not intentionally publish, disseminate, or distribute any advertising or notice containing any false, misleading, or deceptive statements concerning rates, terms, or conditions on which loans are made, or deposits or share installments are received, or concerning any charge which the state credit union is authorized to impose pursuant to this chapter, or concerning the financial condition of the state credit union. Any director, officer, or employee of a state credit union who violates the provisions of this ~~section~~ subsection is guilty of a fraudulent practice.

Sec. 308. Section 536.4, subsection 2, Code 2020, is amended to read as follows:

2. If the superintendent shall determine from such application and from such investigation that the applicant can have a reasonable expectancy of a successful lending business at the location of the office for which application is made, and that there is a real need and necessity in that community for additional lending facilities to adequately serve the local people, and that said applicant is one who will command the respect of and confidence from the people in that community; that the financial responsibility, experience, character, and general fitness of the applicant, and of the members thereof if the applicant be a partnership or association, and of the officers and directors thereof if the applicant be a corporation, are such as to warrant the belief that the business will be operated lawfully, honestly, fairly, and efficiently within the purposes of this chapter, and if the superintendent shall find that the applicant has available or actually in use the assets described in section 536.2, the superintendent shall thereupon issue and deliver a license to the applicant to make loans in accordance with the provisions of this chapter at the place of business specified in the said application; if the superintendent shall not so find the superintendent shall not issue such license and the superintendent shall notify the applicant of the denial and return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the investigation fee to cover the costs of investigating the application. The superintendent shall approve or deny every application for a license ~~hereunder~~ under this chapter within sixty days from the filing of the application and the approved bond and the payment of the said fees.

Sec. 309. Section 536.11, subsection 1, Code 2020, is amended to read as follows:

1. The licensee shall keep such books, accounts, and records as the superintendent may require in order to determine whether such licensee is complying with the provisions of this chapter and with the rules and regulations lawfully made by the superintendent ~~hereunder~~ under this chapter. Every licensee shall preserve for at least two years after making the last entry on any loan recorded therein all books, accounts, and records, including cards used in the card system, if any.

Sec. 310. Section 537.1101, Code 2020, is amended to read as follows:

537.1101 Short title.

Articles 1 ~~to~~ through 7 of this chapter shall be known and may be cited as the “*Iowa Consumer Credit Code*”.

Sec. 311. Section 537.2201, subsection 1, Code 2020, is amended to read as follows:

1. With respect to a consumer credit sale, other than a sale pursuant to open-end credit, a creditor may contract for and receive a finance charge not exceeding the maximum charge permitted by the law of this state or the United States for similar creditors. In addition, with respect to a consumer credit sale of goods or services, other than a sale pursuant to open-end credit or a sale of a motor vehicle, a creditor may contract for and receive a finance charge not exceeding that permitted in subsections 2 to through 6. With respect to a consumer credit sale of a motor vehicle, a creditor may contract for and receive a finance charge as provided in section 322.19, and a finance charge in excess of that provided in section 322.19, is an excess charge in violation of this chapter.

Sec. 312. Section 544B.19, Code 2020, is amended to read as follows:

544B.19 Injunction.

In addition to any other remedies, and on the petition of the board or any person, any person violating any of the provisions of ~~sections 544B.1 to 544B.5 and 544B.7 to 544B.21~~ this chapter may be restrained and permanently enjoined from committing or continuing the violations.

Sec. 313. Section 551A.1, subsection 11, Code 2020, is amended to read as follows:

11. “Record” means the same as defined in section ~~516E.1~~ 523C.1.

Sec. 314. Section 558.33, Code 2020, is amended to read as follows:

558.33 Subpoenas.

An officer having power to take the proof ~~hereinbefore contemplated of execution and delivery of a deed or other instrument under section 558.31~~ may issue the necessary subpoenas, and compel the attendance of witnesses residing within the county, in the manner provided for the taking of depositions.

Sec. 315. Section 573.1, subsection 4, Code 2020, is amended to read as follows:

4. “Public improvement” is an improvement, the cost of which is payable from taxes or other funds under the control of the public corporation, except that in cases of public improvement for drainage or levee purposes the provisions of the drainage law, chapter 468, in cases of conflict shall govern.

Sec. 316. Section 573.19, Code 2020, is amended to read as follows:

573.19 Insufficiency of funds.

When the retained percentage ~~aforsaid~~ is insufficient to pay all claims for labor or materials, the court shall, in making distribution under section 573.18, order the claims in each class paid in the order of filing the same.

Sec. 317. Section 573.22, Code 2020, is amended to read as follows:

573.22 Unpaid claimants — judgment on bond.

If, after the said retained percentage has been applied to the payment of duly filed and established claims, there remain any ~~such claims that are~~ unpaid in whole or in part, judgment shall be entered for the amount ~~thereof of the claims that are~~ unpaid against the principal and sureties on the bond. In case the said percentage has been paid over as herein provided in this chapter, judgment shall be entered against the principal and sureties on all such claims.

Sec. 318. Section 578A.7, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. Notify all persons ~~whom the operator has actual knowledge~~ who claim a security interest in the personal property of whom the operator has actual knowledge. An operator shall conduct a search to determine whether there is a security interest in property subject to sale if the property is registered under chapter 321 or 462A. At least seven days before the sale, the operator shall also advertise the time, place, and terms of the sale in a commercially reasonable manner. The manner of advertisement is deemed commercially reasonable if it is likely to attract at least three independent bidders to attend or view the sale in person or online at the time and place advertised. The operator may buy the occupant’s personal property at any public sale held pursuant to this section.

Sec. 319. Section 578A.7, subsection 5, Code 2020, is amended to read as follows:

5. In the event of a sale under this section, the operator may satisfy the lien from the proceeds of the sale, but shall hold the balance, if any, for a period of ninety days for delivery on demand to the occupant. If the occupant does not claim the balance within ninety days, the balance shall be paid to the county treasurer in the county where the self-service storage facility is located. The county treasurer shall hold the funds for a period of two years. If a claim is not made by the ~~owner of occupant for the fund funds~~, then the ~~fund funds~~ shall become the property of the county. There shall be no further recourse by any person against the operator for an action pursuant to this section.

Sec. 320. Section 597.13, Code 2020, is amended to read as follows:

597.13 Annulment of decree.

The husband or wife affected by the proceedings contemplated in sections 597.10 ~~to through~~ 597.12 may obtain an annulment thereof, upon filing a petition ~~therefor~~ and serving a notice on the person in whose favor the ~~same~~ decree or order was granted, as in ordinary actions; but the setting aside of such decree or order shall not affect any act done thereunder.

Sec. 321. Section 597.17, Code 2020, is amended to read as follows:

597.17 Liability for separate debts.

Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage, and, except as ~~herein~~ otherwise declared in this chapter, they are not liable for the debts of each other contracted after marriage; nor are the wages, earnings, or property of either, nor is the rent or income of the property of either, liable for the separate debts of the other.

Sec. 322. Section 602.9106, Code 2020, is amended to read as follows:

602.9106 Retirement.

Any person who shall have become separated from service as a judge of any of the courts included in this article and who has had an aggregate of at least four years of service as a judge of one or more of such courts and shall have attained the age of sixty-five years or who has had twenty years of consecutive service as a judge of one or more of said courts and shall have attained the age of fifty years, and who shall have otherwise qualified as provided in this article, shall be entitled to an annuity as ~~hereinafter~~ provided in this article.

Sec. 323. Section 602.10122, subsection 3, Code 2020, is amended to read as follows:

3. A willful violation of any of the duties of an attorney or counselor as ~~hereinbefore~~ prescribed in this article.

Sec. 324. Section 614.10, Code 2020, is amended to read as follows:

614.10 Failure of action.

If, after the commencement of an action, the plaintiff, for any cause except negligence in its prosecution, fails therein, and a new one is brought within six months thereafter, the second shall, ~~for the purposes herein contemplated~~, be held a continuation of the first.

Sec. 325. Section 614.13, Code 2020, is amended to read as follows:

614.13 Injunction.

When the commencement of an action shall be stayed by injunction or statutory prohibition, the time of the continuance of such injunction or prohibition shall not be part of the time limited for the commencement of the action, except as ~~herein~~ otherwise provided in this chapter.

Sec. 326. Section 614.20, Code 2020, is amended to read as follows:

614.20 Limitation on Act.

Sections 614.17 ~~to through~~ 614.19 do not limit or extend the time within which actions by a spouse to recover dower or distributive share in real estate within this state may be brought or maintained under the provisions of section 614.15, nor do they limit or extend the time within which actions may be brought or maintained to foreclose or enforce any real estate mortgage, bond for deed, trust deed, or contract for the sale or conveyance of real estate

under the provisions of section 614.21, nor do they revive or permit an action to be brought or maintained upon any claim or cause of action which is barred by a statute which is in force prior to July 1, 1991; nor do they affect litigation pending on July 1, 1991.

Sec. 327. Section 614.26, Code 2020, is amended to read as follows:

614.26 Indexing.

The provisions of section 614.18 are made applicable to the provisions of sections 614.24 ~~to~~ and 614.25, this section, and sections 614.27 and 614.28.

Sec. 328. Section 614.27, Code 2020, is amended to read as follows:

614.27 Persons under disability.

The provisions of section 614.8 as to the rights of minors and persons with mental illness shall not be applicable against the provisions of sections 614.24 ~~to~~ through 614.26, this section, and section 614.28.

Sec. 329. Section 614.28, Code 2020, is amended to read as follows:

614.28 Barred claims.

The provisions of sections 614.24 ~~to~~ through 614.27, ~~inclusive~~, or the filing of a claim or claims, ~~hereunder~~ under this subchapter, shall not revive or permit an action to be brought or maintained upon any claim or cause of action which is barred by any other statute. Provided further, that nothing contained in these sections shall affect litigation pending on July 4, 1965.

Sec. 330. Section 622.51, Code 2020, is amended to read as follows:

622.51 Official signature presumed genuine.

In the cases contemplated in sections 622.41 ~~to~~ through 622.50, the signature of the officer shall be presumed to be genuine until the contrary is shown.

Sec. 331. Section 626.14, Code 2020, is amended to read as follows:

626.14 Delivery of possession and money recovery.

1. ~~If it is for the judgment requires the delivery of the possession of real or personal property, it execution shall require the sheriff to deliver the possession of the same property, particularly describing it, to the party entitled thereto to the property, and may, at the same time, require the party to satisfy any costs, damages, or rents and profits, with interest, recovered by the same judgment, out of the property of the party against whom it judgment was rendered subject to execution.~~

2. The value of the property for which judgment was recovered shall be specified ~~therein in the execution~~, if a delivery ~~thereof of the property~~ cannot be had, and it shall in that respect be regarded as an execution against property.

Sec. 332. Section 631.8, subsection 3, Code 2020, is amended to read as follows:

3. If commenced as a regular civil action or under the statutes relating to probate proceedings, a small claim shall be transferred to the small claims docket. A small claim commenced as a regular action shall not be dismissed but shall be transferred to the small claims docket. Civil and probate actions not small claims but commenced ~~hereunder~~ under this chapter shall be dismissed without prejudice except for defendants who have appeared, as to whom such actions shall be transferred to the combination or probate docket, as appropriate.

Sec. 333. Section 633.3, subsections 9 and 22, Code 2020, are amended to read as follows:

9. *Conservator* — means a person appointed by the court to have the custody and control of the property of a ward under the provisions of this probate code.

22. *Guardian* — means the person appointed by the court to have the custody of the person of the ward under the provisions of this probate code.

Sec. 334. Section 633.14, Code 2020, is amended to read as follows:

633.14 Concurrent jurisdiction.

When a case is originally within the jurisdiction of the courts of two or more counties, the ~~one court~~ which first takes cognizance ~~thereof of the case~~ by the commencement of the proceedings shall retain ~~the same jurisdiction~~ throughout ~~the case~~.

Sec. 335. Section 633.71, Code 2020, is amended to read as follows:

633.71 Legal effect of appointment.

1. By qualifying as fiduciary, any ~~person~~, resident or nonresident, person submits to the jurisdiction of the court making the appointment of the fiduciary and, in addition, shall be deemed to agree ~~that to all of the following~~:

1. a. All property coming into the fiduciary's hands is subject to the jurisdiction of the court wherein are pending the proceedings in which the fiduciary is serving, ~~and~~.

2. b. The fiduciary is subject to all orders entered by the court in the proceedings in which the fiduciary is serving and ~~that~~ notices served upon the fiduciary with respect ~~thereto to the proceedings~~, that are in compliance with the procedure prescribed by ~~the this probate code~~, shall have the same force and effect as if such service had been personally made upon the fiduciary within the state.

3. c. The fiduciary ~~shall be~~ is subject to the jurisdiction of the courts of this state in all actions and proceedings against the fiduciary arising from or growing out of the fiduciary relationship and activities; ~~and that the~~ service of process in such actions and proceedings may be made upon the fiduciary by serving the original notice upon the fiduciary outside this state; ~~and that such service shall have~~ has the same force and effect as though the service had been personally made upon the fiduciary within this state.

4. 2. The clerk of the court in which is pending the proceedings in which the fiduciary is serving is the lawful attorney or resident agent of such nonresident fiduciary upon whom service of process may be made whether such process be an order of the court entered in the proceedings in which the fiduciary is serving or an original notice of an action arising from or growing out of the fiduciary relationship and activities of the nonresident fiduciary.

Sec. 336. Section 633.83, Code 2020, is amended to read as follows:

633.83 Continuation of business.

Upon a showing of advantage to the estate, the court may authorize the fiduciary to continue any business of the estate for the estate's benefit ~~thereof~~. The order may be without notice, or after such notice as the court may prescribe. The court may on its own motion, and upon the application of any interested party shall, review ~~such the~~ authorization, and upon such review, may revoke or modify the ~~same~~ authorization. The order may provide for any of the following:

1. ~~For the~~ The conduct of the business solely by the fiduciary, or jointly with one or more other persons; ~~for the~~ formation of a partnership for the conduct of such business; or ~~for the~~ formation of, or for the fiduciary to join in the formation of, a corporation for the conduct of such business;

2. ~~For the~~ The extent of the liability of the estate, or any part ~~thereof of the estate~~, or of the fiduciary, for obligations incurred in the continuation of the business;

3. ~~As to whether~~ Whether liabilities incurred in the conduct of the business are to be chargeable solely to the part of the estate set aside for use in the business, or to the estate as a whole;

4. ~~As to the~~ The period of time for which the business may be conducted; ~~and~~.

5. Such other conditions, restrictions, regulations, and requirements as the court may order.

Sec. 337. Section 633.85, Code 2020, is amended to read as follows:

633.85 Liability of fiduciary employing agents.

The fiduciary shall not be personally liable for the acts or omissions of any ~~such~~ specialist, subordinate, or agent, unless it can be shown that ~~said the~~ acts or omissions of the specialist, subordinate, or agent would have been a breach of duty by the fiduciary had the fiduciary personally done it, and that, one of the following applies:

1. The fiduciary directed or permitted the breach; ~~or~~.

2. The fiduciary did not select or retain the ~~said~~ specialist, subordinate, or agent with reasonable care; ~~or.~~

3. The fiduciary did not properly supervise the specialist, subordinate, or agent; ~~or.~~

4. The fiduciary approved, acquiesced, or cooperated in the neglect, omission, misconduct, or default by the specialist, subordinate, or agent.

Sec. 338. Section 633.98, Code 2020, is amended to read as follows:

633.98 Certificate of appointment and authority.

When any instrument executed in accordance with sections 633.95 ~~to through~~ 633.97, ~~inclusive,~~ is to be recorded in a county other than the county in which the estate is pending, there shall also be recorded a certificate executed by the clerk of the court making the appointment, with seal affixed, showing the name of the court making the appointment, the date of the same, and that such fiduciary had not been discharged at the time of the execution of such instrument.

Sec. 339. Section 633.129, Code 2020, is amended to read as follows:

633.129 Uniformity of interpretation.

Sections 633.126 ~~to through~~ 633.128 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact the common trust funds.

Sec. 340. Section 633.146, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The certificate ~~aforesaid~~ under section 633.145 shall be filed for record:

Sec. 341. Section 633.158, Code 2020, is amended to read as follows:

633.158 Liability for property not a part of estate.

Every fiduciary shall be chargeable in the fiduciary's accounts with property not a part of the estate that comes into the fiduciary's hands at any time, and shall be liable to the persons entitled ~~thereto~~ to the property, if either of the following applies:

1. The property was received under a duty imposed upon the fiduciary by law in the capacity of fiduciary; ~~or.~~

2. The fiduciary has commingled ~~such~~ the property with the assets of the estate.

Sec. 342. Section 633.310, Code 2020, is amended to read as follows:

633.310 Objections prior to admission of will to probate.

Nothing ~~herein~~ contained in this part shall prevent any interested person from filing objections to probate of a proposed will prior to admission of the will to probate ~~thereof~~. If such objections are filed prior to the admission of the will to probate, the will shall not be admitted to probate pending trial and determination as to whether or not ~~said~~ the instrument is the last will of the decedent.

Sec. 343. Section 633.331, Code 2020, is amended to read as follows:

633.331 Limitation of administration.

Probate of a will, original administration of an intestate estate, or ancillary administration of an estate, shall not be granted after five years from the death of the decedent, whether the decedent died within or without this state, unless a petition for probate or administration is filed prior to the expiration of the five-year period. ~~However, this section does not apply to the probate of a will of a decedent who died prior to January 1, 1964.~~

Sec. 344. Section 633.335, Code 2020, is amended to read as follows:

633.335 Share of survivor.

The share of ~~such~~ a survivor in the proceeds of ~~such~~ a policy or certificate made payable as ~~aforesaid~~ provided in sections 633.333 and 633.334 shall be the same as that provided by law for the distribution of the personal property of intestates.

Sec. 345. Section 633.423, subsection 1, Code 2020, is amended to read as follows:

1. If the creditor shall exhaust the security before receiving payment, then upon the full amount of the claim allowed, less the amount realized upon exhausting the security; ~~or.~~

Sec. 346. Section 633.424, subsections 1, 2, and 3, Code 2020, are amended to read as follows:

1. The creditor and personal representative may determine, by agreement, arbitration, or compromise, the value ~~thereof of the claim~~, according to its probable present worth, and upon approval thereof by the court, ~~it the contingent claim~~ may be allowed and paid in the same manner as an absolute claim; ~~or.~~

2. The court may order the personal representative to make distribution of the estate but to retain sufficient funds to pay the claim if and when the same becomes absolute; ~~but.~~ However, for this purpose, the estate shall not be kept open longer than two years after distribution of the remainder of the estate; ~~and if such.~~ If the contingent claim has not become absolute within that time, distribution shall be made to the distributees of the funds so retained, after paying any costs and expenses accruing during such period, and such. The distributees shall be liable to the creditor to the extent of the estate received by them, if such the contingent claim thereafter becomes absolute after distribution. When distribution is so made to distributees, the court may require ~~such the~~ distributees to give bond for the satisfaction of their liability to the contingent creditor; ~~or.~~

3. The court may order distribution of the estate as though ~~such the~~ contingent claim did not exist, but the distributees shall be liable to the creditor to the extent of the estate received by them, if the contingent claim ~~thereafter~~ becomes absolute; ~~and the after distribution.~~ The court may require such the distributees to give bond for the performance of their liability to the contingent creditor; or.

Sec. 347. Section 633.528, Code 2020, is amended to read as follows:

633.528 Uniformity of interpretation.

Sections 633.523 ~~to through~~ 633.527 shall be so construed and interpreted as to effectuate their general purpose to make uniform the law relating to simultaneous death.

Sec. 348. Section 633.560A, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. The parties ~~will~~ must participate in good faith. Participation in mediation shall include attendance at a mediation session with the mediator and the parties to the action, listening to the mediator's explanation of the mediation process, presentation of one party's view of the case, and listening to the response of the other party. Participation in mediation does not require that the parties reach an agreement.

Sec. 349. Section 633.561, subsection 4, paragraphs c and f, Code 2020, are amended to read as follows:

c. Ensure that the respondent has been properly advised of the respondent's rights in a guardianship or conservatorship proceeding.

f. Ensure that the guardianship or conservatorship procedures conform to the statutory and due process requirements of Iowa law.

Sec. 350. Section 633.561, subsection 5, paragraphs a and b, Code 2020, are amended to read as follows:

a. Inform the respondent of the effects of the order entered for appointment of guardian or conservator.

b. Advise the respondent of the respondent's rights to petition for modification or termination of the guardianship or conservatorship.

Sec. 351. Section 633.562, subsection 5, paragraphs a and b, Code 2020, are amended to read as follows:

a. A recommendation regarding the appropriateness of a limited guardianship or conservatorship for the respondent, including whether less restrictive alternatives are available.

b. A statement of the qualifications of the guardian or conservator together with a statement of whether the respondent has expressed agreement with the appointment of the proposed guardian or conservator.

Sec. 352. Section 633.563, subsection 7, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The results of the evaluation ordered by the court shall be ~~made available to~~ filed with the court and made available to the following:

Sec. 353. Section 633.565, Code 2020, is amended to read as follows:

633.565 Qualifications and selection of guardian or conservator for an adult.

The court shall appoint as guardian or conservator for an adult any qualified and suitable person who is willing to serve as guardian or conservator.

Sec. 354. Section 633.568, Code 2020, is amended to read as follows:

633.568 Appointment of guardian for an adult on a standby basis.

A petition for the appointment of a guardian for an adult on a standby basis may be filed by any person under the same procedure and requirements as provided in sections 633.591 ~~to through~~ 633.597, for appointment of standby conservator, insofar as applicable. In all proceedings to appoint a guardian, the court shall consider whether a limited guardianship, as authorized in section 633.635, is appropriate.

Sec. 355. Section 633.569, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. The reason the emergency appointment of a temporary guardian or conservator is sought.

Sec. 356. Section 633.569, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The court may enter an ex parte order appointing a temporary guardian or conservator on an emergency basis under this section if the court finds that all of the following conditions are met:

Sec. 357. Section 633.653, Code 2020, is amended to read as follows:

633.653 Claims against the ward, the conservatorship, or the conservator in that capacity.

Claims accruing before or after the appointment of the conservator, and whether arising in contract or tort or otherwise, after being allowed or established as provided in sections 633.654 ~~to through~~ 633.656, shall be paid by the conservator from the assets of the conservatorship.

Sec. 358. Section 633.670, subsection 1, paragraphs b and d, Code 2020, are amended to read as follows:

b. Within two days after filing the initial plan, the conservator shall give notice of the filing of the initial plan with a copy of the plan to the protected person, the protected person's attorney and court ~~advisor~~ visitor, if any, and others as directed by the court. The notice must state that any person entitled to a copy of the plan must file any objections to the plan not later than fifteen days after it is filed.

d. After approval by the court, the conservator shall provide a copy of the approved plan and order approving the plan to the protected person, the protected person's attorney and court ~~advisor~~ visitor, if any, and others as directed by the court.

Sec. 359. Section 633.670, subsection 2, Code 2020, is amended to read as follows:

2. A conservator shall file an inventory of the protected person's assets within ninety days after appointment which includes an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits. Copies of the inventory shall be provided to the protected person, the protected person's attorney and court ~~advisor~~ visitor, if any, and others as directed by the court. When the conservator receives additional property

of the protected person, or becomes aware of its existence, a description of the property shall be included in the conservator's next annual report.

Sec. 360. Section 633.670, subsection 3, paragraph c, Code 2020, is amended to read as follows:

c. Reports required by this section shall be served on the protected person's attorney and court ~~advisor~~ visitor, if any, and the veterans administration if the protected person is receiving veterans benefits.

Sec. 361. Section 633.675, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A guardianship ~~and or~~ a conservatorship shall terminate upon the occurrence of any of the following circumstances:

Sec. 362. Section 633.675, subsection 2, Code 2020, is amended to read as follows:

2. The court shall terminate a guardianship if it finds by clear and convincing evidence that the basis for appointing a guardian pursuant to section 633.552 is has not satisfied been established.

Sec. 363. Section 633.679, subsection 1, Code 2020, is amended to read as follows:

1. ~~Except as otherwise provided in subsection 2, at~~ At any time after the appointment of a guardian or conservator, the person under guardianship or conservatorship may apply to the court by petition, alleging that the person is no longer a proper subject thereof, and asking that the guardianship or conservatorship be terminated.

Sec. 364. Section 633A.3110, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The trustee may give notice as described ~~herein~~ in this section 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.

Sec. 365. Section 636.23, subsections 5, 6, and 7, Code 2020, are amended to read as follows:

5. *Real estate mortgage bonds.* Notes or bonds of any individual secured by a first mortgage on improved real estate located in this state, provided the aggregate amount of such notes ~~and/or~~ or bonds secured by such first mortgage, does not exceed fifty percent of the value of the mortgage property as determined by the fiduciary; any such loan may be made in an amount not to exceed seventy-five percentum of the appraised value of the real estate offered as security and for a term not longer than twenty years if the loan is secured by an amortized mortgage, deed of trust, or other such instrument under the terms of which the installment payments are sufficient to amortize the entire principal of the loan within the period ending on the date of its maturity.

6. *Corporate mortgages.* Notes or bonds of any corporation secured by a first mortgage on improved real estate located in this or any adjoining state upon which no default in payment of principal or interest shall have occurred within five preceding years provided the aggregate amount of such notes ~~and/or~~ or bonds secured by such first mortgage does not exceed fifty percent of the value of the mortgage property as determined by the fiduciary.

7. *Railroad bonds.* Bonds of any railroad corporation which are secured by a first lien mortgage or trust deed upon not less than one hundred miles of main track in the United States and which mortgage or trust deed has been outstanding not less than fifteen years and upon which bonds issued thereunder there has been no default in the payment of principal ~~and/or~~ or interest since the date of said such trust deed.

Sec. 366. Section 657.3, Code 2020, is amended to read as follows:

657.3 Penalty — abatement.

Whoever is convicted of erecting, causing, or continuing a public or common nuisance as provided in this chapter, or at common law when the same has not been modified or repealed by statute, where no other punishment therefor is specially provided, shall be guilty of an

aggravated misdemeanor and the court may order such nuisance abated, and issue a warrant as hereinafter provided in this chapter.

Sec. 367. Section 657A.1, subsection 3, Code 2020, is amended to read as follows:

3. *“Building”* means a building or structure, ~~excluding a mobile home, a modular home, and a manufactured home as defined in section 435.1, unless the mobile home or manufactured home has been converted to real estate pursuant to section 435.26,~~ located in a city or outside the limits of a city in a county, which is used or intended to be used for commercial or industrial purposes or which is used or intended to be used for residential purposes and includes a building or structure in which some floors may be used for retail stores, shops, salesrooms, markets, or similar commercial uses, or for offices, banks, civic administration activities, professional services, or similar business or civic uses, and other floors are used, designed, or intended to be used for residential purposes. *“Building”* does not include a mobile home, a modular home, and a manufactured home as defined in section 435.1, unless the mobile home or manufactured home has been converted to real estate pursuant to section 435.26.

Sec. 368. Section 657A.2, subsection 1, Code 2020, is amended to read as follows:

1. No sooner than the ~~latter~~ later of thirty days after ~~provision~~ of the responsible building official's findings have been provided under section 657A.1A ~~and~~ or six months after a building has become abandoned, a petition for abatement under this chapter may be filed in the district court of the county in which the property is located by the city in which the property is located, by the county if the property is located outside the limits of a city, by a neighboring landowner, or by a duly organized nonprofit corporation which has as one of its goals the improvement of housing conditions in the county or city in which the property in question is located. The petition shall not demand a personal judgment against any party, but shall concern only the interests in the property. A petition for abatement filed under this chapter shall include the legal description of the real property upon which the public nuisance is located unless the public nuisance is not situated on or confined to a parcel of real property, or is portable or capable of being removed from the real property. Service shall be made on all interested persons by personal service or, if personal service cannot be made, by certified mail and first class mail to the last known address of record of the interested person and by posting the notice in a conspicuous place on the building, or by publication. The last known address of record for the property owner shall be the address of record with the county treasurer of the county where the property is located. Service may also be made as provided in section 654.4A.

Sec. 369. Section 657A.4, Code 2020, is amended to read as follows:

657A.4 Appointment of receiver.

~~If after~~ After expiration of a date established pursuant to section 657A.3, subsection 1, or a hearing pursuant to section 657A.3, the court may appoint a receiver to take possession and control of the property in question. A person shall not be appointed as a receiver unless the person has first provided the court with a viable financial and construction plan for the rehabilitation of the property in question and has demonstrated the capacity and expertise to perform the required work in a satisfactory manner. The appointed receiver may be a financial institution that possesses an interest of record in the property, a nonprofit corporation that is duly organized and exists for the primary purpose of improving housing conditions in the county or city in which the property in question is located, or any person deemed qualified by the court. No part of the net earnings of a nonprofit corporation serving as a receiver under this section shall benefit a private shareholder or individual. Membership on the board of trustees of a nonprofit corporation does not constitute the holding of a public office or employment and is not an interest, either direct or indirect, in a contract or expenditure of money by a city or county. ~~No~~ A member of a board of trustees of a nonprofit corporation appointed as receiver is not disqualified from holding public office or employment, ~~nor~~ and is a member also not required to forfeit public office or employment by reason of the membership on the board of trustees.

Sec. 370. Section 669.17, Code 2020, is amended to read as follows:

669.17 Adjustment of other claims.

Nothing contained ~~herein in this chapter~~ shall be deemed to repeal any provision of law authorizing any state agency to consider, ascertain, adjust, compromise, settle, determine, allow, or pay any claim other than a claim as defined in this chapter.

Sec. 371. Section 670.4, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The liability imposed by section 670.2 shall have no application to any claim enumerated in this section. As to any ~~such claim of the following claims~~, a municipality shall be liable only to the extent liability may be imposed by the express statute dealing with such claims and, in the absence of such express statute, the municipality shall be immune from liability.;

Sec. 372. Section 670.4, subsection 2, Code 2020, is amended to read as follows:

2. The remedy against the municipality provided by section 670.2 shall ~~hereafter~~ be exclusive of any other civil action or proceeding by reason of the same subject matter against the officer, employee or agent whose act or omission gave rise to the claim, or the officer's, employee's, or agent's estate.

Sec. 373. Section 701.1, Code 2020, is amended to read as follows:

701.1 Short title.

Chapters 701 ~~to through~~ 728 shall be known and may be cited as the "*Iowa Criminal Code*".

Sec. 374. Section 709.15, subsection 1, paragraph f, subparagraph (1), subparagraph division (f), Code 2020, is amended to read as follows:

(f) A person employed by a community college full-time, part-time, or as a substitute who provides instruction to high school students under a sharing or concurrent enrollment program offered in accordance with section 257.11 or 261E.8.

Sec. 375. Section 714H.3, subsection 2, paragraph d, Code 2020, is amended to read as follows:

d. Section ~~516E.5, 516E.9, 523C.7~~ or ~~516E.10~~ 523C.13.

Sec. 376. Section 724.8A, subsection 1, Code 2020, is amended to read as follows:

1. ~~Notwithstanding subsections 2 and 3, the~~ The governing board of a university under the control of the state board of regents as provided in chapter 262 or a community college under the jurisdiction of a board of directors for a merged area as provided in chapter 260C shall not adopt or enforce any policy or rule that prohibits the carrying, transportation, or possession of a dangerous weapon that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person in the buildings or on the grounds of such a college or university, as long as such a dangerous weapon does not generate a projectile that directs an electric current, impulse, wave, or beam that produces a high-voltage pulse designed to immobilize a person, and such a dangerous weapon is not used in the commission of a public offense.

Sec. 377. Section 724.11, subsection 1, Code 2020, is amended to read as follows:

1. Applications for permits to carry weapons shall be made to the sheriff of the county in which the applicant resides. Applications for professional permits to carry weapons for persons who are nonresidents of the state, or whose need to go armed arises out of employment by the state, shall be made to the commissioner of public safety. In either case, the sheriff or commissioner, before issuing the permit, shall determine that the requirements of sections 724.6 ~~to through~~ 724.10 have been satisfied. A renewal applicant shall apply within thirty days prior to the expiration of the permit, or within thirty days after the expiration of the permit; otherwise the applicant shall be considered an applicant for an initial permit for purposes of renewal fees under subsection 3.

Sec. 378. Section 801.1, Code 2020, is amended to read as follows:

801.1 Short title.

Chapters 801 to through 819 shall be known and may be cited as the “*Iowa Code of Criminal Procedure*”.

Sec. 379. Section 802.6, subsection 1, Code 2020, is amended to read as follows:

1. When a person leaves the state, the indictment or information may be found within the time herein limited period of limitation prescribed in this chapter after the person’s coming into the state, and no period during which the party charged was not publicly resident within the state is a part of the limitation.

Sec. 380. Section 805.15, Code 2020, is amended to read as follows:

805.15 Other citation forms.

The provisions of sections 321.485 to through 321.487 shall govern with respect to offenses charged in the manner provided in section 321.485. The provisions of sections 805.6 to through 805.14 shall govern with respect to offenses chargeable upon a uniform citation and complaint.

Sec. 381. Section 901.11, subsection 5, Code 2020, is amended to read as follows:

5. At the time of sentencing, the court shall determine when a person convicted of arson in the first degree as described in section 902.12, subsection 5, shall first become eligible for parole or work release within the parameters specified in section 902.12, subsection 4 5, based upon all pertinent information including the person’s criminal record, a validated risk assessment, and the negative impact the offense has had on the victim or other persons.

Sec. 382. Section 901D.7, subsection 2, Code 2020, is amended to read as follows:

2. An order or directive placing a participant in the program shall include the type of testing required to be administered in the program and the length of time that the participant is required to remain in the program which shall be for no less than ninety days. The order or directive shall additionally require that the participant not have failed a test result required testing or have missed a required testing during the thirty-day period immediately preceding the end of participation in the program. The person issuing the order or directive shall send a copy of the order or directive to the law enforcement agency of the participating jurisdiction.

Sec. 383. 2019 Iowa Acts, chapter 26, section 14, is amended to read as follows:

SEC. 14. NEW SECTION. 489.12206 Information required in biennial report — effect of failure to provide.

1. In the biennial report required by section 489.209, a series limited liability company shall include the name of each protected series of the company for which all of the following applies apply:

a. For which the company has previously delivered to the secretary of state for filing a protected series designation.

b. Which has not dissolved and completed winding up.

2. A failure by a series limited liability company to comply with subsection 1 with regard to a protected series prevents issuance of a certificate of good standing existence pertaining to the protected series but does not otherwise affect the protected series.

Sec. 384. 2019 Iowa Acts, chapter 26, section 44, is amended by striking the section and inserting in lieu thereof the following:

SEC. 44. Section 489.101, Code 2019, is amended to read as follows:

489.101 Short title.

1. This chapter may be cited as the “*Revised Uniform Limited Liability Company Act*”.

2. In addition, article 14 of this chapter may be cited as provided in section 489.14101.

Sec. 385. 2019 Iowa Acts, chapter 135, section 27, is amended to read as follows:

SEC. 27. Section 260I.10, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department of education, in coordination with the community colleges, may adjust the allocations generated pursuant to section 260I 206I.2, subsection 2, paragraph “c”, to ensure efficient delivery of services.

Sec. 386. 2019 Iowa Acts, chapter 148, section 48, is amended to read as follows:

SEC. 48. Section 49.31, subsection 1, paragraph b, Code 2019, is amended to read as follows:

b. (1) The commissioner shall determine the order of candidates on the ballot as provided in this paragraph. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

(2) The state commissioner shall compile a list of each county in the state in alphabetical order and assign a number to each county such that the first county listed is number one, the second county listed is number two, and continuing in descending order in the same manner. The commissioner shall put in alphabetical order the top two political parties receiving the highest votes from the most recent election.

(3) The commissioner of each county assigned an even number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this division of this Act and second on the ballot for the first general election at which the governor will be elected following the effective date of this division of this Act and second on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this division of this Act and first on the ballot for the second general election at which the governor will be elected following the effective date of this division of this Act, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this division of this Act and first on the ballot for the first general election at which the governor will be elected following the effective date of this division of this Act and first on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this division of this Act and second on the ballot for the second general election at which the governor will be elected following the effective date of this division of this Act, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(4) The commissioner of each county assigned an odd number pursuant to subparagraph (2) shall arrange the ballot as follows:

(a) The candidates of the second political party by alphabetical order pursuant to subparagraph (2) shall appear first on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this division of this Act and second on the ballot for the first general election at which the governor will be elected following the effective date of this division of this Act and second on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this division of this Act and first on the ballot for the second general election at which the governor will be elected following the effective date of this division of this Act, and thereafter alternating with the candidates of the first political party by alphabetical order pursuant to subparagraph (2).

(b) The candidates of the first political party by alphabetical order pursuant to subparagraph (2) shall appear second on the ballot for the first general election at which the president of the United States is to be elected following the effective date of this division of this Act and first on the ballot for the first general election at which the governor will be elected following the effective date of this division of this Act and first on the ballot for the second general election at which the president of the United States is to be elected following the effective date of this division of this Act and second on the ballot for the second general election at which the governor will be elected following the effective date of this division of this Act, and thereafter alternating with the candidates of the second political party by alphabetical order pursuant to subparagraph (2).

(c) The commissioner shall determine the order of candidates of nonparty political organizations on the ballot. The order shall be the same for each office on the ballot and for each precinct in the county voting in the election.

Sec. 387. 2019 Iowa Acts, chapter 155, section 4, is amended to read as follows:

SEC. 4. JUDICIAL OFFICER — UNPAID LEAVE. Notwithstanding the annual salary rates for judicial officers established by ~~2013 Iowa Acts, chapter 140, section 40~~ section 6 of this Act, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the supreme court may by order place all judicial officers on unpaid leave status on any day employees of the judicial branch are placed on temporary layoff status. The biweekly pay of the judicial officers shall be reduced accordingly for the pay period in which the unpaid leave date occurred in the same manner as for noncontract employees of the judicial branch. Through the course of the fiscal year, the judicial branch may use an amount equal to the aggregate amount of salary reductions due to the judicial officer unpaid leave days for any purpose other than for judicial salaries.

Sec. 388. REPEAL. 2019 Iowa Acts, chapter 26, section 52, is repealed.

Sec. 389. REPEAL. Sections 15.300, 15.301, 52.8, 189.10, and 235.6, Code 2020, are repealed.

Sec. 390. IMPLEMENTATION PROVISION.

1. The sections of this division of this Act amending section 249L.2, shall only be implemented upon receipt by the department of human services of approval of the Medicaid state plan amendment by CMS, and if such approval is received, is applicable no earlier than the first day of the calendar quarter following the date of receipt of such approval.

Sec. 391. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act amending 2019 Iowa Acts, chapter 135, section 27.
2. The section of this Act amending 2019 Iowa Acts, chapter 148, section 48.
3. The section of this Act amending 2019 Iowa Acts, chapter 155, section 4.

Sec. 392. RETROACTIVE APPLICABILITY. The following apply retroactively to July 1, 2019:

1. The section of this Act amending 2019 Iowa Acts, chapter 135, section 27.
2. The section of this Act amending 2019 Iowa Acts, chapter 148, section 48.
3. The section of this Act amending 2019 Iowa Acts, chapter 155, section 4.

DIVISION II CODE EDITOR DIRECTIVES

Sec. 393. CODE EDITOR DIRECTIVES.

1. The Code editor may designate unnumbered chapter headings as numbered subchapters and correct internal references as necessary within and to chapter 359.

2. The Code editor may add a new subchapter to chapter 359, preceding section 359.52 and entitled “DISPOSAL OF PROPERTY”.

Approved June 17, 2020

CHAPTER 1064**DEBTS OWED TO PUBLIC AGENCIES — SETOFF PROCEDURES***H.F. 2565*

AN ACT relating to the setoff procedures used by public agencies and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8A.323, subsection 5, Code 2020, is amended to read as follows:

5. Any fine that remains unpaid upon becoming delinquent may be collected by the department of revenue pursuant to the setoff procedures provided for in section ~~8A.504 421.65~~. For purposes of this subsection, a fine becomes delinquent if it has not been paid within thirty days of the date of the issuance of the parking citation, unless a written request for a hearing is filed as provided pursuant to the rules of the department of revenue. If an appeal is filed and the citation is upheld, the fine becomes delinquent ten days after the issuance of the final decision on the appeal or thirty-one days after the date of the issuance of the parking citation, whichever is later.

Sec. 2. Section 8A.502, subsection 2, Code 2020, is amended by striking the subsection.

Sec. 3. Section 96.11, subsection 16, Code 2020, is amended to read as follows:

16. *Reimbursement of setoff costs.* The department shall include in the amount set off in accordance with section ~~8A.504 421.65~~, for the collection of an overpayment created pursuant to section 96.3, subsection 7, or section 96.16, subsection 4, an additional amount for the reimbursement of setoff costs incurred by the department of ~~administrative services revenue~~.

Sec. 4. Section 99D.2, subsection 3, Code 2020, is amended to read as follows:

3. “*Claimant agency*” means a public agency as defined in section ~~8A.504 421.65~~, subsection 1, or the state court administrator as defined in section 602.1101.

Sec. 5. Section 99D.28, subsection 2, Code 2020, is amended to read as follows:

2. The licensee is authorized and directed to withhold any winnings of a debtor which are paid out directly by the licensee subject to the lien created by this section and provide notice of such withholding to the winner when the winner appears and claims winnings in person. The licensee shall pay the funds over to the collection entity which administers the setoff program pursuant to section ~~8A.504 421.65~~.

Sec. 6. Section 99F.1, subsection 5, Code 2020, is amended to read as follows:

5. “*Claimant agency*” means a public agency as defined in section ~~8A.504 421.65~~, subsection 1, or the state court administrator as defined in section 602.1101.

Sec. 7. Section 99F.19, subsection 2, Code 2020, is amended to read as follows:

2. The licensee is authorized and directed to withhold any winnings of a debtor which are paid out directly by the licensee subject to the lien created by this section and provide notice of such withholding to the winner when the winner appears and claims winnings in person. The licensee shall pay the funds over to the collection entity which administers the setoff program pursuant to section ~~8A.504 421.65~~.

Sec. 8. Section 99G.38, subsection 3, Code 2020, is amended to read as follows:

3. The state of Iowa offset program, as provided in section ~~8A.504 421.65~~, shall be available to the authority to facilitate receipt of funds owed to the authority.

Sec. 9. Section 217.34, Code 2020, is amended to read as follows:

217.34 Debt setoff.

The investigations division of the department of inspections and appeals and the department of human services shall provide assistance to set off against a person’s or provider’s income tax refund or rebate any debt which has accrued through written

contract, nonpayment of premiums pursuant to section 249A.3, subsection 2, paragraph “a”, subparagraph (1), subrogation, departmental recoupment procedures, or court judgment and which is in the form of a liquidated sum due and owing the department of human services. The department of inspections and appeals, with approval of the department of human services, shall adopt rules under chapter 17A necessary to assist the department of ~~administrative services revenue~~ in the implementation of the setoff under section ~~8A.504 421.65~~ in regard to money owed to the state for public assistance overpayments or nonpayment of premiums as specified in this section. The department of human services shall adopt rules under chapter 17A necessary to assist the department of ~~administrative services revenue~~ in the implementation of the setoff under section ~~8A.504 421.65~~, in regard to collections by the child support recovery unit and the foster care recovery unit.

Sec. 10. Section 234.8, Code 2020, is amended to read as follows:

234.8 Fees for child welfare services.

The department of human services may charge a fee for child welfare services to a person liable for the cost of the services. The fee shall not exceed the reasonable cost of the services. The fee shall be based upon the person’s ability to pay and consideration of the fee’s impact upon the liable person’s family and the goals identified in the case permanency plan. The department may assess the liable person for the fee and the means of recovery shall include a setoff against an amount owed by a state agency to the person assessed pursuant to section ~~8A.504 421.65~~. In addition the department may establish an administrative process to recover the assessment through automatic income withholding. The department shall adopt rules pursuant to chapter 17A to implement the provisions of this section. This section does not apply to court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141 and services for which the department has established a support obligation pursuant to section 234.39.

Sec. 11. Section 252B.5, subsection 4, Code 2020, is amended to read as follows:

4. Assistance to set off against a debtor’s income tax refund or rebate any support debt, which is assigned to the department of human services or which the child support recovery unit is attempting to collect on behalf of any individual not eligible as a public assistance recipient, which has accrued through written contract, subrogation, or court judgment, and which is in the form of a liquidated sum due and owing for the care, support, or maintenance of a child. Unless the periodic payment plan provisions for a retroactive modification pursuant to section 598.21C apply, the entire amount of a judgment for accrued support, notwithstanding compliance with a periodic payment plan or regardless of the date of entry of the judgment, is due and owing as of the date of entry of the judgment and is delinquent for the purposes of setoff, including for setoff against a debtor’s federal income tax refund or other federal nontax payment. The department of human services shall adopt rules pursuant to chapter 17A necessary to assist the department of ~~administrative services revenue~~ in the implementation of the child support setoff as established under section ~~8A.504 421.65~~.

Sec. 12. Section 261.37, subsection 7, Code 2020, is amended to read as follows:

7. To establish an effective system for the collection of delinquent loans, including the adoption of an agreement with the department of ~~administrative services revenue~~ to set off against a defaulter’s income tax refund or rebate the amount that is due because of a default on a loan made under this subchapter. The commission shall adopt rules under chapter 17A necessary to assist the department of ~~administrative services revenue~~ in the implementation of the student loan setoff program as established under section ~~8A.504 421.65~~. The commission shall apply administrative wage garnishment procedures authorized under the federal Higher Education Act of 1965, as amended and codified in 20 U.S.C. §1071 et seq., for all delinquent loans, including loans authorized under section 261.38, when a defaulter who is financially capable of paying fails to voluntarily enter into a reasonable payment agreement. In no case shall the commission garnish more than the amount authorized by federal law for all loans being collected by the commission, including those authorized under section 261.38.

Sec. 13. Section 321.11A, subsection 1, Code 2020, is amended to read as follows:

1. Notwithstanding section 321.11, the department, upon request, shall provide personal information that identifies a person by the social security number of the person to the following:

a. The department of revenue for the ~~purpose~~ purposes of collecting debt and administering the setoff program pursuant to section 421.65.

b. The judicial branch for the purpose of collecting court debt pursuant to section 602.8107.

~~c. The department of administrative services for the purpose of administering the setoff program pursuant to section 8A.504.~~

Sec. 14. Section 321.31, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. The director shall maintain a records system of delinquent accounts owed to the state using information provided through the computerized data bank established in section 421.17. The department and county treasurers shall use the information maintained in the records system to determine if applicants for renewal of registration have delinquent accounts, charges, fees, loans, taxes, or other indebtedness owed to or being collected by the state as provided pursuant to section ~~8A.504~~ 421.65. The director, ~~the director of the department of administrative services,~~ and the director of revenue shall establish procedures for updating the delinquent accounts records to add and remove accounts, as applicable.

Sec. 15. Section 321.40, subsection 6, paragraph a, Code 2020, is amended to read as follows:

a. The department or the county treasurer shall refuse to renew the registration of a vehicle registered to the applicant if the department or the county treasurer knows that the applicant has a delinquent account, charge, fee, loan, taxes, or other indebtedness owed to or being collected by the state, from information provided pursuant to sections ~~8A.504 and 421.17~~ and 421.65. An applicant may contest this action by initiating a contested case proceeding with the agency that referred the debt for collection pursuant to section ~~8A.504 421.65~~. The department of revenue and the department of transportation shall notify the county treasurers through the distributed teleprocessing network of persons who owe such a delinquent account, charge, fee, loan, taxes, or other indebtedness.

Sec. 16. **NEW SECTION. 421.65 Setoff procedures.**

1. *Definitions.* As used in this section, unless the context otherwise requires:

a. “*Obligor*” means a person, not including a public agency, who has been determined to owe a qualifying debt.

b. “*Public agency*” means a board, commission, department, including the department of revenue, or other administrative office or unit of the state of Iowa or any other state entity reported in the Iowa comprehensive annual financial report, or a political subdivision of the state, or an office or unit of a political subdivision. “*Public agency*” does include the clerk of the district court as it relates to the collection of a qualifying debt. “*Public agency*” does not include the general assembly or office of the governor.

c. “*Public payment*” means any claim a public agency owes to an obligor.

d. “*Qualifying debt*” means any of the following:

(1) Any debt, which is assigned to the department of human services, or which is owed to the department of human services for unpaid premiums under section 249A.3, subsection 2, paragraph “a”, subparagraph (1), or which the child support recovery unit is otherwise attempting to collect, or which the foster care recovery unit of the department of human services is attempting to collect on behalf of a child receiving foster care provided by the department of human services.

(2) Any debt which is in the form of a liquidated sum due, owing, and payable to the clerk of the district court.

(3) Any liquidated sum certain, owing, and payable to a public agency, with respect to which the public agency has provided the obligor an opportunity to protest or challenge the sum in a manner in compliance with applicable law and due process, and which has been

determined as owing through the challenge or protest, or for which the time period provided by the public agency to challenge or protest has expired.

2. *Setoff procedure.* The department shall establish and maintain a procedure to set off against each public payment any qualifying debt the obligor owes to a public agency. The procedure shall only apply when the department determines, in its discretion, it is feasible and complies with applicable law. The procedure shall meet the following conditions:

a. Each participating public agency shall obtain and forward to the department the full name and social security number of each obligor, or similar identifying information for an obligor who is not a natural person, and any other information concerning the person the department shall require. The department shall cooperate with public agencies in the exchange of information relevant to identifying public payments and qualifying debt that may be subject to setoff. However, the department shall provide only relevant information required by a public agency. The information shall be held in confidence and used for the purpose of setoff only. Section 422.72, subsection 1, does not apply to this paragraph.

b. Each participating public agency shall, at least annually, certify to the department the information required by paragraph "a", the amount of each obligor's liability to and the amount of each claim on the public agency, and that all liabilities submitted constitute qualifying debt. The department may, by rule, require more frequent certifications or certifications of additional information about the qualifying debt or the obligor. The department may, in its discretion, review the accuracy of any certification made pursuant to this paragraph.

c. The department may, by rule, establish a minimum amount of liabilities and claims that may be setoff.

d. Upon submission of an allegation of liability by a public agency, the department shall notify the public agency whether the obligor is entitled to a public payment, and, if so entitled, shall notify the public agency of the amount of the obligor's entitlement and last address known to the department. Section 422.72, subsection 1, does not apply to this paragraph.

e. Upon notice of entitlement to a public payment, the department shall send written notification to the obligor and any known co-payee of the public payment. The notification shall contain the public agency's assertion of its rights to all or a portion of the payment and of the public agency's entitlement to recover the liability through the setoff procedure, the basis of the assertion, the opportunity to request that a jointly or commonly owned right to payment be divided among owners, and the obligor's opportunity to give written notice of intent to contest the setoff procedure or that the debt is a qualifying debt.

f. Upon the request of an obligor or a co-payee of the public payment received by the department within the time period provided in the written notification, and upon receipt of the full name and social security number of the co-payee, or similar identifying information of a co-payee who is not a natural person, the department shall notify the public agency that the public agency shall divide a jointly or commonly owned right to payment in the manner determined by the department. Any jointly or commonly owned right to payment is rebuttably presumed to be owned in equal portions by its joint or common owners.

g. The department shall, after the department has sent the notice to the obligor provided in paragraph "e", set off the amount last certified by the public agency as owed to the agency against the public payment. The department shall refund any balance of the payment to the obligor. The department shall periodically transfer amounts set off to the public agencies entitled to them, reduced by any fees charged for setoff. If an obligor gives written notice of intent to contest a setoff, the public agency shall hold a refund or rebate until final disposition of the challenge. Upon completion of the setoff, the department shall provide written notice of the completed setoff to the obligor and any co-payees of the payment subject to setoff.

h. The department's existing right to credit against tax due or to become due under section 422.73 is not to be impaired by a right granted to or a duty imposed upon the department by this section. This section is not intended to impose upon the department any additional requirement of notice, hearing, or appeal concerning the right to credit against tax due under section 422.73.

i. If the alleged liability is owing and payable to the clerk of the district court and setoff as provided in this section is sought, all of the following shall apply:

(1) The judicial branch shall prescribe procedures to permit an obligor to contest the amount of the obligor's liability to the clerk of the district court.

(2) The department shall, except for the procedures described in subparagraph (1), provide for any other applicable procedures concerning setoff as provided in this subsection.

(3) Upon completion of the setoff, the department shall file, at least monthly, with the clerk of the district court a notice of satisfaction of each obligation to the full extent of all moneys collected in satisfaction of the obligation. The clerk shall record the notice and enter a satisfaction for the amounts collected. A separate written notice is not required.

3. *Challenges to a setoff.*

a. Challenges under this section may be initiated only by an obligor. The department's review of a challenge to a setoff is not subject to chapter 17A.

b. The obligor challenging the setoff shall submit a written challenge in the manner provided in the notice described in subsection 2, paragraph "e", within fifteen days of the date of the notice.

c. The department, upon receipt of a written challenge, shall provide written notice of the challenge to the public agency. The department shall review the information submitted by the public agency prior to the setoff and shall obtain additional information from the public agency if necessary to establish that the liability is a qualified debt, or to verify the identity of the obligor or the amount owed. The department shall set a time to occur within ten days of receipt of the challenge to review the relevant facts of the challenge with the obligor. An alternative time may be set at the request of the obligor. If the obligor does not participate in the review at the scheduled time and an alternative time is not requested and approved, the review shall take place without the obligor being present. Information in favor of the obligor and the public agency shall be considered in the review. Only a determination that the debt is not a qualified debt or a mistake of fact, including a mistake in the identity of the obligor, or a mistake in the amount owed, shall be considered as a reason to deny or modify the setoff.

d. If the department determines that a mistake of fact has occurred or that the liability submitted does not constitute a qualified debt, the public agency shall promptly return the setoff funds to the original payee or payees unless there is another qualifying debt available for setoff.

e. If the department finds no mistake of fact and that the liability is a qualified debt, the department shall provide a notice of that effect to the obligor and the public agency, and the public agency shall retain the funds subject to setoff.

f. The obligor shall have the right to file an action for wrongful setoff in district court within thirty days of the date of the notice to the obligor provided in paragraph "e", either in the county where the obligor is located or the county where the main office of the public agency is located. The defendant in such action shall be the public agency, with an additional copy of such petition to be served upon the office of the attorney general. Actions under this section are in equity and not actions at law and are an obligor's exclusive remedy to challenge any action arising from or related to this section.

g. Recovery under this subsection is limited to restitution from the public agency of the amount that has been wrongfully setoff or obtained by the public agency.

h. A challenge under this subsection shall not be used to extend, toll, or reopen the statute of limitations to challenge or contest a qualified debt. Only mistakes of fact, failure of the public agency to comply with the provisions of this section, or a liability that is not a qualified debt, shall constitute grounds for challenge under this subsection.

4. *Priority.* In the case of multiple claims to payments filed under this section, priority shall be given to claims filed by the child support recovery unit or the foster care recovery unit, next priority shall be given to claims filed by the clerk of the district court, next priority shall be given to claims filed by the investigations division of the department of inspections and appeals, next priority shall be given to claims that will be deposited into the state general fund, and last priority shall be given to claims filed by other public agencies. In the case of multiple claims in which the priority is not otherwise provided by this subsection, priority shall be determined in accordance with rules to be established by the department.

5. *Reciprocal agreements.* The director shall have the authority to enter into reciprocal agreements with departments or agencies of other states that have established a setoff procedure.

6. *Fees.* The department shall establish fees for use of the setoff system to be paid by participating public agencies to the department.

Sec. 17. Section 422.12G, subsection 2, Code 2020, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the veterans trust fund and to the volunteer fire fighter preparedness fund as one checkoff on the tax return. The department of revenue, on or before January 31, shall transfer one-half of the total amount designated on the tax return forms due in the preceding calendar year to the veterans trust fund and the remaining one-half to the volunteer fire fighter preparedness fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

Sec. 18. Section 422.12I, subsection 2, Code 2020, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the foundation fund on the tax return. The department, on or before January 31, shall transfer the total amount designated on the tax form due in the preceding year to the foundation fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

Sec. 19. Section 422.12K, subsection 2, Code 2020, is amended to read as follows:

2. The director of revenue shall draft the income tax form to allow the designation of contributions to the child abuse prevention program fund on the tax return. The department of revenue, on or before January 31, shall transfer the total amount designated on the tax return forms due in the preceding calendar year to the child abuse prevention program fund. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

Sec. 20. Section 422.20, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. Unless otherwise expressly permitted by ~~section 8A.504~~, section 8G.4, section 11.41, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph "k", section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 421.65, 422.72, and 452A.63, this section, or another provision of law, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 21. Section 422.72, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. Unless otherwise expressly permitted by ~~section 8A.504~~, section 8G.4, section 11.41, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph "k", section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 421.65, 422.20, and 452A.63, this section, or another provision of law, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 22. Section 456A.16, subsection 7, Code 2020, is amended to read as follows:

7. The department shall adopt rules pursuant to chapter 17A to implement this section. However, before a checkoff pursuant to this section shall be permitted, all liabilities on the books of the department of ~~administrative services~~ revenue and accounts identified as owing under section ~~8A.504~~ 421.65 shall be satisfied.

Sec. 23. Section 602.8102, subsection 58A, Code 2020, is amended to read as follows:

58A. Assist the department of ~~administrative services~~ revenue in setting off against debtors' income tax refunds or rebates under section ~~8A.504~~ 421.65, debts which are due, owing, and payable to the clerk of the district court as criminal fines, civil penalties, surcharges, or court costs.

Sec. 24. Section 602.8107, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section ~~8A.504~~ 421.65, or fees charged pursuant to section 356.7.

Sec. 25. Section 642.2, subsection 4, Code 2020, is amended to read as follows:

4. Notwithstanding subsections 2, 3, 6, and 7, any moneys owed to the child support obligor by the state, with the exception of unclaimed property held by the treasurer of state pursuant to chapter 556, and payments owed to the child support obligor through the Iowa public employees' retirement system are subject to garnishment, attachment, execution, or assignment by the child support recovery unit if the child support recovery unit is providing enforcement services pursuant to chapter 252B. Any moneys that are determined payable by the treasurer pursuant to section 556.20, subsection 2, to the child support obligor shall be subject to setoff pursuant to section ~~8A.504~~ 421.65, notwithstanding any administrative rule pertaining to the child support recovery unit limiting the amount of the offset.

Sec. 26. REPEAL. Section 8A.504, Code 2020, is repealed.

Sec. 27. TRANSITION PROVISIONS. Any rule, regulation, form, order, or directive promulgated by the department of administrative services as required to administer and enforce the provisions of section 8A.504 prior to the effective date of this Act shall continue in full force and effect until amended, repealed, or supplemented by the department of revenue.

Sec. 28. EFFECTIVE DATE. This Act takes effect January 1, 2021.¹

Approved June 17, 2020

CHAPTER 1065
REGULATION OF HEMP
H.F. 2581

AN ACT relating to the regulation of hemp, including by providing for testing methods and the regulation of hemp products, providing penalties, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 124.506, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. According to an order for the disposal of a crop that does not qualify as hemp as provided in section 204.10.

¹ See chapter 1118, §73 herein

Sec. 2. Section 204.2, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 01. “*Certificate of analysis*” means proof that a crop produced on a licensee’s crop site qualifies as hemp as provided in section 204.8.

NEW SUBSECTION. 001. “*Consumable hemp product*” means a hemp product that includes a substance that is metabolized or is otherwise subject to a biotransformative process when introduced into the human body.

a. A consumable hemp product may be introduced into the human body by ingestion or absorption by any device including but not limited to an electronic device.

b. A consumable hemp product may exist in a solid or liquid state.

c. A hemp product is deemed to be a consumable hemp product if it is any of the following:

(1) Designed by the processor, including the manufacturer, to be introduced into the human body.

(2) Advertised as an item to be introduced into the human body.

(3) Distributed, exported, or imported for sale or distribution to be introduced into the human body.

d. “*Consumable hemp product*” includes but is not limited to any of the following:

(1) A noncombustible form of hemp that may be digested, such as food; internally absorbed, such as chew or snuff; or absorbed through the skin, such as a topical application.

(2) Hemp processed or otherwise manufactured, marketed, sold, or distributed as food, a food additive, a dietary supplement, or a drug.

e. “*Consumable hemp product*” does not include a hemp product if the intended use of the hemp product is introduction into the human body by any method of inhalation, as prohibited under section 204.14A.

NEW SUBSECTION. 4A. “*Federal Food, Drug, and Cosmetic Act*” means the Act so entitled as codified in 21 U.S.C. §301 et seq., including regulations adopted pursuant to that Act by the United States food and drug administration under the Code of Federal Regulations, Title 21.

NEW SUBSECTION. 13. “*Temporary harvest and transportation permit*” means a document allowing the harvesting of a crop produced on a licensee’s crop site and the temporary movement of that crop subject to limitations provided in section 204.8.

Sec. 3. Section 204.2, subsection 6, Code 2020, is amended to read as follows:

6. a. “*Hemp*” means the plant *cannabis sativa L.* and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a maximum delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis as calculated pursuant to an official test as provided in section 204.8.

b. “*Hemp*” also means a plant of the genus *cannabis* other than *cannabis sativa L.*, with a maximum delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis as calculated pursuant to an official test as provided in section 204.8, but only to the extent allowed by the department in accordance with applicable federal law, including the federal hemp law.

Sec. 4. Section 204.3, subsection 4, Code 2020, is amended to read as follows:

4. The department may provide for the receipt, filing, processing, and return of documents described in this chapter in an electronic format, including but not limited to the transmission of documents by the internet. The department shall provide for the authentication of official forms in an electronic format that may include electronic signatures as provided in chapter 554D. An official form in an electronic format shall have the same validity and is discoverable and admissible in evidence if given under penalty of perjury in the same manner as an original printed form. The department shall provide for the issuance of certificates of ~~crop inspection~~ analysis in an electronic format as provided in section 204.8.

Sec. 5. Section 204.7, subsection 4, Code 2020, is amended to read as follows:

4. The department shall adopt rules regulating the production of hemp, including but not limited to inspection and testing requirements under section 204.8 or 204.9, and the issuance of a temporary harvest and transportation permit or certificate of ~~crop inspection~~ analysis

under section 204.8. The department shall adopt rules as necessary to administer the negligent violation program. The department may adopt other rules as necessary or desirable to administer and enforce the provisions of this chapter relating to hemp or hemp products.

Sec. 6. Section 204.7, subsection 5, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

5. *a.* A person is not subject to a criminal offense involving hemp as otherwise prohibited in chapter 124 or 453B, if all of the following apply:

(1) If the person is a licensee, the person carries the person's hemp license when possessing hemp.

(2) The person carries a certificate of analysis, or a temporary harvest and transportation permit, if the person is in possession of harvested hemp. If the person is transporting harvested hemp into or through this state, the person must carry a certificate of analysis or an equivalent document issued to the person by the jurisdiction where the hemp was produced.

(3) The person carries a certificate of analysis, if the person is delivering hemp seed for planting.

(4) The person carries a bill of lading under all of the following circumstances:

(a) The person is in possession of hemp in transit to transfer ownership.

(b) The person is delivering hemp seed for planting and the seed is not of the licensee's own production.

(c) A person brings hemp produced in another state into or through this state.

b. For purposes of paragraph "a", a criminal offense involving hemp includes but is not limited to production, use, harvest, transportation, delivery, distribution, or sale.

Sec. 7. Section 204.7, subsection 6, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

6. A person other than a licensee is not subject to a criminal offense involving hemp as described in subsection 5 if the person is authorized to be on the licensee's crop site by the licensee.

Sec. 8. Section 204.7, subsections 7 and 8, Code 2020, are amended by striking the subsections.

Sec. 9. Section 204.7, subsection 9, paragraph a, Code 2020, is amended to read as follows:

a. A Except as provided in subsection 10, and section 204.14A, a person may engage in the retail sale of a hemp product if the hemp was produced in this state or another state in compliance with the federal hemp law or other applicable federal law. A person may engage in the retail sale of a hemp product if the hemp was produced in another jurisdiction in compliance with applicable federal law and the laws of the other jurisdiction, if such law is substantially the same as applicable federal law.

Sec. 10. Section 204.7, subsection 9, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 11. Section 204.7, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 10. *a.* Except as provided in paragraph "e", a consumable hemp product shall not be manufactured, sold, or consumed in this state unless all of the following conditions are met:

(1) The consumable hemp product is manufactured in this state in compliance with this chapter.

(2) The hemp contained in the consumable hemp product was produced exclusively in this state in compliance with this chapter.

(3) The consumable hemp product complies with packaging and labeling requirements, which shall be established by the department of inspections and appeals by rule.

b. A person manufacturing a consumable hemp product in this state shall register with the department of inspections and appeals on a form prescribed by the department of inspections and appeals by rule. The department of inspections and appeals may impose a fee, established

by the department of inspections and appeals by rule, on a registrant not to exceed the cost of processing the registration. The department of inspections and appeals shall adopt rules for the revocation of a registration issued to a manufacturer who manufactures a consumable hemp product not in compliance with this chapter.

c. A person selling a consumable hemp product in this state shall register with the department of inspections and appeals on a form prescribed by the department of inspections and appeals by rule and shall keep on the premises of the person's business a copy of the certificate of analysis issued pursuant to section 204.8 for the hemp contained in the consumable hemp products sold by the person. The department of inspections and appeals may impose a fee, established by the department of inspections and appeals by rule, on a registrant not to exceed the cost of processing the registration. The department of inspections and appeals shall adopt rules for the revocation of a registration issued to a person who sells a consumable hemp product not in compliance with this section.

d. Except as otherwise provided in this subsection, a political subdivision of the state shall not adopt any ordinance, rule, or regulation regarding the manufacture, sale, or consumption of a consumable hemp product.

e. A consumable hemp product manufactured in another jurisdiction pursuant to a state or tribal plan approved by the United States department of agriculture pursuant to the federal hemp law may be imported for use by a consumer or sale by a retailer to a consumer if the state has substantially similar testing requirements as those provided in section 204.8.

f. A consumable hemp product manufactured, sold, or consumed in compliance with this subsection is not a controlled substance under chapter 124 or 453B regardless of whether the consumable hemp product has been approved by the United States food and drug administration.

Sec. 12. Section 204.8, subsection 1, paragraph d, Code 2020, is amended to read as follows:

d. A licensee shall not harvest any portion of a crop produced at the licensee's crop site unless the department has obtained a sample of plants to conduct a test as provided in this section and has issued the licensee a temporary harvest and transportation permit or certificate of crop inspection analysis. The department may adopt rules that it determines necessary or desirable to administer and enforce the terms and conditions of a permit. The department shall have unrestricted access to a crop site subject to a permit. A licensee subject to a permit shall receive permission from the department prior to moving the hemp, shall not commingle the hemp, and shall not transfer the hemp to another person.

e. The department shall issue a verified copy of the temporary harvest and transportation permit or certificate of analysis to any other person upon request of the licensee. The permit or certificate shall be published by the department as an official form.

f. To the extent allowed by the federal hemp law, the certificate of analysis shall be proof that the harvested crop described on the form qualifies as hemp pursuant to the results of an official test.

g. A temporary harvest and transportation permit expires when the department issues the licensee a certificate of analysis. A permit or certificate of analysis terminates upon the issuance of an order of disposal of the licensee's crop as provided in section 204.10 or upon the revocation of the licensee's hemp license as provided in section 204.11.

Sec. 13. Section 204.8, subsection 3, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

3. The official test shall be a composite test of the plants obtained by the department from a licensee's crop site during the annual inspection and shall be conducted by a laboratory designated by the department. The sample must have an acceptable delta-9 tetrahydrocannabinol concentration, resulting from a post decarboxylation analysis, that does not exceed three-tenths of one percent on a dry weight basis.

a. The laboratory shall report delta-9 tetrahydrocannabinol concentration on a dry weight basis that accounts for a measurement uncertainty associated with the result of a measurement. The measurement uncertainty shall characterize the dispersion of the values that could be reasonably attributed to the particular quantity subject to measurement. The

acceptable delta-9 tetrahydrocannabinol concentration occurs when the application of the measurement uncertainty to the reported delta-9 tetrahydrocannabinol concentration on a dry weight basis produces a distribution or range that includes three-tenths of one percent or less.

b. The post decarboxylation value is the result of an analysis determined after the process of decarboxylation that determines the total potential delta-9 tetrahydrocannabinol content derived from the sum of the delta-9 tetrahydrocannabinol concentration and delta-9 tetrahydrocannabinolic acid content and reported on a dry weight basis. The post decarboxylation value may be determined by using a chromatographic technique using heat and gas chromatography, through which the tetrahydrocannabinolic acid content is converted from its acid form to its neutral form. The post decarboxylation value may also be calculated by using a high-performance liquid chromatograph technique, which keeps the tetrahydrocannabinolic acid intact and requires a conversion calculation of that tetrahydrocannabinolic acid to determine the total potential delta-9 tetrahydrocannabinol content in a given sample.

Sec. 14. Section 204.9, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. The department of public safety or a local law enforcement agency may obtain a sample of plants that are part of the crop and provide for a test of that sample as provided in section 204.8. The department of public safety or a local law enforcement agency shall not impose, assess, or collect a fee for conducting an inspection or test under this section.

Sec. 15. Section 204.10, subsection 1, Code 2020, is amended to read as follows:

1. If a crop that is produced at a licensee's crop site does not qualify as hemp according to an official test conducted pursuant to section 204.8, but has a maximum concentration not in excess of two percent delta-9 tetrahydrocannabinol on a dry weight basis, the department, in consultation with the department of public safety, shall order the disposal of the crop by destruction at the site or if necessary require the crop to be removed to another location for destruction.

Sec. 16. Section 204.14, subsections 2 and 3, Code 2020, are amended to read as follows:

2. ~~a. The~~ Except as provided in paragraph "b", the person is required to hold a certificate of crop inspection under section 204.8 analysis to possess, handle, use, manufacture, market, transport, deliver, or distribute hemp that has been harvested under this chapter.

b. The person is required to hold a temporary harvest and transportation permit to possess, harvest, or move hemp.

3. The person knowingly or intentionally does any of the following:

~~a. Falsifies the temporary harvest and transportation permit or certificate of crop inspection analysis.~~

~~b. Acquires the temporary harvest and transportation permit or certificate of crop inspection analysis that the person knows has been falsified.~~

Sec. 17. **NEW SECTION. 204.14A Criminal offense — inhalation.**

1. A person shall not possess, use, manufacture, market, transport, deliver, or distribute harvested hemp or a hemp product if the intended use of the harvested hemp or hemp product is introduction into the body of a human by any method of inhalation, including any of the following:

a. Smoke produced from combustion.

b. A type of article that uses a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical process.

c. A device, including but not limited to a cigarette, cigar, cigarillo, or pipe, regardless of whether such device produces smoke or vapor.

2. A person who violates subsection 1 is guilty of a serious misdemeanor.

3. This section does not apply to the extent that federal law, including the federal Food, Drug, and Cosmetic Act, authorizes as its intended use the introduction of harvested hemp or a hemp product into the body of a human by a method of inhalation.

Sec. 18. Section 204.17, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. Local law relating to product development, product manufacturing, consumer safety, or public health so long as the local law is consistent with federal and state law, except as provided in section 204.7, subsection 10.

Sec. 19. CONTINGENT EFFECTIVE DATE.

1. Except as provided in subsection 2, this Act takes effect on the date that chapter 204 is implemented as provided in 2019 Iowa Acts, chapter 130, section 18, subsection 1.

2. a. If the department of agriculture and land stewardship, in cooperation with the department of public safety, determines that the United States department of agriculture must approve any amendment to an existing provision or new provision enacted in this Act as part of a state plan pursuant to section 204.3, the secretary of agriculture shall publish a notice of that fact in the Iowa administrative bulletin. The department of agriculture and land stewardship shall forward a copy of the statement to the Code editor prior to publication.

b. If a determination is made as provided in paragraph “a”, the amendment or new provision enacted in this Act takes effect on the publication date of the edition of the Iowa administrative bulletin that includes a statement by the secretary of agriculture of the department of agriculture and land stewardship certifying that the United States department of agriculture has approved the amendment or provision. The department of agriculture and land stewardship shall forward a copy of the statement to the Code editor prior to publication.

3. This section does not affect the implementation of provisions amended or enacted in 2019 Iowa Acts, chapter 130.¹

Approved June 17, 2020

CHAPTER 1066

GAMBLING REGULATION — SETOFFS, USE OF CREDIT CARDS, AND QUALIFYING SPONSORING ORGANIZATIONS

H.F. 2623

AN ACT relating to gambling licensees concerning setoff requirements on certain winnings on wagers, payments by credit card, and qualified sponsoring organizations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 99D.28, subsection 1, Code 2020, is amended to read as follows:

1. A licensee or a person acting on behalf of a licensee shall be provided electronic access to the names of the persons indebted to a claimant agency pursuant to the process established pursuant to section 99D.7, subsection 24. The electronic access provided by the claimant agency shall include access to the names of the debtors, their social security numbers, and any other information that assists the licensee in identifying the debtors. If the name of a debtor provided to the licensee through electronic access is retrieved by the licensee and the winnings are ~~equal to or greater than one thousand two hundred dollars per occurrence~~ required to be reported on internal revenue service form W-2G for gambling winnings, the retrieval of such a name shall constitute a valid lien upon and claim of lien against the winnings of the debtor whose name is electronically retrieved from the claimant agency. If a debtor’s winnings are ~~equal to or greater than one thousand two hundred dollars per occurrence~~ required to be reported on internal revenue service form W-2G for gambling winnings, the full amount of the debt shall be collectible from any winnings due the debtor

¹ See chapter 1121, §107, 108 herein

without regard to limitations on the amounts that may be collectible in increments through setoff or other proceedings.

Sec. 2. Section 99E.5, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *j.* Prohibit participants in an internet fantasy sports contest from making any payments by credit card.

Sec. 3. Section 99F.6, subsection 9, Code 2020, is amended to read as follows:

9. The board of directors of a qualified sponsoring organization licensed to conduct or operate gambling games under this chapter shall be residents of this state and shall include, at the option of each applicable county and city, as ex officio, nonvoting members of the board, a member of the county board of supervisors and a member of a city council for each county and city that has a licensed gambling games facility which is conducted or operated by the qualified sponsoring organization. The If a vacancy for any ex officio members member occurs, the vacancy shall serve terms of the same duration as voting members of the board be filled in the same manner as the original appointment for the remainder of the unexpired term of the vacancy. However, this subsection shall not apply to an agency, instrumentality, or political subdivision of the state that is licensed to conduct gambling games under this chapter.

Sec. 4. Section 99F.9, subsection 7, Code 2020, is amended to read as follows:

7. A licensee shall not accept a credit card as defined in section 537.1301, subsection 17, for sports wagering or to purchase coins, tokens, or other forms of credit to be wagered on gambling games.

Sec. 5. Section 99F.19, subsection 1, Code 2020, is amended to read as follows:

1. A licensee or a person acting on behalf of a licensee shall be provided electronic access to the names of the persons indebted to a claimant agency pursuant to the process established pursuant to section 99F.4, subsection 26. The electronic access provided by the claimant agency shall include access to the names of the debtors, their social security numbers, and any other information that assists the licensee in identifying the debtors. If the name of a debtor provided to the licensee through electronic access is retrieved by the licensee and the winnings are equal to or greater than one thousand two hundred dollars per occurrence required to be reported on internal revenue service form W-2G for gambling winnings, the retrieval of such a name shall constitute a valid lien upon and claim of lien against the winnings of the debtor whose name is electronically retrieved from the claimant agency. If a debtor's winnings are equal to or greater than one thousand two hundred dollars per occurrence required to be reported on internal revenue service form W-2G for gambling winnings, the full amount of the debt shall be collectible from any winnings due the debtor without regard to limitations on the amounts that may be collectible in increments through setoff or other proceedings.

Approved June 17, 2020

CHAPTER 1067

EDUCATIONAL LOAN DEBT MANAGEMENT SERVICES

S.F. 272

AN ACT relating to the provision of debt management services in connection with educational loans, and making penalties applicable.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 533A.1, subsection 2, Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Serving as an intermediary between a debtor and one or more creditors or loan servicers of the debtor for the purpose of seeking modification of the terms of an educational loan.

Sec. 2. Section 533A.1, Code 2019, is amended by adding the following new subsections:

NEW SUBSECTION. 5A. “*Educational loan*” means the same as defined in section 261F.1.

NEW SUBSECTION. 8A. “*Loan servicer*” means a person who is engaged in the direct collection of payments on a loan from the debtor or holds the right to undertake direct collection of payments on a loan from the debtor, including but not limited to receiving scheduled periodic payments from the debtor pursuant to the terms of the loan or holding the right to service the loan, such as by contracting with or otherwise arranging for another person to service the loan.

Sec. 3. NEW SECTION. **533A.8A Educational loan debt management services — contract requirements — prohibitions — remedies.**

1. In addition to any other requirements applicable to a licensee pursuant to this chapter, a licensee who is engaged primarily in the business of debt management in connection with educational loans, as described in section 533A.1, subsection 2, paragraph “*e*”, shall do so in accordance with this section. The provisions of this section are not exclusive and do not relieve persons or a contract from compliance with other applicable law.

2. A licensee shall not receive any compensation for providing educational loan debt management services until after the licensee has fully performed all services that the licensee contracted to perform or represented the licensee would perform, and shall not request any payment from the debtor or require the debtor to provide payment to any third party prior to fully performing all services.

3. *a.* A debtor has an unconditional right to cancel a contract with a licensee for educational loan debt management services at any time prior to midnight of the third business day following the date a contract which complies with this section is signed and executed.

b. Cancellation of a contract occurs when the debtor delivers, by any means, written notice of cancellation to the address specified in the contract. Notice of cancellation, if delivered by mail, is effective when deposited in the mail properly addressed with postage prepaid. Notice of cancellation delivered by electronic mail is effective upon transmission. Notice of cancellation delivered personally is effective upon delivery. Notice of cancellation given by the debtor need not take the particular form as provided in the contract and, however expressed, is effective if the notice of cancellation indicates the intention of the debtor not to be bound by the contract.

4. A contract to provide debt management services in connection with an educational loan shall be written in clear, understandable language, shall clearly and conspicuously set forth any and all terms, restrictions, and conditions governing the contract, and shall describe fully and in detail all services that the licensee contracts to perform for the debtor. The contract shall be dated and signed by the debtor. The contract shall set forth information required in this section in at least ten point type. The following shall be included in the contract:

a. The licensee’s name, the licensee’s electronic mail address, and the physical address of the licensee’s place of business to which the notice of cancellation is to be mailed or otherwise delivered. A post office box does not constitute a physical address. A post office box may be designated for delivery by mail only if it is accompanied by a physical address at which the notice could be delivered by a method other than mail.

b. A disclosure statement in substantially the following form shall appear in at least fourteen point boldface type immediately above the place where the debtor is to sign:

You, the debtor, may cancel this contract at any time prior to midnight of the third business day after the contract is signed and executed. See the attached notice of cancellation form for an explanation of this right.

c. A completed, easily detachable form in duplicate, captioned “notice of cancellation”, as an attachment, in at least fourteen point boldface type, containing the following statement in substantially the following form and language:

NOTICE OF CANCELLATION

.....

(date contract is signed and executed)

You, the debtor, may cancel this contract without any penalty or obligation, within three business days from the above date.

To cancel this contract, you may use any of the following methods: (1) send by postal mail or otherwise deliver a signed and dated copy of this cancellation notice, or any other written notice of cancellation, to (physical address of licensee’s place of business); or (2) send by electronic mail a notice of cancellation to (licensee’s electronic mail address).

No later than midnight of (date).

I hereby cancel this contract.

.....

(date)

.....

(debtor’s signature)

d. A disclosure statement in substantially the following form shall appear in at least fourteen point boldface type immediately above the “Notice of Cancellation” form described in paragraph “c”:

NOTICE REQUIRED BY IOWA LAW

(Insert name of licensee) or anyone working for (insert name of licensee) CANNOT take payment directly from you or require you to pay for or finance its services through a third party until (insert name of licensee) has fully performed each and every service that (insert name of licensee) contracted to perform or represented that (insert name of licensee) would perform.

5. A licensee who is engaged primarily in the business of debt management in connection with educational loans shall not do any of the following:

a. Claim, demand, charge, collect, or receive compensation until after the licensee has fully performed each and every service the licensee contracted to perform or represented the licensee would perform.

b. Execute a contract with a debtor for educational loan debt management services in violation of this section.

c. Receive consideration from any third party in connection with services rendered to a debtor unless the consideration is first fully disclosed to the debtor.

d. Prohibit or impede a debtor from contacting any creditor, lender, loan servicer, government entity, attorney, counselor, individual, or company that may seek to help the debtor. Any such provision is void and unenforceable.

e. Access or obtain a debtor’s federal student aid information in violation of federal law.

f. Compensate employees, including independent contractors, based on the number of debtors recruited by the employees or enrolled in particular programs, or provide compensation to employees on any other commission-based system.

g. Pay or offer to pay any compensation, bonus, gift, commission, or other consideration to any person for the referral of a debtor to the licensee’s business.

h. Accept or receive any compensation, bonus, gift, commission, or other consideration for service to the debtor from any person other than the debtor, the debtor’s representative, or any third party providing financing that is otherwise in compliance with the requirements of this section.

i. Disclose any information regarding a debtor to anyone other than law enforcement, government entities, loan servicers, creditors of the debtor, or as required by law.

j. Disclose any information regarding the creditor of a debtor to anyone other than the debtor, the debtor’s representative, or as required by law.

6. *a.* A violation of this section is an unlawful practice pursuant to section 714.16, and all remedies of section 714.16 are available for such an action. A private cause of action brought under this section by a debtor is in the public interest. A debtor may bring an action against a licensee for a violation of this section. If the court finds that the licensee violated this section, the court shall award the debtor actual damages, appropriate equitable relief, and the costs of the action, and shall award reasonable fees to the debtor's attorney.

b. The rights and remedies provided in paragraph "a" are cumulative to, and not a limitation of, any other rights and remedies provided by law. Any action brought by a person other than the attorney general or the superintendent pursuant to this section must be commenced within four years from the date of the alleged violation.

c. Notwithstanding any other provision of this section, an action shall not be brought on the basis of a violation of this section, except by a debtor against whom the violation was committed or by the attorney general or superintendent. This limitation does not apply to administrative action by either the attorney general or the superintendent.

Approved June 18, 2020

CHAPTER 1068

DISPOSAL OF CITY TELECOMMUNICATIONS UTILITIES

S.F. 620

AN ACT relating to the procedure for disposal of certain city utilities by sale.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 388.2A, subsection 2, paragraph a, Code 2019, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Notwithstanding subparagraph (1), the governing body of a city which has a population between two thousand and three thousand, according to the 2010 federal decennial census, shall not be required to obtain appraisals pursuant to this paragraph for the disposal by sale of a city utility providing telecommunications services. This subparagraph is repealed July 1, 2022.

Approved June 18, 2020

CHAPTER 1069

INDEPENDENT CONTRACTORS — OPERATING A VEHICLE WHILE PERFORMING SERVICES — CONDITIONAL VEHICLE SALE OR LEASE AGREEMENTS

S.F. 2296

AN ACT regarding persons who are deemed independent contractors when performing services while operating certain vehicles.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.61, subsection 11, paragraph c, subparagraph (3), Code 2020, is amended to read as follows:

(3) (a) For purposes of this subparagraph, “owns” includes but is not limited to holding legal title to a vehicle or being a party to an agreement for the conditional sale or lease of the vehicle that includes the party’s right to purchase upon performance of conditions stated in the agreement with an immediate right of possession. In the event a mortgagor of a vehicle is entitled to possession of the vehicle, then the conditional vendee or lessee and the mortgagor shall both be deemed to own the vehicle.

(b) An owner-operator who, as an individual or partner, or shareholder of a corporate owner-operator, owns a vehicle licensed and registered as a truck, road tractor, or truck tractor by a governmental agency, is an independent contractor while performing services in the operation of the owner-operator’s vehicle if all of the following conditions are substantially present:

(a) (i) The owner-operator is responsible for the maintenance of the vehicle.

(b) (ii) The owner-operator bears the principal burden of the vehicle’s operating costs, including fuel, repairs, supplies, collision insurance, and personal expenses for the operator while on the road.

(c) (iii) The owner-operator is responsible for supplying the necessary personnel to operate the vehicle, and the personnel are considered the owner-operator’s employees.

(d) (iv) The owner-operator’s compensation is based on factors related to the work performed, including a percentage of any schedule of rates or lawfully published tariff, and not on the basis of the hours or time expended.

(e) (v) The owner-operator determines the details and means of performing the services, in conformance with regulatory requirements, operating procedures of the carrier, and specifications of the shipper.

(f) (vi) The owner-operator enters into a contract which specifies the relationship to be that of an independent contractor and not that of an employee.

Sec. 2. Section 91A.2, subsection 3, Code 2020, is amended to read as follows:

3. a. “Employee” means a natural person who is employed in this state for wages by an employer. Employee also includes a commission salesperson who takes orders or performs services on behalf of a principal and who is paid on the basis of commissions but does not include persons who purchase for their own account for resale.

b. For the purposes of this chapter, the following persons engaged in agriculture are not employees:

a. (1) The spouse of the employer and relatives of either the employer or spouse residing on the premises of the employer.

b. (2) A person engaged in agriculture as an owner-operator or tenant-operator and the spouse or relatives of either who reside on the premises while exchanging labor with the operator or for other mutual benefit of any and all such persons.

c. (3) Neighboring persons engaged in agriculture who are exchanging labor or other services.

c. For purposes of this chapter, “employee” does not include an independent contractor as described in section 85.61, subsection 11, paragraph “c”, subparagraph (3).

Sec. 3. Section 91D.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. For purposes of this chapter, “employee” does not include an independent contractor as described in section 85.61, subsection 11, paragraph “c”, subparagraph (3).

Sec. 4. Section 96.19, subsection 17, Code 2020, is amended to read as follows:

17. “Employing unit” means any individual or type of organization, including this state and its political subdivisions, state agencies, boards, commissions, and instrumentalities thereof, any partnership, association, trust, estate, joint stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it

within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any work which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of subsection 16 or section 96.8, subsection 3, the employing unit shall for all the purposes of this chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such work; except that each such contractor or subcontractor who is an employer by reason of subsection 16 or section 96.8, subsection 3, shall alone be liable for the contributions measured by wages payable to individuals in the contractor's or subcontractor's employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or subcontractor who is not an employer by reason of subsection 16 or section 96.8, subsection 3, may recover the same from such contractor or subcontractor, except as any contractor or subcontractor who would in the absence of subsection 16 or section 96.8, subsection 3, be liable to pay said contributions, accepts exclusive liability for said contributions under an agreement with such employer made pursuant to general rules of the department. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of such work, and provided, further, that such employment was for a total of not less than eight hours in any one calendar week. An employing unit shall not be deemed to employ an independent contractor as described in section 85.61, subsection 11, paragraph "c", subparagraph (3).

Approved June 18, 2020

CHAPTER 1070

CIVIL ACTIONS FOR MEDICAL EXPENSES OR COVID-19 RELATED DAMAGES

S.F. 2338

AN ACT relating to civil actions, including recoverable damages for medical expenses, evidence offered to prove past medical expenses, and civil actions related to the novel coronavirus, and including retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

EVIDENCE OF MEDICAL EXPENSES AND RECOVERABLE DAMAGES FOR MEDICAL EXPENSES

Section 1. NEW SECTION. **622.4 Medical expenses.**

Evidence offered to prove past medical expenses shall be limited to evidence of the amounts actually paid to satisfy the bills that have been satisfied, regardless of the source of payment, and evidence of the amounts actually necessary to satisfy the bills that have been incurred but not yet satisfied. Evidence of the amounts actually necessary to satisfy the bills that have been incurred shall not exceed the amount by which the bills could be satisfied by the claimant's health insurance, regardless of whether such health insurance is used or will be used to satisfy the bills. This section does not impose upon any party an affirmative duty to seek a reduction in billed charges to which the party is not contractually entitled.

Sec. 2. NEW SECTION. 668.14A Recoverable damages for medical expenses.

1. In an action brought to recover damages for personal injury, the damages that may be recovered by a claimant for the reasonable and necessary cost or value of medical care rendered shall not exceed the sum of the amounts actually paid by or on behalf of the injured person to the health care providers who rendered treatment and any amounts actually necessary to satisfy the medical care charges that have been incurred but not yet satisfied.

2. This section does not apply to actions governed by section 147.136.

DIVISION II
COVID-19 RELATED LIABILITY

Sec. 3. NEW SECTION. 686D.1 Short title.

This chapter shall be known and may be cited as the “COVID-19 Response and Back-to-Business Limited Liability Act”.

Sec. 4. NEW SECTION. 686D.2 Definitions.

When used in this chapter, unless the context otherwise requires:

1. “COVID-19” means the novel coronavirus identified as SARS-CoV-2, the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom, and conditions associated with the disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating therefrom.

2. “Disinfecting or cleaning supplies” means and includes hand sanitizers, disinfectants, sprays, and wipes.

3. “Health care facility” means and includes all of the following:

- a. A facility as defined in section 514J.102.
- b. A facility licensed pursuant to chapter 135B.
- c. A facility licensed pursuant to chapter 135C.

d. Residential care facilities, nursing facilities, intermediate care facilities for persons with mental illness, intermediate care facilities for persons with intellectual disabilities, hospice programs, elder group homes, and assisted living programs.

4. “Health care professional” means physicians and other health care practitioners who are licensed, certified, or otherwise authorized or permitted by the laws of this state to administer health care services in the ordinary course of business or in the practice of a profession, whether paid or unpaid, including persons engaged in telemedicine or telehealth. “Health care professional” includes the employer or agent of a health care professional who provides or arranges health care.

5. “Health care provider” means and includes a health care professional, health care facility, home health care facility, and any other person or facility otherwise authorized or permitted by any federal or state statute, regulation, order, or public health guidance to administer health care services or treatment.

6. “Health care services” means services for the diagnosis, prevention, treatment, care, cure, or relief of a health condition, illness, injury, or disease.

7. “Minimum medical condition” means a diagnosis of COVID-19 that requires inpatient hospitalization or results in death.

8. “Person” means the same as defined in section 4.1. “Person” includes an agent of a person.

9. “Personal protective equipment” means and includes protective clothing, gloves, face shields, goggles, facemasks, respirators, gowns, aprons, coveralls, and other equipment designed to protect the wearer from injury or the spread of infection or illness.

10. “Premises” means and includes any real property and any appurtenant building or structure serving a commercial, residential, educational, religious, governmental, cultural, charitable, or health care purpose.

11. “Public health guidance” means and includes written guidance related to COVID-19 issued by any of the following:

a. The centers for disease control and prevention of the federal department of health and human services.

b. The centers for Medicare and Medicaid services of the federal department of health and human services.

c. The federal occupational safety and health administration.

d. The office of the governor.

e. Any state agency, including the department of public health.

12. “*Qualified product*” means and includes all of the following:

a. Personal protective equipment used to protect the wearer from COVID-19 or to prevent the spread of COVID-19.

b. Medical devices, equipment, and supplies used to treat COVID-19, including medical devices, equipment, or supplies that are used or modified for an unapproved use to treat COVID-19 or to prevent the spread of COVID-19.

c. Medical devices, equipment, and supplies used outside of their normal use to treat COVID-19 or to prevent the spread of COVID-19.

d. Medications used to treat COVID-19, including medications prescribed or dispensed for off-label use to attempt to treat COVID-19.

e. Tests to diagnose or determine immunity to COVID-19.

f. Any component of an item described in paragraphs “a” through “e”.

Sec. 5. NEW SECTION. 686D.3 Actual injury requirement in civil actions alleging COVID-19 exposure.

A person shall not bring or maintain a civil action alleging exposure or potential exposure to COVID-19 unless one of the following applies:

1. The civil action relates to a minimum medical condition.

2. The civil action involves an act that was intended to cause harm.

3. The civil action involves an act that constitutes actual malice.

Sec. 6. NEW SECTION. 686D.4 Premises owner’s duty of care — limited liability.

A person who possesses or is in control of a premises, including a tenant, lessee, or occupant of a premises, who directly or indirectly invites or permits an individual onto a premises, shall not be liable for civil damages for any injuries sustained from the individual’s exposure to COVID-19, whether the exposure occurs on the premises or during any activity managed by the person who possesses or is in control of a premises, unless any of the following apply to the person who possesses or is in control of the premises:

1. The person who possesses or is in control of the premises recklessly disregards a substantial and unnecessary risk that the individual would be exposed to COVID-19.

2. The person who possesses or is in control of the premises exposes the individual to COVID-19 through an act that constitutes actual malice.

3. The person who possesses or is in control of the premises intentionally exposes the individual to COVID-19.

Sec. 7. NEW SECTION. 686D.5 Safe harbor for compliance with regulations, executive orders, or public health guidance.

A person in this state shall not be held liable for civil damages for any injuries sustained from exposure or potential exposure to COVID-19 if the act or omission alleged to violate a duty of care was in substantial compliance or was consistent with any federal or state statute, regulation, order, or public health guidance related to COVID-19 that was applicable to the person or activity at issue at the time of the alleged exposure or potential exposure.

Sec. 8. NEW SECTION. 686D.6 Liability of health care providers.

1. A health care provider shall not be liable for civil damages for causing or contributing, directly or indirectly, to the death or injury of an individual as a result of the health care provider’s acts or omissions while providing or arranging health care in support of the state’s response to COVID-19. This subsection shall apply to all of the following:

a. Injury or death resulting from screening, assessing, diagnosing, caring for, or treating individuals with a suspected or confirmed case of COVID-19.

b. Prescribing, administering, or dispensing a pharmaceutical for off-label use to treat a patient with a suspected or confirmed case of COVID-19.

c. Acts or omissions while providing health care to individuals unrelated to COVID-19 when those acts or omissions support the state's response to COVID-19, including any of the following:

(1) Delaying or canceling nonurgent or elective dental, medical, or surgical procedures, or altering the diagnosis or treatment of an individual in response to any federal or state statute, regulation, order, or public health guidance.

(2) Diagnosing or treating patients outside the normal scope of the health care provider's license or practice.

(3) Using medical devices, equipment, or supplies outside of their normal use for the provision of health care, including using or modifying medical devices, equipment, or supplies for an unapproved use.

(4) Conducting tests or providing treatment to any individual outside the premises of a health care facility.

(5) Acts or omissions undertaken by a health care provider because of a lack of staffing, facilities, medical devices, equipment, supplies, or other resources attributable to COVID-19 that renders the health care provider unable to provide the level or manner of care to any person that otherwise would have been required in the absence of COVID-19.

(6) Acts or omissions undertaken by a health care provider relating to use or nonuse of personal protective equipment.

2. This section shall not relieve any person of liability for civil damages for any act or omission which constitutes recklessness or willful misconduct.

Sec. 9. NEW SECTION. 686D.7 Supplies, equipment, and products designed, manufactured, labeled, sold, distributed, and donated in response to COVID-19.

1. Any person that designs, manufactures, labels, sells, distributes, or donates household disinfecting or cleaning supplies, personal protective equipment, or a qualified product in response to COVID-19 shall not be liable in a civil action alleging personal injury, death, or property damage caused by or resulting from the design, manufacturing, labeling, selling, distributing, or donating of the household disinfecting or cleaning supplies, personal protective equipment, or a qualified product.

2. Any person that designs, manufactures, labels, sells, distributes, or donates household disinfecting or cleaning supplies, personal protective equipment, or a qualified product in response to COVID-19 shall not be liable in a civil action alleging personal injury, death, or property damage caused by or resulting from a failure to provide proper instructions or sufficient warnings.

3. This section shall not apply in the event of any of the following:

a. The person that designs, manufactures, labels, sells, distributes, or donates household disinfecting or cleaning supplies, personal protective equipment, or a qualified product had actual knowledge of a defect in the household disinfecting or cleaning supplies, personal protective equipment, or a qualified product when put to the use for which the household disinfecting or cleaning supplies, personal protective equipment, or a qualified product was designed, manufactured, sold, distributed, or donated, and the person recklessly disregarded a substantial and unnecessary risk that the household disinfecting or cleaning supplies, personal protective equipment, or a qualified product would cause serious personal injury, death, or serious property damage.

b. The person that designs, manufactures, labels, sells, distributes, or donates household disinfecting or cleaning supplies, personal protective equipment, or a qualified product acted with actual malice.

Sec. 10. NEW SECTION. 686D.8 Construction.

This chapter shall not be construed to do any of the following:

1. Create, recognize, or ratify a claim or cause of action of any kind.
2. Eliminate or satisfy a required element of a claim or cause of action of any kind.
3. Affect the rights or limits under workers' compensation as provided in chapter 85, 85A, or 85B, or the rights or limits related to police officers or fire fighters under chapter 410 or 411.
4. Abrogate, amend, repeal, alter, or affect any statutory or common law immunity or limitation of liability.

Sec. 11. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2020.

Approved June 18, 2020

CHAPTER 1071

DEER HUNTING REGULATIONS — FIREARM AND PROJECTILE SPECIFICATIONS — AGE REQUIREMENTS

H.F. 716

AN ACT relating to firearms requirements for hunting deer.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455A.5, Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 7. For purposes of adopting rules, the commission shall define and categorize firearms in a manner fully consistent with the definitions established in 18 U.S.C. §921 and 27 C.F.R. §478.11.

Sec. 2. Section 481A.48, subsections 5 and 6, Code 2019, are amended to read as follows:

5. The commission shall establish one or more pistol or revolver seasons for hunting deer as separate firearm seasons or to coincide with one or more other firearm deer hunting seasons. Any pistol or revolver ~~firing a magnum three hundred fifty-seven thousandths of one inch caliber or larger, centerfire, straight wall ammunition propelling an expanding-type bullet with a barrel length of at least four inches and firing straight wall or other centerfire ammunition propelling an expanding-type bullet with a maximum diameter of no less than three hundred fifty thousandths of one inch and no larger than five hundred thousandths of one inch and with a published or calculated muzzle energy of five hundred foot pounds or higher is legal for hunting deer during the pistol or revolver seasons. The commission shall adopt rules to allow black powder pistols or revolvers for hunting deer. The rules shall not allow pistols or revolvers with shoulder stock or long-barrel modifications. The barrel length of a pistol or revolver used for deer hunting shall be at least four inches.~~ The rules may limit types of ammunition projectiles. A person who is sixteen ~~twenty~~ years of age or less shall not hunt deer with a pistol or revolver unless that person is accompanied and under direct supervision throughout the hunt by a responsible person with a valid hunting license who is at least twenty-one years of age, with the consent of a parent, guardian, or spouse who is at least twenty-one years of age, pursuant to section 724.22, subsection 5. The responsible person with a valid hunting license who is at least twenty-one years of age shall be responsible for the conveyance of the pistol or revolver while the pistol or revolver is not actively being used for hunting. A person possessing a prohibited pistol or revolver while hunting deer commits a scheduled violation under section 805.8B, subsection 3, paragraph “h”, subparagraph (5).

6. The commission shall adopt rules pursuant to chapter 17A allowing the use of straight wall ~~straight wall~~ cartridge rifles to hunt deer as follows:

a. A straight wall ~~straight wall~~ cartridge rifle may be used to hunt deer during youth and disabled deer hunting season and first and second shotgun deer hunting seasons by a person who has a valid deer hunting license and is otherwise qualified to hunt.

b. A straight wall ~~straight wall~~ cartridge rifle that is allowed pursuant to this subsection shall be of the same caliber and use the same straight wall or other ~~or other~~ ammunition as is allowed for use in a pistol or revolver for hunting deer as provided in subsection 5. In addition, the commission shall provide, by rule, for the use of straight wall or other ~~or other~~ ammunition under this subsection that meets ballistics specifications similar to the requirements for straight wall or other ~~or other~~

ammunition allowed for use in a pistol or revolver for hunting deer as provided in subsection 5.

c. A person possessing a prohibited rifle while hunting deer commits a scheduled violation under section 805.8B, subsection 3, paragraph “h”, subparagraph (6). In addition, the hunting privileges of a person convicted of possessing a prohibited rifle while hunting deer shall be suspended for two years.

Approved June 18, 2020

CHAPTER 1072

EXPIRATION OF DRIVER'S LICENSES — PERSONS SEVENTY-EIGHT YEARS OLD OR OLDER

H.F. 2360

AN ACT regarding the expiration of driver's licenses of persons who are age seventy-eight or over and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.196, subsection 1, Code 2020, is amended to read as follows:

1. Except as otherwise provided, if the licensee is between the ages of seventeen years eleven months and ~~seventy-two~~ seventy-eight years on the date of issuance of the license, a driver's license, other than an instruction permit, chauffeur's instruction permit, or commercial learner's permit issued under section 321.180, expires eight years from the licensee's birthday anniversary occurring in the year of issuance, but not to exceed the licensee's ~~seventy-fourth~~ eightieth birthday. If the licensee is under the age of seventeen years eleven months or age ~~seventy-two~~ seventy-eight or over, the license is effective for a period of two years from the licensee's birthday anniversary occurring in the year of issuance. A licensee whose license is restricted due to vision or other physical deficiencies may be required to renew the license every two years. If a licensee is a foreign national who is temporarily present in this state, the license shall be issued only for the length of time the foreign national is authorized to be present as verified by the department, not to exceed two years.

Sec. 2. EFFECTIVE DATE. This Act takes effect September 1, 2020.

Approved June 18, 2020

CHAPTER 1073

HUNTING, FISHING, AND TRAPPING PRIVILEGES — RESIDENCY OF ACTIVE DUTY ARMED FORCES MEMBERS AND THEIR SPOUSES

S.F. 280

AN ACT relating to the residency of members of the armed forces stationed at specified military installations for purposes of hunting, fishing, and trapping privileges.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.1A, subsection 10, paragraph e, Code 2020, is amended by striking the paragraph and inserting in lieu thereof the following:

e. Is a member of the armed forces of the United States who is serving on active duty and meets any of the following qualifications:

(1) Claims residency in this state and has filed a state individual income tax return as a resident pursuant to chapter 422, division II, for the preceding tax year.

(2) Is stationed at a federal military installation in this state, or at a federal military installation contiguous to a county in this state, and is domiciled within this state.

(3) Is stationed at and resides or is domiciled within a federal military installation located contiguous to a county in this state.

Sec. 2. Section 483A.1A, subsection 10, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. Is the spouse of a person included in paragraph “e”.

Approved June 25, 2020

CHAPTER 1074

CRIMINAL AND CIVIL PENALTIES, FINES, SURCHARGES, FEES, AND COSTS — RELATED FUNDS — COURT DEBT COLLECTION

S.F. 457

AN ACT relating to the criminal and juvenile justice system by modifying criminal penalties, surcharges, fines, fees, and costs, creating and modifying funds, making appropriations and allocating revenues, modifying installment agreements, modifying civil claims for reimbursement, restitution, and collection of court debt, and providing effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

SURCHARGES ADDED TO CRIMINAL PENALTIES AND DISTRIBUTION OF SURCHARGE MONEYS

Section 1. Section 331.301, subsection 16, Code 2020, is amended by striking the subsection.

Sec. 2. Section 331.302, subsection 2, Code 2020, is amended to read as follows:

2. For a violation of an ordinance a county shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph “a”. The ~~criminal penalty~~ crime services surcharge required by section 911.1 shall be added to a county fine and is not a part of the county’s penalty.

Sec. 3. Section 356.7, subsection 5, paragraph a, Code 2020, is amended to read as follows:

a. Of the moneys collected and credited to the county general fund as provided in this section and section 602.8106, subsection 4, paragraph “b”, subparagraph (2), sixty percent of the moneys collected shall be used for the following purposes:

(1) Courthouse security equipment and law enforcement personnel costs.

(2) Infrastructure improvements of a jail, including new or remodeling costs.

(3) Infrastructure improvements of juvenile detention facilities, including new or remodeling costs.

(4) Medical and prescription drug costs of inmates in jail.

Sec. 4. Section 364.3, subsection 2, Code 2020, is amended to read as follows:

2. For a violation of an ordinance a city shall not provide a penalty in excess of the maximum fine and term of imprisonment for a simple misdemeanor under section 903.1, subsection 1, paragraph "a". An amount equal to ~~ten~~ twenty percent of all fines collected by cities shall be deposited in the account established in section 602.8108. However, one hundred percent of all fines collected by a city pursuant to section 321.236, subsection 1, shall be retained by the city. The ~~criminal penalty~~ crime services surcharge required by section 911.1 shall be added to a city fine and is not a part of the city's penalty.

Sec. 5. Section 602.8102, subsection 135A, Code 2020, is amended to read as follows:

135A. Assess the surcharges provided by sections 911.1, ~~911.2~~, 911.2A, 911.2B, ~~911.2C~~, ~~911.3~~, and ~~911.4~~ and 911.5.

Sec. 6. Section 602.8106, subsection 1, paragraphs d and e, Code 2020, are amended to read as follows:

d. For court costs in scheduled violation cases where a court appearance is required, ~~sixty~~ fifty-five dollars.

e. For court costs in scheduled violation cases where a court appearance is not required, ~~sixty~~ fifty-five dollars.

Sec. 7. Section 602.8106, subsections 2, 3, and 4, Code 2020, are amended to read as follows:

2. The clerk of the district court shall remit ~~ninety eight~~ ninety percent of all fines and forfeited bail to the city that was the plaintiff in any action, and shall provide that city with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed. The remaining ~~ten~~ twenty percent shall be submitted to the state court administrator.

3. The clerk of the district court shall remit all fines and forfeited bail for violation of a county ordinance, ~~except an ordinance relating to vehicle speed or weight restrictions~~, to the county treasurer of the county that was the plaintiff in the action, and shall provide that county with a statement showing the total number of cases, the total of all fines and forfeited bail collected, and the total of all cases dismissed, ~~except all fines and forfeited bail for violation of a county ordinance relating to vehicle speed or weight restrictions shall be distributed pursuant to subsection 4, paragraph "b".~~ However, if a county ordinance provides a penalty for a violation which is also penalized under state law, the fines and forfeited bail collected for the violation shall be submitted to the state court administrator distributed pursuant to subsection 4, paragraph "b".

4. a. The ~~Except as provided in paragraph "b",~~ the clerk of the district court shall submit all other fines, fees, costs, and forfeited bail received from a magistrate to the state court administrator.

b. The fine amount for a violation that occurred within the boundaries of the county shall be distributed as follows:

(1) Ninety-one percent to the state court administrator.

(2) Nine percent to the county treasurer for deposit in the county general fund where the violation occurred.

Sec. 8. Section 602.8107, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. (1) "Installment agreement" means an agreement made for the payment of court debt in excess of one hundred dollars in installments.

(2) The judicial branch may establish a threshold amount that is lower than the threshold amount specified in subparagraph (1) by court rule.

Sec. 9. Section 602.8107, subsection 2, paragraph c, subparagraph (2), Code 2020, is amended to read as follows:

(2) Fines or penalties and ~~criminal penalty and law enforcement initiative surcharges~~ the crime services surcharge.

Sec. 10. Section 602.8107, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. This subsection does not apply to amounts collected for victim restitution, the victim compensation fund, the ~~criminal penalty crime services surcharge~~, sex offender civil penalty, ~~drug abuse resistance education surcharge~~, the law enforcement initiative surcharge, ~~county enforcement surcharge~~, agricultural theft surcharge, amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, or fees charged pursuant to section 356.7.

Sec. 11. Section 602.8108, subsections 3 and 7, Code 2020, are amended to read as follows:

3. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ~~ninety-five percent~~ of all moneys collected from the ~~criminal penalty surcharge~~ provided in section 911.1 during the preceding calendar month. The clerk shall ~~remit the remainder to the county treasurer of the county that was the plaintiff in the action or to the city that was the plaintiff in the action.~~ Of the amount received from the clerk, the state court administrator shall allocate seventeen and deposit each month forty-six percent in the juvenile detention home fund in section 232.142, thirty-two percent to be deposited in the victim compensation fund established in section 915.94, and eighty-three percent to be deposited in the general fund twenty percent in the criminalistics laboratory fund established in section 691.9, and two percent in the drug abuse resistance education fund established in section 80E.4.

7. The clerk of the district court shall remit all moneys collected from the assessment of the ~~surcharges~~ surcharge provided in ~~sections section 911.2B and 911.2C~~ to the state court administrator for deposit in the address confidentiality program revolving fund created in section 9.8.

Sec. 12. Section 602.8108, subsection 4, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. The clerk of the district court shall remit to the state court administrator, not later than the fifteenth day of each month, ninety-one percent of all moneys collected from county enforcement as provided section 602.8106, subsection 4, paragraph “b”, subparagraph (1), during the preceding calendar month. Of the amount received from the clerk, the state court administrator shall allocate and deposit one and three-tenths percent in the emergency medical services fund in section 135.25, and shall allocate and deposit the remainder in the general fund of the state.

Sec. 13. Section 602.8108, subsections 5 and 8, Code 2020, are amended by striking the subsections.

Sec. 14. Section 602.8108, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 13. The clerk of the district court shall remit all moneys collected from the agricultural theft surcharge provided in section 911.5 to the state court administrator no later than the fifteenth day of each month for deposit in the general fund of the state, and the amount deposited is appropriated to the department of agriculture and land stewardship to support the Iowa emergency food purchase program fund established in section 190B.201.

Sec. 15. Section 805.8, subsection 1, Code 2020, is amended to read as follows:

1. *Application.* Except as otherwise indicated, violations of sections of the Code specified in sections 805.8A, 805.8B, and 805.8C are scheduled violations, and the scheduled fine for each of those violations is as provided in those sections, whether the violation is of state law or of a county or city ordinance. The ~~criminal penalty crime services~~ surcharge required by section 911.1 and the ~~county enforcement~~ surcharge required by section 911.4, if applicable, shall be added to the scheduled fine.

Sec. 16. Section 902.9, subsection 2, Code 2020, is amended to read as follows:

2. The surcharges required by sections 911.1, ~~911.2~~, 911.2A, and ~~911.3~~ 911.5 shall be added to a fine imposed on a class "C" or class "D" felon, as provided by those sections, and are not a part of or subject to the maximums set in this section.

Sec. 17. Section 903.1, subsection 4, Code 2020, is amended to read as follows:

4. The surcharges required by sections 911.1, ~~911.2~~, 911.2A, ~~911.3~~, and ~~911.4~~ and 911.5 shall be added to a fine imposed on a misdemeanor as provided in those sections, and are not a part of or subject to the maximums set in this section.

Sec. 18. Section 911.1, Code 2020, is amended to read as follows:

911.1 Criminal penalty Crime services surcharge.

1. A ~~criminal penalty crime services~~ crime services surcharge shall be levied against law violators as provided in this section. When a court imposes a fine or forfeiture for a violation of state law, or a city or county ordinance, except an ordinance regulating the parking of motor vehicles, the court ~~or the clerk of the district court~~ shall assess an additional penalty in the form of a ~~criminal penalty crime services~~ crime services surcharge equal to ~~thirty-five~~ fifteen percent of the fine or forfeiture imposed.

2. In the event of multiple offenses, the surcharge shall be based upon the total amount of fines or forfeitures imposed for all offenses.

3. When a fine or forfeiture is suspended in whole or in part, the court shall reduce the surcharge in proportion to the amount suspended.

4. The surcharge is subject to the provisions of chapter 909 governing the payment and collection of fines, as provided in section 909.8.

5. The surcharge shall be remitted by the clerk of court as provided in section 602.8108, subsection 3.

Sec. 19. Section 911.2A, subsection 1, Code 2020, is amended to read as follows:

1. In addition to any other surcharge, the court ~~or clerk of the district court~~ shall assess a human trafficking victim surcharge of one thousand dollars if an adjudication of guilt or a deferred judgment has been entered for a criminal violation of section 725.1, subsection 2, or section 710A.2, 725.2, or 725.3.

Sec. 20. Section 911.2B, Code 2020, is amended to read as follows:

911.2B Domestic abuse assault, or sexual abuse, stalking, and human trafficking victim related crimes surcharge.

1. In addition to any other surcharge, the court ~~or clerk of the district court~~ shall assess a domestic abuse assault, domestic abuse protective order contempt, sexual abuse, stalking, and human trafficking victim surcharge of ~~one hundred ninety~~ ninety dollars if an adjudication of guilt or a deferred judgment has been entered for a violation of section 708.2A, 708.11, or 710A.2, or chapter 709, or if a defendant is held in contempt of court for violating a domestic abuse protective order issued pursuant to chapter 236.

2. In the event of multiple offenses, the surcharge shall be imposed for each applicable offense.

3. The surcharge shall be remitted by the clerk of court as provided in section 602.8108, subsection 7.

Sec. 21. NEW SECTION. 911.5 Agricultural theft surcharge.

1. In addition to any other surcharge, the court or clerk of the district court shall assess an agricultural theft surcharge equal to five hundred dollars, if an adjudication of guilt or a deferred judgment has been entered for a criminal violation involving any of the following:

a. Theft of agricultural property under section 714.2, subsection 1, 2, or 3.

b. Criminal mischief under section 716.3, 716.4, or 716.5, by damaging, defacing, altering, or destroying agricultural property.

2. As used in this section, agricultural property means any of the following:

a. A crop as defined in section 717A.1.

b. Livestock as defined in section 717.1.

c. (1) A colony or package as defined in section 160.1A, or a hive where bees are kept as described in section 160.5, if the department of agriculture and land stewardship is authorized by that chapter to inspect the colony, package, or hive or to regulate the movement of the colony, package, or hive.

(2) A queen bee that is part of a colony or is being moved to be part of a colony as described in subparagraph (1).

3. The surcharge shall be remitted by the clerk of the district court as provided in section 602.8108, subsection 13.

Sec. 22. REPEAL. Sections 911.2, 911.2C, 911.3, and 911.4, Code 2020, are repealed.

DIVISION II COURT FUNDS

Sec. 23. Section 602.1302, subsection 1, Code 2020, is amended to read as follows:

1. Except as otherwise provided by sections 602.1303, ~~602.1304~~, and 602.8108 or other applicable law, the expenses of operating and maintaining the judicial branch shall be paid out of the general fund of the state from funds appropriated by the general assembly for the judicial branch. State funding shall be phased in as provided in section 602.11101.

Sec. 24. Section 602.1304, subsection 1, Code 2020, is amended to read as follows:

1. Except as provided in article 8 ~~and subsection 2 of this section~~, all fees and other revenues collected by judicial officers and court employees shall be paid into the general fund of the state.

Sec. 25. Section 602.1304, subsection 2, Code 2020, is amended by striking the subsection.

Sec. 26. Section 602.8108, subsection 9, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

9. a. A court technology and modernization fund is established as a separate fund in the state treasury. The state court administrator shall allocate seven million dollars of the moneys received under subsection 2 to be deposited in the fund, which shall be administered by the judicial branch.

b. The moneys in the fund shall be used to enhance the ability of the judicial branch to process cases more quickly and efficiently, to electronically transmit information to state government, local governments, law enforcement agencies, and the public, and to improve public access to the court system. The moneys in the collection fund may also be used for any the following:

(1) The Iowa court information system.

(2) Records management, equipment, services, and projects.

(3) Other technological improvements approved by the judicial branch.

(4) Electronic legal research equipment, systems, and projects.

(5) The study, development, and implementation of other innovations and projects that would improve the administration of justice.

(6) Capital improvements necessitated by the installation of or connection with the Iowa court information system, the Iowa communications network, or other like networks.

c. The fund shall be separate from the general fund of the state and the balance in the fund shall not be considered part of the balance of the general fund of the state. Notwithstanding section 8.33, moneys in the fund shall not revert to the general fund. Notwithstanding section 12C.7, subsection 2, interest or earnings on moneys in the court technology and modernization fund shall remain in the court technology and modernization fund and any interest and earnings shall be in addition to the maximum annual deposit amount.

Sec. 27. TRANSFER OF REMAINING FUNDS. Any unobligated or unencumbered moneys remaining in the enhanced court collections fund in section 602.1304 at the end of the fiscal year beginning July 1, 2019, and ending June 30, 2020, shall be transferred to the court technology and modernization fund.

DIVISION III
CIVIL FEES AND COURT COSTS

Sec. 28. Section 602.8105, subsections 1 and 2, Code 2020, are amended to read as follows:

1. The clerk of the district court shall collect the following fees:

a. Except as otherwise provided in this subsection, for filing and docketing a petition, one hundred ~~eighty-five~~ ninety-five dollars. In counties having a population of ninety-eight thousand or over, an additional five dollars shall be charged and collected to be known as the journal publication fee and used for the purposes provided for in section 618.13.

Ob. For filing and docketing a petition for dissolution of marriage, which includes the docketing of any dissolution decree, two hundred sixty-five dollars. It is the intent of the general assembly that twenty percent of the funds generated from these fees be appropriated and used for sexual assault and domestic violence centers and eighty percent of the funds generated from these fees be appropriated to the general fund of the state.

b. For filing and docketing a petition pursuant to chapter 598 other than a dissolution of marriage petition, one hundred ten dollars.

c. For filing and docketing an application for modification of a dissolution decree to which a written stipulation is attached at the time of filing containing the agreement of the parties to the terms of modification, one hundred ten dollars.

~~d. For entering a final decree of dissolution of marriage, fifty dollars. It is the intent of the general assembly that the funds generated from the dissolution fees be appropriated and used for sexual assault and domestic violence centers.~~

~~e. d.~~ For filing and docketing a petition for adoption pursuant to chapter 600, one hundred zero dollars. ~~For multiple adoption petitions filed at the same time by the same petitioner under section 600.3, the filing fee and any court costs for any petition filed in addition to the first petition filed are waived.~~

~~f. e.~~ For filing and docketing a small claims action, the amounts specified in section 631.6.

~~g. f.~~ For an appeal from a judgment in small claims or for filing and docketing a writ of error, one hundred ~~eighty-five~~ ninety-five dollars.

~~h. g.~~ For a motion to show cause in a civil case, fifty sixty dollars.

~~i. h.~~ For filing and docketing a transcript of the judgment in a civil case, fifty sixty dollars.

~~j. i.~~ For filing a tribal judgment, one hundred ten dollars.

2. The clerk of the district court shall collect the following fees for miscellaneous services:

a. For filing and entering any other statutory lien, fifty sixty dollars.

b. For a certificate and seal, ~~twenty~~ thirty dollars. However, there shall be no charge for a certificate and seal to an application to procure a pension, bounty, or back pay for a member of the armed services or other person.

c. For certifying a change in title of real estate, fifty sixty dollars.

d. For filing a praecipe to issue execution under chapter 626, ~~twenty-five~~ thirty-five dollars. The fee shall be recoverable by the creditor from the debtor against whom the execution is issued. A fee payable by a political subdivision of the state under this paragraph shall be collected by the clerk of the district court as provided in section 602.8109. However, the fee shall be waived and shall not be collected from a political subdivision of the state if a county attorney or county attorney's designee is collecting a delinquent judgment pursuant to section 602.8107, subsection 4.

e. For filing a praecipe to issue execution under chapter 654, fifty sixty dollars.

f. For filing a confession of judgment under chapter 676, fifty sixty dollars if the judgment is five thousand dollars or less, and one hundred ten dollars if the judgment exceeds five thousand dollars.

g. For filing a lis pendens, fifty sixty dollars.

h. For applicable convictions under section 692A.110 prior to July 1, 2009, a civil penalty of two hundred ten dollars, and for applicable convictions under section 692A.110 on or after July 1, 2009, a civil penalty of two hundred fifty sixty dollars.

i. Other fees provided by law.

Sec. 29. Section 602.8106, subsection 1, paragraph d, Code 2020, is amended to read as follows:

d. For court costs in scheduled violation cases where a court appearance is required, sixty fifty-five dollars.

Sec. 30. Section 631.6, subsection 1, paragraphs a and c, Code 2020, are amended to read as follows:

a. Fees for filing and docketing shall be eighty-five ninety-five dollars.

c. Postage charged for the mailing of original notice shall be ten twenty dollars.

DIVISION IV SCHEDULED VIOLATIONS

Sec. 31. Section 321.24, subsection 12, Code 2020, is amended to read as follows:

12. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 2, paragraph "b".

Sec. 32. Section 321.260, subsection 2, Code 2020, is amended to read as follows:

2. It shall be unlawful for any person to have in the person's possession any official traffic-control device except by legal right or authority. Any person convicted of unauthorized possession of any official traffic-control device shall upon conviction be guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 8, paragraph "c". ~~In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars.~~

Sec. 33. Section 321.262, subsection 2, Code 2020, is amended to read as follows:

2. The driver shall remain at the scene of the accident until the driver has fulfilled the requirements of section 321.263. Any person failing to remain at the scene of the accident or fulfill the requirements of section 321.263 under such circumstances shall be guilty of a simple misdemeanor and punished as provided in section 321.482 punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "m".

Sec. 34. Section 321.264, Code 2020, is amended to read as follows:

321.264 Striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "n".

Sec. 35. Section 321.265, Code 2020, is amended to read as follows:

321.265 Striking fixtures upon a highway.

The driver of a vehicle involved in an accident resulting in damage to property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner, a peace officer, or person in charge of the damaged property of the damage and shall inform the person of the driver's name and address and the registration number of the vehicle causing the damage and shall, upon request and if available, exhibit the driver's license of the driver of the vehicle and shall report the accident when and as required in section 321.266. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph "o".

Sec. 36. Section 321.324A, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 6, paragraph "Os".

Sec. 37. Section 321.371, subsection 2, Code 2020, is amended to read as follows:

2. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “p”.

Sec. 38. Section 321.372, subsection 5, paragraph b, subparagraph (1), Code 2020, is amended to read as follows:

(1) For a first offense under subsection 3, the person is guilty of a simple misdemeanor punishable by a fine of at least ~~two hundred fifty~~ three hundred forty-five dollars but not more than ~~six hundred seventy-five~~ nine hundred thirty dollars or by imprisonment for not more than thirty days, or by both. The department may require the person to attend and successfully complete, at the person’s own expense, a driver improvement program approved by the department in lieu of driver’s license suspension for the offense pursuant to section 321.210.

Sec. 39. Section 321.383, subsection 4, Code 2020, is amended to read as follows:

4. ~~Any~~ Except as provided in subsection 5, any person who violates any provision of this section ~~shall be fined as provided in~~ commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3.

Sec. 40. Section 321.383, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person who operates a self-propelled implement of husbandry at a speed which exceeds the limit of thirty-five miles per hour commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 5.

Sec. 41. Section 321.431, subsection 6, Code 2020, is amended to read as follows:

6. A person who violates this section commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 3, paragraph “ad”.

Sec. 42. Section 805.8A, Code 2020, is amended to read as follows:

805.8A Motor vehicle and transportation scheduled violations.

1. *Parking violations.*

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars, except if the local authority has established the fine by ordinance. The scheduled fine for a parking violation pursuant to section 321.236 increases by five dollars if authorized by ordinance and if the parking violation is not paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars, or if the amount of the fine is greater than five dollars, the unsecured appearance bond shall be the amount of the fine established by the local authority. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint required by section 321.236, subsection 1, paragraph “b”, are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 461A.38, the scheduled fine is ten dollars. For a parking violation under section 321.362, the scheduled fine is twenty dollars.

b. For a parking violation under section 321L.2A, subsection 2, the scheduled fine is twenty dollars.

c. For violations under section 321L.2A, subsection 3, sections 321L.3, 321L.4, subsection 2, and section 321L.7, the scheduled fine is two hundred dollars.

2. *Title and registration violations.* For title or registration violations under the following sections, the scheduled fine is as follows:

a. Section 321.17	\$ 50 <u>\$ 70.</u>
b. Section 321.24	\$135.
b. c. Section 321.25	\$100 <u>\$135.</u>
c. d. Section 321.32	\$ 20 <u>\$ 30.</u>
d. e. Section 321.34	\$ 20 <u>\$ 30.</u>
e. f. Section 321.37	\$ 20 <u>\$ 30.</u>
f. g. Section 321.38	\$ 20 <u>\$ 30.</u>
g. h. Section 321.41	\$ 20 <u>\$ 30.</u>

h. <u>i.</u> Section 321.45.....	\$100	\$135.
i. <u>j.</u> Section 321.46.....	\$100	\$135.
j. <u>k.</u> Section 321.47.....	\$100	\$135.
k. <u>l.</u> Section 321.48.....	\$100	\$135.
l. <u>m.</u> Section 321.52.....	\$100	\$135.
m. <u>n.</u> Section 321.55.....	\$ 50	\$ 70.
n. <u>o.</u> Section 321.57.....	\$100	\$135.
o. <u>p.</u> Section 321.62.....	\$100	\$135.
p. <u>q.</u> Section 321.67.....	\$100	\$135.
q. <u>r.</u> Section 321.98.....	\$ 50	\$ 70.
r. <u>s.</u> Section 321.99.....	\$200	\$260.
s. <u>t.</u> Section 321.104.....	\$100	\$135.
t. <u>u.</u> Section 321.115.....	\$ 30	\$ 45.
u. <u>v.</u> Section 321.115A.....	\$ 30	\$ 45.

3. *Equipment violations.* For equipment violations under the following sections, the scheduled fine is as follows:

a. Section 321.234A.....	\$ 50	\$ 70.
b. Section 321.247.....	\$100	\$135.
c. Section 321.317.....	\$ 20	\$ 30.
d. Section 321.381.....	\$100	\$135.
e. Section 321.381A.....	\$100	\$135.
f. Section 321.382.....	\$ 25	\$ 35.
g. Section 321.383, <u>subsection 4</u>	\$ 30	\$ 45.
h. Section 321.384.....	\$ 30	\$ 45.
i. Section 321.385.....	\$ 30	\$ 45.
j. Section 321.386.....	\$ 30	\$ 45.
k. Section 321.387.....	\$ 20	\$ 30.
l. Section 321.388.....	\$ 20	\$ 30.
m. Section 321.389.....	\$ 20	\$ 30.
n. Section 321.390.....	\$ 20	\$ 30.
o. Section 321.392.....	\$ 20	\$ 30.
p. Section 321.393.....	\$ 20	\$ 30.
q. Section 321.398.....	\$ 30	\$ 45.
r. Section 321.402.....	\$ 30	\$ 45.
s. Section 321.403.....	\$ 30	\$ 45.
t. Section 321.404.....	\$ 30	\$ 45.
u. Section 321.404A.....	\$ 25	\$ 35.
v. Section 321.409.....	\$ 30	\$ 45.
w. Section 321.415.....	\$ 30	\$ 45.
x. Section 321.419.....	\$ 30	\$ 45.
y. Section 321.420.....	\$ 30	\$ 45.
z. Section 321.421.....	\$ 30	\$ 45.
aa. Section 321.422.....	\$ 20	\$ 30.
ab. Section 321.423.....	\$ 30	\$ 45.
ac. Section 321.430.....	\$100	\$135.
<u>ad.</u> Section 321.431.....	\$135.	
ad. <u>ae.</u> Section 321.432.....	\$ 20	\$ 30.
ae. <u>af.</u> Section 321.433.....	\$ 30	\$ 45.
af. <u>ag.</u> Section 321.436.....	\$ 20	\$ 30.
ag. <u>ah.</u> Section 321.438.....	\$ 50	\$ 70.
ah. <u>ai.</u> Section 321.439.....	\$ 20	\$ 30.
ai. <u>aj.</u> Section 321.440.....	\$ 20	\$ 30.
aj. <u>ak.</u> Section 321.441.....	\$ 20	\$ 30.
ak. <u>al.</u> Section 321.442.....	\$ 20	\$ 30.
al. <u>am.</u> Section 321.444.....	\$ 20	\$ 30.

4. *Driver’s license violations.* For driver’s license violations under the following sections, the scheduled fine is as follows:

a. Section 321.174	\$ 200 <u>\$ 260.</u>
b. Section 321.174A	\$ 50 <u>\$ 70.</u>
c. Section 321.178, subsection 2, paragraph "a", subparagraph (2)	\$ 30 <u>\$ 45.</u>
d. Section 321.180	\$ 50 <u>\$ 70.</u>
e. Section 321.180B	\$ 50 <u>\$ 70.</u>
f. Section 321.193	\$ 50 <u>\$ 70.</u>
g. Section 321.194	\$ 50 <u>\$ 70.</u>
h. Section 321.216	\$ 100 <u>\$ 135.</u>
i. Section 321.216B	\$ 200 <u>\$ 260.</u>
j. Section 321.216C	\$ 200 <u>\$ 260.</u>
k. Section 321.219	\$ 200 <u>\$ 260.</u>
l. Section 321.220	\$ 200 <u>\$ 260.</u>

5. *Speed violations.*

a. For excessive speed violations in excess of the limit under section 321.236, subsections 5 and 11, ~~sections section 321.285, section 321.383, subsection 5, and section 461A.36,~~ the scheduled fine shall be the following:

(1) ~~Twenty~~ Thirty dollars for speed not more than five miles per hour in excess of the limit.

(2) ~~Forty~~ Fifty-five dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) ~~Eighty~~ One hundred five dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) ~~Ninety~~ One hundred twenty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) One hundred thirty-five dollars plus five dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

b. Excessive speed by a school bus is punishable as provided in subsection 10.

c. Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

d. For a violation under section 321.295, the scheduled fine is ~~fifty~~ seventy dollars.

6. *Operating violations.* For operating violations under the following sections, the scheduled fine is as follows:

a. Section 321.236, subsections 3, 4, 9,
and 12

~~\$ 20~~ \$ 30.

b. Section 321.275, subsections 1
through 7

~~\$ 35~~ \$ 50.

c. Section 321.277A

~~\$ 35~~ \$ 50.

d. Section 321.288

~~\$100~~ \$135.

e. Section 321.297

~~\$100~~ \$135.

f. Section 321.299

~~\$100~~ \$135.

g. Section 321.302

~~\$100~~ \$135.

h. Section 321.303

~~\$100~~ \$135.

i. Section 321.304, subsections 1
and 2

~~\$100~~ \$135.

j. Section 321.305

~~\$100~~ \$135.

k. Section 321.306

~~\$100~~ \$135.

l. Section 321.311

~~\$100~~ \$135.

m. Section 321.312

~~\$100~~ \$135.

n. Section 321.314

~~\$100~~ \$135.

o. Section 321.315

~~\$ 35~~ \$ 50.

p. Section 321.316

~~\$ 35~~ \$ 50.

q. Section 321.318

~~\$ 35~~ \$ 50.

r. Section 321.323

~~\$100~~ \$135.

0s. Section 321.324A

\$135.

s. Section 321.340

~~\$100~~ \$135.

t. Section 321.353

~~\$100~~ \$135.

u. Section 321.354

~~\$100~~ \$135.

v. Section 321.363	\$ 35	\$ 50.
w. Section 321.365	\$ 35	\$ 50.
x. Section 321.366	\$100	\$135.
y. Section 321.395	\$100	\$135.

7. *Failure to yield or obey violations.* For failure to yield or obey violations under the following sections, the scheduled fine is as follows:

a. Section 321.257, subsection 2, for a violation by an operator of a motor vehicle.....	\$100	\$135.
b. Section 321.298	\$100	\$135.
c. Section 321.307.....	\$100	\$135.
d. Section 321.313	\$100	\$135.
e. Section 321.319.....	\$100	\$135.
f. Section 321.320.....	\$100	\$135.
g. Section 321.321	\$100	\$135.
h. Section 321.327	\$100	\$135.
i. Section 321.329.....	\$100	\$135.
j. Section 321.333.....	\$100	\$135.

8. *Traffic sign or signal violations.* For traffic sign or signal violations under the following sections, the scheduled fine is as follows:

a. Section 321.236, subsections 2 and 6.....	\$ 35	\$ 50.
b. Section 321.256	\$100	\$135.
c. Section 321.260, subsection 2.....	\$455.	
e. <u>d.</u> Section 321.294.....	\$100	\$135.
d. <u>e.</u> Section 321.304, subsection 3	\$100	\$135.
e. <u>f.</u> Section 321.322	\$100	\$135.

9. *Bicycle or pedestrian violations.* For bicycle or pedestrian violations under the following sections, the scheduled fine for a pedestrian or bicyclist is as follows:

a. Section 321.234, subsections 3 and 4.....	\$ 25	\$ 35.
b. Section 321.236, subsection 10.....	\$ 15	\$ 25.
c. Section 321.257, subsection 2	\$ 25	\$ 35.
d. Section 321.275, subsection 8	\$ 25	\$ 35.
e. Section 321.325.....	\$ 25	\$ 35.
f. Section 321.326.....	\$ 25	\$ 35.
g. Section 321.328	\$ 25	\$ 35.
h. Section 321.331	\$ 25	\$ 35.
i. Section 321.332.....	\$ 25	\$ 35.
j. Section 321.397.....	\$ 25	\$ 35.
k. Section 321.434	\$ 25	\$ 35.

9A. *Electric personal assistive mobility device violations.* For violations under section 321.235A, the scheduled fine is ~~fifteen~~ twenty-five dollars.

10. *School bus violations.* For violations by an operator of a school bus under sections 321.285 and 321.372, subsections 1 and 2, the scheduled fine is one hundred thirty-five dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

11. *a. Emergency vehicle and equipment-related violations.* For violations relating to authorized emergency vehicles, fire apparatus and equipment, and police bicycles under the following sections, the scheduled fine is as follows:

(1) Section 321.231.....	\$100	\$135.
(2) Section 321.323A, subsection 1	\$100	\$135.
(3) Section 321.324.....	\$100	\$135.
(4) Section 321.367.....	\$100	\$135.
(5) Section 321.368.....	\$100	\$135.

b. Violations relating to stationary nonemergency vehicles. For violations relating to the approach of certain stationary nonemergency vehicles under section 321.323A, subsections 2 and 3, the scheduled fine is one hundred thirty-five dollars.

12. *Restrictions on vehicles.*

a. For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is ~~thirty-five~~ fifty dollars.

b. For violations under section 321.437, the scheduled fine is ~~thirty-five~~ fifty dollars.

c. For height, length, width, and load violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is two hundred ~~sixty~~ dollars.

d. For violations under section 321.466, the scheduled fine is ~~twenty~~ twenty-five dollars for each two thousand pounds or fraction thereof of overweight.

e. (1) Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 through 805.11, irrespective of the amount of the fine under that schedule.

(a) Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint.

(b) Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise shall be chargeable only upon indictment or county attorney's information.

(2) In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

f. For a violation under section 321E.16, other than the provisions relating to weight, the scheduled fine is two hundred ~~sixty~~ dollars.

13. *Motor carrier and other operator violations.*

a. (1) For a violation under section 321.54, the scheduled fine is ~~thirty~~ forty-five dollars.

(2) For violations under sections 326.22 and 326.23, the scheduled fine is ~~fifty~~ seventy dollars.

b. For a violation under section 321.449, 321.449A, or 321.449B, the scheduled fine is ~~fifty~~ seventy dollars.

c. For violations under sections 321.364, 321.450, 321.460, and 452A.52, the scheduled fine is two hundred ~~sixty~~ dollars.

d. For violations of section 325A.3, subsection 6, or section 325A.8, the scheduled fine is one hundred ~~thirty-five~~ dollars.

e. For violations of chapter 325A, other than a violation of section 325A.3, subsection 6, or section 325A.8, the scheduled fine is ~~two~~ three hundred ~~fifty~~ twenty-five dollars.

f. For violations of section 327B.1, subsection 1 or 3, the scheduled fine is ~~two~~ three hundred ~~fifty~~ twenty-five dollars.

14. *Miscellaneous violations.*

a. *Failure to obey a peace officer.* For a violation under section 321.229, the scheduled fine is one hundred ~~thirty-five~~ dollars.

b. *Abandoning a motor vehicle.* For a violation under section 321.91, the scheduled fine is two hundred ~~sixty~~ dollars.

c. *Seat belt or restraint violations.*

(1) For a violation under section 321.445, the scheduled fine is ~~fifty~~ seventy dollars.

(2) For a violation under section 321.446, the scheduled fine is one hundred ~~thirty-five~~ dollars.

d. *Litter and debris violations.* For violations under sections 321.369 and 321.370, the scheduled fine is ~~seventy~~ ninety dollars.

e. *Open container violations.* For violations under sections 321.284 and 321.284A, the scheduled fine is two hundred ~~sixty~~ dollars.

f. *Proof of financial responsibility.* If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is ~~five~~ six hundred ~~forty-five~~ dollars; otherwise, the scheduled fine for a violation of section 321.20B, subsection 1, is ~~two~~ three hundred ~~fifty~~ twenty-five dollars. Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state

court administrator and distributed fifty percent to the victim compensation fund established in section 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

g. Speed detection jamming devices. For a violation under section 321.232, the scheduled fine is one hundred thirty-five dollars.

h. Railroad crossing violations. For violations under sections 321.341, 321.342, 321.343, and 321.344, and 321.344B, the scheduled fine is two hundred sixty dollars.

i. Road work zone violations. The scheduled fine for any moving traffic violation under chapter 321, as provided in this section, shall be doubled if the violation occurs within any road work zone, as defined in section 321.1. However, notwithstanding subsection 5, the scheduled fine for violating the speed limit in a road work zone is as follows:

(1) One hundred fifty ninety-five dollars for speed not more than ten miles per hour over the posted speed limit.

(2) Three hundred ninety dollars for speed greater than ten but not more than twenty miles per hour over the posted speed limit.

(3) ~~Five Six~~ hundred forty-five dollars for speed greater than twenty but not more than twenty-five miles per hour over the posted speed limit.

(4) One thousand two hundred eighty-five dollars for speed greater than twenty-five miles per hour over the posted speed limit.

j. Vehicle component parts records violations. For violations under section 321.95, the scheduled fine is fifty seventy dollars.

k. Actions against a person on a bicycle. For violations under section 321.281, the scheduled fine is ~~two~~ three hundred fifty twenty-five dollars.

l. Writing, sending, or viewing an electronic message while driving violations. For violations under section 321.276, the scheduled fine is ~~thirty~~ forty-five dollars.

m. Leaving scene of traffic accident. For violations under section 321.262, the scheduled fine is one hundred thirty-five dollars.

n. Striking unattended vehicle. For violations under section 321.264, the scheduled fine is one hundred thirty-five dollars.

o. Striking fixtures upon highway. For violations under section 321.265, the scheduled fine is one hundred thirty-five dollars.

p. Clearing up wrecks. For violations under section 321.371, the scheduled fine is thirty-five dollars.

Sec. 43. Section 805.8B, Code 2020, is amended to read as follows:

805.8B Navigation, recreation, hunting, and fishing scheduled violations.

1. *Navigation violations.*

a. For violations of registration, inspections, identification, and record provisions under sections 462A.5, 462A.35, and 462A.37, and for unused or improper or defective lights and warning devices under section 462A.9, subsections 3, 4, 5, 9, and 10, the scheduled fine is ~~ten~~ twenty dollars.

b. For violations of registration, identification, and record provisions under sections 462A.4 and 462A.10, and for unused or improper or defective equipment under section 462A.9, subsections 2, 6, 7, 8, 13, and 14, and section 462A.11, and for operation violations under sections 462A.26, 462A.31, and 462A.33, the scheduled fine is ~~twenty~~ thirty dollars.

c. For operating violations under sections 462A.12, 462A.15, subsection 1, sections 462A.24, and 462A.34, the scheduled fine is ~~twenty-five~~ thirty-five dollars. However, a violation of section 462A.12, subsection 2, is not a scheduled violation.

d. For violations of use, location, and storage of vessels, devices, and structures under sections 462A.27, 462A.28, and 462A.32, the scheduled fine is ~~fifteen~~ twenty-five dollars.

e. For violations of all subdivision ordinances under section 462A.17, subsection 2, except those relating to matters subject to regulation by authority of section 462A.31, subsection 5, the scheduled fine is the same as prescribed for similar violations of state law. For violations of subdivision ordinances for which there is no comparable state law, the scheduled fine is ~~ten~~ twenty dollars.

2. *Snowmobile violations.*

a. For registration or user permit violations under section 321G.3, subsection 1, or section 321G.4B, the scheduled fine is ~~forty~~ sixty-five dollars.

b. (1) For operating violations under section 321G.9, the scheduled fine is ~~forty~~ seventy dollars.

(2) For operating violations under sections 321G.11 and 321G.13, subsection 1, paragraph “d”, the scheduled fine is ~~twenty~~ thirty dollars.

(3) For operating violations under section 321G.13, subsection 1, paragraphs “a”, “b”, “e”, “f”, “g”, “h”, and “i”, and section 321G.13, subsections 2 and 3, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

c. For improper or defective equipment under section 321G.12, the scheduled fine is ~~twenty~~ thirty dollars.

d. For violations of section 321G.19, the scheduled fine is ~~twenty~~ thirty dollars.

e. For decal violations under section 321G.5, the scheduled fine is ~~twenty~~ thirty dollars.

f. For stop signal violations under section 321G.17, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

g. For violations of section 321G.20 and for education certificate violations under section 321G.24, subsection 1, the scheduled fine is ~~forty~~ seventy dollars.

h. For violations of section 321G.21, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

2A. *All-terrain vehicle violations.*

a. For registration or user permit violations under section 321I.3, subsection 1, the scheduled fine is ~~forty~~ seventy dollars.

b. (1) For operating violations under sections 321I.12 and 321I.14, subsection 1, paragraph “d”, the scheduled fine is ~~twenty~~ thirty dollars.

(2) For operating violations under section 321I.10, subsections 1 and 4, the scheduled fine is ~~forty~~ seventy dollars.

(3) For operating violations under section 321I.14, subsection 1, paragraphs “a”, “e”, “f”, “g”, and “h”, and section 321I.14, subsections 2, 3, 4, and 5, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

c. For improper or defective equipment under section 321I.13, the scheduled fine is ~~twenty~~ thirty dollars.

d. For violations of section 321I.20, the scheduled fine is ~~twenty~~ thirty dollars.

e. For decal violations under section 321I.6, the scheduled fine is ~~twenty~~ thirty dollars.

f. For stop signal violations under section 321I.18, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

g. For violations of section 321I.21 and for education certificate violations under section 321I.26, subsection 1, the scheduled fine is ~~forty~~ seventy dollars.

h. For violations of section 321I.22, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

3. *Hunting and fishing violations.*

a. For violations of section 484A.2, the scheduled fine is ~~ten~~ twenty dollars.

b. For violations of sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.8A, 483A.19, 483A.27, and 483A.27A, the scheduled fine is ~~twenty~~ thirty dollars.

c. For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections 483A.6A, 483A.7, 483A.8, 483A.23, 483A.24, and 483A.28, the scheduled fine is ~~twenty~~ thirty-five dollars.

d. For violations of sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2, sections 482.5, 482.7, 482.8, 482.10, and 483A.37, the scheduled fine is ~~forty~~ seventy dollars.

e. For violations of sections 481A.57, 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

f. For violations of section 481A.38 relating to the taking, pursuing, killing, trapping or ensnaring, buying, selling, possessing, or transporting any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For deer or turkey, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

- (2) For protected nongame, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (3) For mussels, frogs, spawn, or fish, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (4) For other game, the scheduled fine is ~~fifty~~ seventy dollars.
- (5) For fur-bearing animals, the scheduled fine is ~~seventy-five~~ one hundred dollars.
- g. For violations of section 481A.38 relating to an attempt to take, pursue, kill, trap, buy, sell, possess, or transport any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, mussels, frogs, or fish or part of them, the scheduled fines are as follows:
- (1) For game or fur-bearing animals, the scheduled fine is ~~fifty~~ seventy dollars.
- (2) For protected nongame, the scheduled fine is ~~fifty~~ seventy dollars.
- (3) For mussels, frogs, spawn, or fish, the scheduled fine is ~~ten~~ twenty dollars.
- h. For violations of section 481A.48 relating to restrictions on game birds and animals, the scheduled fines are as follows:
- (1) For out-of-season, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (2) For over limit, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (3) For attempt to take, the scheduled fine is ~~fifty~~ seventy dollars.
- (4) For general waterfowl restrictions, the scheduled fine is ~~fifty~~ seventy dollars.
- (a) For no federal stamp, the scheduled fine is ~~fifty~~ seventy dollars.
- (b) For unplugged shotgun, the scheduled fine is ~~ten~~ twenty dollars.
- (c) For possession of other than steel shot, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (d) For early or late shooting, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (5) For possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (6) For possession of a prohibited rifle while hunting deer, the scheduled fine is ~~two~~ three hundred ~~fifty~~ twenty-five dollars.
- i. For violations of section 481A.67 relating to general violations of fishing laws, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (1) For over limit catch, the scheduled fine is ~~thirty~~ forty-five dollars.
- (2) For under minimum length or weight, the scheduled fine is ~~twenty~~ thirty dollars.
- (3) For out-of-season fishing, the scheduled fine is ~~fifty~~ seventy dollars.
- j. For violations of section 481A.73 relating to trotlines and throwlines:
- (1) For trotline or throwline violations in legal waters, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (2) For trotline or throwline violations in illegal waters, the scheduled fine is ~~fifty~~ seventy dollars.
- k. For violations of section 481A.144, subsection 4, or section 481A.145, subsections 4, 5, and 6, relating to minnows:
- (1) For general minnow violations, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- (2) For commercial purposes, the scheduled fine is ~~fifty~~ seventy dollars.
- l. For violations of section 481A.87 relating to the taking or possessing of fur-bearing animals out of season:
- (1) For red fox, gray fox, or mink, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (2) For all other furbearers, the scheduled fine is ~~fifty~~ seventy dollars.
- m. For violations of section 482.4 relating to gear tags:
- (1) For commercial license violations, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- (2) For no gear tags, the scheduled fine is ~~twenty-five~~ thirty-five dollars.
- n. For violations of section 482.11, the scheduled fine is one hundred ~~thirty-five~~ thirty-five dollars.
- o. For violations of rules adopted pursuant to section 483A.1 relating to licenses and permits, the scheduled fines are as follows:
- (1) For a license or permit costing ten dollars or less, the scheduled fine is ~~twenty~~ thirty dollars.
- (2) For a license or permit costing more than ten dollars but not more than twenty dollars, the scheduled fine is ~~thirty~~ forty-five dollars.
- (3) For a license or permit costing more than twenty dollars but not more than forty dollars, the scheduled fine is ~~fifty~~ seventy dollars.

(4) For a license or permit costing more than forty dollars but not more than fifty dollars, the scheduled fine is ~~seventy~~ ninety-five dollars.

(5) For a license or permit costing more than fifty dollars but less than one hundred dollars, the scheduled fine is one hundred thirty-five dollars.

(6) For a license or permit costing one hundred dollars or more, the scheduled fine is two times the cost of the original license or permit.

p. For violations of section 483A.26 relating to false claims for licenses:

(1) For making a false claim for a license by a resident, the scheduled fine is ~~fifty~~ seventy dollars.

(2) For making a false claim for a license by a nonresident, the scheduled fine is one hundred thirty-five dollars.

q. For violations of section 483A.36 relating to the conveyance of guns:

(1) For conveying an assembled, unloaded gun, the scheduled fine is ~~twenty-five~~ thirty-five dollars.

(2) For conveying a loaded gun, the scheduled fine is ~~fifty~~ seventy dollars.

4. *Ginseng violations.* For a violation of section 456A.24, subsection 11, the scheduled fine is one hundred thirty-five dollars.

5. *Aquatic invasive species violations.* For violations of section 456A.37, subsection 3, the scheduled fine is as follows:

a. For violations of section 456A.37, subsection 3, paragraph "a", the scheduled fine is ~~five~~ six hundred forty-five dollars.

b. For violations of section 456A.37, subsection 3, paragraph "b", the scheduled fine is ~~seventy-five~~ one hundred dollars.

c. For repeat violations of section 456A.37, subsection 3, paragraph "a" or "b", within the same twelve-month period, the scheduled fine shall include an additional fine of ~~five~~ six hundred forty-five dollars for each violation.

6. *Misuse of parks and preserves.*

a. For violations under sections 461A.39, 461A.45, and 461A.50, the scheduled fine is ~~ten~~ twenty dollars.

b. For violations under sections 461A.40, 461A.46, and 461A.49, the scheduled fine is ~~fifteen~~ twenty-five dollars.

c. For violations of sections 461A.35, 461A.42, and 461A.44, the scheduled fine is ~~fifty~~ seventy dollars.

d. For violations of section 461A.48, the scheduled fine is ~~twenty-five~~ thirty-five dollars.

e. For violations under section 461A.43, the scheduled fine is ~~thirty~~ forty-five dollars.

Sec. 44. Section 805.8C, Code 2020, is amended to read as follows:

805.8C Miscellaneous scheduled violations.

1. *Energy emergency violations.* For violations of an executive order issued by the governor under the provisions of section 473.8, the scheduled fine is ~~fifty~~ seventy dollars.

2. *Alcoholic beverage violations.* For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine for a licensee or permittee is one thousand ~~five~~ nine hundred twenty-five dollars, and the scheduled fine for a person who is employed by a licensee or permittee is ~~five~~ six hundred forty-five dollars.

3. *Violations related to smoking, tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes.*

a. For violations described in section 142D.9, subsection 1, the scheduled fine is fifty dollars, and is a civil penalty, and the ~~criminal penalty~~ crime services surcharge under section 911.1 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation described in section 142D.9, subsection 1, is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

b. For violations of section 453A.2, subsection 1, by an employee of a retailer, the scheduled fine is as follows:

(1) If the violation is a first offense, the scheduled fine is one hundred thirty-five dollars.

(2) If the violation is a second offense, the scheduled fine is ~~two~~ three hundred ~~forty~~ twenty-five dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is ~~five~~ six hundred ~~forty~~ forty-five dollars.

c. For violations of section 453A.2, subsection 2, the scheduled fine is as follows and is a civil penalty, and the ~~criminal penalty~~ crime services surcharge under section 911.1 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed:

(1) If the violation is a first offense, the scheduled fine is ~~forty~~ fifty ~~seventy~~ seventy dollars.

(2) If the violation is a second offense, the scheduled fine is one hundred ~~thirty~~ thirty-five dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is ~~two~~ three hundred ~~forty~~ twenty-five dollars.

4. *Electrical or mechanical amusement device violations.*

a. For violations of legal age for operating an electrical or mechanical amusement device required to be registered as provided in section 99B.53, pursuant to section 99B.57, subsection 1, the scheduled fine is ~~two~~ three hundred ~~forty~~ twenty-five dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

b. For first offense violations concerning electrical or mechanical amusement devices as provided in section 99B.54, subsection 2, the scheduled fine is ~~two~~ three hundred ~~forty~~ twenty-five dollars.

5. *Gambling violations.*

a. For violations of legal age for gambling wagering under section 99D.11, subsection 7, section 99F.9, subsection 5, and section 725.19, subsection 1, the scheduled fine is ~~five~~ six hundred ~~forty~~ forty-five dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

b. For legal age violations for entering or attempting to enter a facility under section 99F.9, subsection 6, the scheduled fine is ~~five~~ six hundred ~~forty~~ forty-five dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

6. *Pseudoephedrine sales violations.* For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, paragraph "a", by a purchaser, the scheduled fine is as follows:

a. If the violation is a first offense, the scheduled fine is two hundred ~~sixty~~ sixty dollars.

b. If the violation is a second offense, the scheduled fine is ~~two~~ three hundred ~~forty~~ twenty-five dollars.

c. If the violation is a third or subsequent offense, the scheduled fine is ~~five~~ six hundred ~~forty~~ forty-five dollars.

7. *Alcoholic beverage violations by persons eighteen, nineteen, or twenty years of age.* For first offense violations of section 123.47, subsection 4, the scheduled fine is two hundred ~~sixty~~ sixty dollars.

8. *Unlicensed premises owner — under eighteen years of age consumption or possession.* For first offense violations of section 123.47, subsection 2, the scheduled fine is two hundred ~~sixty~~ sixty dollars.

9. *Notification violations.* For violations of section 229.22, subsection 6, the scheduled fine is one thousand dollars for a first violation and two thousand dollars for a second or subsequent violation. The scheduled fine under this subsection is a civil penalty, and the ~~criminal penalty~~ crime services surcharge under section 911.1 shall not be added to the penalty.

10. *Scrap metal transaction violations.* For violations of section 714.27, the scheduled fine is one hundred dollars for a first violation, five hundred dollars for a second violation within two years, and one thousand dollars for a third or subsequent violation within two years. The scheduled fine under this subsection is a civil penalty which shall be deposited into the general fund of the county or city if imposed by a designated officer or employee of a county or city, or deposited in the general fund of the state if imposed by a state agency, and the ~~criminal penalty~~ crime services surcharge under section 911.1 shall not be added to the penalty.

11. *Trespassing violations.* For trespasses punishable under section 716.8, subsection 1 or 5, the scheduled fine is two hundred sixty dollars for a first violation, five six hundred forty-five dollars for a second violation, and one thousand two hundred eighty-five dollars for a third or subsequent violation.

12. *Internet fantasy sports contest violations.* For violations of legal age for entering an internet fantasy sports contest under section 99E.7, the scheduled fine is five hundred dollars. Failure to pay the fine by a person under the age of eighteen shall not result in the person being detained in a secure facility.

DIVISION V MISDEMEANOR AND FELONY FINES

Sec. 45. Section 902.9, subsection 1, paragraphs d and e, Code 2020, are amended to read as follows:

d. A class “C” felon, not an habitual offender, shall be confined for no more than ten years, and in addition shall be sentenced to a fine of at least one thousand three hundred seventy dollars but not more than ten thirteen thousand six hundred sixty dollars.

e. A class “D” felon, not an habitual offender, shall be confined for no more than five years, and in addition shall be sentenced to a fine of at least seven hundred fifty one thousand twenty-five dollars but not more than seven ten thousand five two hundred forty-five dollars.

Sec. 46. Section 903.1, subsections 1 and 2, Code 2020, are amended to read as follows:

1. If a person eighteen years of age or older is convicted of a simple or serious misdemeanor and a specific penalty is not provided for or if a person under eighteen years of age has been waived to adult court pursuant to section 232.45 on a felony charge and is subsequently convicted of a simple, serious, or aggravated misdemeanor, the court shall determine the sentence, and shall fix the period of confinement or the amount of fine, which fine shall not be suspended by the court, within the following limits:

a. For a simple misdemeanor, there shall be a fine of at least sixty-five one hundred five dollars but not to exceed six eight hundred twenty-five fifty-five dollars. The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

b. For a serious misdemeanor, there shall be a fine of at least three four hundred fifteen thirty dollars but not to exceed one two thousand eight five hundred seventy-five sixty dollars. In addition, the court may also order imprisonment not to exceed one year.

2. When a person is convicted of an aggravated misdemeanor, and a specific penalty is not provided for, the maximum penalty shall be imprisonment not to exceed two years. There shall be a fine of at least six eight hundred twenty-five fifty-five dollars but not to exceed six eight thousand two five hundred fifty forty dollars. When a judgment of conviction of an aggravated misdemeanor is entered against any person and the court imposes a sentence of confinement for a period of more than one year the term shall be an indeterminate term.

DIVISION VI CRIMINALISTICS LABORATORY FUND

Sec. 47. Section 691.9, Code 2020, is amended to read as follows:

691.9 Criminalistics laboratory fund.

A criminalistics laboratory fund is created as a separate fund in the state treasury under the control of the department of public safety. The fund shall consist of appropriations made to the fund and transfers of interest, moneys collected from the crime services surcharge established in section 911.1, and earnings. All moneys in the fund are appropriated to the department of public safety for use by the department in criminalistics laboratory equipment and supply purchasing, maintenance, depreciation, and training, and payments of the fees charged by the department of administrative services for the criminalistics laboratory facility in Ankeny. Any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this section.

DIVISION VII
DRUG ABUSE RESISTANCE EDUCATION FUND

Sec. 48. **NEW SECTION. 80E.4 Drug abuse resistance education fund.**

A drug abuse resistance education fund is created as a separate fund in the state treasury under the control of the governor's office of drug control policy for use by the drug abuse resistance education program and other programs with a similar purpose. The fund shall consist of appropriations made to the fund and transfers of interest, moneys collected from the crime services surcharge established in section 911.1, and earnings. All moneys in the fund are appropriated to the governor's office of drug control policy. Notwithstanding section 8.33, any balance in the fund on June 30 of any fiscal year shall not revert to any other fund of the state but shall remain available for the purposes described in this section.

DIVISION VIII
EMERGENCY MEDICAL SERVICES FUND

Sec. 49. Section 135.25, Code 2020, is amended to read as follows:
135.25 Emergency medical services fund.

An emergency medical services fund is created in the state treasury under the control of the department. The fund includes, but is not limited to, amounts appropriated by the general assembly, amounts transferred pursuant to section 602.8108, subsection 4, and other moneys available from federal or private sources which are to be used for purposes of this section. Funds remaining in the fund at the end of each fiscal year shall not revert to the general fund of the state but shall remain in the emergency medical services fund, notwithstanding section 8.33. The fund is established to assist counties by matching, on a dollar-for-dollar basis, moneys spent by a county for the acquisition of equipment for the provision of emergency medical services and by providing grants to counties for education and training in the delivery of emergency medical services, as provided in this section and section 422D.6. A county seeking matching funds under this section shall apply to the emergency medical services division of the department. The department shall adopt rules concerning the application and awarding process for the matching funds and the criteria for the allocation of moneys in the fund if the moneys are insufficient to meet the emergency medical services needs of the counties. Moneys allocated by the department to a county for emergency medical services purposes may be used for equipment or training and education as determined by the board of supervisors pursuant to section 422D.6.

DIVISION IX
FUNDING FOR JUVENILE DETENTION HOME FUND

Sec. 50. Section 232.142, subsection 6, Code 2020, is amended to read as follows:

6. A juvenile detention home fund is created in the state treasury under the authority of the department. The fund shall consist of moneys deposited in the fund pursuant to sections ~~321.218A and 321A.32A~~ section 602.8108. The moneys in the fund shall be used for the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in accordance with annual appropriations made by the general assembly from the fund for these purposes.

Sec. 51. Section 321.210B, subsection 7, Code 2020, is amended to read as follows:

7. *a.* A civil penalty assessed pursuant to section ~~321.218A, 321A.32A, or 321J.17~~ shall be added to the amount owing under the installment agreement.

~~*b.* The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to section 321.218A or 321A.32A and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state for deposit in the juvenile detention home fund created in section 232.142.~~

e. b. The clerk of the district court shall transmit to the department, from the first moneys collected, an amount equal to the amount of any civil penalty assessed pursuant to section

321J.17 and added to the installment agreement. The department shall transmit the money received from the clerk of the district court pursuant to this paragraph to the treasurer of state who shall deposit one-half of the money in the separate fund established in section 915.94 and one-half of the money in the general fund of the state.

Sec. 52. Section 321M.9, subsection 1, Code 2020, is amended to read as follows:

1. *Fees to counties.* Notwithstanding any other provision in the Code to the contrary, the county treasurer of a county authorized to issue driver's licenses under this chapter shall retain for deposit in the county general fund seven dollars of fees received for each issuance or renewal of driver's licenses and nonoperator's identification cards, but shall not retain any moneys for the issuance of any persons with disabilities identification devices. The five dollar processing fee charged by a county treasurer for collection of a civil penalty under section ~~321.218A, 321A.32A, or~~ 321J.17 shall be retained for deposit in the county general fund. The county treasurer shall remit the balance of fees and all civil penalties to the department.

Sec. 53. Section 331.557A, subsection 4, Code 2020, is amended to read as follows:

4. Accept payment of the civil penalties penalty assessed pursuant to sections 321.218A, 321A.32A, and section 321J.17 and remit the penalties penalty to the state department of transportation.

Sec. 54. REPEAL. Sections 321.218A and 321A.32A, Code 2020, are repealed.

DIVISION X NONRESIDENT STATE PARK USER FEE PILOT PROGRAM

Sec. 55. Section 455A.14A, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. The department shall charge an entrance fee of five dollars per vehicle for a if the vehicle is operated by a nonresident of the state, which the nonresident operator shall pay.

Sec. 56. Section 455A.14B, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. The department shall charge an entrance fee of five dollars per vehicle for a if the vehicle is operated by a nonresident of the state, which the nonresident operator shall pay.

Sec. 57. Section 805.8C, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 13. State park user fee violations. For failure to pay the entrance fee by a nonresident operator of a vehicle under section 455A.14A, subsection 1, paragraph "a", or under section 455A.14B, subsection 1, paragraph "a", the scheduled fine is fifteen dollars.

DIVISION XI IOWA EMERGENCY FOOD PURCHASE PROGRAM FUND

Sec. 58. **NEW SECTION. 190B.201 Iowa emergency food purchase program fund.**

1. An Iowa emergency food purchase program fund is established in the state treasury and shall be administered by the department of agriculture and land stewardship. The fund shall consist of moneys appropriated to the fund pursuant to section 602.8108, subsection 13, and any other moneys appropriated to the fund.

2. The purpose of the fund is to relieve situations of emergency experienced by families or individuals who reside in this state, including low-income families and individuals and unemployed families and individuals, by distributing food to those persons, and the department may contract with an Iowa food bank association to manage the program.

3. The Iowa food bank association managing the program shall distribute food under the program to emergency feeding organizations in this state. The Iowa food bank association shall report to the department as required by the department.

4. "Iowa food bank association" means a private nonprofit entity that meets all of the following requirements:

a. The association is organized under chapter 504.

b. The association qualifies under section 501(c)(3) of the Internal Revenue Code as an organization exempt from federal income tax under section 501(a) of the Internal Revenue Code.

c. The association's members include food banks, or affiliations of food banks, that together serve all counties in this state.

d. The association's principal office is located in this state.

5. Notwithstanding section 8.33, moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until two years following the last day of the fiscal year in which the funds were originally appropriated.

DIVISION XII CIVIL CLAIMS FOR REIMBURSEMENT

Sec. 59. Section 331.659, subsection 1, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A Except for a civil claim for reimbursement under section 356.7, a sheriff or a deputy sheriff shall not:

Sec. 60. Section 356.7, subsection 2, paragraph i, Code 2020, is amended by striking the paragraph.

Sec. 61. Section 356.7, subsection 4, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. A claim for reimbursement shall be filed in a separate civil action rather than as a claim in the underlying criminal case.

Sec. 62. Section 602.8102, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 105C. Apply payments made to a civil claim for reimbursement judgment under section 356.7 to court debt, as defined in section 602.8107, in the priority order set out in section 602.8107, subsection 2, if the debtor has delinquent court debt.

Sec. 63. Section 602.8105, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. k. For a civil claim for reimbursement under section 356.7, zero dollars.

Sec. 64. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIII RESTITUTION

Sec. 65. Section 602.8107, subsection 1, paragraph a, Code 2020, is amended by striking the paragraph and inserting in lieu thereof the following:

a. "*Court debt*" means all restitution, fees, and forfeited bail.

Sec. 66. Section 602.8107, subsection 2, paragraphs b and c, Code 2020, are amended to read as follows:

b. (1) If Except as provided in subparagraph (2), if a case number is not identified, the clerk shall apply the payment to the balance owed in the criminal case with the oldest judgment against the person.

(2) The clerk shall apply payments to pecuniary damages in other criminal cases when no case number is identified in priority order from the oldest judgment to the most recent judgment before applying payments to any other court debt.

c. Payments received under this section shall be applied in the following priority order:

(1) Pecuniary damages as defined in section 910.1, subsection 3.

(2) Fines or penalties and criminal penalty and law enforcement initiative surcharges.

(3) Crime victim compensation program reimbursement.

(4) Court costs, ~~including correctional fees assessed pursuant to sections 356.7 and 904.108~~, court-appointed attorney fees, or public defender expenses.

Sec. 67. Section 602.8107, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. This subsection does not apply to amounts collected for ~~victim~~ restitution involving pecuniary damages, the victim compensation fund, the criminal penalty surcharge, sex offender civil penalty, drug abuse resistance education surcharge, the law enforcement initiative surcharge, county enforcement surcharge, or amounts collected as a result of procedures initiated under subsection 5 or under section 8A.504, ~~or fees charged pursuant to section 356.7.~~

Sec. 68. Section 909.3, subsection 1, Code 2020, is amended to read as follows:

1. ~~All~~ Unless a plan of payment has been issued pursuant to chapter 910, fines imposed by the court shall be paid on the day the fine is imposed, and the person shall be instructed to pay such fines with the office of the clerk of the district court on the date of imposition.

Sec. 69. Section 910.1, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 01. "*Category "A" restitution*" means fines, penalties, and surcharges.

NEW SUBSECTION. 001. "*Category "B" restitution*" means the contribution of funds to a local anticrime organization which provided assistance to law enforcement in an offender's case, the payment of crime victim compensation program reimbursements, payment of restitution to public agencies pursuant to section 321J.2, subsection 13, paragraph "b", court costs, court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and payment to the medical assistance program pursuant to chapter 249A for expenditures paid on behalf of the victim resulting from the offender's criminal activities including investigative costs incurred by the Medicaid fraud control unit pursuant to section 249A.50.

NEW SUBSECTION. 1A. "*Financial affidavit*" means a signed affidavit under penalty of perjury that provides financial information about the offender to enable the sentencing court or the department of corrections to make a determination regarding the ability of the offender to pay category "B" restitution. "*Financial affidavit*" includes the offender's income, physical and mental health, age, education, employment, inheritance, other debts, other amounts of restitution owed, family circumstances, and any assets subject to execution, including but not limited to cash, accounts at financial institutions, stocks, bonds, and any other property which may be applied to the satisfaction of judgments.

NEW SUBSECTION. 3A. "*Permanent restitution order*" means an enforceable restitution order entered either at the time of sentencing or at a later date determined by the court.

NEW SUBSECTION. 3B. "*Plan of payment*" or "*restitution plan of payment*" means a plan for paying restitution wherein the defendant is ordered to pay a certain amount of money each month to repay outstanding restitution.

NEW SUBSECTION. 3C. "*Plan of restitution*" means a permanent restitution order, restitution plan of payment, any other court order relating to restitution, or any combination of the foregoing.

Sec. 70. Section 910.1, subsection 4, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. "*Restitution*" means pecuniary damages, category "A" restitution, and category "B" restitution.

Sec. 71. Section 910.2, Code 2020, is amended by striking the section and inserting in lieu thereof the following:

910.2 Restitution or community service ordered by sentencing court.

1. a. In all criminal cases in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgment of conviction is rendered, the sentencing court shall order that pecuniary damages be paid by each offender to the victims of the offender's criminal activities, and that all other restitution be paid to the clerk of court subject to the following:

(1) Pecuniary damages and category “A” restitution shall be ordered without regard to an offender’s reasonable ability to make payments.

(2) Category “B” restitution shall be ordered subject to an offender’s reasonable ability to make payments pursuant to section 910.2A.

b. Pecuniary damages shall be paid to victims in full before category “A” and category “B” restitution are paid.

c. In structuring a plan of restitution, the plan of payment shall provide for payments in the following order of priority:

(1) Pecuniary damages to the victim.

(2) Category “A” restitution.

(3) Category “B” restitution in the following order:

(a) Crime victim compensation program reimbursement.

(b) Public agencies.

(c) Court costs.

(d) Court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender.

(e) Contribution to a local anticrime organization.

(f) The medical assistance program.

2. a. When the offender is not reasonably able to pay all or a part of category “B” restitution, the court may require the offender in lieu of that portion of category “B” restitution for which the offender is not reasonably able to pay, to perform a needed public service for a governmental agency or for a private nonprofit agency which provides a service to the youth, elderly, or poor of the community.

b. When community service is ordered, the court shall set a specific number of hours of service to be performed by the offender. When calculating the amount of community service to be performed in lieu of payment of court-appointed attorney fees, the court shall determine the approximate equivalent value of the expenses of the public defender. The judicial district department of correctional services shall provide for the assignment of the offender to a public agency or private nonprofit agency to perform the required service.

Sec. 72. NEW SECTION. 910.2A Reasonable ability to pay — category “B” restitution payments.

1. An offender is presumed to have the reasonable ability to make restitution payments for the full amount of category “B” restitution.

2. If an offender requests that the court determine the amount of category “B” restitution payments the offender is reasonably able to make toward paying the full amount of such restitution, the court shall hold a hearing and make such a determination, subject to the following provisions:

a. To obtain relief at such a hearing, the offender must affirmatively prove by a preponderance of the evidence that the offender is unable to reasonably make payments toward the full amount of category “B” restitution.

b. The offender must furnish the prosecuting attorney and sentencing court with a completed financial affidavit. Failure to furnish a completed financial affidavit waives any claim regarding the offender’s reasonable ability to pay.

c. The prosecuting attorney, the attorney for the defendant, and the court shall be permitted to question the offender regarding the offender’s reasonable ability to pay.

d. Based on the evidence offered at the hearing, including but not limited to the financial affidavit, the court shall determine the amount of category “B” restitution the offender is reasonably able to make payments toward, and order the offender to make payments toward that amount.

3. a. If an offender does not make a request as provided in subsection 2 at the time of sentencing or within thirty days after the court issues a permanent restitution order, the court shall order the offender to pay the full amount of category “B” restitution.

b. An offender’s failure to request a determination pursuant to this section waives all future claims regarding the offender’s reasonable ability to pay, except as provided by section 910.7.

4. If an offender requests that the court make a determination pursuant to subsection 2, the offender’s financial affidavit shall be filed of record in all criminal cases for which the

offender owes restitution and the affidavit shall be accessible by a prosecuting attorney or attorney for the offender without court order or appearance.

5. A court that makes a determination under this section is presumed to have properly exercised its discretion. A court is not required to state its reasons for making a determination.

Sec. 73. NEW SECTION. **910.2B Conversion of existing restitution orders.**

1. All of the following, if entered by a district court prior to the effective date of this Act, shall be converted to permanent restitution orders:

- a. A temporary restitution order.
- b. A supplemental restitution order.
- c. A restitution order that does not contain a determination of the defendant's reasonable ability to pay the restitution ordered.

2. The only means by which a defendant may challenge the conversion of a restitution order is through the filing of a petition pursuant to section 910.7.

3. The provisions of this chapter, including but not limited to the procedures in section 910.2A, shall apply to a challenge to the conversion of an existing restitution order in the district court and on appeal.

4. A challenge to the conversion of an existing restitution order to a permanent restitution order shall be filed in the district court no later than one year from the effective date of this Act.

Sec. 74. Section 910.3, Code 2020, is amended to read as follows:

910.3 Determination of amount of restitution.

1. The ~~county~~ prosecuting attorney shall prepare a statement of pecuniary damages to victims of the defendant and, if applicable, any award by the crime victim compensation program and expenses incurred by public agencies pursuant to section 321J.2, subsection 13, paragraph "b", and shall provide the statement to the presentence investigator or submit the statement to the court at the time of sentencing.

2. The clerk of court shall prepare a statement of court-appointed attorney fees ordered pursuant to section 815.9, including the expense of a public defender, and court costs including ~~correctional fees claimed by a sheriff or municipality pursuant to section 356.7,~~ which shall be provided to the presentence investigator or submitted to the court at the time of sentencing.

3. If ~~these~~ the statements in subsection 1 or 2 are provided to the presentence investigator, they shall become a part of the presentence report.

4. If pecuniary damage amounts are not available or are incomplete at the time of sentencing, the ~~county~~ prosecuting attorney shall provide a statement of pecuniary damages incurred up to that time to the clerk of court.

5. The statement of pecuniary damages shall ordinarily be provided no later than thirty days after sentencing. However, a prosecuting attorney may file a statement of pecuniary damages within a reasonable time after the prosecuting attorney is notified by a victim of any pecuniary damages incurred.

6. If a defendant believes no person suffered pecuniary damages, the defendant shall so state.

7. If the defendant has any mental or physical impairment which would limit or prohibit the performance of a public service, the defendant shall so state. The court may order a mental or physical examination, or both, of the defendant to determine a proper course of action. ~~At the time of sentencing or at a later date to be determined by the court, the~~

8. ~~The court shall set out the~~ enter a permanent restitution order setting out the amount of restitution including the amount of public service to be performed as restitution and the persons to whom restitution must be paid. A permanent restitution order entered at the time of sentencing is part of the final judgment of sentence as defined in section 814.6 and shall be considered in a properly perfected appeal.

9. If the full amount of restitution cannot be determined at the time of sentencing, the court shall issue a temporary permanent restitution order determining a reasonable amount for setting forth the amount of restitution identified up to that time. ~~At a later date as determined~~

~~by the court, the court shall issue a permanent, supplemental order, setting the full amount of restitution. The court shall enter further supplemental orders, if necessary. These court orders shall be known as the plan of restitution.~~

10. A permanent restitution order may be superseded by subsequent orders if additional or different restitution is ordered. A permanent restitution order entered after the time of sentencing shall only be challenged pursuant to section 910.7.

Sec. 75. Section 910.4, subsection 1, paragraph b, subparagraphs (1) and (2), Code 2020, are amended to read as follows:

(1) If the court extends the period of probation, the period of probation shall not be for more than the maximum period of probation for the offense committed except for an extension of a period of probation as authorized in section 907.7. After discharge from probation or after the expiration of the period of probation, as extended if applicable, the failure of an offender to comply with the plan of restitution ~~ordered by the court~~ shall constitute contempt of court.

(2) If an offender's probation is revoked, the offender's assigned probation officer shall forward to the director of the Iowa department of corrections, all known information concerning the offender's restitution plan, restitution plan of payment, the restitution payment balance obligations, including but not limited to the plan of restitution, and any other pertinent information concerning or affecting restitution by the offender.

Sec. 76. Section 910.4, subsections 2 and 3, Code 2020, are amended to read as follows:

2. When the offender is committed to a county jail, or to an alternate facility, the office or individual charged with supervision of the offender shall prepare a restitution plan of payment ~~taking into consideration the offender's income, physical and mental health, age, education, employment and family circumstances and shall submit the plan to the court.~~

~~a. The office or individual charged with supervision of the offender shall review the plan of restitution ordered by the court, and shall submit a restitution plan of payment to the sentencing court.~~

~~b. a.~~ When community service is ordered by the court as restitution, the restitution plan of payment shall set out a plan to meet the requirement for the community service.

~~c. The court may approve or modify the plan of restitution and restitution plan of payment.~~

~~d. b.~~ When there is a significant change in the offender's income or circumstances, the office or individual which has supervision of the restitution plan of payment shall submit a modified ~~restitution~~ plan of payment to the court.

3. a. When there is a transfer of supervision from one office or individual charged with supervision of the offender to another, the sending office or individual shall forward to the receiving office or individual all necessary information regarding the balance owed against the original amount of restitution ordered and the balance of public service required.

~~b. When~~ If there has been a significant change in the offender's circumstances and or income have significantly changed, the receiving office or individual shall submit a new restitution plan of payment to the sentencing court ~~for approval or modification based on the considerations enumerated in this section.~~

Sec. 77. Section 910.4, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding any other provision in this chapter, the plan of payment shall be based on all information pertinent to the offender's reasonable ability to pay. The first monthly payment under such a plan shall be made within thirty days of the approval of the plan.

Sec. 78. Section 910.6, Code 2020, is amended to read as follows:

910.6 Payment plan — copy to victims.

An office or individual preparing a restitution plan of payment or modified ~~restitution~~ plan of payment, ~~when it is approved by the court if approval is required under section 910.4, or when the plan is completed if court approval under section 910.4 is not required,~~ shall forward a copy to the clerk of court in the county in which the offender was sentenced. The clerk of court shall forward a copy of the restitution plan of payment or modified plan of payment to the victim or victims.

Sec. 79. Section 910.7, subsections 1 and 3, Code 2020, are amended to read as follows:

1. At any time during the period of probation, parole, or incarceration, the offender, the prosecuting attorney, or the office or individual who prepared the offender's restitution plan may petition the court on any matter related to the plan of restitution or restitution plan of payment and the court shall grant a hearing if on the face of the petition it appears that a hearing is warranted.

3. If a petition related to a plan of restitution has been filed, the offender, the county prosecuting attorney, the department of corrections if the offender is currently confined in a correctional institution, the office or individual who prepared the offender's restitution plan, and the victim shall receive notice prior to any hearing under this section.

Sec. 80. Section 910.7, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 4. An appellate court shall not review or modify an offender's plan of restitution, restitution plan of payment, or any other issue related to an offender's restitution under this subsection, unless the offender has exhausted the offender's remedies under this section and obtained a ruling from the district court prior to the issue being raised in the appellate courts.

NEW SUBSECTION. 5. Appellate review of a district court ruling under this section shall be by writ of certiorari.

Sec. 81. Section 910.9, subsection 3, Code 2020, is amended to read as follows:

3. ~~Fines, penalties, and surcharges, crime victim compensation program reimbursement, public agency restitution, court costs including correctional fees claimed by a sheriff or municipality pursuant to section 356.7, and court-appointed attorney fees ordered pursuant to section 815.9, including the expenses for public defenders, Category "A" restitution and category "B" restitution~~ shall not be withheld by the clerk of court until all pecuniary damages to victims have been paid in full. Payments to victims shall be made by the clerk of court at least quarterly. Payments by a clerk of court shall be made no later than the last business day of the quarter, but may be made more often at the discretion of the clerk of court. The clerk of court receiving final payment from an offender shall notify all victims that full restitution has been made. Each office or individual charged with supervising an offender who is required to perform community service as full or partial restitution shall keep records to assure compliance with the portions of the plan of restitution and restitution plan of payment relating to community service and, when the offender has complied fully with the community service requirement, notify the sentencing court.

Sec. 82. FINANCIAL AFFIDAVIT — SUPREME COURT RULES. The supreme court shall adopt rules prescribing the form and content of the financial affidavit.

Sec. 83. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XIV COLLECTION OF COURT DEBT

Sec. 84. Section 321.40, subsection 10, Code 2020, is amended to read as follows:

10. a. The clerk of the district court shall notify the county treasurer of any delinquent court debt, as defined in section 602.8107, which is being collected by the ~~private collection designee~~ department of revenue pursuant to section 602.8107, subsection 3, or the county attorney pursuant to section 602.8107, subsection 4. The county treasurer shall refuse to renew the vehicle registration of the applicant upon such notification from the clerk of the district court in regard to such applicant.

b. If the applicant enters into or renews an installment agreement as defined in section 602.8107, that is satisfactory to the ~~private collection designee~~ department of revenue, the county attorney, or the county attorney's designee, the ~~private collection designee~~ department of revenue, county attorney, or a county attorney's designee shall provide the county treasurer with written or electronic notice of the installment agreement within five days of entering into the installment agreement. The county treasurer shall temporarily lift

the registration hold on an applicant for a period of ten days if the treasurer receives such notice in order to allow the applicant to register a vehicle for the year. If the applicant remains in compliance with the installment agreement entered into with the ~~private collection designee~~ department of revenue or the county attorney or the county attorney's designee, subsequent lifts of registration holds shall be granted without additional restrictions.

Sec. 85. Section 321.210A, subsection 2, Code 2020, is amended to read as follows:

2. If after suspension, the person enters into an installment agreement with the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue in accordance with section 321.210B to pay the fine, penalty, court cost, or surcharge, the person's license shall be reinstated by the department upon receipt of a report of an executed installment agreement.

Sec. 86. Section 321.210B, subsections 1, 3, 8, 9, 11, and 13, Code 2020, are amended to read as follows:

1. *a.* If a person's fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, or the clerk of the district court has reported the delinquency to the department as required by section 321.210A, the person may execute an installment agreement as defined in section 602.8107 with the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue pursuant to ~~section 602.8107, subsection 5~~ department of revenue, to pay the delinquent amount and the civil penalty assessed in subsection 7 in installments. Prior to execution of the installment agreement, the person shall provide the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue with a financial statement in order for the parties to the agreement to determine the amount of the installment payments.

b. Cases involving court debt assigned to a county attorney, a county attorney's designee, or the ~~private collection designee~~ department of revenue shall remain so assigned.

3. The county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue shall file or give notice of the installment agreement with the clerk of the district court in the county where the fine, penalty, surcharge, or court cost was imposed, within five days of execution of the agreement.

8. *a.* Except as provided in paragraph "b", upon determination by the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue that the person is in default, the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue shall notify the clerk of the district court.

b. (1) If the person is in default and the person provides a new financial statement within fifteen days of the determination made pursuant to paragraph "a" indicating that the person's financial condition has changed to such an extent that lower installment payments would have been required prior to the execution of the initial installment agreement under subsection 1, the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue shall not notify the clerk of the district court, and the person shall not be considered in default. The new installment payments shall be based upon the new financial statement filed in compliance with this subparagraph.

(2) A person making new installment payments after complying with the provisions of subparagraph (1) shall not be considered executing a new installment agreement for purposes of calculating the number of installment agreements a person may execute in a person's lifetime under subsection 12.

9. The clerk of the district court, upon receipt of a notification of a default from the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue, shall report the default to the department of transportation.

11. If a new fine, penalty, surcharge, or court cost is imposed on a person after the person has executed an installment agreement with the county attorney, the county attorney's designee, or the ~~private collection designee~~ department of revenue, and the new fine, penalty, surcharge, or court cost is deemed delinquent as provided in section 602.8107, subsection 2, and the person's driver's license has been suspended pursuant to section 321.210A, the person may enter into a second installment agreement with the county attorney, county

attorney's designee, or the ~~private collection designee~~ department of revenue to pay the delinquent amount and the civil penalty, if assessed, in subsection 7 in installments.

13. Except for a civil penalty assessed and collected pursuant to subsection 7, any amount collected under the installment agreement by the county attorney or the county attorney's designee shall be distributed as provided in section 602.8107, subsection 4, and any amount collected by the ~~private collection designee~~ department of revenue shall be deposited with the clerk of the district court for distribution under section 602.8108.

Sec. 87. Section 602.8107, subsection 3, Code 2020, is amended to read as follows:

3. ~~Collection by private collection designee under contract with the judicial branch department of revenue.~~

a. (1) Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, the judicial branch shall assign a case to the ~~private collection designee under contract with the judicial branch pursuant to subsection 5 to collect debts owed to the clerk of the district court~~ department of revenue, unless the case has been assigned to the county attorney under paragraph "c".

(2) The department of revenue may impose a fee established by rule to reflect the cost of processing which shall be added to the debt owed to the clerk of the district court.

b. In addition, court debt which is being collected under an installment agreement pursuant to section 321.210B which is in default that remains delinquent shall remain assigned to the ~~private collection designee~~ department of revenue if the installment agreement was executed with the ~~private collection designee~~ department of revenue; or to the county attorney or county attorney's designee if the installment agreement was executed with the county attorney or county attorney's designee.

c. Thirty days after court debt has been assessed and full payment has not been received, or if an installment payment is not received within thirty days after the date it is due, and if a county attorney has filed with the clerk of the district court a notice of full commitment to collect delinquent court debt pursuant to subsection 4, the case shall be assigned to the county attorney as provided in subsection 4. The judicial branch shall assign cases with delinquent court debt to a county attorney in the same format and with the same frequency as cases with delinquent court debt are assigned to the ~~private collection designee~~ department of revenue under paragraph "a", and a county attorney shall not be required to file an individual notice of full commitment to collect delinquent court debt for each assigned case. If the county attorney or the county attorney's designee, while collecting delinquent court debt pursuant to subsection 4, determines that a person owes additional court debt for which a case has not been assigned by the judicial branch, the county attorney or the county attorney's designee shall notify the clerk of the district court of the appropriate case numbers and the judicial branch shall assign these cases to the county attorney for collection if the additional court debt is delinquent.

Sec. 88. Section 602.8107, subsection 4, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The county attorney or the county attorney's designee may collect court debt after the court debt is deemed delinquent pursuant to subsection 2. In order to receive a percentage of the amounts collected pursuant to this subsection, the county attorney must first file with the clerk of the district court on or before July 1 of the first year the county attorney collects court debt under this subsection, a notice of full commitment to collect delinquent court debt, and a memorandum of understanding with the state court administrator for all cases assigned to the county for collection by the court. The notice shall contain a list of procedures which will be initiated by the county attorney. For a county attorney filing a notice of full commitment for the first time, the cases involving delinquent court debt previously assigned to the ~~private collection designee~~ department of revenue shall remain assigned to the ~~private collection designee~~ department of revenue. Cases involving delinquent court debt assigned to the county attorney after the filing of a notice of full commitment by the county attorney shall remain assigned to the county attorney. A county attorney who chooses to discontinue collection of delinquent court debt shall file with the clerk of the district court on or before

May 15 a notice of the intent to cease collection of delinquent court debt at the start of the next fiscal year. If a county attorney ceases collection efforts, or if the state court administrator deems that a county attorney collections program has become ineligible to collect as specified in paragraph "f", all cases involving delinquent court debt assigned to the county attorney shall be transferred on July 1 to the ~~private collection designee~~ department of revenue for collection, except that debt associated with any existing installment agreement shall remain assigned to the county for collection unless an installment payment becomes delinquent, after which the delinquent debt associated with the installment agreement shall be transferred promptly to the ~~private collection designee~~ department of revenue for collection.

Sec. 89. Section 602.8107, subsection 4, paragraph f, Code 2020, is amended to read as follows:

f. Beginning July 1, 2017, within two years of beginning to collect delinquent court debt, a county attorney shall be required to collect one hundred percent of the applicable threshold amount specified in paragraph "c". If a county attorney collects more than eighty percent but less than one hundred percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney specifying that in order to remain eligible to participate in the county attorney collection program, the county attorney must collect at least one hundred twenty-five percent of the applicable threshold amount by the end of the next fiscal year. If a county attorney who has been given such a notice fails to collect one hundred twenty-five percent of the applicable threshold amount, the state court administrator shall provide notice to the county attorney that the county is ineligible to participate in the county attorney collection program for the next two fiscal years and all existing and future court cases with delinquent court debt shall be assigned to the ~~private collection designee~~ department of revenue. The provisions of this paragraph apply to all counties, including those counties where delinquent court debt is collected pursuant to a chapter 28E agreement with one or more counties.

Sec. 90. Section 602.8107, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 91. Section 602.8107, subsection 7, Code 2020, is amended to read as follows:

7. *Reports.* The judicial branch shall prepare a report aging the court debt. ~~The report shall include the amounts collected by the private collection designee, the distribution of these amounts, and the amount of the fee collected by the private collection designee.~~ In addition, the report shall include the amounts written off pursuant to subsection 6. The judicial branch shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15 of each year.

Sec. 92. EFFECTIVE DATE. This division of this Act takes effect January 1, 2021.

DIVISION XV
EFFECTIVE DATE

Sec. 93. EFFECTIVE DATE. Unless otherwise provided, this Act takes effect July 15, 2020.

Approved June 25, 2020

CHAPTER 1075**HOMESTEAD LIABILITY FOR DEBT — MECHANIC'S LIENS AND IMPROVEMENTS**

S.F. 458

AN ACT relating to debts for which the homestead is liable by providing that the homestead may be sold to satisfy debts secured by a mechanic's lien, including principal, interest, attorney fees, and costs, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 561.21, subsection 3, Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

3. a. Those secured by a mechanic's lien under chapter 572, including reasonable attorney fees as provided under section 572.32, subsection 1.

b. Those incurred for work done or material furnished, including principal and interest on any note securing the purchase of such material, exclusively for the improvement of the homestead.

Sec. 2. **EFFECTIVE DATE.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 25, 2020

CHAPTER 1076**IOWA TRUST CODE — MISCELLANEOUS CHANGES**

S.F. 2232

AN ACT relating to the Iowa trust code, including the creation of directed trusts, the transfer of trust assets into other trusts, and requirements related to notices to beneficiaries.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 633A.1102, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "*Distribution trust director*" means any person given authority by an instrument to exercise all or any portion of the powers set forth in section 633A.4810. Except as provided in the trust instrument, the distribution trust director shall have the same fiduciary duty and liability in the exercise or nonexercise of such powers as the trustee would in the absence of such directory powers.

NEW SUBSECTION. 6B. "*Excluded fiduciary*" means any fiduciary excluded from exercising certain powers under an instrument which powers may be exercised by the settlor, trust director, trust protector, or other persons designated in the instrument.

NEW SUBSECTION. 10A. "*Investment trust director*" means any person given authority by an instrument to exercise all or any portion of the powers set forth in section 633A.4809. Except as provided in the trust instrument, the investment trust director shall have the same fiduciary duty and liability in the exercise or nonexercise of such powers as the trustee would in the absence of such directory powers.

NEW SUBSECTION. 19A. "*Trust director*" means either an investment trust director or a distribution trust director.

NEW SUBSECTION. 19B. "*Trust protector*" means any person whose appointment as protector is provided for in the instrument. A trust protector shall not be considered to be acting in a fiduciary capacity except to the extent the governing instrument provides

otherwise. However, a trust protector shall be considered to be acting in a fiduciary capacity to the extent that the trust protector exercises the authority or powers of a trust director.

Sec. 2. Section 633A.1102, subsection 7, Code 2020, is amended to read as follows:

7. "Fiduciary" includes a personal representative, executor, administrator, guardian, conservator, and trustee, trust director, and any other person designated as a fiduciary by the applicable instrument or this trust code.

Sec. 3. Section 633A.4207, subsection 2, Code 2020, is amended to read as follows:

2. If In addition to any powers granted to a trustee, the terms of the trust may confer powers upon a person other than the settlor of a revocable trust power to direct certain actions of the trustee, the trustee shall act in accordance with an exercise of the power unless the trustee knows the attempted exercise violates the terms of the trust or the trustee knows that the person holding the power is not competent directors and trust protectors as set forth in sections 633A.4801 through 633A.4810. A person's status as a trust director or trust protector under Iowa law shall be determined on the basis of the powers granted and not on the title given to such person in the trust instrument.

Sec. 4. Section 633A.4207, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 5. Section 633A.4213, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 8. Notwithstanding anything in this chapter to the contrary, if a trust instrument, or a trust protector authorized by the trust instrument, designates that a notice, accounting, or report may be delivered to the settlor or to a designated representative on behalf of a beneficiary prior to such beneficiary's twenty-fifth birthday, then, to the extent there is no conflict of interest between the representative and the beneficiary, all notices, accountings, and reports served on such representative with respect to such period will have the same effect as if such beneficiary had been served directly.

Sec. 6. NEW SECTION. **633A.4215 Distributions in further trust.**

1. As used in this section:

a. *"First trust"* means a trust from which income or principal is transferred into the second trust.

b. *"Restricted trustee"* means a trustee of the first trust if such trustee is a beneficiary of the first trust or if such trustee has the power to change the trustees of the first trust within the meaning of subsection 5.

c. *"Second trust"* means a trust into which the income or principal of the first trust has been transferred.

2. Unless the terms of the governing instrument expressly provide otherwise, if a trustee of the first trust has discretion under the terms of a governing instrument to make a distribution of income or principal to or for the benefit of one or more beneficiaries of the first trust, whether or not restricted by any standard, then the trustee, independently or with court approval, may appoint part or all of the income or principal subject to the trustee's discretion in favor of a trustee of a second trust under a governing instrument separate from the governing instrument of the first trust. Before exercising the trustee's discretion to appoint and distribute assets to a second trust, the trustee of the first trust shall determine whether the appointment is necessary or desirable after taking into account the purposes of the first trust, the terms and conditions of the second trust, and the consequences of the distribution. In addition, the following apply to all appointments made under this section:

a. The second trust may only have as beneficiaries one or more of the beneficiaries of the first trust to or for whom a discretionary distribution of income or principal may be made from the first trust, or to or for whom a distribution of income or principal may be made in the future from the first trust at a time or upon the happening of an event specified under the first trust.

b. No restricted trustee of the first trust may exercise such authority over the first trust to the extent that doing so could have any of the following effects:

(1) Benefiting the restricted trustee as a beneficiary of the first trust, unless the exercise of such authority is limited by an ascertainable standard based on or related to health, education, maintenance, or support.

(2) Removing restrictions on discretionary distributions to a beneficiary imposed by the governing instrument under which the first trust was created, except that a provision in the second trust which limits distributions by an ascertainable standard based on or related to the health, education, maintenance, or support of any such beneficiary is permitted, as is a distribution to a trust established pursuant to 42 U.S.C. §1396p(d)(4).

c. No restricted trustee of the first trust may exercise such authority over the first trust to the extent that doing so would have the effect of increasing the distributions that can be made from the second trust to the restricted trustees of the first trust or to a beneficiary who may change the trustees of the first trust within the meaning of subsection 5 compared to the distributions that can be made to such trustee or beneficiary, as the case may be, under the first trust, unless the exercise of such authority is limited by an ascertainable standard based on or related to health, education, support, or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code.

d. The provisions of paragraphs “b” and “c” only apply to restrict the authority of a trustee if either a trustee, or a beneficiary who may change the trustee, is a United States citizen or domiciliary under the Internal Revenue Code, or the trust owns property that would be subject to United States estate or gift taxes if owned directly by such a person.

e. In the case of any trust contributions which have been treated as gifts qualifying for the exclusion from gift tax described in section 2503(b) of the Internal Revenue Code, by reason of the application of section 2503(c) of the Internal Revenue Code, the governing instrument for the second trust shall provide that the beneficiary’s remainder interest shall vest no later than the date upon which such interest would have vested under the terms of the governing instrument for the first trust.

f. The exercise of such authority may not reduce any income interest of any income beneficiary of any of the following trusts:

(1) A trust for which a marital deduction has been taken for federal tax purposes under section 2056 or 2523 of the Internal Revenue Code, or for state tax purposes under any comparable provision of applicable state law.

(2) A charitable remainder trust under section 664 of the Internal Revenue Code.

(3) A grantor retained annuity or unitrust trust under section 2702 of the Internal Revenue Code.

g. The exercise of such authority does not apply to trust property subject to a presently exercisable power of withdrawal held by a trust beneficiary to whom, or for the benefit of whom, the trustee has authority to make distributions, unless after the exercise of such authority, the beneficiary’s power of withdrawal is unchanged with respect to the trust property.

h. The exercise of such authority is not prohibited by a provision in the governing instrument that prohibits amendment or revocation of the trust.

i. Any appointment made by a trustee shall be considered a distribution by the trustee pursuant to the trustee’s distribution powers and authority.

j. Notwithstanding the foregoing provisions of this subsection, the governing instrument of the second trust may grant a power of appointment to one or more of the beneficiaries of the second trust who are beneficiaries of the first trust. The power of appointment may include the power to appoint trust property to the holder of the power of appointment, the holder’s creditors, the holder’s estate, the creditors of the holder’s estate, or any other person, whether or not that person is a trust beneficiary.

k. A permitted exercise of the trustee’s discretion over the entire income and principal of the first trust may be made by modifying the first trust without an actual distribution of property, in which case the second trust is the modified first trust. A modification in further trust pursuant to this paragraph shall require the trustee to notify all beneficiaries of the trust, in writing, at least twenty days prior to the effective date of such exercise, but shall not be subject to the limitations of part 2 of subchapter II of this chapter.

l. This section applies to any trust administered under the laws of this state, including a trust whose governing jurisdiction is transferred to this state.

3. Any action that may not be taken by a trustee of the first trust by reason of the restrictions in subsection 2, paragraph “b”, may instead be taken by any other trustee of the first trust who is not so restricted, or, if none, by the next available party who can be a successor trustee and who is not so restricted.

4. The second trust may be a trust created or administered under the laws of any jurisdiction, within or without the United States.

5. For the purposes of subsections 1 and 2, a beneficiary shall be considered to have the power to change the trustees if the beneficiary can, alone or with others, name such beneficiary as a trustee or can remove a trustee and replace that trustee with a new trustee who is the beneficiary or who is related or subordinate, as defined in section 672 of the Internal Revenue Code, to the beneficiary.

6. The exercise of the power to distribute the income or principal of the trust under this section shall be by an instrument in writing, signed and acknowledged by the trustee, and filed with the records of the trust. The trustee of the first trust may notify the beneficiaries of the first trust, in writing, prior to the effective date of the trustee’s exercise of the power under this section. A copy of the exercise of this authority and the second trust agreement shall satisfy this notice provision. For the purposes of this section, the term “beneficiaries” means those persons who would be entitled to notice and a copy of the first trust instrument under section 633A.4213.

7. The exercise of the power to distribute the income or principal of the trust under this section shall be considered the exercise of a power of appointment that shall not be exercised in favor of the trustee, the trustee’s creditors, the trustee’s estate, or the creditors of the trustee’s estate.

8. The power under this section may not be exercised to suspend the power to alienate trust property or extend the first trust beyond the permissible period of any rule against perpetuities applicable to the first trust.

Sec. 7. NEW SECTION. 633A.4801 Governing instrument may provide trust director or trust protector with powers and immunities of trustee.

Any governing instrument providing for a trust director or trust protector may also provide such trust director or trust protector with some, none, or all of the rights, powers, privileges, benefits, immunities, or authorities available to a trustee under the law of this state or under the governing instrument. Unless the governing instrument provides otherwise, a trust director or trust protector has no greater liability to any person than would a trustee holding or benefiting from the rights, powers, privileges, benefits, immunities, or authority provided or allowed by the governing instrument to such trust director or trust protector.

Sec. 8. NEW SECTION. 633A.4802 Liability limits of excluded fiduciary.

1. An excluded fiduciary is not liable, either individually or as a fiduciary, for any of the following:

a. Any loss that results from compliance with a direction of the trust director, including any loss from the trust director breaching fiduciary responsibilities or acting beyond the trust director’s scope of authority.

b. Any loss that results from a failure to take any action proposed by an excluded fiduciary that requires prior authorization of the trust director if that excluded fiduciary timely sought but failed to obtain that authorization.

c. Any loss that results from any action or inaction of the excluded fiduciary, except for gross negligence or willful misconduct, when the excluded fiduciary is required, pursuant to the trust agreement or any other reason, to assume the role of trust director or trust protector.

2. An excluded fiduciary is relieved of any obligation to review or evaluate any direction from a trust director or to perform investment or suitability reviews, inquiries, or investigations or to make recommendations or evaluations with respect to any investments to the extent the trust director had authority to direct the acquisition, disposition, or retention of the investment. If the excluded fiduciary offers recommendations or evaluations with respect to any investments to the trust director, trust protector, or any investment advisor selected by the investment trust director, such action may not be deemed to constitute an

undertaking by the excluded fiduciary to monitor or otherwise participate in actions within the scope of the trust director's authority or to constitute any duty to do so.

3. An excluded fiduciary is relieved of any duty to communicate with, warn, or apprise any beneficiary or third party concerning instances in which the excluded fiduciary may have exercised the excluded fiduciary's own discretion in a manner different from the manner directed by the trust director or trust protector.

4. Absent contrary provisions in the governing instrument, the actions of the excluded fiduciary pertaining to matters within the scope of authority of the trust director or trust protector shall be deemed to be administrative actions taken by the excluded fiduciary solely to allow the excluded fiduciary to perform those duties assigned to the excluded fiduciary under the governing instrument, and such administrative actions shall not be deemed to constitute an undertaking by the excluded fiduciary to monitor, participate, or otherwise take on any fiduciary responsibility for actions within the scope of authority of the trust director or trust protector. For purposes of this subsection, "administrative actions" shall include communications with the trust director or others and carrying out, recording, or reporting actions taken at the trust director's direction.

5. In an action against an excluded fiduciary pursuant to the provisions of this section, the burden to prove the matter by clear and convincing evidence is on the person seeking to hold the excluded fiduciary liable.

Sec. 9. NEW SECTION. 633A.4803 Death of settlor.

An excluded fiduciary may continue to follow the direction of the trust director upon the incapacity or death of the settlor if the instrument so allows.

Sec. 10. NEW SECTION. 633A.4804 Excluded fiduciary's liability for loss if trust protector appointed.

If an instrument appoints a trust protector, the excluded fiduciary is not liable for any loss resulting from any action taken upon the trust protector's direction.

Sec. 11. NEW SECTION. 633A.4805 Powers of trust protector.

1. The powers of a trust protector are as provided in the governing instrument and may be exercised or not exercised, in the best interests of the beneficiaries as a class, in the sole and absolute discretion of the trust protector and are binding on all other persons. The powers may include the following:

a. Modify or amend the trust instrument to achieve favorable tax status or respond to changes in the Internal Revenue Code, state law, or the rulings and regulations thereunder.

b. Increase or decrease the interests of any beneficiaries to the trust.

c. Modify the terms of any power of appointment granted by the trust. However, a modification or amendment shall not grant a beneficial interest to any individual or class of individuals not specifically provided for under the trust instrument.

d. Remove and appoint a trustee, trust director, or other person designated in the governing trust instrument.

e. Terminate the trust.

f. Veto or direct trust distributions.

g. Change situs of the trust.

h. Change the governing law of the trust.

i. Appoint a successor trust protector.

j. Interpret terms of the trust instrument at the request of the trustee.

k. Advise the trustee on matters concerning a beneficiary.

l. Amend or modify the trust instrument to take advantage of laws governing restraints on alienation, distribution of trust property, or the administration of the trust.

m. Provide direction regarding notification of qualified beneficiaries pursuant to section 633A.4213.

n. Add to the trust an individual beneficiary or beneficiaries from a class of individuals identified in the governing instrument.

o. Add to the trust a charitable beneficiary or beneficiaries from a class of charities identified in the trust instrument.

p. Provide other powers in the governing instrument.

2. The powers referenced in subsection 1, paragraphs “e”, “f”, and “l”, may be granted notwithstanding the provisions of sections 633A.2201 through 633A.2208.

Sec. 12. NEW SECTION. 633A.4806 Submission to court jurisdiction — effect on trust director or trust protector.

By accepting an appointment to serve as a trust director or trust protector of a trust that is subject to the laws of this state, the trust director or the trust protector submits to the jurisdiction of the courts of Iowa even if investment advisory agreements or other related agreements provide otherwise. The trust director or trust protector may be made a party to any action or proceeding if a decision or action of the trust director or trust protector affects a trust that is subject to the laws of this state.

Sec. 13. NEW SECTION. 633A.4807 Powers of trust protector incorporated by reference in will or trust instrument.

Any of the powers enumerated in section 633A.4805, as they exist at the time of the signing of a will by a testator or at the time of the signing of a trust instrument by a settlor, may be, by appropriate reference made thereto, incorporated in whole or in part in such will or trust instrument, by a clearly expressed intention of a testator of a will or settlor of a trust instrument.

Sec. 14. NEW SECTION. 633A.4808 Investment trust director or distribution trust director provided for in trust instrument.

A trust instrument governed by the laws of this state may provide for a person to act as an investment trust director or a distribution trust director with regard to investment decisions or discretionary distributions, respectively. Unless otherwise provided by the terms of the governing instrument, a person may simultaneously serve as a trust director and a trust protector.

Sec. 15. NEW SECTION. 633A.4809 Powers of investment trust director.

The powers of an investment trust director shall be provided in the trust instrument and may be exercised or not exercised, in the best interests of the beneficiaries as a class, in the sole and absolute discretion of the investment trust director and are binding on any other person and any other interested party, fiduciary, and excluded fiduciary. Unless the terms of the governing instrument provide otherwise, the investment trust director has the power to do all of the following:

1. Direct the trustee with respect to the retention, purchase, sale, exchange, tender, or other transaction affecting the ownership thereof or rights therein of trust investments. These powers include the pledge or encumbrance of trust property, lending of trust assets, either secured or unsecured, at terms defined by the investment trust director, to any party including beneficiaries of the trust, and the investment and reinvestment of principal and income of the trust.

2. Vote proxies for securities held in trust.

3. Select one or more investment directors, managers, or counselors, including the trustee, and delegate to them any of the investment trust director’s powers.

4. Direct the trustee with respect to any additional powers over investment and management of trust assets provided in the governing instrument.

5. Direct the trustee as to the value of nonpublicly traded trust investments.

6. Direct the trustee as to any investment or management power referenced in sections 633A.4401 and 633A.4402.

Sec. 16. NEW SECTION. 633A.4810 Powers of distribution trust director.

The powers of a distribution trust director over any discretionary distributions of income or principal, including distributions pursuant to an ascertainable standard or other criteria and appointments pursuant to section 633A.4215, shall be provided in the trust instrument and may be exercised or not exercised, in the best interests of the beneficiaries as a class, in the sole and absolute discretion of the distribution trust director and are binding on any other person and any other interested party, fiduciary, and excluded fiduciary. Unless the terms

of the document provide otherwise, the distribution trust director shall direct the trustee with regard to all discretionary distributions to beneficiaries and may direct appointments pursuant to section 633A.4215. The distribution trust director may also provide direction regarding notification of qualified beneficiaries pursuant to section 633A.4213.

Sec. 17. LEGISLATIVE INTENT. It is the intent of the general assembly that the provisions of this Act enacting section 433A.4215 is declaratory of the common law of this state permitting distributions in further trust and shall be liberally construed to effectuate the intent to maintain such common law authority. Section 433A.4215, as enacted by this Act, shall not be construed to abridge the right of any trustee who has power to distribute income or principal in further trust which arises under the terms of the first trust or any statute or common law applicable to such trust.

Sec. 18. CODE EDITOR DIRECTIVE. The Code editor may organize the provisions of this Act enacting sections 633A.4801 through 633A.4810 as a new part under subchapter IV in chapter 633A.

Approved June 25, 2020

CHAPTER 1077

PUBLIC SAFETY TELECOMMUNICATORS

S.F. 2373

AN ACT modifying provisions relating to telecommunicators.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 80B.11, subsection 1, paragraph j, Code 2020, is amended to read as follows:

j. Minimum qualifications for instructors in public safety telecommunicator training schools.

Sec. 2. Section 80B.11C, Code 2020, is amended to read as follows:

80B.11C Telecommunicator Public safety telecommunicator training standards.

The director of the academy, subject to the approval of the council, in consultation with the Iowa state sheriffs' and deputies' association, the Iowa police executive forum, the Iowa peace officers association, the Iowa state police association, the Iowa professional fire fighters, the Iowa emergency medical services association, the joint council of Iowa fire service organizations, the Iowa department of public safety, the Iowa chapter of the association of public-safety communications officials—international, inc., the Iowa chapter of the national emergency number association, the department of homeland security and emergency management, and the Iowa department of public health, shall adopt rules pursuant to chapter 17A establishing minimum standards for training of public safety telecommunicators. ~~For purposes of this section, “telecommunicator”~~ “Public safety telecommunicator” means a person who ~~receives~~ serves as a first responder by receiving requests for, or dispatches by dispatching requests to, emergency response agencies which include but are not limited to law enforcement, fire, rescue, and emergency medical services agencies.

Approved June 25, 2020

CHAPTER 1078**BROADBAND SERVICE AND FUNDING — RURAL AND UNDERSERVED AREAS***S.F. 2400*

AN ACT relating to broadband service, including matters under the purview of the office of the chief information officer, the empower rural Iowa broadband grant fund, and certain broadband infrastructure tax exemptions, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8B.1, subsections 5, 13, and 14, Code 2020, are amended to read as follows:

5. “*Facilitate*” means a communication service provider’s ability to provide broadband service at or above the download and upload speeds specified in the definition of targeted service area in this section or section 8B.11, subsection 5, paragraph “a”, if applicable, to a home, farm, school, or business within a commercially reasonable time and at a commercially reasonable price upon request by a consumer.

13. “*Targeted service area*” means a any of the following:

a. A United States census bureau census block located in this state, including any crop operation located within the census block, or other geographic unit the office sets by rule, within which no communications service provider offers or facilitates broadband service at or above the download and upload speeds identified by the federal communications commission pursuant to section 706 of the federal Telecommunications Act of 1996, as amended.

b. Any geographic area, as the office sets by rule, that is materially underserved by broadband service such that the download and upload speeds identified by the federal communications commission pursuant to section 706 of the federal Telecommunications Act of 1996, as amended, of the broadband service in the geographic area are not meaningfully available. The office’s power to determine the geographic area by rule under this paragraph includes the power to define and interpret standards as to whether a geographic area is materially underserved and broadband service is meaningfully available.

14. “*Underserved area*” means any portion of a targeted service area within which no communications service provider ~~offers or~~ facilitates broadband service meeting the download and upload speeds specified in the definition of targeted service area in this section.

Sec. 2. Section 8B.4, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 17A. Provide technical assistance to communications service providers related to grant applications under section 8B.11.

Sec. 3. Section 8B.9, subsection 5, Code 2020, is amended to read as follows:

5. An annual report regarding the status of broadband expansion and coordination, the ~~connecting Iowa farms, schools, and communities empower rural Iowa~~ broadband grant program established under section 8B.11, and the adequacy of the speed set in the definition of targeted service area in section 8B.1.

Sec. 4. Section 8B.10, subsection 1, Code 2020, is amended to read as follows:

1. The determination of whether a communications service provider ~~offers or~~ facilitates broadband service meeting the download and upload speeds specified in the definition of targeted service area in section 8B.1 shall be determined or ascertained by reference to broadband availability maps or data sources that are ~~widely accepted for accuracy and available for public review and comment and that are~~ identified by the office by rule. The office shall periodically make renewed determinations of whether a communications service provider ~~offers or~~ facilitates broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1, which shall, to the extent updated maps and data sources are available at the time, include making such determinations prior to each round of grant applications solicited by the office pursuant to section 8B.11.

Sec. 5. Section 8B.10, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 3. All findings and determinations made pursuant to this section shall exclude mobile wireless or satellite data, capabilities, and delivery mediums.

Sec. 6. Section 8B.11, subsection 1, Code 2020, is amended to read as follows:

1. The office shall administer a broadband grant program designed to reduce or eliminate unserved and underserved areas in the state, leveraging federal funds and public and private partnerships where possible, by awarding grants to communications service providers that reduce or eliminate targeted service areas by installing broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in ~~the definition of targeted service area in section 8B.1~~ subsection 5, in accordance with this section.

Sec. 7. Section 8B.11, subsection 2, paragraphs a and b, Code 2020, are amended to read as follows:

a. ~~A connecting Iowa farms, schools, and communities~~ An empower rural Iowa broadband grant fund is established in the state treasury under the authority of the office. The fund shall consist of moneys available to and obtained or accepted by the office. Moneys in the fund are appropriated to the office to be used for the grant program, including for broadband mapping and the administration and operation of the grant program.

b. The office shall use moneys in the fund to provide grants to communications service providers pursuant to this section. The office may use not more than one percent of the moneys in the fund at the beginning of the fiscal year to pay the costs and expenses associated with the administration and operation of the grant program. The office shall use moneys in the fund to leverage available federal moneys if possible.

Sec. 8. Section 8B.11, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Notwithstanding paragraph “c” or any provision to the contrary, moneys in the fund that have been awarded but not paid to a communications service provider shall not revert but shall remain available to the office for purposes of administering the award in a manner consistent with the terms and conditions of any corresponding contract or grant agreement governing the administration of the award.

Sec. 9. Section 8B.11, subsection 3, Code 2020, is amended to read as follows:

3. Communications service providers may apply to the office for a grant pursuant to this section for the installation of broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds specified in ~~the definition of targeted service area in section 8B.1~~ subsection 5. ~~The office may, by rule, increase the minimum download and upload speeds for grant eligibility pursuant to this section.~~ The office shall include representatives from schools, communities, agriculture, industry, and other areas as appropriate to review and recommend grant awards. The office shall conduct an open application review process that includes the opportunity for the public to submit factual information as part of a validation process to address claims that a targeted service area is currently served with broadband service at or above the download and upload speeds specified in ~~the definition of targeted service area in section 8B.1~~ subsection 5. Upon completion of the validation process, the office may modify a proposed targeted service area to account for information received during the validation process. The office shall make available a public internet site identifying all publicly available information contained in the applications, the members of the review committee, a summary of the review committee’s recommended results, and any results of performance testing conducted after the project is completed.

Sec. 10. Section 8B.11, subsection 4, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The office shall award grants on a competitive basis for the installation of broadband infrastructure that facilitates broadband service in targeted service areas at or above the

download and upload speeds specified in the definition of targeted service area in section 8B.1 subsection 5, after considering the following:

Sec. 11. Section 8B.11, subsection 4, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The applicant's total proposed budget for the project, including the all of the following:

(a) The amount or percentage of local or federal matching funds, if any, and any funding obligations shared between public and private entities, and the,

(b) The percentage of funding provided directly from the applicant, including whether the applicant requested from the office an amount less than the maximum amount the office could award pursuant to subsection 5 and, if so, the percentage of the project cost that the applicant is requesting.

Sec. 12. Section 8B.11, subsection 5, Code 2020, is amended to read as follows:

5. The office shall not award a grant pursuant to this section that exceeds ~~fifteen~~ thirty-five percent of the communications service provider's project cost. The total amount of the grants the office awards from the empower rural Iowa broadband grant fund pursuant to this section shall be as follows:

a. For projects that will result in the installation of broadband infrastructure that will facilitate broadband service providing a minimum download speed less than one hundred megabits per second but greater than or equal to the download speed specified in the definition of targeted service area in section 8B.1, and a minimum upload speed less than twenty megabits per second but greater than or equal to the upload speed specified in the definition of targeted service area in section 8B.1, the total amount of the grants the office awards shall not exceed fifty percent of the moneys in the fund at the beginning of the fiscal year. However, if the amount requested for projects that facilitate broadband service at the speeds described in paragraph "b" for the fiscal year is less than the amount reserved for projects under paragraph "b", the office may award the difference to projects under this paragraph for the same fiscal year.

b. For projects that will result in the installation of broadband infrastructure that will facilitate broadband service providing a minimum download speed of one hundred megabits per second and a minimum upload speed of twenty megabits per second, the total amount of the grants the office awards shall not exceed fifty percent of the moneys in the fund at the beginning of the fiscal year. However, if the amount requested for projects that facilitate broadband service at the speeds described in paragraph "a" for the fiscal year is less than the amount reserved for projects under paragraph "a", the office may award the difference to projects under this paragraph for the same fiscal year.

Sec. 13. Section 427.1, subsection 40, paragraph b, Code 2020, is amended to read as follows:

b. The exemption shall apply to the installation of broadband infrastructure that facilitates broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1 commenced and completed on or after July 1, 2015, and before July 1, 2025, in a targeted service area, and used to deliver internet services to the public. A person claiming an exemption under this subsection shall certify to the local assessor prior to commencement of the installation that the installation of broadband infrastructure will facilitate broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1 within a targeted service area and shall specify the current number of homes, farms, schools, and businesses in the targeted service area ~~that were offered to which broadband service was facilitated~~ and the download and upload speeds available prior to the broadband infrastructure installation for which the exemption is claimed and the number of homes, farms, schools, and businesses in the targeted service area ~~that will be offered to which broadband service will be facilitated~~ and the download and upload speeds that will be available as a result of installation of the broadband infrastructure for which the exemption is claimed.

Sec. 14. Section 427.1, subsection 40, paragraph f, subparagraph (1), subparagraph division (d), Code 2020, is amended to read as follows:

(d) Certification from the office of the chief information officer pursuant to section 8B.10 that the installation will facilitate broadband service at or above the download and upload speeds specified in the definition of targeted service area in section 8B.1 in a targeted service area.

Sec. 15. 2019 Iowa Acts, chapter 136, section 6, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the office of the chief information officer for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the ~~connecting Iowa farms, schools, and communities~~ empower rural Iowa broadband grant fund established under section 8B.11 for a broadband grant program; and for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 5,000,000

Sec. 16. PUBLIC HEALTH DISASTER EMERGENCY GRANTS. Notwithstanding section 8B.11 and any rules adopted by the office of the chief information officer pursuant to chapter 8B, the office of the chief information officer may provide grants of federal moneys obtained as a result of the public health disaster emergency proclaimed by the governor on March 17, 2020, to communications service providers to install broadband infrastructure in this state or facilitate broadband service in this state so long as the office of the chief information officer complies with the federal requirements for the use of the federal moneys.

Sec. 17. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 18. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2015:

The section of this Act enacting section 8B.11, subsection 2, paragraph “d”.

Approved June 25, 2020

CHAPTER 1079

REGULATION OF HUNTING — PERSONS UNDER AGE SIXTEEN

H.F. 599

AN ACT relating to hunting by persons under the age of sixteen.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.24, subsection 8, Code 2020, is amended to read as follows:

8. A ~~resident of the state~~ person under sixteen years of age is not required to have a hunting license to hunt game if accompanied by the minor’s parent or guardian or in company with any other competent adult with the consent of the minor’s parent or guardian, if the person accompanying the minor possesses a valid hunting license; however, there must be one licensed adult accompanying each person under sixteen years of age. The minor must have a deer hunting license to hunt deer and a wild turkey hunting license to hunt wild turkey appropriate for the minor’s residency status. This subsection is not restricted by the provisions of section 483A.31.

Approved June 25, 2020

CHAPTER 1080**POSSESSION OR CONSUMPTION OF ALCOHOL BY UNDERAGE PERSONS — LIMITED CRIMINAL IMMUNITY — SANCTIONS BY REGENTS INSTITUTIONS PROHIBITED***H.F. 684*

AN ACT providing limited immunity from certain criminal offenses and prohibiting certain disciplinary sanctions for persons under twenty-one years of age who report, seek, or require emergency assistance for alcohol overdoses, and modifying penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 123.46, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person shall not be charged or prosecuted for a violation of this section if the person is immune from charge or prosecution pursuant to section 701.12.

Sec. 2. Section 123.47, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. A person shall not be charged or prosecuted for a violation of subsection 3 or 4 if the person is immune from charge or prosecution pursuant to section 701.12.

Sec. 3. Section 123.47B, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If a person under the age of eighteen is discovered consuming or to be in possession of alcoholic liquor, wine, or beer, but the person is immune from prosecution under section 701.12, a peace officer shall make a reasonable effort to identify the person and notify a juvenile court officer of such person's consumption or possession.

Sec. 4. Section 262.9, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 39. Prohibit an institution of higher education under its control from imposing any of the following disciplinary sanctions against a student for possession or consumption of alcohol if the student is immune from charge or prosecution pursuant to section 701.12:

- a. Removal from a course.
- b. Enrollment restrictions in a course or program.
- c. Suspension or expulsion from the university.
- d. Eviction or exclusion from student housing.

Sec. 5. Section 321.216B, Code 2020, is amended to read as follows:

321.216B Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

1. A person who is under the age of twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license to violate or attempt to violate section 123.47, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. The court shall forward a copy of the conviction to the department.

2. A person shall not be charged or prosecuted for a violation of this section if the person is immune from charge or prosecution pursuant to section 701.12.

Sec. 6. NEW SECTION. **701.12 Persons under the age of twenty-one seeking emergency assistance for overdose — immunity.**

1. A person under the age of twenty-one years shall not be charged or prosecuted for the violation of any of the following offenses if the evidence for the charge was obtained as a result of the person in good faith seeking emergency medical assistance for the person or another person due to an alcohol overdose:

- a. Section 123.46.
- b. Section 123.47, subsection 3 or 4.
- c. Section 321.216B.

2. To be eligible for immunity under this section, the reporting person, or persons acting in concert, must do all of the following:
 - a. Be the first person to seek emergency assistance.
 - b. Provide the reporting person's name and contact information to medical or law enforcement personnel.
 - c. Remain on the scene until assistance arrives or is provided.
 - d. Cooperate with medical and law enforcement personnel.
3. The person for whom emergency assistance was sought as described in subsection 1 shall not be charged or prosecuted for an offense listed in subsection 1.

Approved June 25, 2020

CHAPTER 1081

HOTEL AND MOTEL TAX EXEMPTIONS — RENTING OF LODGING

H.F. 760

AN ACT relating to the exemption from the hotel and motel taxes for the renting of lodging.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 423A.5, subsection 1, Code 2020, is amended to read as follows:

1. a. The sales price from the renting of lodging which is rented by the same person to a person where the lodging is rented by the same person for a period of more than thirty-one consecutive days, except as provided in paragraph "b".

b. The sales price from the renting of lodging to a person where the lodging is rented by the same person for the period beginning after ninety consecutive days of rental by such person, if the rental is a room, apartment, or sleeping quarter in a hotel, motel, inn, public lodging house, or rooming house, or in any place where sleeping accommodations are furnished to a transient guest.

Sec. 2. Section 423A.5, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. The sales price of lodging furnished to the guests of a nonprofit lodging provider and the purpose of renting is to provide a place for the friends and family of a hospital patient during a time of medical need of the patient and the length of stay is based upon the needs of the friends, family, or patient.

b. For purposes of this subsection, "nonprofit lodging provider" means a nonprofit entity which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code that maintains an established facility that provides lodging to friends and family of a hospital patient during a time of medical need of the patient.

Approved June 25, 2020

CHAPTER 1082**MEDICAL RESIDENCY TRAINING STATE MATCHING GRANTS PROGRAM — RURAL ROTATION OPPORTUNITY — FIELDS OF PRACTICE***H.F. 2197*

AN ACT relating to the medical residency training state matching grants program rural rotation requirement.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.176, subsection 2, paragraph g, Code 2020, is amended to read as follows:

g. A requirement that the residency program offer persons to whom a primary care, ~~including psychiatry~~, residency position is awarded, the opportunity to participate in a rural rotation to expose the resident to the rural areas of the state. For the purposes of this paragraph, “primary care” shall include psychiatry, obstetrics, gynecology, family medicine, internal medicine, and emergency medicine.

Sec. 2. 2019 Iowa Acts, chapter 55, section 3, subsection 1, is amended to read as follows:

1. The university of Iowa hospitals and clinics shall give priority in awarding federal residency positions as established under the federal Balanced Budget Act of 1997, Pub. L. No. 105-33, to applicants who are residents of Iowa, attended and earned an undergraduate degree from an Iowa college or university, or attended and earned a medical degree from a medical school in Iowa. The university of Iowa hospitals and clinics shall also provide persons to whom a primary care, ~~including psychiatry~~, residency position is awarded, the opportunity to participate in a rural rotation to expose the resident to rural areas of the state. For the purposes of this subsection, “primary care” shall include psychiatry, obstetrics, gynecology, family medicine, internal medicine, and emergency medicine.

Approved June 25, 2020

CHAPTER 1083**LOCAL BOARDS OF HEALTH MEMBERSHIP — HEALTH PROFESSIONAL MEMBER***H.F. 2221*

AN ACT relating to the licensed health professional member of a local board of health.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.1, subsection 2, Code 2020, is amended to read as follows:

2. “Health officer” shall mean means the physician, physician assistant, advanced registered nurse practitioner, or advanced practice registered nurse who is the health officer of the local board of health.

Sec. 2. Section 137.105, subsection 1, paragraph d, Code 2020, is amended to read as follows:

d. Local boards of health shall consist of at least five members. At least one member shall be licensed as a physician under chapter 148, a physician assistant under chapter 148C, an advanced registered nurse practitioner under chapter 152, or an advanced practice registered nurse under chapter 152E.

Approved June 25, 2020

CHAPTER 1084**FOODSTANDS OPERATED BY MINORS***H.F. 2238*

AN ACT relating to regulation of foods sold by minors.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 137F.1, subsection 8, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *n.* A stand operated by a minor.

Sec. 2. Section 137F.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 13A. “*Stand operated by a minor*” means a stand or other facility operated by a person or persons under the age of eighteen at which food is sold directly to consumers that is not time/temperature control for safety food or an alcoholic beverage and that operates on a temporary and occasional basis on private property with the permission of the owner of the property.

Sec. 3. NEW SECTION. **137F.8A Stand operated by a minor.**

A municipal corporation or regulatory authority shall not adopt or enforce an ordinance or rule that requires a license, permit, or fee to sell or otherwise distribute food at a stand operated by a minor.

Approved June 25, 2020

CHAPTER 1085**REPORTING OF PRACTITIONER PREPARATION PROGRAM ADMISSIONS
ASSESSMENT SCORES***H.F. 2359*

AN ACT relating to the reporting of certain assessment scores by approved practitioner preparation programs.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.16, subsection 1, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) ~~Administer~~ If the institution administers a preprofessional skills test offered by a nationally recognized testing service to practitioner preparation program admission candidates, the institution shall report to the department no later than August 1 annually, in the form and manner prescribed by the department, the percentage of students whose scores on the assessments administered during the prior fiscal year were above, at, and below the minimum passing score set by the institution, and shall report any services or opportunities to retake the assessment the institution may make available to a student who fails assessment. Rules adopted shall require institutions to deny admission to the program to any candidate who does not successfully pass the test. The department shall compile the reports submitted under this subparagraph and publish the compiled information on its internet site.

Approved June 25, 2020

CHAPTER 1086**UNEMPLOYMENT INSURANCE CONTRIBUTION RATES — LANDSCAPING
EMPLOYERS***H.F. 2363*

AN ACT relating to unemployment insurance contribution rates for certain landscaping employers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.7, subsection 2, paragraph c, subparagraph (2), Code 2020, is amended to read as follows:

(2) A construction or landscaping contributory employer, as defined under rules adopted by the department pursuant to chapter 17A, which is newly subject to this chapter shall pay contributions at the rate specified in the twenty-first benefit ratio rank until the end of the calendar year in which the employer's account has been chargeable with benefits for twelve consecutive calendar quarters.

Approved June 25, 2020

CHAPTER 1087**UNEMPLOYMENT INSURANCE — INJUNCTIONS FOR EMPLOYER VIOLATIONS***H.F. 2364*

AN ACT relating to injunctions issued to employers for certain violations of the state unemployment insurance law.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.14, subsection 16, Code 2020, is amended to read as follows:

16. *Injunction upon nonpayment.* Any employer or employing unit refusing or failing to make and file required reports, records, or to pay any contributions, interest, or penalty under the provisions of this chapter, after ten days' written notice sent by the department to the employer's or employing unit's last known address by certified mail, may be enjoined from operating any business in the state while in violation of this chapter upon the complaint of the department in the district court of a county in which the employer or employing unit has or had a place of business within the state, and any temporary injunction enjoining the continuance of such business may be granted without notice and without a bond being required from the department. Such injunction may enjoin any employer or employing unit from operating a business unit until the delinquent contributions, interest, or penalties shall have been made and filed or paid; or the employer shall have furnished a good and sufficient bond conditioned upon the payment of such delinquencies in such an amount and containing such terms as may be determined by the court; or the employer has entered into a plan for the liquidation of the business to pay for such delinquencies as the court may approve, provided that such injunction may be reinstated upon the employer's failure to comply with the terms of said plan.

Approved June 25, 2020

CHAPTER 1088**UNEMPLOYMENT COMPENSATION — CLAIMS NOTIFICATION AND VOLUNTARY
SHARED WORK PROGRAM***H.F. 2365*

AN ACT relating to certain notifications issued by the department of workforce development concerning claims for unemployment benefits and the voluntary shared work program, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.6, subsection 2, Code 2020, is amended to read as follows:

2. *Initial determination.* A representative designated by the director shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing ~~issuing~~ the notice of the filing of the claim ~~by ordinary mail to the last known address~~ to protest payment of benefits to the claimant. All interested parties shall select a format as specified by the department to receive such notifications. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5, except as provided by this subsection. The claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsections 10 and 11, and has the burden of proving that a voluntary quit pursuant to section 96.5, subsection 1, was for good cause attributable to the employer and that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs “a” through “h”. Unless the claimant or other interested party, after notification or within ten calendar days after notification was ~~mailed to the claimant’s last known address~~ issued, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer’s account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 2. Section 96.40, subsection 2, paragraph e, Code 2020, is amended to read as follows:

e. The reduction in hours and corresponding reduction in wages must be applied equally to all employees in the affected unit for each week reported.

Sec. 3. Section 96.40, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4A. An employer may file an appeal in writing of a denial or approval of a plan or revocation of an approved plan by the department within thirty days from the date of the decision.

Sec. 4. Section 96.40, subsection 9, paragraph b, Code 2020, is amended to read as follows:

b. An employer may provide as part of the plan a training program the employees may attend during the hours that have been reduced. Such a training program may include a training program funded under the federal Workforce ~~Investment~~ Innovation and Opportunity Act, of 1998, Pub. L. No. 105-220 113-128. If the employer is able to show that the training program will provide a substantive increase in the workplace and employability skills of the employee so as to reduce the potential for future periods of unemployment, the

department shall relieve the employer of charges for benefits paid to the individual attending training under the plan. The employee may attend the training at the work site utilizing internal resources, provided the training is outside of the normal course of employment, or in conjunction with an educational institution.

Sec. 5. **APPLICABILITY.** The sections of this Act amending section 96.40 apply to all voluntary shared work plans approved by the department of workforce development on or after the effective date of this Act.

Approved June 25, 2020

CHAPTER 1089

DRIVER'S LICENSES AND NONOPERATOR IDENTIFICATION CARDS — OPERATION OF FARMERS' SPECIAL TRUCKS — AUTISM SPECTRUM DISORDER STATUS MARKS

H.F. 2372

AN ACT regarding driver's licenses, including the exemption of certain farmers and hired help operating a special truck from the requirement to be licensed as a chauffeur and the optional inclusion of a mark reflecting autism spectrum disorder status on a person's driver's license.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.189, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 10. *Autism spectrum disorder status.* A licensee who has an autism spectrum disorder, as defined in section 514C.28, may request that the license be marked to reflect the licensee's autism spectrum disorder status on the face of the license when the licensee applies for the issuance or renewal of a license. The department may adopt rules pursuant to chapter 17A establishing criteria under which a license may be marked, including requiring the licensee to submit medical proof of the licensee's autism spectrum disorder status. When a driver's license is so marked, the licensee's autism spectrum disorder status shall be noted in the electronic database used by the department and law enforcement to access registration, titling, and driver's license information. The department, in consultation with the mental health and disability services commission, shall develop educational media to raise awareness of a licensee's ability to request the license be marked to reflect the licensee's autism spectrum disorder status.

Sec. 2. Section 321.190, subsection 1, paragraph b, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) An applicant for a nonoperator's identification card who has an autism spectrum disorder, as defined in section 514C.28, may request that the card be marked to reflect the applicant's autism spectrum disorder status on the face of the card when the applicant applies for the issuance or renewal of a card. The department may adopt rules pursuant to chapter 17A establishing criteria under which a card may be marked, including requiring the applicant to submit medical proof of the applicant's autism spectrum disorder status. The department, in consultation with the mental health and disability services commission, shall develop educational media to raise awareness of an applicant's ability to request the card be marked to reflect the applicant's autism spectrum disorder status.

Sec. 3. Section 321.1, subsection 8, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0e.* A farmer or the farmer's hired help, who is eighteen years of age or older, is not a chauffeur when operating a special truck owned by the farmer and used exclusively to transport the farmer's own products or property to a destination no more than one hundred miles from farmland owned or rented by the farmer as measured by calculating the straight-line distance between the farmland and the destination.

Approved June 25, 2020

CHAPTER 1090

ADMINISTRATIVE RULEMAKING PROCEDURES

H.F. 2389

AN ACT relating to the rulemaking process for executive branch agencies and including transition provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 2B.13, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0f.* Update the address, telephone number, facsimile number, or electronic mail address of an agency, officer, or other entity.

Sec. 2. Section 17A.4, subsections 4 and 6, Code 2020, are amended to read as follows:

4. Any ~~notice of intended action or rule filed without notice pursuant to subsection 3~~ this section or section 17A.5, which that necessitates additional annual expenditures of at least one hundred thousand dollars or combined expenditures of at least five hundred thousand dollars within five years by all affected persons, including the agency itself, shall be accompanied by a fiscal impact statement outlining the expenditures. The agency shall promptly deliver a copy of the statement to the legislative services agency. To the extent feasible, the legislative services agency shall analyze the statement and provide a summary of that analysis to the administrative rules review committee. If the agency has made a good-faith effort to comply with the requirements of this subsection, the rule shall not be invalidated on the ground that the contents of the statement are insufficient or inaccurate.

6. *a.* If the administrative rules review committee created by section 17A.8, the governor, or the attorney general finds objection to all or some portion of a proposed or adopted rule because that rule is deemed to be unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to the agency, the committee, governor, or attorney general may, in writing, notify the agency of the objection. In the case of a rule ~~issued under~~ filed without notice pursuant to subsection 3, or a rule made effective under section 17A.5, subsection 2, paragraph "b", the committee, governor, or attorney general may notify the agency of such an objection. The committee, governor, or attorney general shall also file a certified copy of such an objection in the office of the administrative code editor and a notice to the effect that an objection has been filed shall be published in the next issue of the Iowa administrative bulletin and in the Iowa administrative code when that rule is printed in it. The burden of proof shall then be on the agency in any proceeding for judicial review or for enforcement of the rule heard subsequent to the filing to establish that the rule or portion of the rule ~~timely~~ objected to according to the above procedure is not unreasonable, arbitrary, capricious, or otherwise beyond the authority delegated to it.

b. If the agency fails to meet the burden of proof prescribed for a rule objected to according to the provisions of paragraph "a", the court shall declare the rule or portion of the rule objected to invalid and judgment shall be rendered against the agency for court costs. Such

court costs shall include a reasonable attorney fee and shall be payable by the director of the department of administrative services from the support appropriations of the agency which issued adopted the rule in question.

Sec. 3. Section 17A.4, subsection 7, Code 2020, is amended by striking the subsection.

Sec. 4. Section 17A.5, subsection 2, paragraph b, subparagraph (2), Code 2020, is amended to read as follows:

(2) In any subsequent action contesting the effective date of a rule ~~promulgated~~ adopted under this paragraph “b”, the burden of proof shall be on the agency to justify its finding. The agency’s finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to make known to the persons who may be affected by it a rule made effective under the terms of this paragraph “b”.

Sec. 5. Section 17A.6, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 3. In lieu of the procedures established in subsection 2, an agency may establish alternative procedures providing for public access to an electronic or printed copy of a publication containing standards adopted by reference if the publication is proprietary or contains proprietary information.

Sec. 6. Section 17A.6A, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. Process forms and instructions for filing a petition for rulemaking pursuant to section 17A.7, a petition for a declaratory order pursuant to section 17A.9, or a petition for a waiver ~~or variance~~ of an administrative rule pursuant to section 17A.9A.

Sec. 7. Section 17A.7, subsection 1, Code 2020, is amended to read as follows:

1. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within sixty days after submission of a petition, the agency either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rulemaking proceedings in accordance with section 17A.4, or issue adopt a rule if it is not required to be ~~issued~~ filed according to the procedures of section 17A.4, subsection 1. The agency shall submit the petition and the disposition of the petition to the administrative rules review committee.

Sec. 8. Section 17A.8, subsections 2, 5, and 9, Code 2020, are amended to read as follows:

2. A committee member shall be appointed ~~prior to~~ as of the adjournment convening of a regular session convened in an odd-numbered year. The term of office for a member of the house of representatives shall be for four years beginning May 1 end upon the convening of the year of appointment general assembly following the appointment. The term of office for a member of the senate shall end upon the convening of the general assembly after the general assembly following appointment. However, a member shall serve until a successor is appointed. A vacancy on the committee shall be filled by the original appointing authority for the remainder of the term. A vacancy shall exist whenever a committee member ceases to be a member of the house from which the member was appointed.

5. A regular committee meeting shall be held at the seat of government on the second Tuesday of each month or on an alternative date established by the committee. Unless impracticable, in advance of each such meeting the subject matter to be considered shall be published in the Iowa administrative bulletin. A special committee meeting may be called by the chairperson at any place in the state and at any time. Unless impracticable, in advance of each special meeting notice of the time and place of such meeting and the subject matter to be considered shall be published in the Iowa administrative bulletin.

9. a. Upon a vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule or portion of a rule until the adjournment of the next regular session of the general assembly, unless the rule was ~~promulgated~~ adopted under section 17A.5, subsection 2, paragraph “b”. If the rule was ~~promulgated~~ adopted under

section 17A.5, subsection 2, paragraph “b”, the administrative rules review committee, within thirty-five days of the effective date publication of the rule in the Iowa administrative bulletin and upon the vote of two-thirds of its members, may suspend the applicability of the rule or portion of the rule until the adjournment of the next regular session of the general assembly.

b. The committee shall refer a rule or portion of a rule whose effective date has been delayed or applicability has been suspended to the speaker of the house of representatives and the president of the senate who shall refer the delayed or suspended rule or portion of the rule to the appropriate standing committees of the general assembly. A standing committee shall review the rule within twenty-one days after the rule is referred to the committee by the speaker of the house of representatives or the president of the senate and shall take formal committee action by sponsoring a joint resolution to ~~disapprove~~ nullify the rule, by proposing legislation relating to the rule, or by refusing to propose a joint resolution or legislation concerning the rule. The standing committee shall inform the administrative rules review committee of the committee action taken concerning the rule. If the general assembly has not ~~disapproved of~~ nullified the rule by a joint resolution, the rule shall become effective upon the adjournment of the session of the general assembly. The speaker of the house of representatives and the president of the senate shall notify the administrative code editor of the final disposition of each rule or portion of a rule whose effective date has been delayed or whose applicability has been suspended pursuant to this subsection. ~~If the rule is disapproved, the rule shall not be effective and the agency shall rescind the rule.~~

Sec. 9. Section 17A.8, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 10. a. Upon the vote of two-thirds of its members, the administrative rules review committee may delay the effective date of a rule or portion of a rule seventy days beyond that permitted in section 17A.5, unless the rule was adopted under section 17A.5, subsection 2, paragraph “b”. If the rule was adopted under section 17A.5, subsection 2, paragraph “b”, the administrative rules review committee, within thirty-five days of the publication of the rule in the Iowa administrative bulletin and upon the vote of two-thirds of its members, may suspend the applicability of the rule or portion of the rule for seventy days.

b. Notice of an effective date that was delayed under this provision shall be published in the Iowa administrative code and bulletin.

Sec. 10. Section 17A.9A, Code 2020, is amended to read as follows:

17A.9A Waivers and variances.

1. Any person may petition an agency for a waiver ~~or variance~~ from the requirements of a rule, pursuant to the requirements of this section, if the agency has established by rule an application, evaluation, and issuance procedure permitting waivers ~~and variances~~. An agency shall not grant a petition for waiver ~~or a variance~~ of a rule unless the agency has jurisdiction over the rule and the waiver ~~or variance~~ is consistent with any applicable statute, constitutional provision, or other provision of law. In addition, this section does not authorize an agency to waive ~~or vary~~ any requirement created or duty imposed by statute.

2. Upon petition of a person, an agency may in its sole discretion issue a waiver ~~or variance~~ from the requirements of a rule if the agency finds, based on clear and convincing evidence, all of the following:

a. The application of the rule would pose an undue hardship on the person for whom the waiver ~~or variance~~ is requested.

b. The waiver ~~or variance~~ from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.

c. The provisions of a rule subject to a petition for a waiver ~~or variance~~ are not specifically mandated by statute or another provision of law.

d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver ~~or variance~~ is requested.

3. The burden of persuasion rests with the person who petitions an agency for the waiver ~~or variance~~ of a rule. Each petition for a waiver ~~or variance~~ shall be evaluated by the agency based on the unique, individual circumstances set out in the petition. A waiver ~~or variance~~, if granted, shall be drafted by the agency so as to provide the narrowest exception possible

to the provisions of the rule. The agency may place any condition on a waiver ~~or a variance~~ that the agency finds desirable to protect the public health, safety, and welfare. A waiver ~~or variance~~ shall not be permanent, unless the petitioner can show that a temporary waiver ~~or variance~~ would be impracticable. If a temporary waiver ~~or variance~~ is granted, there is no automatic right to renewal. At the sole discretion of the agency, a waiver ~~or variance~~ may be renewed if the agency finds all of the factors set out in subsection 2 remain valid.

4. A grant or denial of a waiver ~~or variance~~ petition shall be indexed, filed, and available for public inspection as provided in section 17A.3. The administrative code editor and the administrative rules coordinator shall devise ~~a mechanism~~ an internet site to identify rules for which a petition for a waiver ~~or variance~~ has been granted or denied and make this information available to the public.

~~5. Semiannually, each agency which permits the granting of petitions for waivers or variances~~ When an agency grants a waiver, the agency shall submit the information required by this subsection on the internet site within sixty days. The internet site shall prepare a report of these actions identifying identify the rules for which a waiver ~~or variance~~ has been granted or denied, the number of times a waiver ~~or variance~~ was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the agencies' actions on the waiver ~~or variance~~ request. To the extent practicable, ~~this report~~ the agency shall detail include information detailing the extent to which the granting of a waiver ~~or variance~~ has established a precedent for additional waivers ~~or variances~~ and the extent to which the granting of a waiver ~~or variance~~ has affected the general applicability of the rule itself. ~~Copies of this report shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.~~

6. 5. For purposes of this section, "a waiver ~~or variance~~" means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

Sec. 11. Section 17A.22, Code 2020, is amended to read as follows:

17A.22 Agency authority to implement chapter.

Agencies shall have all the authority necessary to comply with the requirements of this chapter through the ~~issuance~~ adoption of rules or otherwise.

Sec. 12. TRANSITION PROVISIONS — MEMBERSHIP OF ADMINISTRATIVE RULES REVIEW COMMITTEE. Notwithstanding section 17A.8, subsection 2, as amended by this Act, the terms of members of the administrative rules review committee as of the effective date of this Act shall continue until the convening of the 2021 regular session of the general assembly.

Approved June 25, 2020

CHAPTER 1091

SPECIAL SENIOR STATEWIDE ANTLERLESS DEER ONLY CROSSBOW LICENSES — MINIMUM AGE

H.F. 2410

AN ACT relating to the issuance of special senior statewide antlerless deer only crossbow deer hunting licenses.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 483A.8B, subsection 1, Code 2020, is amended to read as follows:

1. A person who is a resident and who is ~~seventy~~ sixty-five years of age or older may be issued one special senior statewide antlerless deer only crossbow deer hunting license to hunt deer during bow season as established by rule by the commission. A person who obtains a license to hunt deer under this section is not required to pay the wildlife habitat fee but shall be otherwise qualified to hunt deer in this state and shall purchase a resident hunting license that does not include the wildlife habitat fee.

Approved June 25, 2020

CHAPTER 1092

PUBLIC CONSTRUCTION BIDDING — UTILITY INFRASTRUCTURE AND RURAL WATER DISTRICT IMPROVEMENTS

H.F. 2412

AN ACT relating to the definition of public improvement for public construction bidding purposes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 26.2, subsection 3, paragraph b, subparagraph (5), Code 2020, is amended to read as follows:

(5) Construction or repair or maintenance work performed for a city utility under chapter 388 when such work is performed by its employees or performed for a rural water district under chapter 357A by its employees when such work relates to existing utility infrastructure or establishing connections to existing utility infrastructure. For purposes of this subparagraph, "utility infrastructure" includes facilities used for the storage, collection, disposal, treatment, generation, transmission, or distribution of water, sewage, waste, electricity, gas, or telecommunications service.

Sec. 2. Section 26.2, subsection 3, paragraph b, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (6) Construction or repair or maintenance work performed for a rural water district under chapter 357A by its employees.

Approved June 25, 2020

CHAPTER 1093

EDUCATION — REVIEW OF PRACTITIONER LICENSURE DECISIONS AND FUNDING REQUESTS FOR AT-RISK PROGRAMS AND ALTERNATIVE SCHOOLS

H.F. 2418

AN ACT relating to certain information in proceedings before the director of the department of education and the board of educational examiners, certain requests made to the school budget review committee, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.9, subsection 17, Code 2020, is amended to read as follows:

17. Hear and decide appeals arising from the school laws not otherwise specifically granted to the state board. If a school district, accredited nonpublic school, or area education agency requests that the director review information contained in a basic education data survey submission and the director finds that an error in the basic education data survey submission resulted in an incorrect determination by the board of educational examiners or the executive director of the board of educational examiners relating to licensure of a practitioner, the director shall notify the executive director of the board of educational examiners of the director's findings.

Sec. 2. Section 257.40, Code 2020, is amended to read as follows:

257.40 Approval of requests for modified supplement amounts for adopted program plans.

1. The board of directors of a school district requesting to use a modified supplemental amount for costs in excess of the funding received under section 257.11, subsection 4, for programs for at-risk students, secondary students who attend alternative programs and alternative schools, or returning dropouts and dropout prevention shall submit requests for a modified supplemental amount, including budget costs, to the school budget review committee not later than January 15 of the budget year preceding the budget year during which the program will be offered. The school budget review committee shall review the request and shall grant approval for the request if the amount requested does not exceed an amount equal to the limitation of section 257.41, subsection 3, minus any funds for the adopted program carried forward from the year prior to the base year. The board of directors shall certify by resolution that the request complies with the school district's adopted program plan. If the amount requested exceeds an amount equal to the limitation of section 257.41, subsection 3, minus any funds for the adopted program carried forward from the year prior to the base year, the amount approved by the school budget review committee shall equal the limitation amount minus any funds for the adopted program carried forward from the year prior to the base year. Not later than March 15, the school budget review committee shall notify the department of management of the names of the school districts for which programs using a modified supplemental amount for funding have been approved and the approved budget of each program listed separately for each school district having an approved request. If requested, the board of directors shall provide the adopted program plan for any audit performed under chapter 11 or other provision of law.

2. If a school district submits a request after January 15 but before March 1 of the budget year preceding the budget year during which the program will be offered, the school budget review committee may grant the modified supplemental amount request based on the specifications under subsection 1.

Sec. 3. Section 272.2, subsection 14, paragraph d, Code 2020, is amended to read as follows:

d. An applicant for a license or certificate under this chapter shall demonstrate that the requirements of the license or certificate have been met and the burden of proof shall be on the applicant. However, if the executive director of the board receives notice from the director of the department of education under section 256.9, subsection 17, that an error in the basic education data survey submission resulted in an incorrect determination relating to licensure of a practitioner, the executive director shall initiate corrective action with the board and the findings of the director of the department of education shall be sufficient evidence to correct such error.

Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 5. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2020, for requests for modified supplemental amounts filed on or after that date:

The section of this Act amending section 257.40.

Approved June 25, 2020

CHAPTER 1094

VICTIMS OF SEX OFFENSES — IDENTIFYING INFORMATION — CONFIDENTIALITY

H.F. 2445

AN ACT relating to the privacy of a victim of a sex offense in a criminal or civil proceeding.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 915.36, subsections 1 and 2, Code 2020, are amended to read as follows:

1. Prior to an arrest or the filing of an information or indictment, whichever occurs first, against a person charged with a violation of chapter 709, section 726.2, or section 728.12, committed with or on a child, as defined in section ~~702.5~~ 232.2, the identity of the child or any information reasonably likely to disclose the identity of the child shall not be released to the public by any public employee except as authorized by the court of jurisdiction.

2. In order to protect the welfare of the child, the name of the child and identifying biographical information shall not appear on the information or indictment or any other public record including any civil filings arising from the criminal violation. Instead, a nondescriptive designation shall appear on all public records. The nonpublic records containing the child's name and identifying biographical information shall be kept by the court. This subsection does not apply to the release of information to ~~an accused a defendant~~ or ~~accused's defendant's~~ counsel; however, the use or release of this information by the ~~accused defendant or accused's defendant's~~ counsel for purposes other than the preparation of defense constitutes contempt.

Sec. 2. Section 915.36, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 5. This section also applies to a child victim of a violation of chapter 709, section 726.2, or section 728.12, after attaining the age of eighteen.

Approved June 25, 2020

CHAPTER 1095

AT-RISK CITY WATER UTILITY SYSTEMS

H.F. 2452

AN ACT relating to the disposal and acquisition of city water utilities, including at-risk systems.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **455B.199D At-risk utility systems.**

1. For purposes of this section, "at-risk system" means a city drinking water, sanitary sewage, or storm water drainage system that the city determines meets any of the following criteria:

- a. The system serves a disadvantaged community as described in section 455B.199B.
 - b. The system includes a water treatment plant, water distribution system, or wastewater treatment plant that has not been operated by a competent operator pursuant to section 455B.223 within the previous twelve months.
 - c. The system violated one or more state or federal statutory or regulatory requirements in a manner that affects the safety, adequacy, or efficiency of its services or facilities.
2. A new owner of an at-risk system following disposal of the system by sale pursuant to section 388.2A may provide to the department proof of the availability of financial resources to meet system upgrade requirements and a revised timetable for compliance with department rules. The department shall agree to the revised timetable if the department determines the revised timetable is reasonable based on the information provided by the new owner.

Sec. 2. Section 476.84, subsection 2, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *0e.* If the acquisition involves a utility that is an at-risk system as defined in section 455B.199D, the board shall issue a final order on an application for approval of the acquisition within one hundred eighty days of the filing date of the application.

Approved June 25, 2020

CHAPTER 1096

DEER HUNTING — USE OF LEASHED DOGS

H.F. 2455

AN ACT allowing the use of a leashed dog to track and retrieve a wounded deer and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 481A.56A Retrieval of wounded deer by leashed dogs.**

A person having a valid hunting license and a valid deer hunting license who has wounded a deer while hunting may use a dog to track and retrieve the wounded deer. A dog being used for tracking a wounded deer and a person using a dog for tracking a wounded deer shall both be trained in deer blood tracking. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times during the search by means of a maximum fifty-foot lead attached to the dog's collar or harness. The person may dispatch the deer using a legal method of take authorized by the person's deer hunting license. A person shall not use that method of take to hunt, wound, or kill any animal other than the deer that the hunter is tracking, except in self-defense. Using a dog to track a wounded deer on private property is permissible at any hour with consent of the property owner. A person using a dog to track a wounded deer outside of legal deer hunting hours shall not be in possession of a firearm or archery device. The commission shall adopt rules pursuant to chapter 17A to implement this section.

Sec. 2. Section 805.8B, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *r.* For violations of section 481A.56A, the scheduled fine is two hundred fifty dollars.

Approved June 25, 2020

CHAPTER 1097**CHILD DEVELOPMENT HOMES — CHILD-TO-STAFF RATIO REQUIREMENTS***H.F. 2485*

AN ACT establishing an exception to the number of children allowed to be present for child care at any one time in a child development home under certain conditions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 237A.3A, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. The department shall adopt rules to allow registered child development homes providing care to school-aged children to exceed the child-to-staff ratio for school-aged children when a school-aged child's school starts late, is dismissed early, or is canceled due to inclement weather, a public health emergency, or structural damage regardless of whether the child development home provider is able to be assisted by a department-approved assistant or co-provider, provided the child is currently enrolled at the registered child development home and the registered child development home does not exceed the child development home's registration capacity.

Approved June 25, 2020

CHAPTER 1098**ELECTIONS, ELECTORS, AND COUNTY SEALS***H.F. 2486*

AN ACT relating to the conduct of elections, including emergency powers, procedures relating to electors, and the use of a county seal on materials related to elections.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 43.14, subsection 1, paragraph g, Code 2020, is amended by striking the paragraph.

Sec. 2. Section 45.5, subsection 1, paragraph f, Code 2020, is amended by striking the paragraph.

Sec. 3. Section 47.1, subsection 2, Code 2020, is amended to read as follows:

2. a. The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner's decision to alter any conduct for an election using emergency powers must be approved by the legislative council. If the legislative council does not approve the secretary of state's use of emergency powers to conduct an election, the legislative council may choose to present and approve its own election procedures or choose to take no further action. The state commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

b. If an emergency exists in all precincts of a county, the number of polling places shall not be reduced by more than thirty-five percent. The polling places allowed to open shall be equitably distributed in the county based on the ratio of regular polling places located in unincorporated areas in the county to regular polling places in incorporated areas in the county.

Sec. 4. Section 49.57, subsection 6, Code 2020, is amended to read as follows:

6. A portion of the ballot shall include the words "Official ballot", the unique identification number or name assigned by the commissioner to the ballot style, the date of the election, and the impression or likeness of the county seal of the county of the commissioner who has caused the ballot to be printed pursuant to section 49.51.

Sec. 5. Section 54.5, subsection 2, Code 2020, is amended to read as follows:

2. The state central committee shall also file a list of the names and addresses of the party's presidential electors and alternate electors, one from each congressional district and two from the state at large, not later than 5:00 p.m. on the eighty-first day before the general election. A political party may elect up to two alternate electors at the party's state convention. Additionally, the party's state central committee may nominate one alternate elector for each congressional district.

Sec. 6. Section 54.5, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. Each elector nominee and alternate elector nominee of a political party or group of petitioners shall execute the following pledge, which shall accompany the submission of the corresponding names to the state commissioner:

If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party (or group of petitioners) that nominated me.

Sec. 7. Section 54.7, Code 2020, is amended to read as follows:

54.7 Meeting — certificate.

1. The presidential electors and alternate electors shall meet in the capitol, at the seat of government, on the first Monday after the second Wednesday in December next following their election.

2. If, at the time of such meeting, any elector for any cause is absent, ~~those present shall at once proceed to elect, from the citizens of the state, a substitute elector or electors, and certify the choice so made to the governor, and the governor shall immediately cause the person or persons so selected to be notified thereof~~ the state commissioner shall appoint an individual to substitute for the elector as follows:

a. If the alternate elector is present to vote, by appointing the alternate elector for the vacant position.

b. If the alternate elector is not present to vote, by appointing an elector chosen by lot from among the other alternate electors present to vote who were nominated by the same political party or group of petitioners.

c. If the number of alternate electors present to vote is insufficient to fill a vacant position pursuant to paragraphs "a" and "b", by appointing any immediately available citizen of the state who is qualified to serve as an elector and chosen through nomination by a plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains.

d. If there is a tie between at least two nominees to substitute as an elector in a vote conducted under paragraph "c", by appointing an elector chosen by lot from among those nominees.

e. If all elector positions are vacant and cannot be filled through the processes set forth in paragraphs "a", "b", "c", and "d", by appointing a single presidential elector with remaining vacant positions filled pursuant to the method set forth in paragraph "c" and, if necessary, paragraph "d".

3. To qualify to substitute for an elector under subsection 2, an individual who has not executed the pledge required for elector nominees and alternate elector nominees under section 54.5 shall execute the following pledge:

I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual whose elector position I have succeeded.

Sec. 8. Section 54.8, Code 2020, is amended by striking the section and inserting in lieu thereof the following:

54.8 Elector voting — certificate of governor.

1. At the time designated for elector voting and after all vacant positions have been filled under section 54.7, the state commissioner shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

2. Except as otherwise provided by law of this state outside of this chapter, each elector shall present both completed ballots to the state commissioner who shall examine the ballots and accept and cast all ballots of electors whose votes are consistent with their pledges executed under section 54.5 or 54.7. Except as otherwise provided by law of this state outside of this chapter, the state commissioner shall not accept and shall not count an elector's presidential and vice presidential ballots if the elector has not marked both ballots or has marked one ballot in violation of the elector's pledge.

3. An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under section 54.5 or 54.7 vacates the office of elector. The state commissioner shall declare the creation of the vacancy and fill the vacancy pursuant to section 54.7.

4. The state commissioner shall distribute ballots to and collect ballots from a substitute elector and repeat the process set forth in this section for examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors until all of the state's electoral votes have been cast and recorded.

5. The governor shall duly certify the results, under the seal of the state, to the United States secretary of state, and as required by Act of Congress related to such elections.

Sec. 9. NEW SECTION. 54.8A Elector replacement — associated certificates.

1. After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. §6, the state commissioner shall immediately prepare an amended certificate of ascertainment and transmit the amended certificate to the governor for the governor's signature.

2. The governor shall immediately deliver the signed amended certificate of ascertainment to the state commissioner and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

3. The state commissioner shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The state commissioner shall process and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C. §§9 through 11.

Sec. 10. Section 331.552, subsection 4, Code 2020, is amended to read as follows:

4. Keep the official county seal provided by the county. The official seal shall be an impression seal on the face of which shall appear the name of the county, the word "county", which may be abbreviated, ~~the word "treasurer" which may be abbreviated,~~ and the word "Iowa".

Sec. 11. **AFFIDAVIT OF CANDIDACY — 2020 GENERAL ELECTION NOMINEES.** For the 2020 general election, a candidate nominated for county hospital trustee or township trustee shall file with the county commissioner a signed, notarized affidavit of candidacy and nomination petition, if applicable, by 5:00 p.m. not less than sixty-nine days before the general election. An affidavit of candidacy shall include the information required under section 44.3.

CHAPTER 1099**REGULATION OF WEAPONS, FIREARMS ATTACHMENTS, AMMUNITION, AND SHOOTING RANGES***H.F. 2502*

AN ACT relating to firearms and weapons, including the storage, carrying, possession, or transportation of weapons and the establishment, use, and maintenance of shooting ranges.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **335.26 Shooting ranges.**

In approving the improvement of property acquired to establish, use, and maintain a new shooting range or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the county zoning commission, or if there is not a county zoning commission, the county board of supervisors, shall apply and enforce regulations and restrictions established for each zoning district adopted pursuant to this chapter but shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

Sec. 2. NEW SECTION. **414.26 Shooting ranges.**

In approving the improvement of property acquired to establish, use, and maintain a new shooting range or in approving a substantial change to an existing shooting range pursuant to section 657.9, subsection 1, the city zoning commission, or if there is not a city zoning commission, the city council, shall apply and enforce zoning regulations and restrictions established for each zoning district adopted pursuant to this chapter but shall not otherwise require a person seeking approval to comply with any conditions relating to the establishment, use, or maintenance of the shooting range that are more stringent than those imposed by state law.

Sec. 3. Section 724.28, subsections 2 and 3, Code 2020, are amended to read as follows:

2. A political subdivision of the state shall not enact an ordinance, motion, resolution, policy, or amendment regulating the ownership, possession, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearms attachments, or other weapons when the ownership, possession, transfer, ~~or transportation, or modification~~ is otherwise lawful under the laws of this state. An ordinance regulating firearms, firearms attachments, or other weapons in violation of this section existing on or after April 5, 1990, is void.

3. If a political subdivision of the state, prior to, on, or after July 1, ~~2017~~ 2020, adopts, makes, enacts, or amends any ordinance, measure, enactment, rule, resolution, motion, or policy regulating the ownership, possession, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearms attachments, or other weapons when the ownership, possession, transfer, transportation, modification, registration, or ~~license~~ licensing of firearms, firearms attachments, or other weapons is otherwise lawful under the laws of this state, a person adversely affected by the ordinance, measure, enactment, rule, resolution, motion, or policy may file suit in the appropriate court for declaratory and injunctive relief ~~for damages and all damages attributable to the violation.~~ A court shall also award the prevailing party in any such lawsuit reasonable attorney fees and court costs.

Sec. 4. Section 724.28, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 4. A political subdivision of the state may restrict the carrying, possession, or transportation of firearms or other dangerous weapons in the buildings or physical structures located on property under the political subdivision's control if adequate arrangements are made by the political subdivision to screen persons for firearms or other

dangerous weapons and the political subdivision provides armed security personnel inside the building or physical structure where the restriction is to be in effect.

NEW SUBSECTION. 5. A political subdivision of the state shall not enact an ordinance, motion, resolution, policy, or amendment regulating the storage of weapons or ammunition. An ordinance, motion, resolution, policy, or amendment regulating the storage of weapons or ammunition existing on or after July 1, 2020, is void. This subsection shall not be construed to preclude a political subdivision from regulating the storage of explosive materials consistent with chapter 101A.

Sec. 5. **NEW SECTION. 724.32 County courthouse — weapon prohibitions.**

A supreme court or judicial branch order that prohibits a person from lawfully carrying, possessing, or transporting a weapon in a county courthouse or other joint-use public facility shall be unenforceable unless the judicial order applies only to a courtroom or a court office, or to a courthouse used only for judicial branch functions.

Approved June 25, 2020

CHAPTER 1100

STATE MUTUAL AID COMPACT — AUTHORIZED REPRESENTATIVES OF PARTICIPATING GOVERNMENTS

H.F. 2528

AN ACT relating to persons authorized to request assistance pursuant to the statewide mutual aid compact.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 29C.22, subsection 3, paragraph e, Code 2020, is amended to read as follows:

e. For purposes of this subsection, “*authorized representative of a participating government*” means a mayor or the mayor’s designee, a member of the county board of supervisors or a representative of the board, ~~or an emergency management coordinator or the coordinator’s designee, or the elected chief executive officer of the participating government or the elected chief executive officer’s designee authorized to enter into contracts on behalf of the participating government.~~

Approved June 25, 2020

CHAPTER 1101

ANATOMICAL GIFTS AND POTENTIAL TRANSPLANT RECIPIENTS

H.F. 2561

AN ACT relating to protections for certain potential recipients of anatomical gifts.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 135.192 Protections of certain prospective recipients of anatomical gifts.**

1. A hospital, physician, or other person shall not determine the ultimate recipient of an anatomical gift based upon a potential recipient's disability, except to the extent that the disability has been found by a physician, following a case-by-case evaluation of the potential recipient, to be medically significant to the provision of the anatomical gift.

2. Subsection 1 shall apply to each part of the anatomical gift process including all of the following:

a. The referral from a primary care provider to a specialist.

b. The referral from a specialist to a transplant center.

c. The evaluation of the patient for the transplant by the transplant hospital.

d. The consideration of the patient for placement on the list of potential transplant recipients pursuant to 42 C.F.R. §121.7.

3. A person with a disability shall not be required to demonstrate postoperative independent living abilities in order to be placed on the list of potential transplant recipients pursuant to 42 C.F.R. §121.7 if there is evidence that the person will have sufficient, compensatory support and assistance.

4. A court shall accord priority on its calendar and handle expeditiously any action brought to seek any remedy authorized by law for purposes of enforcing compliance with this section.

5. This section shall not be deemed to require referrals or recommendations for, or the performance of, a medically inappropriate transplant of a part.

6. As used in this section:

a. "Anatomical gift" means the same as defined in section 142C.2.

b. "Disability" means the same as defined in the federal Americans with Disabilities Act of 1990, 42 U.S.C. §12101 et seq.

Sec. 2. CODE EDITOR DIRECTIVE. The Code editor may designate section 135.192, as enacted in this Act, as a new subchapter within chapter 135, entitled "PROTECTIONS FOR POTENTIAL RECIPIENTS OF ANATOMICAL GIFTS".

Approved June 25, 2020

CHAPTER 1102

PERSONS WITH SPEECH OR HEARING DISORDERS — TERMINOLOGY CHANGES

H.F. 2585

AN ACT relating to the terminology used in relation to the deaf and hard-of-hearing persons.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 34.2, subsection 4, Code 2020, is amended to read as follows:

4. A 911 system shall be capable of transmitting requests for law enforcement, fire fighting, and emergency medical and ambulance services to a public safety agency or agencies that provide the requested service at the place where the call originates. A 911 system may also provide for transmitting requests for emergency management, poison control, suicide prevention, and other emergency services. The public safety answering point shall be capable of receiving calls from deaf and hard-of-hearing persons through a telecommunications device for the deaf and hard of hearing. Conferencing capability with counseling, aid to persons with disabilities, and other services as deemed necessary for identifying appropriate emergency response services may be provided by the 911 service.

A public safety answering point may transmit emergency response requests to private safety entities.

Sec. 2. Section 34A.9, Code 2020, is amended to read as follows:

34A.9 Telecommunications devices for the persons with speech disorders and hearing-impaired the deaf and hard of hearing.

Each public safety answering point shall provide for the installation and use of telecommunications devices for the persons with speech disorders and hearing-impaired for the deaf and hard of hearing.

Sec. 3. Section 100.18, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. An owner or an owner's agent of a multiple-unit residential building or single-family dwelling shall supply light-emitting smoke detectors, upon request, for a tenant ~~with a~~ who is deaf or hard of hearing impairment.

Sec. 4. Section 100.18, subsection 3, paragraph c, Code 2020, is amended to read as follows:

c. An owner of a multiple-unit residential building or a single-family rental unit that has a fuel-fired heater or appliance, a fireplace, or an attached garage, or an owner's agent, shall supply light-emitting carbon monoxide alarms, upon request, for a tenant ~~with a~~ who is deaf or hard of hearing impairment.

Sec. 5. Section 135L.2, subsection 1, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) A video, to be developed by a person selected through a request for proposals process or other contractual agreement, which provides information regarding the various options available to a pregnant minor with regard to the pregnancy, including a decision to continue the pregnancy to term and retain parental rights following the child's birth, a decision to continue the pregnancy to term and place the child for adoption following the child's birth, and a decision to terminate the pregnancy through abortion. The video shall provide the information in a manner and language, including but not limited to the use of closed captioning for the hearing-impaired deaf and hard of hearing, which could be understood by a minor.

Sec. 6. Section 147.14, subsection 1, paragraph u, Code 2020, is amended to read as follows:

u. For sign language interpreting and transliterating, four members licensed to practice interpreting and transliterating, three of whom shall be practicing interpreters and transliterators at the time of appointment to the board and at least one of whom is employed in an educational setting; and three members who are consumers of interpreting or transliterating services as defined in section 154E.1, each of whom shall be deaf or hard of hearing.

Sec. 7. Section 154A.1, subsection 4, Code 2020, is amended to read as follows:

4. "Hearing aid" means a wearable instrument or device designed for or offered for the purpose of aiding or compensating for ~~impaired~~ human hearing disorders, and any parts, attachments, or accessories, including earmold, but excluding batteries and cords.

Sec. 8. Section 154A.24, subsection 3, paragraph p, Code 2020, is amended to read as follows:

p. Stating or implying that the use of a hearing aid will restore normal hearing or preserve hearing or prevent or retard progressions of hearing impairment disorders or any other false or misleading claim regarding the use or benefit of a hearing aid.

Sec. 9. Section 216A.113, subsection 1, Code 2020, is amended to read as follows:

1. The commission of deaf services is established, and shall consist of seven voting members appointed by the governor, subject to confirmation by the senate pursuant to section 2.32. Membership of the commission shall include at least four members who are ~~deaf and who cannot hear human speech with or without use of amplification~~ and at least one member who is hard of hearing. All members shall reside in Iowa.

Sec. 10. Section 235A.15, subsection 2, paragraph c, subparagraph (5), Code 2020, is amended to read as follows:

(5) To the superintendent of the Iowa school for the deaf if the data concerns a person employed or being considered for employment or living in the school.

Sec. 11. Section 256B.3, subsection 9, Code 2020, is amended to read as follows:

9. To cooperate with existing agencies such as the department of human services, the Iowa department of public health, the state Iowa school for the deaf, the Iowa braille and sight saving school, the children's hospitals, or other agencies concerned with the welfare and health of children requiring special education in the coordination of their educational activities for such children.

Sec. 12. Section 262.7, subsection 5, Code 2020, is amended to read as follows:

5. The state Iowa school for the deaf.

Sec. 13. Section 262.9, subsection 2, Code 2020, is amended to read as follows:

2. Elect a president of each of the institutions of higher learning; a superintendent of each of the other institutions; a treasurer and a secretarial officer for each institution annually; professors, instructors, officers, and employees; and fix their compensation. Sections 279.12 through 279.19 and section 279.27 apply to employees of the Iowa braille and sight saving school and the state Iowa school for the deaf, who are licensed pursuant to chapter 272. In following those sections in chapter 279, the references to boards of directors of school districts shall be interpreted to apply to the board of regents.

Sec. 14. Section 262.43, Code 2020, is amended to read as follows:

262.43 Students residing on state-owned land.

The state board of regents shall pay to the local school boards the tuition payments and transportation costs, as otherwise authorized by statutes for the elementary or high school education of students residing on land owned by the state and under the control of the state board of regents. Such payments for the three institutions of higher learning, the state university of Iowa, the Iowa state university of science and technology, and the university of northern Iowa, shall be made from the funds of the respective institutions other than state appropriations, and for the two noncollegiate institutions, the Iowa braille and sight saving school and the state Iowa school for the deaf, the payments and costs shall be paid from moneys appropriated to the state board of regents.

Sec. 15. Section 263.11, subsection 2, Code 2020, is amended to read as follows:

2. Persons who are not eligible for admission to the schools already established for persons with an intellectual disability or epilepsy or persons who are deaf or hard of hearing or blind.

Sec. 16. Section 270.1, Code 2020, is amended to read as follows:

270.1 Superintendent.

The superintendent of the school for the deaf shall be a trained and experienced educator of the deaf and hard of hearing. The superintendent's salary may include residence in the institution, but no such allowance shall be made except by express contract in advance.

Sec. 17. Section 270.3, Code 2020, is amended to read as follows:

270.3 Admission.

Any resident of the state less than twenty-one years of age, who has a hearing loss which is too severe to acquire an education in the public schools is eligible to attend the Iowa school for the deaf. Nonresidents similarly situated may be admitted to an education therein upon such terms as may be fixed by the state board of regents. The fee for nonresidents shall be not less than the average expense of resident pupils and shall be paid in advance.

Sec. 18. Section 270.9, Code 2020, is amended to read as follows:

270.9 School Iowa school for the deaf and the Iowa braille and sight saving school.

Funds appropriated to the Iowa school for the deaf and the Iowa braille and sight saving school for payments to the parents or guardians of pupils in either institution shall be expended as follows:

1. Transportation reimbursement at a rate established annually by the state board of regents to the parents or guardians of children who do not reside in the institution, but are transported to the institution on a daily basis.

2. Transportation reimbursement at a rate established annually by the state board of regents to the parents or guardians for transportation from the institution to the residence of the parent or guardian and return to the institution for children who reside in the institution.

Sec. 19. Section 270.10, subsection 1, Code 2020, is amended to read as follows:

1. The state board of regents shall not merge the Iowa school for the deaf at Council Bluffs with the Iowa braille and sight saving school at Vinton or close either of those institutions until all of the following requirements have been met:

a. The department of management has presented to the general assembly a comprehensive plan, program, and fiscal analysis of the existing circumstances and the circumstances which would prevail upon the proposed merger or closing, together with data which would support the contention that the merger or closing will be more efficient and effective than continuation of the existing facilities. The analysis shall include a detailed study of the educational implications of the merger or closing, the impact on the students, and the opinions and research of nationally recognized experts in the field of the education of visually impaired and deaf or hard-of-hearing students. The comprehensive plan shall further include a study relating to the programming, fiscal consequences, and political implications which would result if either a merger or an agreement under chapter 28E should be implemented between the Iowa school for the deaf in Council Bluffs and comparable state programs in the state of Nebraska.

b. The general assembly has studied the plans, programs, and fiscal analysis and has reviewed their impact on the programs.

c. The general assembly has enacted legislation authorizing either the closing or the merger to take effect not sooner than two years after the enactment of the legislation.

Sec. 20. Section 280.16, subsection 7, Code 2020, is amended to read as follows:

7. The Iowa braille and sight saving school, the state Iowa school for the deaf, and the institutions under the control of the department of human services as provided in section 218.1 are exempt from the provisions of this section.

Sec. 21. Section 299.18, Code 2020, is amended to read as follows:

299.18 Education of certain children who are deaf or hard of hearing, blind, or have severe disabilities.

Children who are of compulsory attendance age and who are so deaf or hard of hearing, or blind, or have such severe disabilities so as to be unable to obtain an education in the public or accredited nonpublic schools shall be sent to the appropriate state-operated school, or shall receive appropriate special education under chapter 256B, unless exempted, and any person having such a child under the person's control or custody shall see that the child attends the state-operated school or special education program during the scholastic year.

Sec. 22. Section 299.19, Code 2020, is amended to read as follows:

299.19 Proceeding against parent.

Upon the failure of a person having the custody and control of a child who is blind, deaf or hard of hearing, or has severe disabilities to require the child's attendance as provided in section 299.18, the state board of regents may make application to the district court or the juvenile court of the county in which the person resides for an order requiring the person to compel the attendance of the child at the proper state-operated school.

Sec. 23. Section 299.22, Code 2020, is amended to read as follows:

299.22 When deaf or hard of hearing and blind children excused.

Attendance at the state-operated school may be excused when the superintendent of the state-operated school certifies that an interdisciplinary staffing team has determined,

pursuant to the requirements of chapter 256B, that the child is efficiently taught for the scholastic year in an accredited nonpublic or other school devoted to the instruction, by a private tutor, in the public schools, or is shown to be physically or mentally unable to attend school under section 299.5.

Sec. 24. Section 299.23, Code 2020, is amended to read as follows:

299.23 Agent of state board of regents.

The state board of regents may employ an agent to aid in the enforcement of law relative to the education of deaf or hard-of-hearing children and blind children. The agent shall seek out children who should be in attendance at the state schools but who are not, and require such attendance. The agent shall institute proceedings against persons who violate the provisions of said law. The agent shall be allowed compensation at a rate fixed by the board of regents, and necessary traveling and hotel expenses while away from home in the performance of duty.

Sec. 25. Section 331.381, subsection 9, Code 2020, is amended to read as follows:

9. Comply with chapters 269 and 270 in regard to the payment of costs for pupils at the Iowa braille and sight saving school and the Iowa school for the deaf.

Sec. 26. Section 331.502, subsection 15, Code 2020, is amended to read as follows:

15. Carry out duties relating to the collection and payment of funds for educating and supporting deaf and hard-of-hearing students as provided in sections 270.6 and 270.7.

Sec. 27. Section 331.552, subsection 13, Code 2020, is amended to read as follows:

13. Make transfer payments to the state for school expenses for blind and deaf and hard-of-hearing children and support of persons with mental illness as provided in sections 230.21, 269.2, and 270.7.

Sec. 28. Section 477C.1, Code 2020, is amended to read as follows:

477C.1 Dual party relay service — purpose.

The general assembly finds that the provision of a statewide dual party relay service will further the public interest and protect the health, safety, and welfare of the people of Iowa through an increase in the usefulness and availability of the telephone system. Many persons who are deaf, hard-of-hearing, or have speech impairments disorders are not able to utilize the telephone system without this type of service. Therefore, it is the purpose of this chapter to enable the orderly development, operation, promotion, and funding of a statewide dual party relay service.

Sec. 29. Section 477C.2, subsections 2, 4, and 5, Code 2020, are amended to read as follows:

2. “Communication impairment disorder” means the inability to use the telephone for communication without a telecommunications device for the deaf and hard of hearing.

4. “Dual party relay service” or “relay service” means a communication service which provides communication-impaired persons with communication disorders access to the telephone system functionally equivalent to the access available to persons ~~not communication-impaired~~ without communication disorders.

5. “Telecommunications device for the deaf and hard of hearing” means any specialized or supplemental telephone equipment used by communication-impaired persons with communication disorders to provide access to the telephone system.

Sec. 30. Section 477C.3, subsection 2, Code 2020, is amended to read as follows:

2. The relay service, to the extent reasonably possible, shall allow persons with communication impairments disorders to use the telephone system in a manner and at a rate equivalent to persons without communication impairments disorders.

Sec. 31. Section 477C.4, Code 2020, is amended to read as follows:

477C.4 Telecommunications devices for the deaf and hard of hearing.

With the advice of the council, the board may plan, establish, administer, and promote a program to secure, finance, and distribute telecommunications devices for the deaf and hard of hearing. The board may establish eligibility criteria for persons to receive telecommunications devices for the deaf and hard of hearing, including, but not limited to, requiring certification that the recipient cannot use the telephone for communication without a telecommunications device for the deaf and hard of hearing.

Sec. 32. Section 477C.5, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. Six consumers who have communication ~~impairments~~ disorders.

Sec. 33. Section 483A.24, subsection 7, Code 2020, is amended to read as follows:

7. A license shall not be required of minor pupils of the state school for the blind, ~~state Iowa~~ school for the deaf, or of minor residents of other state institutions under the control of an administrator of a division of the department of human services. In addition, a person who is on active duty with the armed forces of the United States, on authorized leave from a duty station located outside of this state, and a resident of the state of Iowa shall not be required to have a license to hunt or fish in this state. The military person shall carry the person's leave papers and a copy of the person's current earnings statement showing a deduction for Iowa income taxes while hunting or fishing. In lieu of carrying the person's earnings statement, the military person may also claim residency if the person is registered to vote in this state. If a deer or wild turkey is taken, the military person shall immediately contact a state conservation officer to obtain an appropriate tag to transport the animal. A license shall not be required of residents of county care facilities or any person who is receiving supplementary assistance under chapter 249.

Sec. 34. CODE EDITOR'S DIRECTIVE. The Code editor shall correct and eliminate any references to the term "hearing impaired" or other forms of the term and shall update references anywhere else in the Iowa Code, in any bills awaiting codification, and in any bills enacted by the Eighty-eighth General Assembly, 2020 Regular Session, or any extraordinary session, in accordance with this Act.

Sec. 35. ADMINISTRATIVE CODE EDITOR DIRECTIVE. The administrative rules coordinator and the administrative rules review committee, in consultation with the administrative code editor, shall jointly develop a schedule for the necessary updating of the Iowa administrative code to update references in accordance with this Act.

Approved June 25, 2020

CHAPTER 1103

GOVERNMENT REGULATION AND STANDARDS — OCCUPATIONAL AND PROFESSIONAL LICENSING

H.F. 2627

AN ACT relating to governmental and regulatory matters including the granting and renewal of licenses, certificates, and registrations, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
PROFESSIONAL LICENSING

Section 1. Section 103.6, subsection 1, paragraph e, Code 2020, is amended by striking the paragraph.

Sec. 2. Section 103.9, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 3. Section 103.10, subsection 6, Code 2020, is amended by striking the subsection.

Sec. 4. Section 103.12, subsection 6, Code 2020, is amended by striking the subsection.

Sec. 5. Section 103.12A, subsection 4, Code 2020, is amended by striking the subsection.

Sec. 6. Section 103.13, subsection 4, Code 2020, is amended by striking the subsection.

Sec. 7. Section 103.15, subsection 7, Code 2020, is amended by striking the subsection.

Sec. 8. Section 105.10, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 9. Section 105.22, subsection 4, Code 2020, is amended by striking the subsection.

Sec. 10. Section 135.105A, subsection 5, Code 2020, is amended to read as follows:

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. Rules adopted pursuant to this subsection shall comply with chapter 272C. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. The fees shall be used for any of the department's duties under this subchapter, including but not limited to the costs of full-time equivalent positions for program services and investigations. Fees received shall be considered repayment receipts as defined in section 8.2.

Sec. 11. Section 147.3, Code 2020, is amended to read as follows:

147.3 Qualifications.

An applicant for a license to practice a profession under this subtitle is not ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. ~~A board may consider the past criminal record of an applicant only if the conviction relates to the practice of the profession for which the applicant requests to be licensed.~~

Sec. 12. Section 147.55, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 13. Section 147A.7, subsection 1, paragraph j, Code 2020, is amended by striking the paragraph.

Sec. 14. Section 148.6, subsection 2, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 15. Section 148H.7, subsection 1, paragraph a, Code 2020, is amended by striking the paragraph.

Sec. 16. Section 151.9, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 17. Section 152.10, subsection 2, paragraph c, Code 2020, is amended by striking the paragraph.

Sec. 18. Section 153.34, subsection 9, Code 2020, is amended by striking the subsection.

Sec. 19. Section 154A.24, subsection 1, Code 2020, is amended by striking the subsection.

Sec. 20. Section 156.9, subsection 2, paragraph e, Code 2020, is amended by striking the paragraph.

Sec. 21. Section 272.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. “*Offense directly relates*” refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

Sec. 22. Section 272.2, subsection 14, paragraph a, Code 2020, is amended to read as follows:

a. The board may deny a license to or revoke the license of a person upon the board’s finding by a preponderance of evidence that either the person has been convicted of ~~a crime~~ an offense and the offense directly relates to the duties and responsibilities of the profession or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner’s license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed by or criminal convictions of the person involved.

Sec. 23. Section 272C.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. “*Offense directly relates*” refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

Sec. 24. Section 272C.4, subsection 13, Code 2020, is amended by striking the subsection.

Sec. 25. Section 272C.10, subsection 5, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

5. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory, or country. Conviction as used in this subsection includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.

Sec. 26. NEW SECTION. **272C.12 Licensure of persons licensed in other jurisdictions.**

1. Notwithstanding any other provision of law, an occupational or professional license, certificate, or registration, including a license, certificate, or registration issued by the board of educational examiners, shall be issued without an examination to a person who establishes residency in this state or to a person who is married to an active duty member of the military forces of the United States and who is accompanying the member on an official permanent change of station to a military installation located in this state if all of the following conditions are met:

a. The person is currently licensed, certified, or registered by at least one other issuing jurisdiction in the occupation or profession applied for with a substantially similar scope of practice and the license, certificate, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.

b. The person has been licensed, certified, or registered by another issuing jurisdiction for at least one year.

c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience and clinical supervision requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction for licensure, certification, or registration, if applicable.

e. The person has not had a license, certificate, or registration revoked and has not voluntarily surrendered a license, certificate, or registration in any other issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the appropriate licensing board shall determine if the cause for the action was corrected and the matter resolved. If the licensing board determines that the matter has not been resolved by the jurisdiction imposing discipline, the licensing board shall not issue or deny a license, certificate, or registration to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the appropriate licensing board shall not issue or deny a license, certificate, or registration to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the license, certificate, or registration applied for in this state.

2. A person licensed pursuant to this section is subject to the laws regulating the person's practice in this state and is subject to the jurisdiction of the appropriate licensing board.

3. This section does not apply to any of the following:

a. The ability of a licensing board, agency, or department to require the submission of fingerprints or completion of a criminal history check.

b. Criteria for a license, certificate, or registration that is established by an interstate compact.

c. The ability of a licensing board, agency, or department to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. A licensing board, agency, or department that requires an applicant to take and pass an examination specific to the laws of this state shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

d. A license issued by the department of transportation.

e. A person who is licensed by another issuing jurisdiction and is granted a privilege to practice in this state by another provision of law without receiving a license in this state.

f. A person applying for a license through a national licensing organization.

4. A license, certificate, or registration issued pursuant to this section does not grant the person receiving the license, certificate, or registration eligibility to practice pursuant to an interstate compact. A licensing board shall determine eligibility for a person to hold a license, certificate, or registration pursuant to this section regardless of the person's eligibility to practice pursuant to an interstate compact.

5. For the purposes of this section, "issuing jurisdiction" means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

Sec. 27. NEW SECTION. 272C.13 Educational requirements — work experience.

1. Except as provided in subsection 2, a person applying for a professional or occupational license, certificate, or registration in this state who relocates to this state from another state that did not require a professional or occupational license, certificate, or registration to practice the person's profession or occupation may be considered to have met any education, training, or work experience requirements imposed by a licensing board in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the board.

2. This section does not apply to a license, certificate, or registration issued by the board of medicine, the board of nursing, the dental board, the board of pharmacy, or the board of educational examiners.

3. If this Code or administrative rules require a person applying for a professional or occupational license, certificate, or registration in this state to pass an examination to obtain the license, certificate, or registration, a person applying for licensure, certification, or registration under this section shall be required to pass the same examination.

Sec. 28. NEW SECTION. 272C.14 Waiver of fees.

A licensing board, agency, or department shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

Sec. 29. NEW SECTION. 272C.15 Disqualifications for criminal convictions limited.

1. Notwithstanding any other provision of law to the contrary, except for chapter 272, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession and the appropriate licensing board, agency, or department does not grant an exception pursuant to subsection 4.

2. A licensing board, agency, or department that may deny a license on the basis of an applicant's conviction record shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

3. A licensing board, agency, or department shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on other similar basis.

4. A licensing board, agency, or department shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

a. The nature and seriousness of the crime for which the applicant was convicted.

b. The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or domestic abuse assault in violation of section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

c. The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions surrounding the commission of the offense.

d. The age of the applicant at the time the offense was committed.

e. Any treatment undertaken by the applicant.

f. Whether a certification of employability has been issued to the applicant pursuant to section 906.19.

g. Any letters of reference submitted on behalf of the applicant.

h. All other relevant evidence of rehabilitation and present fitness of the applicant.

5. An applicant may petition the relevant licensing board, agency, or department, in a form prescribed by the board, agency, or department, for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The board, agency, or department shall issue such a determination at the next regularly scheduled meeting of the board, agency, or department or within thirty days of receiving the petition, whichever is later. The board, agency, or department shall hold a closed session while determining whether an applicant's criminal record will prevent the applicant from receiving a license and while determining whether to deny an applicant's application on the basis of an

applicant's criminal conviction. A board, agency, or department may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed twenty-five dollars.

6. *a.* A licensing board, agency, or department that denies an applicant a license solely or partly because of the applicant's prior conviction of a crime shall notify the applicant in writing of all of the following:

(1) The grounds for the denial or disqualification.

(2) That the applicant has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the applicant may submit a new application.

(4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

b. A determination by a licensing board, agency, or department that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in subsection 4 sufficient for a review by a court.

c. In any administrative or civil hearing authorized by this section or chapter 17A, a licensing board, agency, or department shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

7. A board, agency, or department may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. A board, agency, or department may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of this subsection, "*complete criminal record*" includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

Sec. 30. RULEMAKING PROCEDURES AND APPLICABILITY.

1. The boards designated in section 147.13 other than the board of medicine, the board of nursing, the dental board, and the board of pharmacy, when carrying out rulemaking pursuant to chapter 17A to implement the provisions of this division of this Act, shall each adopt the same rules, which shall be applicable to all such boards. The bureau of professional licensure of the department of public health shall assist the boards in carrying out such rulemaking.

2. The accountancy examining board, the architectural examining board, the engineering and land surveying examining board, the interior design examining board, the landscape architectural examining board, and the real estate commission, when carrying out rulemaking pursuant to chapter 17A to implement the provisions of this Act, shall each adopt the same rules, which shall be applicable to all such boards and the real estate commission. The professional licensing bureau of the department of commerce shall assist the boards and the real estate commission in carrying out such rulemaking.

3. This section shall not apply to any rulemaking pursuant to chapter 17A by a board or commission to implement the provisions of this Act that the board or commission determines is necessary to address circumstances or legal requirements uniquely applicable to the board or commission.

Sec. 31. EFFECTIVE DATE. This division of this Act takes effect January 1, 2021.

DIVISION II MISCELLANEOUS CHANGES

Sec. 32. Section 22.2, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If feasible, the custodian of a public record may provide for the electronic examination and copying of a public record in lieu of requiring in-person examination and copying of a public record. This subsection does not apply to searches of all indexes, general and specific, of public records relating to documents, instruments, and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts.

Sec. 33. Section 22.4, Code 2020, is amended to read as follows:

22.4 Hours when available Public records requests.

The rights of persons under this chapter may be exercised under any of the following circumstances:

1. In person, at any time during the customary office hours of the lawful custodian of the records. However, if the lawful custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time.

2. In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information.

Sec. 34. Section 80A.1, subsection 12, Code 2020, is amended to read as follows:

12. "Private security business" means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district. "Private security business" does not include a business for debt collection as defined in section 537.7102.

Sec. 35. Section 89A.3, subsection 2, paragraph i, Code 2020, is amended to read as follows:

i. The amount of fees charged and collected for inspection, permits, and commissions. Fees shall be set at an amount sufficient to cover costs as determined from consideration of the reasonable time required to conduct an inspection, reasonable hourly wages paid to inspectors, and reasonable transportation and similar expenses. The safety board shall also be authorized to consider setting reduced fees for nonprofit associations and nonprofit corporations, as described in chapters 501B and 504.

Sec. 36. Section 125.38, subsection 1, Code 2020, is amended to read as follows:

1. Subject to reasonable rules regarding hours of visitation which the department may adopt, a patient in a facility shall be granted an opportunity for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program, provided that such consultation and contact may be provided telephonically or electronically.

Sec. 37. Section 135B.5, subsection 1, Code 2020, is amended to read as follows:

1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter, chapter 135, and the rules of the department. Each licensee shall receive annual reapproval upon payment of five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals licensed under this chapter ~~in consultation with the hospital licensing board~~. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department.

Sec. 38. Section 135B.7, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. The department, with the ~~advice and approval of the hospital licensing board and~~ approval of the state board of health, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

Sec. 39. Section 272.2, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. License practitioners, which includes the authority to establish criteria for the licenses; establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means; create application and renewal forms; create licenses that authorize different instructional functions or specialties; develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the failure of a practitioner to fulfill contractual obligations under section 279.13; and develop any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

Sec. 40. Section 483A.24, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. Fifty of the nonresident deer hunting licenses shall be allocated as ~~requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees determined by the department.~~ The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 41. Section 483A.24, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated as ~~requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees determined by the department.~~ The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license. The licenses are valid in all zones open to wild turkey hunting. The hunter education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 42. Section 543D.9, Code 2020, is amended to read as follows:

543D.9 Education and experience requirement.

The board shall determine what real estate appraisal or real estate appraisal review experience and what education shall be required to provide appropriate assurance that an applicant for certification is competent to perform the certified appraisal work which is within the scope of practice defined by the board. All experience required for initial certification shall be performed as a registered associate real estate appraiser acting under the direct supervision of a certified real estate appraiser who meets the supervisory requirements established by applicable federal authorities or federal law, rule, or policy in effect at the time the hours of experience are claimed, except as the board may provide by rule. Subject to requirements or limitations established by applicable federal authorities or federal law,

rule, or policy, hours qualifying for experience in a bordering state will be considered qualifying hours for experience in this state without requiring a waiver or authorization from the board in accordance with rules and standards adopted by the board, as long as a majority of qualifying hours are completed in this state. Qualifying hours completed in a bordering state shall be under the direct supervision of a certified real estate appraiser with active certification in that bordering state. The board shall prescribe a required minimum number of tested hours of education relating to the provisions of this chapter, the uniform appraisal standards, and other rules issued in accordance with this chapter.

Sec. 43. Section 544A.8, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 5. A person applying to the board for licensure who has passed a module of the architect registration examination but failed to pass the exam shall not be required to retake the module that the applicant previously passed in subsequent examinations.

Sec. 44. REPEAL. Chapter 9D, Code 2020, is repealed.

Sec. 45. REPEAL. Sections 135B.10 and 135B.11, Code 2020, are repealed.

Sec. 46. 2018 Iowa Acts, chapter 1142, section 8, as amended by 2019 Iowa Acts, chapter 85, section 118, is amended to read as follows:

SEC. 8. FUTURE REPEAL. Section 155A.44, Code 2018, is repealed effective July 1, ~~2020~~ 2021.

Sec. 47. CONTINUING EDUCATION REQUIREMENTS. The boards designated in section 147.13 shall require licensees required to complete continuing education credits prior to the renewal of a license set to expire in 2020 to complete such continuing education credits by June 30, 2021. A license set to expire in 2020 shall not expire until June 30, 2021.

Sec. 48. CONTINUING EDUCATION — ELECTRONIC MEANS. For the period beginning on the effective date of this division of this Act through June 30, 2021, notwithstanding any provision of law to the contrary, each licensing board, as defined in section 272C.1, shall allow licensees to satisfy continuing education requirements by electronic means.

Sec. 49. SCHOOL PHYSICALS — TEMPORARY PROVISIONS. For the period beginning on the effective date of this division of this Act through December 31, 2020, a student participating in interscholastic athletics who presents to the student's superintendent a certificate signed on or after July 1, 2019, by a licensed physician or surgeon, osteopathic physician or surgeon, chiropractor, physician assistant, or advanced registered nurse practitioner, to the effect that the student has been examined and may safely engage in athletic competition, shall be deemed to have complied with the regulatory provisions of 281 IAC 36.14(1).

Sec. 50. SHAREHOLDER MEETINGS — TEMPORARY PROVISIONS. For the period beginning on the effective date of this division of this Act through December 31, 2020, notwithstanding the provisions of chapters 490, 491, 499, and 501A requiring an in-person meeting of shareholders, policyholders, or members, an in-person meeting of shareholders, policyholders, or members shall not be required if the meeting is held by means of remote communication and provides shareholders, policyholders, or members a reasonable opportunity to participate in the meeting and to vote on matters submitted for action at such meeting, including an opportunity to communicate and to read or hear the proceedings of the meeting, substantially concurrent with the occurrence of such meeting.

Sec. 51. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

CHAPTER 1104
BLUE ALERT PROGRAM
S.F. 526

AN ACT creating a blue alert program within the department of public safety for the apprehension of a person suspected of killing or seriously injuring a peace officer in the line of duty or due to safety concerns for a peace officer missing while on duty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **80H.1 Definitions.**

As used in this chapter, the following definitions apply:

1. “*Department*” means the department of public safety.
2. “*Law enforcement agency*” means a law enforcement agency with jurisdiction over the search for a suspect in a case involving the death or serious injury of a peace officer in the line of duty, or a law enforcement agency employing a peace officer who is reported missing while on duty under circumstances warranting concern for the peace officer’s safety.
3. “*Peace officer*” means the same as defined in section 801.4.

Sec. 2. NEW SECTION. **80H.2 Blue alert program — creation.**

A blue alert program is created as a cooperative effort between the department and local law enforcement agencies to aid in the search for a suspect of a crime involving the death or serious injury of a peace officer in the line of duty or a peace officer who is missing while on duty under circumstances warranting concern for the peace officer’s safety.

Sec. 3. NEW SECTION. **80H.3 Criteria — blue alert.**

1. Upon notification by a law enforcement agency that a suspect in a case involving the death or serious injury of a peace officer in the line of duty has not been apprehended and may be a serious threat to the public, the department of public safety communications center shall activate a blue alert and notify appropriate participants in the blue alert program, as established by department rule, if all of the following criteria apply:

- a. A law enforcement agency believes that the suspect has not been apprehended.
- b. A law enforcement agency believes that the suspect may be a serious threat to the public.
- c. Sufficient descriptive information is available to disseminate to the public that could assist in locating the suspect.

2. Upon notification by a law enforcement agency that a peace officer is missing while on duty under circumstances warranting concern for the peace officer’s safety, the department of public safety communications center shall activate a blue alert and notify appropriate participants in the blue alert program, as established by department rule, if sufficient descriptive information is available to disseminate to the public that could assist in locating the missing peace officer.

3. The department of public safety communications center shall not release any information about the identity of a peace officer in a case involving the death or serious injury of the peace officer who is the subject of a blue alert.

4. If a blue alert is issued because a peace officer is missing while on duty, the department of public safety communications center shall defer to the investigating law enforcement agency about the nature and limits of the officer information to be made public.

Sec. 4. NEW SECTION. **80H.4 Activation and termination.**

1. Upon establishment of the blue alert criteria in section 80H.3, the department shall transmit a blue alert through the emergency alert system to Iowa broadcasters.

2. Upon the transmission of a blue alert, the department shall post the alert on an internet website accessible by the public.

3. After an initial blue alert transmission, additional information may be submitted by the participating law enforcement agency by facsimile transmission, electronic mail, or telephonic means.

4. The bureau chief of the department of public safety communications bureau may direct the transmission of an Iowa blue alert upon request from another state, provided that there is evidence the suspect may be present in Iowa.

5. The blue alert transmission may be directed to a specific geographic location within the state if the department of public safety communications center determines that the nature of the event makes it probable that the suspect or peace officer did not leave a certain geographic location of the state.

6. A blue alert shall terminate if any of the following occur:

a. The suspect or peace officer is located.

b. The department determines that the blue alert is no longer an effective tool for locating the suspect or peace officer.

c. Five hours have elapsed since the transmission of the blue alert.

7. A blue alert may be renewed.

8. Law enforcement agencies shall notify the department immediately upon taking a suspect into custody or upon locating the missing peace officer.

Sec. 5. NEW SECTION. **80H.5 Liability.**

No entity or individual shall be liable for any civil damages arising from the activation or termination of a blue alert, provided the entity or individual acts reasonably and in good faith.

Sec. 6. NEW SECTION. **80H.6 Rules.**

The department shall adopt rules pursuant to chapter 17A to implement this chapter.

Approved June 29, 2020

CHAPTER 1105

BEHAVIORAL HEALTH SERVICES — USE OF TELEHEALTH IN SCHOOL SETTINGS

S.F. 2261

AN ACT relating to the provision of behavioral health services including via telehealth in a school setting.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **280A.1 Definitions.**

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

1. “*Accredited nonpublic school*” means any school, other than a public school, that is accredited pursuant to section 256.11 for any and all levels for grades one through twelve.

2. “*Area education agency*” means an area education agency established pursuant to chapter 273.

3. “*Behavioral health screening*” or “*screening*” means a screening and assessment performed using a universal behavioral health screening and assessment tool, approved for use by the department of education in consultation with the department of public health and the department of human services, to identify factors that place children at higher risk for behavioral health conditions, to determine appropriate treatment or intervention, and to identify the need for referral for appropriate services.

4. “*Behavioral health services*” means services provided by a health care professional operating within the scope of the health care professional’s practice which address mental, emotional, medical, or behavioral conditions, illnesses, diseases, or problems.

5. “*Health care professional*” means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

6. “*In-person encounter*” means that the mental health professional and the student are in the physical presence of each other and are in the same physical location during the provision of behavioral health services.

7. “*Mental health professional*” means the same as defined in section 228.1.

8. “*Patient*” means a student receiving a behavioral health screening or other behavioral health services in accordance with this chapter.

9. “*Primary care provider*” means the personal provider trained to provide the first contact and continuous and comprehensive care to a patient and includes but is not limited to any of the following licensed or certified health care professionals who provide primary care:

a. A physician who is a family or general practitioner or a pediatrician.

b. An advanced registered nurse practitioner.

c. A physician assistant.

10. “*Provider-patient relationship*” means the relationship between the patient and the mental health professional that meets the requirements for commencement and establishment of a valid provider-patient relationship as specified in this chapter.

11. “*Public school*” means any school directly supported in whole or in part by taxation.

12. “*School district*” means a school district described in chapter 274.

13. “*Student*” means a person enrolled in and attending an accredited nonpublic school or a public school in grades one through twelve.

14. “*Telehealth*” means the same as defined in section 514C.34.

Sec. 2. NEW SECTION. 280A.2 Behavioral health screenings and assessments in school settings.

1. a. A school district, an accredited nonpublic school, or an area education agency may contract with a mental health professional or a nationally accredited behavioral health care organization to provide behavioral health screenings to students in person.

b. (1) A behavioral health screening may be conducted following provision of written consent by the student’s parent or guardian for the student to participate in such screening.

(2) The consent shall also allow for the disclosure of the results of such screenings to the school district, accredited nonpublic school, or area education agency, if the mental health professional believes there is a credible threat to the health and safety of the student or others.

2. If a mental health professional conducts an initial behavioral health screening on the premises of a public school, an accredited nonpublic school, or an area education agency and determines that a student should be referred for additional behavioral health services, all of the following shall apply:

a. The mental health professional shall notify the parent or guardian of the student of the results of the screening.

b. The mental health professional may notify the student’s primary care provider following provision of written consent by the student’s parent or guardian. If a student does not have a primary care provider, the mental health professional may provide a listing of local primary care providers to the student’s parent or guardian.

Sec. 3. NEW SECTION. 280A.3 Establishment of provider-patient relationship for services provided via telehealth in a school setting.

1. A mental health professional who provides services via telehealth in a public school, an accredited nonpublic school, or an area education agency shall establish a valid provider-patient relationship with the student who receives telehealth services.

2. The provider-patient relationship commences when all of the following conditions are met:

a. The student with the health-related matter with the consent of the student’s parent or guardian seeks assistance from a mental health professional.

b. The mental health professional agrees to undertake diagnosis and treatment of the student.

c. The student’s parent or guardian agrees to have the student treated by the mental health professional.

3. A valid provider-patient relationship may be established through any of the following means:

a. Through an in-person encounter which includes an in-person medical interview and physical examination conducted under the standard of care required for an in-person encounter.

b. Through consultation with a primary care provider who has an established relationship with the patient and who agrees to participate in or supervise the patient's care.

c. Through telehealth, if the standard of care does not require an in-person encounter, in accordance with evidence-based standards of practice and telehealth practice guidelines that address the clinical and technological aspects of telehealth, and the student's parent or guardian is present.

4. The parent or guardian of a student shall consent prior to the student receiving behavioral health services via telehealth under this chapter after a provider-patient relationship is established pursuant to this section. The school district shall maintain any such consent form completed by a parent or guardian.

Sec. 4. NEW SECTION. 280A.4 Behavioral health services provided via telehealth in a school setting.

1. A public school, accredited nonpublic school, or an area education agency may provide access to behavioral health services via telehealth on the premises of the public school, accredited nonpublic school, or area education agency. If a public school, an accredited nonpublic school, or an area education agency provides such access, the school or area education agency shall do all of the following:

a. Provide a secure, confidential, and private room for such services and the technology necessary to conduct telehealth services.

b. Maintain parent or guardian consent forms for the provision of such services. Consent forms shall be required for each academic year in which the student receives such services.

c. Maintain scheduling requests for student appointments for such services and provide the student access to the room by a school nurse or other appropriately trained school or area education agency employee.

d. Ensure that no school or area education agency employee is present in the same room as the student during the provision of such services.

e. Provide information to the student participating in telehealth services about how and to whom to report inappropriate behavior by a mental health professional.

f. Provide access to the student's parent or guardian to participate in any of the student's telehealth sessions.

2. The public school, accredited nonpublic school, or area education agency shall not have access to or handle any of the student's medical records or be responsible for billing for the telehealth services provided.

3. A mental health professional with prescribing authority who provides telehealth services in accordance with this section shall not prescribe any new medication to a student during a telehealth session. However, a mental health professional with prescribing authority may initiate new prescriptions, alter the dosage of an existing medication, or discontinue an existing medication for the treatment of the student's behavioral health condition after consultation with the student's parent or guardian.

4. The mental health professional shall notify the student's parent or guardian of the time and place for each scheduled telehealth session and specify the means available for the parent or guardian to participate in the session.

5. Protected health information, including but not limited to medical records and medical billing information, created by the mental health professional or primary care provider shall not be shared with or disclosed to a public school, accredited nonpublic school, or area education agency, unless disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of the student or to a clearly identifiable person or persons and the mental health professional determines the student has the apparent intent and ability to carry out the threat.

6. A school district, an accredited nonpublic school, an area education agency, the board of directors of a school district or an area education agency, authorities in charge of the accredited nonpublic school, and employees of the school district, accredited nonpublic school or area education agency, shall not be liable for any injury arising from the provision

of voluntary behavioral health screenings or behavioral health services in accordance with this chapter, provided such person has acted reasonably and in good faith and in accordance with the provisions of this chapter.

Sec. 5. NEW SECTION. 514C.35 Behavioral health services provided in a school — coverage.

1. Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy, contract, or plan providing for third-party payment or prepayment of health or medical expenses shall not deny coverage or payment for behavioral health services, including behavioral health services provided via telehealth, solely because the services are delivered in a school.

2. Nothing in this section shall be interpreted to do any of the following:

a. Require an insurer to pay for behavioral health services that are otherwise excluded from coverage under a policy, contract, or plan.

b. Require an insurer to pay for behavioral health services that are provided by an individual employed by or under contract with a school district or an educational service agency in a regular full-time or part-time position, or any other party that has not entered into a provider agreement with the insurer.

c. Prevent application of any other provision of a policy, contract, or plan.

3. This section applies to third-party payment provider policies, contracts, or plans delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2021, and to claims for reimbursement under such policies, contracts, or plans incurred on or after January 1, 2021.

4. For the purposes of this section:

a. “*Behavioral health services*” means services provided by a health care professional operating within the scope of the health care professional’s practice which address mental, emotional, medical, or behavioral conditions, illnesses, diseases, or problems.

b. “*Educational service agency*” means a governmental agency or government entity which is established and operated exclusively for the purpose of providing educational services to one or more educational institutions.

c. “*Health care professional*” means a physician or other health care practitioner licensed, accredited, registered, or certified to perform specified health care services consistent with state law.

d. “*School*” means all of the following:

(1) A any¹ school, other than a public school, that is accredited pursuant to section 256.11 for any and all levels for grades one through twelve.

(2) Any school directly supported in whole or in part by taxation.

(3) An area education agency established pursuant to chapter 273.

e. “*School district*” means a school district described in chapter 274.

f. “*Telehealth*” means the same as defined in section 514C.34.

Approved June 29, 2020

¹ See chapter 1121, §66 herein

CHAPTER 1106**TOBACCO, TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, VAPOR PRODUCTS, AND CIGARETTES — MINIMUM AGE FOR PURCHASE, SALE, POSSESSION, OR USE***S.F. 2268*

AN ACT establishing the minimum age relative to various activities relating to tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes, making penalties applicable, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.216C, Code 2020, is amended to read as follows:

321.216C Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

A person who is under the age of ~~eighteen~~ twenty-one, who alters or displays or has in the person's possession a fictitious or fraudulently altered driver's license or nonoperator's identification card and who uses the license or card to violate or attempt to violate section 453A.2, subsection 2, commits a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 4. The court shall forward a copy of the conviction to the department.

Sec. 2. Section 453A.2, subsections 1, 2, and 3, Code 2020, are amended to read as follows:

1. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under ~~eighteen~~ twenty-one years of age.

2. A person under ~~eighteen~~ twenty-one years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

3. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under ~~eighteen~~ twenty-one years of age does not constitute a violation under this section if the individual under ~~eighteen~~ twenty-one years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the individual's employment and the individual is employed by a person who holds a valid permit under this chapter or who lawfully offers for sale or sells cigarettes or tobacco products.

Sec. 3. Section 453A.2, subsection 8, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The compliance effort is conducted with the advance knowledge of law enforcement officers and reasonable measures are adopted by those conducting the effort to ensure that use of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by individuals under ~~eighteen~~ twenty-one years of age does not result from participation by any individual under ~~eighteen~~ twenty-one years of age in the compliance effort.

Sec. 4. Section 453A.5, subsection 1, Code 2020, is amended to read as follows:

1. The alcoholic beverages division of the department of commerce shall develop a tobacco compliance employee training program not to exceed two hours in length for employees and prospective employees of retailers, as defined in sections 453A.1 and 453A.42, to inform the employees about state and federal laws and regulations regarding the sale of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes to persons under ~~eighteen~~ twenty-one years of age and compliance with and the importance of laws regarding the sale of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes to persons under ~~eighteen~~ twenty-one years of age.

Sec. 5. Section 453A.36, subsection 6, Code 2020, is amended to read as follows:

6. Any sales of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes made through a cigarette vending machine are subject to rules and penalties relative to retail sales of tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes provided for in this chapter. Cigarettes shall not be sold through any cigarette vending machine unless the cigarettes have been properly stamped or metered as provided by this subchapter, and in case of violation of this provision, the permit of the dealer authorizing retail sales of cigarettes shall be revoked. Payment of the permit fee as provided in section 453A.13 authorizes a cigarette vendor to sell tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes through vending machines. However, tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes shall not be sold through a vending machine unless the vending machine is located in a place where the retailer ensures that no person younger than ~~eighteen~~ twenty-one years of age is present or permitted to enter at any time. Tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes shall not be sold through any cigarette vending machine if such products are placed together with any nontobacco product, other than matches, in the cigarette vending machine. This section does not require a retail permit holder to buy a cigarette vendor's permit if the retail permit holder is in fact the owner of the cigarette vending machines and the machines are operated in the location described in the retail permit.

Sec. 6. Section 453A.39, subsection 2, paragraphs b and c, Code 2020, are amended to read as follows:

b. A manufacturer, distributor, wholesaler, retailer, or distributing agent or agent thereof shall not give away any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under ~~eighteen~~ twenty-one years of age, or within five hundred feet of any playground, school, high school, or other facility when such facility is being used primarily by persons under age ~~eighteen~~ twenty-one for recreational, educational, or other purposes.

c. Proof of age shall be required if a reasonable person could conclude on the basis of outward appearance that a prospective recipient of a sample may be under ~~eighteen~~ twenty-one years of age.

Sec. 7. Section 453A.47B, Code 2020, is amended to read as follows:

453A.47B Requirements for mailing or shipping — alternative nicotine products or vapor products.

A retailer shall not mail, ship, or otherwise cause to be delivered any alternative nicotine product or vapor product in connection with a delivery sale unless the retailer meets all of the following apply conditions:

1. Prior to sale to the purchaser, the retailer verifies that the purchaser is at least ~~eighteen~~ twenty-one years of age through or by one of the following:

a. A commercially available database, or aggregate of databases, that is regularly used by government and businesses for the purpose of age and identity verification.

b. Obtaining a copy of a valid government-issued document that provides the name, address, and date of birth of the purchaser.

2. The retailer uses a method of mailing, shipping, or delivery that requires the signature of a person who is at least ~~eighteen~~ twenty-one years of age before the shipping package is released to the purchaser.

Sec. 8. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

CHAPTER 1107

EDUCATIONAL INSTRUCTIONAL REQUIREMENTS AND FUNDING FLEXIBILITY

S.F. 2310

AN ACT relating to educational instructional requirements and funding flexibility and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

ONLINE LEARNING PROGRAM AND COURSEWORK REQUIREMENTS

Section 1. Section 256.7, subsection 21, paragraph a, Code 2020, is amended to read as follows:

a. Requirements that all school districts and accredited nonpublic schools develop, implement, and file with the department a comprehensive school improvement plan that includes, but is not limited to, demonstrated school, parental, and community involvement in assessing educational needs, establishing local education standards and student achievement levels, and, as applicable, the consolidation of federal and state planning, goal-setting, and reporting requirements. Each school district and accredited nonpublic school shall include in its comprehensive school improvement plan a list and description of the online coursework offered by the school district or accredited nonpublic school to which the student is enrolled.

Sec. 2. Section 256.7, subsection 32, paragraph a, Code 2020, is amended to read as follows:

a. Adopt rules for online learning in accordance with ~~sections 256.42~~ section 256.11, subsection 17, and section 256.43, and criteria for waivers granted pursuant to ~~section 256.42~~ 256.11, subsection 17.

Sec. 3. Section 256.7, subsection 32, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Rules adopted pursuant to this subsection shall require that online learning coursework offered by school districts, accredited nonpublic schools, and area education agencies be rigorous, high-quality, aligned with the Iowa core and core content requirements and standards and the national standards of quality for online courses issued by an internationally recognized association for kindergarten through grade twelve online learning, and taught by a teacher licensed under chapter 272 who has specialized training or experience in online learning, including but not limited to an online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework.

Sec. 4. Section 256.9, subsection 55, Code 2020, is amended to read as follows:

~~55. Develop and establish an online learning program model in accordance with rules adopted pursuant to section 256.7, subsection 32, and in accordance with section 256.43. The director shall maintain a list of approved online providers that meet the standards of section 256.42, subsection 6, and provide course content through an online learning platform taught by a teacher licensed under chapter 272 who has specialized training or experience in online learning including but not limited to an~~ online-learning-for-Iowa-educators-professional-development project offered by area education agencies, a teacher preservice program, or comparable coursework, and whose online learning coursework meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph "c". Providers shall apply for approval annually or as determined by the department.

Sec. 5. Section 256.11, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 17. a.(1) The offer and teach requirements of subsection 5, paragraphs "a" through "e" and "g" through "j", shall not apply for up to two specified subjects at a school district or accredited nonpublic school if any of the following apply:

(a) The school district or accredited nonpublic school makes every reasonable and good faith effort to employ a teacher licensed under chapter 272 for the specified subject and is unable to employ such a teacher.

(b) Fewer than ten students typically register for instruction in the specified subject at the school district or accredited nonpublic school.

(2) If a school district or accredited nonpublic school meets the requirements of subparagraph (1), subparagraph division (a) or (b), the school district or accredited nonpublic school may exceed the two-subject limitation specified in subparagraph (1), unnumbered paragraph 1, for the purpose of providing world language, personal finance literacy, and computer science coursework online in accordance with paragraph “c”.

b. The department may waive the applicability of subsection 5, paragraphs “a” through “e” and “g” through “j”, for up to two additional specified subject areas for a school district or accredited nonpublic school that proves to the satisfaction of the department that the school district or accredited nonpublic school has made every reasonable effort, but is unable to meet such requirements. A school district or accredited nonpublic school may apply for an annual waiver each year.

c. If the provisions of subsection 5, paragraphs “a” through “e” and “g” through “j”, are made inapplicable under paragraph “a”, or are waived under paragraph “b”, the specified subject shall be provided by an area education agency under section 273.16, or by the school district or accredited nonpublic school if an online alternative satisfying the requirements of subparagraph (1), (2), or (3) can be made available by the school district or accredited nonpublic school. Any course not required under subsection 5 may also be provided by an area education agency under section 273.16 or by the school district or accredited nonpublic school. However, in either case, if offered by the school district or accredited nonpublic school, the specified subject or course shall be offered through any of the following means:

(1) An online learning platform if the course is developed by the school district or accredited nonpublic school itself or is developed by a partnership or consortium of schools that have developed the course individually or cooperatively, provided the course is taught and supervised by a teacher licensed under chapter 272 who has online learning experience and the course content meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph “c”. A partnership or consortium of schools may include two or more school districts or accredited nonpublic schools, or any combination thereof.

(2) A private provider utilized to provide the course that meets the standards of this section and is approved in accordance with section 256.9, subsection 55.

(3) An online learning platform offered, subject to the initial availability of federal funds, by the department in collaboration with one or more area education agencies or in partnership with school districts and accredited nonpublic schools. The online learning platform may deliver distance education to students, including students receiving independent private instruction as defined in section 299A.1, subsection 2, paragraph “b”, competent private instruction under section 299A.2, or private instruction by a nonlicensed person under section 299A.3, provided such students register with the school district of residence and the coursework offered by the online learning platform is taught and supervised by a teacher licensed under chapter 272 who has online learning experience and the course content meets the requirements established by rule pursuant to section 256.7, subsection 32, paragraph “c”. The department and the area education agencies operating online learning programs pursuant to section 273.16 shall coordinate to ensure the most effective use of resources and delivery of services. Federal funds, if available, may be used to offset what would otherwise be costs to school districts for participation in the program.

d. For purposes of this subsection, “good faith effort” means the same as defined in section 279.19A, subsection 9.

Sec. 6. Section 256.43, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. ~~Private providers utilized to provide courses by~~ Courses provided by private providers to a school district or accredited nonpublic school in accordance with this section shall meet the standards of section 256.42 Iowa core and core content requirements and standards, as well as national standards of quality for online courses issued by an internationally

recognized association for kindergarten through grade twelve online learning, and be approved in accordance with section 256.9, subsection 55.

Sec. 7. Section 261E.1, subsection 1, paragraph e, Code 2020, is amended to read as follows:

e. Internet-based courses offered for college credit, ~~including but not limited to courses within the Iowa learning online initiative.~~

Sec. 8. NEW SECTION. 273.16 Online learning program.

1. Subject to an appropriation of funds by the general assembly for this purpose, the area education agencies may offer, separately or in collaboration with other area education agencies, or in partnership with school districts and accredited nonpublic schools, to provide an online learning program to deliver distance education to Iowa's secondary students, including students receiving independent private instruction as defined in section 299A.1, subsection 2, paragraph "b", competent private instruction under section 299A.2, or private instruction by a nonlicensed person under section 299A.3.

2. Coursework offered under this section must meet the requirements established by rule pursuant to section 256.7, subsection 32, paragraph "c".

3. To participate in an online learning program offered by an area education agency, a student must be enrolled in a participating school district or accredited nonpublic school or be receiving private instruction under chapter 299A as described in subsection 1. The school district or accredited nonpublic school in which the student is enrolled is responsible for recording a student's program coursework grades in the student's permanent record, awarding high school credit for program coursework, and issuing a high school diploma to a student enrolled in the district or school who participates and completes coursework under the program. Each school that participates in the program shall identify a site coordinator to serve as a student advocate and as a liaison between the program staff and teachers and the school district or accredited nonpublic school. The individual providing instruction to a student under chapter 299A as described in subsection 1 shall receive the student's score for completed program coursework.

4. School districts and accredited nonpublic schools shall pay to area education agencies the cost of providing coursework under an online learning program offered in accordance with this section.

Sec. 9. Section 279.10, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 3. a. For the school year beginning July 1, 2020, and ending June 30, 2021, any instruction provided in accordance with a return-to-learn plan submitted by a school district or accredited nonpublic school to the department of education in response to a proclamation of a public health disaster emergency, issued by the governor pursuant to section 29C.6 and related to COVID-19, shall be deemed to meet the requirements of subsection 1, regardless of the nature, location, or medium of instruction if the return-to-learn plan contains the minimum number of days or hours as required by subsection 1. Any return-to-learn plan submitted by a school district or accredited nonpublic school must contain provisions for in-person instruction and provide that in-person instruction is the presumed method of instruction.

b. This subsection is repealed on July 1, 2021.

Sec. 10. REPEAL. Section 256.42, Code 2020, is repealed.

DIVISION II

TEMPORARY FLEXIBILITY FOR USE OF CERTAIN MONEYS BY SCHOOL DISTRICTS TO PROVIDE ADDITIONAL INSTRUCTIONAL TIME

Sec. 11. PROFESSIONAL DEVELOPMENT MONEYS AND HOURS REQUIREMENTS FOR ADDITIONAL INSTRUCTIONAL TIME FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding section 257.10, subsection 10, and the professional development requirements of chapter 284, for the school year beginning July 1, 2020, and ending June 30, 2021, the moneys calculated and paid to the school district for professional development

pursuant to section 257.10, subsection 10, or section 257.37A, subsection 2, to provide thirty-six hours of professional development opportunities held outside of the minimum school day, may instead be used by a school district to provide instructional time to the school calendar in addition to the amount of instructional time required under section 279.10, subsection 1, and the thirty-six-hour professional development requirement of chapter 284 shall be reduced by such number of hours of additional instructional time.

DIVISION III
TEMPORARY FLEXIBILITY FOR CERTAIN EDUCATIONAL INSTRUCTIONAL AND
POLICY REQUIREMENTS

Sec. 12. OPEN ENROLLMENT — EXTENSION OF NOTIFICATION DEADLINE FOR THE 2020-2021 SCHOOL YEAR. Notwithstanding section 282.18, subsection 2, paragraph “a”, for the school year commencing July 1, 2020, a parent or guardian shall have until July 15, 2020, to notify to the district of residence and the receiving district, on forms prescribed by the department of education, that the parent or guardian intends to enroll the parent’s or guardian’s child in an online public school in another school district, if the child, another resident of the child’s residence, or a regular caretaker of the child has a significant health condition that increases the risk of COVID-19. The notification shall include the name of the person with the health condition, specify the person’s health condition, include written verification of the health condition from the person’s physician or licensed health care provider and, for persons other than the child, whether the person with the health condition is a resident of the child’s residence or the child’s regular caretaker. Section 282.18, subsection 3, shall not apply to a notification submitted in accordance with this section. Notwithstanding section 282.18, subsection 2, paragraph “b”, the superintendent of the receiving school district is authorized to approve a notification received under this section. Within fourteen days of receipt of such notification, the superintendent shall notify the parent or guardian and the school district of residence that the request has been approved or denied. If the notification has been denied or if further review is required, the superintendent shall provide the parent or guardian with an explanation of the approval process and expected timeline for the review. A decision to deny a request submitted under this section is subject to appeal under section 290.1. The state board shall exercise broad discretion to achieve just and equitable results that are in the best interest of the affected child. This section is not intended to extend the provisions of section 282.18, subsection 2, paragraph “a”, for enrollment in a physical school district.

Sec. 13. SCHOOL DISTRICT DUTIES RELATING TO COMPETENT PRIVATE INSTRUCTION FOR THE 2020-2021 SCHOOL YEAR. For the school year beginning July 1, 2020, and ending June 30, 2021, upon request of a parent, guardian, or legal or actual custodian, each school district shall provide to children receiving competent private instruction available texts or supplementary materials on the same basis as they are provided to regularly enrolled students when a child is under dual enrollment or in a home school assistance program. This section shall only apply to children who are enrolled in their school district’s home school assistance program by the child’s parent, guardian, or legal or actual custodian.

Sec. 14. SCHOOL DISTRICT CLOSURES DURING THE 2020-2021 SCHOOL YEAR. For the school year beginning July 1, 2020, and ending June 30, 2021, if the governor proclaims a public health disaster pursuant to section 29C.6, the board of directors of a school district may authorize closure of the school district or any school district attendance center due to an outbreak of COVID-19 in the school district or any school district attendance center. School districts are encouraged to follow guidelines issued by the centers for disease control and prevention of the United States department of health and human services and the Iowa department of public health, and may consult with the local board of health when determining social distancing measures or authorizing a school closure.

Sec. 15. INSTRUCTIONAL TIME PROVISIONS FOR SCHOOL DISTRICTS AND ACCREDITED NONPUBLIC SCHOOLS FOR THE 2020-2021 SCHOOL YEAR.

1. Notwithstanding any other provision of law to the contrary, the instructional time requirements of section 279.10, subsection 1, and the minimum school day requirements of section 256.7, subsection 19, shall not be waived any time during the school year beginning July 1, 2020, and ending June 30, 2021, for school closure due to the COVID-19 pandemic unless the school district or the authorities in charge of the accredited nonpublic school, as appropriate, provide compulsory remote learning, including online learning, electronic learning, distance learning, or virtual learning. Unless explicitly authorized in a proclamation of a public health disaster emergency issued by the governor pursuant to section 29C.6 and related to COVID-19, a brick-and-mortar school district or accredited nonpublic school shall not take action to provide instruction primarily through remote-learning opportunities.

2. If the board of directors of a school district or the authorities in charge of an accredited nonpublic school determines any time during the school year beginning July 1, 2020, and ending June 30, 2021, that a remote-learning period is necessary, the school board or the authorities in charge of an accredited nonpublic school, as appropriate, shall ensure that teachers and other necessary school staff are available during the remote-learning period to support students, to participate in professional development opportunities, and to perform other job-related functions during the regular, required contract hours, even if the accessibility to or by the teachers and other necessary school staff is offered remotely.

Sec. 16. TRUANCY REQUIREMENTS FOR THE 2020-2021 SCHOOL YEAR. In addition to the provisions of chapter 299, a child who is enrolled in a school district or accredited nonpublic school but who does not participate in compulsory remote-learning opportunities, including online learning, electronic learning, distance learning, or virtual learning, offered by the school district or accredited nonpublic school of enrollment during a period of school closure implemented any time during the school year beginning July 1, 2020, and ending June 30, 2021, due to the COVID-19 pandemic shall be considered truant. This section is not applicable to a child who was receiving competent private instruction or independent private instruction in accordance with the requirements of chapter 299A prior to July 1, 2019. Any child who was enrolled in a public school or accredited nonpublic school prior to July 1, 2019, may be subject to the provisions of chapter 299 if the child's parent, guardian, or legal custodian did not, for the school year beginning July 1, 2020, complete and send the report required under section 299.4 to the school district of residence of the child in a timely manner.

Sec. 17. TEACHER ENDORSEMENT WAIVER FOR THE 2020-2021 SCHOOL YEAR. For the school year beginning July 1, 2020, and ending June 30, 2021, notwithstanding any provision to the contrary, if a school district or accredited nonpublic school has made every reasonable and good-faith effort to employ a teacher licensed under chapter 272 who holds an endorsement for a specified grade level or subject area and is unable to employ a teacher with the appropriate endorsement, and the school district or accredited nonpublic school is also unable to develop, or use a private provider to provide, an online course that meets the requirements of chapter 256, the director of the department of education may waive the teacher-endorsement requirements for the specified grade level or subject area for the school district or accredited nonpublic school, and the provisions of section 256.9, subsection 48, and section 272.15, subsection 4, shall not apply.

Sec. 18. MISCELLANEOUS POLICY PROVISIONS FOR SCHOOLS FOR THE 2020-2021 SCHOOL YEAR. The following provisions are applicable for the school year beginning July 1, 2020, and ending June 30, 2021:

1. SOCIAL DISTANCING. In implementing social distancing policies included in a return-to-learn plan, the board of directors of each school district and the authorities in charge of each accredited nonpublic school shall, to the extent possible, provide in-person instruction for core academic subjects.

2. STATEWIDE ASSESSMENTS. The provisions of section 256.7, subsection 21, paragraph "b", relating to the administration of statewide summative assessment of student progress, and the assessments administered in accordance with sections 279.60 and 279.68, shall not be waived, and such assessments shall be administered to students as required by those sections.

3. CPR CERTIFICATION — EXCEPTION FOR GRADUATION. If a school district or accredited nonpublic school closes on the advice of a local board of health, the department of public health, or because the governor proclaims a public health disaster pursuant to section 29C.6, a student who meets the graduation requirements of section 256.7, subsection 26, paragraph “a”, the requirements of section 280.9A, and the school district’s or accredited nonpublic school’s graduation requirements may graduate without meeting the cardiopulmonary resuscitation certification requirements of section 256.11, section 6,¹ paragraph “c”.

4. NOTIFICATION OF SIGNIFICANT HEALTH CONDITION — COMPULSORY REMOTE LEARNING. If a parent or guardian of a student enrolled in a school district or accredited nonpublic school notifies the school district or accredited nonpublic school in writing that the student, another resident of the student’s residence, or a regular caretaker of the student has a significant health condition that increases the risk of COVID-19, the school district or accredited nonpublic school shall make reasonable accommodations for the student, on a case-by-case basis, to attend school through remote learning. The provision of special education and accommodations for students who have individualized education programs or section 504 plans in compliance with the requirements of section 504 of the Rehabilitation Act, 29 U.S.C. §794, and with Tit. II of the Americans with Disabilities Act, 42 U.S.C. §12131–12165, will be determined by each respective individualized education program team or section 504 team. The notification shall include the name of the person with the health condition, specify the person’s health condition, include written verification of the health condition from the person’s physician or licensed health care provider and, for persons other than the student, whether the person with the health condition is a resident of the student’s residence or the student’s regular caretaker. A school district or an accredited nonpublic school may collaborate with an area education agency or another school district or accredited nonpublic school to provide remote learning opportunities to a student who meets the requirements of this section.

5. Notwithstanding section 256.7, subsection 32; section 256.9, subsection 55; section 256.43; or any other provision to the contrary, a school district or accredited nonpublic school may provide instruction primarily through continuous remote-learning opportunities if such instruction is provided in accordance with a return-to-learn plan submitted by the school district or accredited nonpublic school to the department of education in response to a proclamation of a public health disaster emergency explicitly addressing school closures, issued by the governor pursuant to section 29C.6 and related to COVID-19, without regard to whether the accredited nonpublic school or school district is approved to provide instruction primarily through continuous remote-learning opportunities. Instruction provided pursuant to this section shall be provided by teachers licensed pursuant to chapter 272 and shall assure and maintain evidence of alignment of the courses with the Iowa core and core content requirements and standards.

DIVISION IV SCHOOL DISTRICT IMPACT REPORT

Sec. 19. SCHOOL DISTRICT COVID-19 IMPACT REPORT FOR BUDGET YEAR 2019-2020. Each school district shall submit a report to the department of education, in a format and by a date as determined by the department, detailing any reduction in expenditures to the school district resulting from the closure of schools due to the COVID-19 pandemic during the school budget year beginning July 1, 2019, and ending June 30, 2020, including but not limited to reductions in expenditures for transportation, the number of contract employees which include certified and classified employees laid off by the school district and the number of non-contract employees laid off by the school district, both listed by staff position, and spring or summer programs canceled or otherwise impacted. The department shall prepare and, by November 15, 2020, submit to the general assembly, a report that details for each school district the total net impact of the COVID-19 pandemic on each school district’s budget.

¹ According to Act; a reference to subsection 6 probably intended

DIVISION V
EFFECTIVE DATES AND APPLICABILITY

Sec. 20. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 21. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

Approved June 29, 2020

CHAPTER 1108

CLASSROOM MANAGEMENT AND VIOLENT OR DISRUPTIVE BEHAVIOR —
THERAPEUTIC CLASSROOMS

S.F. 2360

AN ACT relating to classroom management and related practitioner preparation procedures for reporting classroom violence and assaults, to corporal punishment, establishing a grant program and fund for creation of therapeutic classrooms, providing claims reimbursement to school districts for costs relating to therapeutic classrooms, making appropriations, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 256.9, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 60. Develop, establish, and distribute to all school districts evidence-based standards, guidelines, and expectations for the appropriate and inappropriate responses to behavior in the classroom that presents an imminent threat of bodily injury to a student or another person and for the reasonable, necessary, and appropriate physical restraint of a student, consistent with rules adopted by the state board pursuant to section 280.21. The director shall consult with the area education agencies to create comprehensive and consistent standards and guidance for professional development relating to successfully educating individuals in the least restrictive environment, and for evidence-based interventions consistent with the standards established pursuant to this subsection.

Sec. 2. Section 256.16, subsection 1, paragraph c, Code 2020, is amended to read as follows:

c. Include in the professional education program, preparation that contributes to the education of students with disabilities and students who are gifted and talented, preparation in developing and implementing individualized education programs and behavioral intervention plans, preparation for educating individuals in the least restrictive environment and identifying that environment, and strategies that address difficult and violent student behavior and improve academic engagement and achievement, and preparation in classroom management addressing high-risk behaviors including, but not limited to, behaviors related to substance abuse. Preparation required under this paragraph must be successfully completed before graduation from the practitioner preparation program.

Sec. 3. NEW SECTION. **256.25 Therapeutic classroom incentive grant program — fund.**

1. The department shall create a therapeutic classroom incentive grant program to provide competitive grants to school districts for the establishment of therapeutic classrooms.

2. A school district, which may collaborate and partner with one or more school districts, area education agencies, accredited nonpublic schools, nonprofit agencies, and institutions

that provide children's mental health services, located in mental health and disability services regions providing children's behavioral health services in accordance with chapter 331, subchapter III, part 6, may apply for a grant under this program to establish a therapeutic classroom in the school district in accordance with this section.

3. The department shall develop a grant application and selection and evaluation criteria. Selection criteria shall include a method for prioritizing grant applications submitted by school districts located in mental health and disability services regions providing children's behavioral health services in accordance with chapter 331, subchapter III, part 6, with those proposing to serve the most students given highest priority. Grant awards shall be distributed as equitably as possible among small, medium, and large school districts. For purposes of this subsection, a small school district is a district with an actual enrollment of fewer than six hundred pupils; a medium school district is a district with an actual enrollment that is at least six hundred pupils, but less than two thousand five hundred pupils; and a large school district is a district with an actual enrollment of two thousand five hundred or more pupils.

4. *a.* The department may disburse moneys contained in the therapeutic classroom incentive fund as grants to school districts for the establishment of therapeutic classrooms.

b. The total amount of funding awarded for the establishment of therapeutic classrooms for a fiscal year shall not exceed an amount equivalent to the state cost per pupil multiplied by weighting of one and one-half pupil calculated for one hundred fifty pupils.

c. Grant awards shall be made for the establishment of therapeutic classrooms with one to five pupils, classrooms with six to ten pupils, and classrooms with eleven to fifteen pupils.

d. For purposes of calculating a therapeutic classroom grant award, the department shall determine grant awards based on the following:

(1) For classrooms with one to five pupils, using the state cost per pupil multiplied by weighting of one and one-half pupil multiplied by five.

(2) For classrooms with six to ten pupils, using the state cost per pupil multiplied by weighting of one and one-half pupil multiplied by ten.

(3) For classrooms with eleven to fifteen pupils, using the state cost per pupil multiplied by weighting of one and one-half pupil multiplied by fifteen.

e. Grant moneys credited to the therapeutic classroom incentive fund established under subsection 5 shall be distributed after December 31 but before the start of the school calendar for start-up costs for a new therapeutic classroom in the fall semester.

5. A therapeutic classroom incentive fund is established in the state treasury under the control of the department. Moneys credited to the fund are appropriated to the department for purposes of distributing grants under this section. The department may accept gifts, grants, bequests, and other private contributions, as well as state or federal moneys, for deposit in the fund. Moneys available in the therapeutic classroom incentive fund for a fiscal year shall be distributed as grants pursuant to this section. Notwithstanding section 8.33, moneys in the fund at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated for subsequent fiscal years.

6. Placement of a child requiring special education under chapter 256B in a therapeutic classroom, whether or not the school district operating such classroom receives funds under this section, is subject to the provisions of chapter 256B, to the administrative rules adopted by the state board for purposes of chapter 256B, and to the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., and shall not violate such laws, rules, or regulations.

7. For purposes of this section, "*therapeutic classroom*" means a classroom designed for the purpose of providing support for any student whose emotional, social, or behavioral needs interfere with the student's ability to be successful in the current educational environment, with or without supports, until the student is able to successfully return to the student's current education environment, with or without supports, including but not limited to the general education classroom.

Sec. 4. NEW SECTION. **256.25A Therapeutic classroom — claims.**

1. A school district may submit claims to the department for the costs of providing therapeutic classroom services and transportation services in accordance with this section.

a. (1) If the general assembly appropriates moneys for purposes of transportation claims reimbursement in accordance with this paragraph "*a*", a school district may submit a claim

for reimbursement for transportation services for students who are enrolled in the school district or in an accredited nonpublic school located within the boundaries of the school district, who have not been assigned a weighting under section 256B.9, but who are assigned to a therapeutic classroom that is located more than thirty miles from the school designated for attendance or accredited nonpublic school and is operated by another school district or accredited nonpublic school under an agreement between the school districts or between a school district and an accredited nonpublic school.

(2) Claims for transportation reimbursement shall be made to the department by the school district providing transportation during a school year pursuant to subparagraph (1). Claims submitted under this paragraph “a” shall be on a form prescribed by the department, and the claim shall include the number of eligible pupils transported, the number of days each pupil was transported, and a listing of the actual costs incurred. On or before December 1, 2023, the director of the department shall review the data collected through the claims process and shall prepare and submit to the general assembly a report containing an analysis of the efficacy of claims reimbursement in accordance with this section and recommendations for changes as appropriate.

b. (1) For each fiscal year beginning on or after July 1, 2022, there is appropriated from the general fund of the state to the department an amount necessary to pay all approved claims submitted under this paragraph “b”.

(2) A school district that provides a therapeutic classroom to students enrolled in a school district or an accredited nonpublic school may submit claims to the department for students assigned to such a classroom during the preceding school budget year who are not assigned a weighting under section 256B.9, subsection 1, paragraph “b”, “c”, or “d”, and for whom behavioral intervention plans have been implemented.

(3) The amount of the claim shall be equal to the product of the following amounts:

(a) The product of one and five-tenths multiplied by the regular program district cost per pupil for the budget year during which the students identified under subparagraph (2) were assigned to the therapeutic classroom.

(b) The quotient of the total number of days the students identified under subparagraph (2) were served in a therapeutic classroom divided by the maximum number of school days in the school district’s calendar.

(4) Using end-of-year data submitted by each school district through student-level data collection, the department shall make claim forms available to each eligible school district containing the available data.

2. Nonpublic school students assigned to a therapeutic classroom under subsection 1, paragraph “b”, shall be enrolled in a school district as shared-time pupils under section 257.6, subsection 1, paragraph “a”, subparagraph (7), in order for the school district to submit a claim for reimbursement for services provided to such students under subsection 1, paragraph “b”.

3. The department shall prorate the amount of claims reimbursement under subsection 1, paragraph “a”, if the amount of reimbursement claimed for all school districts under subsection 1, paragraph “a”, exceeds the amount appropriated by the general assembly for such purpose plus any available remaining balances from prior fiscal years.

4. The costs of providing transportation to nonpublic school pupils as provided in this section shall not be included in the computation of district cost under chapter 257, but shall be shown in the budget as an expense from miscellaneous income. Any transportation reimbursements received by a school district for transporting nonpublic school pupils shall not affect district cost limitations of chapter 257. The reimbursements provided in this section are miscellaneous income as defined in section 257.2.

5. By June 15 of each year, school districts with eligible claims shall submit such claims to the department. By July 1 of each year, the department shall draw warrants payable to school districts which have established claims.

6. The state board shall adopt rules pursuant to chapter 17A to administer this section.

7. For purposes of this section, “*therapeutic classroom*” means the same as defined in section 256.25, subsection 7.

Sec. 5. Section 256B.2, subsection 2, Code 2020, is amended to read as follows:

2. a. It is the policy of this state to require school districts and state-operated educational programs to provide or make provision, as an integral part of public education, for a free and appropriate public education sufficient to meet the needs of all children requiring special education. This chapter is not to be construed as encouraging separate facilities or segregated programs designed to meet the needs of children requiring special education when the children can benefit from all or part of the education program as offered by the local school district. ~~To the maximum extent possible, children~~ Children requiring special education shall, consistent with the least restrictive environment requirements under the federal Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq., attend regular classes and shall be educated with children who do not require special education.

b. (1) Whenever ~~possible~~ appropriate, hindrances to learning and to the normal functioning of children requiring special education within the regular school environment shall be overcome by the provision of special aids and services rather than by separate programs for those in need of special education.

(2) Special classes, separate schooling, or other removal of children requiring special education from the regular educational environment, shall occur only when, and to the extent that the nature or severity of the educational disability is such, that education in regular classes, even with the use of supplementary aids and services, cannot be accomplished satisfactorily.

(3) Individualized education programs for children requiring special education within the regular school environment and behavioral intervention plans shall not include provisions for clearing all other students out of the regular classroom in order to calm the child requiring special education or the child for whom a behavioral intervention plan has been implemented except as provided in section 279.51A.

c. For those children who cannot adapt to the regular educational or home living conditions, and who are attending facilities under chapters 263, 269, and 270, upon the request of the board of directors of an area education agency, the department of human services shall provide residential or detention facilities and the area education agency shall provide special education programs and services. The area education agencies shall cooperate with the board of regents to provide the services required by this chapter.

Sec. 6. Section 257.6, subsection 1, paragraph a, subparagraph (7), Code 2020, is amended to read as follows:

(7) A student attending an accredited nonpublic school or receiving competent private instruction under chapter 299A, who is assigned to a therapeutic classroom in accordance with section 256.25A or is participating in a program under chapter 261E, shall be counted as a shared-time student in the school district in which the nonpublic school of attendance is located for state foundation aid purposes.

Sec. 7. Section 257.16C, subsection 2, paragraph d, Code 2020, is amended to read as follows:

d. A school district's transportation cost per pupil shall be determined by dividing the school district's actual transportation cost for all children transported in all school buses for a school year pursuant to section 285.1, subsection 12, less the amount of transportation costs reimbursed under section 256.25A and the amount received for transporting nonpublic school pupils under section 285.1, by the district's actual enrollment for the school year, excluding the shared-time enrollment for the school year as defined in section 257.6.

Sec. 8. Section 272.2, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. License practitioners, which includes the authority to establish criteria for the licenses; establish issuance and renewal requirements; create application and renewal forms; create licenses that authorize different instructional functions or specialties; develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the failure of a practitioner to fulfill contractual obligations under section 279.13, the failure of an administrator to protect the safety of staff and students, the failure

of an administrator to meet mandatory reporter obligations, the refusal of a practitioner to implement provisions of an individualized education program or behavioral intervention plan, and habitual nonparticipation in professional development; and develop any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

Sec. 9. NEW SECTION. 279.51A Classroom environment — behavioral challenges — reports of violence or assault.

1. A classroom teacher may clear students from the classroom only if necessary to prevent or terminate an imminent threat of bodily injury to a student or another person in the classroom.

2. If a classroom teacher clears all other students from the classroom in accordance with subsection 1, the school principal shall, by the end of the school day if possible but at least within twenty-four hours after the incident giving rise to the classroom clearance, notify the parents or guardians of all students assigned to the classroom that was cleared. The notification shall not identify, directly or indirectly, any students involved in the incident giving rise to the classroom clearance. The principal of the school shall request that the parent or guardian of the student whose behavior caused the classroom clearance meet with the principal, the classroom teacher, and other staff as appropriate.

3. If the student whose behavior caused the classroom clearance has an individualized education program or a behavioral intervention plan, the classroom teacher shall call for and be included in a review and potential revision of the student's individualized education program or behavioral intervention plan by the student's individualized education program team. The area education agency, in collaboration with the school district, may, when the parent or guardian meets with the individualized education program team during the reevaluation of the student's individualized education program, inform the parent or guardian of individual or family counseling services available in the area.

4. A classroom teacher employed by a school district shall report any incident of violence that results in injury or property damage or assault by a student enrolled in the school to the principal of the school.

5. Each school district shall report to the department of education, in a manner prescribed by the department, an annual count of all incidents of violence that result in injury or property damage or assault by a student in a school building, on school grounds, or at a school-sponsored function, and any time a student is referred for the use of or transfer to a therapeutic classroom. The report shall include but not be limited to demographic information on students reported as victims and reported as perpetrators of incidents of violence that result in injury or property damage or assault, including but not limited to disaggregated information on race, gender, national origin, age, grade level, and disability, along with any other data required for the department to implement the federal Elementary and Secondary Education Act, as amended by the federal Every Student Succeeds Act, Pub. L. No. 114-95, with appropriate safeguards to ensure student privacy. The department shall compile and summarize the reports, categorized by behavior, and shall submit the summary to the general assembly by November 1 annually. A teacher or administrator who submits a report in accordance with this section and who meets the requirements of section 280.27 or section 613.21 shall be immune from civil or criminal liability relating to such action, as well as for participating in any administrative or judicial proceeding resulting from or relating to the report pursuant to the provisions of sections 280.27 and 613.21. The provisions of section 70A.29 shall apply to a teacher or administrator who submits a report in accordance with this section or who reports an incident of violence or assault to a local law enforcement agency in good faith and without fraudulent intent or the intent to deceive. Personal information regarding a student in a report submitted pursuant to this section shall be kept confidential as required under the federal Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, and in the same manner as personal information in student records maintained, created, collected, or assembled by or for a school corporation or educational institution in accordance with section 22.7, subsection 1.

6. For purposes of this section, unless the context otherwise requires, “bodily injury” means physical pain, illness, or any other impairment of physical condition.

Sec. 10. Section 280.21, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A school employee who, in the reasonable course of the employee’s employment responsibilities, comes into physical contact with a student shall be granted immunity from any civil or criminal liability which might otherwise be incurred or imposed as a result of such physical contact, if the physical contact is reasonable under the circumstances and involves any of the following:

Sec. 11. Section 280.21, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 4. A school employee’s employer and the board of educational examiners shall not engage in reprisal or retaliation against a school employee who, in the reasonable course of the employee’s employment responsibilities, comes into physical contact with a student in accordance with this section.

Sec. 12. DEPARTMENT OF EDUCATION. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For developing, establishing, and distributing standards, guidelines, and expectations relating to behavior in the classroom, restraint of a student, and professional development relating to educating individuals in the least restrictive environment, and for research-based intervention strategies consistent with such standards, guidelines, and expectations, in accordance with section 256.9, subsection 60, as enacted by this Act:

..... \$ 500,000

Notwithstanding section 8.33, moneys received by the department pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this section for the following fiscal year.

Sec. 13. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM INCENTIVE FUND. There is appropriated from the general fund of the state to the department education for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For deposit in the therapeutic classroom incentive fund established pursuant to section 256.25, as enacted by this Act:

..... \$ 1,582,650

Sec. 14. DEPARTMENT OF EDUCATION — THERAPEUTIC CLASSROOM TRANSPORTATION CLAIMS REIMBURSEMENT. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 2021, and ending June 30, 2022, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For payment of school district claims for reimbursement submitted under section 256.25A, subsection 1, paragraph “a”, as enacted by this Act:

..... \$ 500,000

Notwithstanding section 8.33, moneys received by the department pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this section for the following fiscal year.

Sec. 15. EMERGENCY RULES. The state board of education and board of educational examiners may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules

adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 16. EFFECTIVE DATE. The following takes effect July 1, 2021:

The section of this Act amending section 256.16, subsection 1, paragraph “c”.

Sec. 17. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 256.25.
2. The section of this Act relating to emergency rules.

Approved June 29, 2020

CHAPTER 1109

PRACTICE OF OPTOMETRY — ADMINISTRATION OF INJECTIONS

H.F. 310

AN ACT relating to the practice of optometry.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 154.1, subsection 3, Code 2020, is amended to read as follows:

3. a. An optometrist licensed under this chapter may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this subsection, ~~excluding the use of injections other than to counteract an anaphylactic reaction,~~ and notwithstanding section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy. A licensed optometrist may perform minor surgical procedures and use medications for the diagnosis and treatment of diseases, disorders, and conditions of the eye and adnexa. A license to practice optometry under this chapter does not authorize the performance of surgical procedures which require the use of injectable or general anesthesia, moderate sedation, penetration of the globe, or the use of ophthalmic lasers for the purpose of ophthalmic surgery within or upon the globe. The removal of pterygia and Salzmann's nodules, incisional corneal refractive surgery, and strabismus surgery are prohibited.

b. (1) A licensed optometrist may administer only the following injections:

(a) Sub-conjunctival injections for the medical treatment of the eye.

(b) Intra-lesional injections for the treatment of chalazia.

(c) Botulinum toxin to the muscles of facial expression innervated by the facial nerve, including for cosmetic purposes.

(d) Injections to counteract an anaphylactic reaction.

(2) A licensed optometrist shall not administer any injection prior to receiving approval from the board.

(3) The board shall not approve the use of injections other than to counteract an anaphylactic reaction unless the licensed optometrist demonstrates to the board sufficient educational or clinical training from a college or university accredited by a regional or professional accreditation organization which is recognized or approved by the council for higher education accreditation or by the United States department of education, or clinical training equivalent to clinical training offered by such an institution. Training for the administration and side effects of injection treatment for chalazia and of botulinum toxin shall be required before a licensed optometrist may administer such injections. The board shall adopt rules regarding training required pursuant to this subparagraph and approve training providers.

c. A licensed optometrist may employ and, notwithstanding section 147.107, supply pharmaceutical-delivering contact lenses for the purpose of treatment of conditions of the human eye and adnexa. For purposes of this paragraph, “*pharmaceutical-delivering contact lenses*” means contact lenses that contain one or more therapeutic pharmaceutical agents authorized for employment by this section for the purpose of treatment of conditions of the human eye and adnexa and that deliver such agents into the wearer’s eye.

d. ~~e.~~ d. A licensed optometrist may prescribe oral steroids for a period not to exceed fourteen days without consultation with a physician.

e. ~~d.~~ e. A licensed optometrist may be authorized, where reasonable and appropriate, by rule of the board, to employ new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa.

f. ~~e.~~ f. The board is not required to adopt rules relating to topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents. A licensed optometrist may remove superficial foreign bodies from the human eye and adnexa.

g. ~~f.~~ g. The therapeutic efforts of a licensed optometrist are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions, and diseases of the human eye and adnexa, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148.

h. ~~g.~~ h. A licensed optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use the agents and procedures authorized pursuant to this subsection.

Approved June 29, 2020

CHAPTER 1110

WITHDRAWAL OF LIFE-SUSTAINING PROCEDURES FROM MINORS AND ABORTION PREREQUISITES

H.F. 594

AN ACT relating to medical procedures including abortion and limitations regarding the withdrawal of a life-sustaining procedure from a minor child.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. **144F.1 Withdrawal of life-sustaining procedures from minor child — court intervention.**

1. A court of law or equity shall not have the authority to require the withdrawal of life-sustaining procedures from a minor child over the objection of the minor child’s parent or guardian, unless there is conclusive medical evidence that the minor child has died and any electronic brain, heart, or respiratory monitoring activity exhibited to the contrary is a false artifact.

2. For the purposes of this section:

a. “*Life-sustaining procedure*” means the same as defined in section 144A.2.

b. “*Minor*” means the same as specified in section 599.1.

Sec. 2. Section 146A.1, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A physician performing an abortion shall obtain written certification from the pregnant woman of all of the following at least ~~seventy-two~~ twenty-four hours prior to performing an abortion:

Approved June 29, 2020

CHAPTER 1111

CARE AND TREATMENT OF ANIMALS

H.F. 737

AN ACT relating to the regulation of persons involved with animals other than livestock and certain wild animals, providing for criminal offenses and court orders associated with animal mistreatment, and including penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 351.45 Tampering with a rabies vaccination tag — penalties.

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

a. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in section 351.35.

b. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in sections 351.25 and 351.26.

2. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. This section shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in section 801.4.

c. A veterinarian licensed as provided in chapter 169.

d. An animal shelter or pound as defined in section 162.2.

Sec. 2. NEW SECTION. 351.46 Tampering with an electronic handling device — penalties.

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:

a. The person knowingly removes, disables, or destroys an electric device designed and used to maintain custody or control of the dog or modify the dog's behavior.

b. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including but not limited to a collar, harness, or vest.

2. a. For a first conviction, the person is guilty of a simple misdemeanor.

b. For a second or subsequent conviction, the person is guilty of a serious misdemeanor.

3. This section shall not apply to an act taken by any of the following:

a. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

b. A peace officer as defined in section 801.4.

c. A veterinarian licensed as provided in chapter 169.

d. An animal shelter or pound as defined in section 162.2.

Sec. 3. Section 717B.1, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. Preserve whitetail as defined in section 484C.1.

Sec. 4. Section 717B.1, Code 2020, is amended by adding the following new subsections:
NEW SUBSECTION. 2A. “*Animal mistreatment*” means an act described as animal abuse as provided in section 717B.2, animal neglect as provided in section 717B.3, animal torture as provided in section 717B.3A, abandonment of a cat or dog as provided in section 717B.8, or injury to or interference with a police service dog as provided in section 717B.9.

NEW SUBSECTION. 3A. “*Commercial establishment*” means a commercial establishment as defined in section 162.2 that is operating under a valid authorization issued or renewed under section 162.2A.

NEW SUBSECTION. 3B. a. “*Convicted*” means the entry of a judgment of conviction under chapter 901 or adjudicated delinquent for an act which is an indictable offense in this state or in another state under chapter 232.

b. “*Convicted*” does not mean a plea, sentence, adjudication, deferred sentence, or deferred judgment which has been reversed or otherwise set aside.

NEW SUBSECTION. 3C. “*Department*” means the department of agriculture and land stewardship.

NEW SUBSECTION. 4A. “*Euthanasia*” means the same as defined in section 162.2.

NEW SUBSECTION. 4B. “*Injury*” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, including physical damage or harm to an animal’s muscle, tissue, organs, bones, hide, or skin.

NEW SUBSECTION. 8A. “*Serious injury*” means an injury that constitutes an animal’s protracted or permanent disfigurement, the protracted or permanent impairment of an animal’s health, the protracted or permanent impairment of the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.

NEW SUBSECTION. 10. “*Veterinarian*” means a veterinarian licensed pursuant to chapter 169 who practices veterinary medicine in this state.

Sec. 5. Section 717B.2, Code 2020, is amended to read as follows:

717B.2 Animal mistreatment — animal abuse — penalties.

1. A person is guilty of animal abuse if the person intentionally injures, maims, disfigures, or destroys an animal owned by another person, in any manner, including intentionally poisoning the animal commits animal abuse when the person intentionally, knowingly, or recklessly acts to inflict injury, serious injury, or death on an animal by force, violence, or poisoning. A person guilty of animal abuse is guilty of an aggravated misdemeanor.

2. This section shall not apply to any of the following:

1. A person acting with the consent of the person owning the animal, unless the action constitutes animal neglect as provided in section 717B.3.

a. An owner of the animal, or a person acting with the consent of the owner, who euthanizes an animal in a reasonable manner, if at the time of the euthanasia, the animal is in a state of permanent pain or suffering.

2. b. A person acting to carry out an order issued by a court.

3. c. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.

4. d. A person acting in order to carry out another provision of law which allows the conduct.

5. e. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.

6. f. A person acting to protect the person’s property from a wild animal as defined in section 481A.1.

7. g. A person acting to protect a person from injury or death caused by a wild animal as defined in section 481A.1.

8. h. A person reasonably acting to protect the person’s property from damage caused by an unconfined animal.

9. i. A person reasonably acting to protect a person from injury or death caused by an unconfined animal.

~~10. j.~~ A local authority reasonably acting to destroy an animal, if at the time of the destruction, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.

~~11. k.~~ A research facility, as defined in section 162.2, ~~provided that if~~ the research facility has been issued or renewed a valid authorization by the department pursuant to chapter 162, ~~and~~ performs functions within the scope of accepted practices and disciplines associated with the research facility.

~~l.~~ An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in section 162.10A, subsection 1, ~~provided that the commercial establishment complies with applicable standard of care requirements pursuant to subsections 1 and 2 of that section.~~

~~3.~~ A person who commits animal abuse that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

~~4.~~ A person who commits animal abuse that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

~~5.~~ Notwithstanding subsection 4, a person who commits animal abuse that causes serious injury or death to an animal is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to this section, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to section 717B.3, animal torture pursuant to section 717B.3A, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.

Sec. 6. Section 717B.3, Code 2020, is amended to read as follows:

717B.3 Animal mistreatment — animal neglect — penalties.

1. A person who ~~impounds or commits animal neglect when the person owns or has custody of an animal, confines, in any place, an that animal, is guilty of animal neglect if the person does any of the following:~~

~~a.~~ Fails and fails to supply the animal during confinement with a sufficient quantity of food or water; provide the animal with any of the following conditions for the animal's welfare:

~~a.~~ Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

~~b.~~ Fails to provide a confined dog or cat with adequate shelter ~~Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.~~

~~c.~~ Tortures, deprives of necessary sustenance, mutilates, beats, or kills an animal by any means which causes unjustified pain, distress, or suffering ~~Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.~~

~~d.~~ Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

~~e.~~ Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

~~f.~~ Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

~~(1) A condition caused by failing to provide for the animal's welfare as described in this subsection.~~

~~(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.~~

2. This section does not apply to a any of the following:

a. A person issued or renewed an authorization to operate a commercial establishment, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in subsection 1, the person complied with the standard of care requirements provided in section 162.10A, subsection 1, including any applicable rules adopted by the department applying to any of the following:

(a) A state licensee or registrant operating pursuant to section 162.10A, subsection 2, paragraph "a" or "b".

(b) A permittee operating pursuant to section 162.10A, subsection 2, paragraph "c".

b. A research facility, as defined in section 162.2, provided that if the research facility has been issued or renewed a valid authorization by the department pursuant to chapter 162, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

~~3. A person who negligently or intentionally commits the offense of animal neglect that does not cause injury, serious injury, or death to an animal is guilty of a simple misdemeanor. A person who intentionally commits the offense of animal neglect which results in serious injury to or the death of an animal is guilty of a serious misdemeanor.~~

4. A person who commits animal neglect that causes injury, other than serious injury or death, to an animal is guilty of a serious misdemeanor.

5. A person who commits animal neglect that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

6. Notwithstanding subsection 5, a person who commits animal neglect that causes serious injury or death to an animal is guilty of a class "D" felony if the person has been previously convicted of animal abuse pursuant to section 717B.2, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to this section, animal torture pursuant to section 717B.3A, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.

Sec. 7. Section 717B.3A, Code 2020, is amended to read as follows:

717B.3A Animal mistreatment — animal torture — penalties.

~~1. A person is guilty of animal torture, regardless of whether the person is the owner of the animal, if the person intentionally or knowingly inflicts upon the on an animal severe and prolonged or repeated physical pain with a depraved or sadistic intent to cause prolonged suffering that causes the animal's serious injury or death.~~

2. This section shall not apply to any of the following:

~~a. A person acting to carry out an order issued by a court.~~

~~b. A licensed veterinarian practicing veterinary medicine as provided in chapter 169.~~

~~c. A person carrying out a practice that is consistent with animal husbandry practices.~~

~~d. c. A person acting in order to carry out another provision of law which allows the conduct.~~

~~e. d. A person taking, hunting, trapping, or fishing for a wild animal as provided in chapter 481A.~~

~~f. e. A person acting to protect the person's property from a wild animal as defined in section 481A.1.~~

~~g. f. A person acting to protect a person from injury bodily harm or death caused by a wild animal as defined in section 481A.1.~~

~~h. g. A person reasonably acting reasonably to protect the person's property from damage caused by an unconfined animal.~~

~~i. h. A person reasonably acting reasonably to protect a person from injury bodily harm or death caused by an unconfined animal.~~

~~j. i. A local authority reasonably acting reasonably to destroy euthanize an animal, if at the time of the destruction euthanasia, the owner of the animal is absent or unable to care for the animal, and the animal is permanently distressed by disease or injury to a degree that would result in severe and prolonged suffering.~~

~~k. j.~~ A research facility, as defined in section 162.2, ~~provided that if the research facility has been issued or renewed a valid authorization by the department pursuant to chapter 162, and the research facility performs functions within the scope of accepted practices and disciplines associated with the research facility.~~

~~k.~~ An act required to be carried out by a commercial establishment to care for an animal in its possession or under its control as described in section 162.10A, subsection 1, ~~provided that the commercial establishment complies with applicable standard of care requirements pursuant to subsections 1 and 2 of that section.~~

3. ~~a.~~ The following shall apply to a person who commits animal torture:

~~(1) For the first conviction, the person is guilty of an aggravated misdemeanor. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the evaluation and treatment shall be paid by the person. In addition, the sentencing order shall provide that the person complete a community work requirement, which may include a work requirement performed at an animal shelter or pound, as defined in section 162.2, according to terms required by the court.~~

~~(2) For a second or subsequent conviction, the person is guilty of a class "D" felony. The sentencing order shall provide that the person submit to psychological evaluation and treatment according to terms required by the court. The costs of the psychological evaluation and treatment shall be paid by the person.~~

~~b.~~ The juvenile court shall have exclusive original jurisdiction in a proceeding concerning a child who is alleged to have committed animal torture, in the manner provided in section 232.8. The juvenile court shall not waive jurisdiction in a proceeding concerning such an offense alleged to have been committed by a child under the age of seventeen.

4. A person who commits animal torture is guilty of an aggravated misdemeanor.

5. ~~Notwithstanding subsection 4, a person who commits animal torture is guilty of a class "D" felony if the person has previously been convicted of committing animal abuse pursuant to section 717B.2, animal neglect punishable as a serious misdemeanor or aggravated misdemeanor pursuant to section 717B.3, animal torture pursuant to this section, injury to or interference with a police service dog pursuant to section 717B.9, bestiality pursuant to section 717C.1, or an act involving a contest event prohibited in section 717D.2.~~

Sec. 8. NEW SECTION. 717B.3B Animal mistreatment — court order — evaluation and treatment.

1. At the time of a person's conviction for committing a public offense constituting animal mistreatment, a court may enter an order requiring the person to undergo a psychological or psychiatric evaluation and to undergo any treatment that the court determines to be appropriate after due consideration of the evaluation.

2. Notwithstanding subsection 1, the court shall enter an order described in that subsection, if the convicted person is any of the following:

a. A juvenile.

b. An adult convicted of animal abuse punishable as an aggravated misdemeanor or class "D" felony pursuant to section 717B.2, animal neglect punishable as an aggravated misdemeanor or class "D" felony pursuant to section 717B.3, or animal torture pursuant to section 717B.3A.

3. The costs of undergoing a psychological or psychiatric evaluation and undergoing any treatment ordered by the court shall be borne by the convicted person, unless the person is a juvenile.

4. An order made under this section is in addition to any other order or sentence of the court.

5. Any violation of the court order shall be punished as contempt of court pursuant to chapter 665.

Sec. 9. Section 717B.8, Code 2020, is amended to read as follows:

717B.8 Abandonment of cats and dogs — penalties.

1. A person who has ownership commits animal abandonment if the person owns or has custody of a cat or dog shall not abandon the cat or dog, except the person may deliver and relinquishes all rights in and duties to care for the cat or dog.

2. This section does not apply to any of the following:

a. The delivery of a cat or dog to another person who will accept ownership and custody or the person may deliver of the cat or dog.

b. The delivery of a cat or dog to an animal shelter or pound as defined in section 162.2 that has been issued or renewed a valid authorization by the department under chapter 162.

c. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

3. a. A person who violates this section commits animal abandonment that does not cause injury or death to an animal is guilty of a simple misdemeanor.

b. A person who commits animal abandonment that causes injury other than serious injury or death to an animal is guilty of a serious misdemeanor.

c. A person who commits animal abandonment that causes serious injury or death to an animal is guilty of an aggravated misdemeanor.

Approved June 29, 2020

CHAPTER 1112

HUMAN TRAFFICKING PREVENTION TRAINING — LODGING PROVIDERS — CERTIFICATION — PUBLIC FUNDS USE

H.F. 2259

AN ACT relating to human trafficking prevention training and reporting for employees of lodging providers in the state.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 80.45A Human trafficking prevention training — lodging providers.

1. As used in this section, unless the context otherwise requires:

a. “*Commissioner*” means the commissioner of the department of public safety or the commissioner’s designee.

b. “*Human trafficking*” means the same as defined in section 710A.1.

c. “*Lodging*” means the same as defined in section 423A.2.

d. “*Lodging provider*” means the same as defined in section 423A.2.

e. “*Lodging provider’s employee*” means an individual who is employed by a lodging provider, including an owner, operator, manager, and temporary employee.

f. “*Public employee*” means an individual employed by a public employer.

g. “*Public employer*” means the same as defined in section 20.3.

h. “*Public funds*” means the same as defined in section 12C.1.

i. “*Temporary employee*” means an individual who is employed by a temporary employment firm to provide services to a lodging provider to supplement the lodging provider’s workforce during absences, seasonal workloads, temporary skill or labor market shortages, and for special assignments and projects.

j. “*Temporary employment firm*” means a person engaged in the business of employing temporary employees.

2. *Human trafficking prevention training.*

a. Beginning January 1, 2022, a lodging provider may voluntarily complete and certify to the commissioner that each of the lodging provider's employees have completed human trafficking prevention training.

b. The human trafficking prevention training may be developed and delivered to lodging providers by the office to combat human trafficking, a governmental agency, or nongovernmental or community organization that has expertise in the area of human trafficking. The human trafficking prevention training must be approved by the commissioner.

c. A lodging provider shall maintain training records for each of the lodging provider's employees pursuant to rules adopted by the commissioner.

3. *Human trafficking prevention training content.* The human trafficking prevention training shall focus on the accurate and prompt identification and reporting of, or response to, suspected human trafficking. The human trafficking prevention training shall include, at a minimum, all of the following:

a. A general overview of human trafficking.

b. A general overview of state law on human trafficking.

c. The definition of human trafficking and the commercial exploitation of children.

d. Guidance on the difference between labor trafficking and sex trafficking.

e. Guidance on how to recognize potential human trafficking victims.

f. Guidance on how to recognize potential human traffickers.

g. Guidance on how to identify activities commonly associated with human trafficking.

h. Safe and effective responses to human trafficking situations, including but not limited to how to report suspected human trafficking to proper law enforcement officials.

4. *Certification by the commissioner.* No later than December 31, 2021, the commissioner shall develop and maintain all of the following to certify a lodging provider's voluntary completion of human trafficking prevention training:

a. A certification issued by the commissioner that a lodging provider may display, in an area readily visible to the public, in the following areas of all lodging owned, operated, or owned and operated by the lodging provider:

(1) The front entrance of the lodging.

(2) The check-in area of the lodging.

(3) Any internet site advertising or promoting the lodging.

b. An internet site, readily accessible to the public, that identifies lodging providers in this state that are certified as having completed human trafficking prevention training. The internet site shall be maintained by the department.

5. *Certification for utilization of public funds.*

a. Prior to expending or committing public funds for a purpose described in paragraph "c", a public employer or a public employee shall confirm a lodging provider's current certification status on the internet site maintained by the department pursuant to subsection 4, paragraph "b".

b. A certification issued pursuant to subsection 4, paragraph "a" shall be valid for three years from the date the commissioner issues the certification to a lodging provider.

c. If a lodging provider is not certified as having completed human trafficking prevention training pursuant to subsection 4, paragraph "a", a public employer and a public employee shall not use public funds for any of the following purposes:

(1) To procure lodging that is owned, operated, or owned and operated by the lodging provider.

(2) To procure space or services for a conference, meeting, or banquet located at a site where lodging is available that is owned, operated, or owned and operated by the lodging provider.

(3) To host a conference, meeting, or banquet at a site where lodging is available that is owned, operated, or owned and operated by the lodging provider.

d. This section applies to all public funds expended for a purpose described in paragraph "c" on or after January 1, 2022.

6. *Immunity.* A lodging provider's employee who acts in good faith shall be immune from civil liability for reporting suspected human trafficking activities to any law enforcement official.

7. *Rules.* The commissioner shall adopt rules pursuant to chapter 17A as necessary to implement and administer this chapter.

Approved June 29, 2020

CHAPTER 1113

IOWA EDUCATIONAL SAVINGS PLAN TRUST — USE OF FUNDS FOR OUT-OF-STATE ELEMENTARY OR SECONDARY SCHOOL TUITION

H.F. 2340

AN ACT relating to the Iowa educational savings plan trust by permitting the use of funds for certain beneficiaries to attend out-of-state elementary or secondary schools, and including retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 422.7, subsection 32, paragraph c, subparagraph (2), subparagraph division (a), Code 2020, is amended to read as follows:

(a) (i) “Elementary or secondary school” Except as provided in subparagraph subdivision (ii), “elementary or secondary school” means an elementary or secondary school in this state which is accredited under section 256.11, and adheres to the provisions of the federal Civil Rights Act of 1964 and chapter 216.

(ii) “Elementary or secondary school” includes an elementary or secondary school located out of state that educates a beneficiary who meets the definition of “children requiring special education” in section 256B.2, if the elementary or secondary school is accredited under the laws of the state in which it is located and adheres to the federal Civil Rights Act of 1964 and applicable state law analogous to chapter 216.

Sec. 2. **RETROACTIVE APPLICABILITY.** This Act applies retroactively to January 1, 2020, for tax years beginning on or after that date.

Approved June 29, 2020

CHAPTER 1114

ALCOHOLIC BEVERAGE REGULATION — CHARITY EVENT PERMITS AND ALCOHOLIC BEVERAGE SALES

H.F. 2540

AN ACT concerning alcoholic beverage control, establishing a charity beer, spirits, and wine event permit, providing for alcoholic beverages sales, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
CHARITY BEER, SPIRITS, AND WINE EVENT PERMIT

Section 1. Section 123.32, subsection 1, paragraph b, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7A) A charity beer, spirits, and wine event permit as provided in section 123.173B.

Sec. 2. NEW SECTION. **123.173B Charity beer, spirits, and wine event permit.**

1. For purposes of this section, “*authorized nonprofit entity*” includes a nonprofit entity which has a principal office in the state, a nonprofit corporation organized under chapter 504, or a foreign corporation as defined in section 504.141, whose income is exempt from federal taxation under section 501(c) of the Internal Revenue Code.

2. Upon application to the division and receipt of a charity beer, spirits, and wine event permit, an authorized nonprofit entity may conduct an event at which the entity is authorized to serve the event’s attendees beer, spirits, and wine for consumption on the premises of the event, regardless of whether the entity charges an admission fee to the event or otherwise collects the cost of the beer, spirits, and wine served from the event’s attendees and subject to the requirements of this section.

3. An application for a charity beer, spirits, and wine event permit shall include all of the following information:

a. The date and time when the charity beer, spirits, and wine event is to be conducted and the location of the premises in this state where the charity beer, spirits, and wine event is to be physically conducted.

b. The liquor control license or wine or beer permit number issued by the division for the premises where the charity beer, spirits, and wine event is to be conducted.

c. A certification that the objective of the charity beer, spirits, and wine event is to raise funds solely to be used for educational, religious, or charitable purposes and that the entire proceeds from the charity beer, spirits, and wine event are to be expended for any of the purposes described in section 423.3, subsection 78.

4. A charity beer, spirits, and wine event shall comply with all of the following requirements:

a. The event is to be conducted on a premises covered by a valid liquor control license or wine or beer permit issued by the division.

b. The authorized nonprofit entity shall have a written agreement with the liquor control licensee or wine or beer permittee covering the premises where the event is to be conducted specifying that that licensee or permittee shall act as the agent of the authorized nonprofit entity for the purpose of providing and serving alcoholic beverages to the attendees of the event.

c. The liquor control licensee or wine or beer permittee covering the premises where the event is to be conducted shall supply all alcoholic beverages served to the attendees of the event.

d. Only those types of alcoholic beverages as are authorized to be sold by the liquor control license or wine or beer permit covering the premises where the event is to be conducted are to be served to the attendees of the event.

5. An authorized nonprofit entity shall be eligible to receive no more than two charity beer, spirits, and wine event permits during a calendar year and each charity beer, spirits, and wine event permit shall be valid for a period not to exceed thirty-six consecutive hours.

6. Any violation of the requirements of this chapter or the rules adopted pursuant to this chapter shall subject the charity beer, spirits, and wine event permit holder to the general penalties provided in this chapter and shall constitute grounds for imposition of a civil penalty, suspension of the permit, or revocation of the permit after notice and opportunity for a hearing pursuant to section 123.39 and chapter 17A.

Sec. 3. Section 123.179, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7. The fee for a charity beer, spirits, and wine event permit is one hundred dollars.

DIVISION II
WINE SALES

Sec. 4. Section 123.178, subsection 1, Code 2020, is amended to read as follows:

1. A person holding a class "B" wine permit may sell wine at retail for consumption off the premises. Wine shall be sold for consumption off the premises in original containers ~~only~~ except as provided in subsection 4.

Sec. 5. Section 123.178, Code 2020, is amended by adding the following new subsections:
NEW SUBSECTION. 4. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

b. The person transferring the wine from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of wine has been tampered with or the sealed container has otherwise been reopened.

NEW SUBSECTION. 5. A container of wine other than the original container that is sold and sealed in compliance with the requirements of subsection 4 and the rules of the division shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Sec. 6. Section 123.178A, subsection 1, Code 2020, is amended to read as follows:

1. A person holding a class "B" native wine permit may sell native wine only at retail for consumption off the premises. Native wine shall be sold for consumption off the premises in original containers ~~only~~ except as provided in subsection 4.

Sec. 7. Section 123.178A, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 4. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

b. The person transferring the wine from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of wine has been tampered with or the sealed container has otherwise been reopened.

NEW SUBSECTION. 5. A container of wine other than the original container that is sold and sealed in compliance with the requirements of subsection 4 and the rules of the division shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Sec. 8. Section 123.178B, subsection 1, Code 2020, is amended to read as follows:

1. A person holding a class "C" native wine permit may sell native wine only at retail for consumption on or off the premises. Sales of wine for consumption off the premises made pursuant to this section shall be made in original containers except as provided in subsection 5.

Sec. 9. Section 123.178B, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 5. Subject to the rules of the division, sales made pursuant to this section may be made in a container other than the original container only if all of the following requirements are met:

a. The wine is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

b. The person transferring the wine from the original container to the container to be sold shall be eighteen years of age or more.

c. The container to be sold shall be no larger than seventy-two ounces.

d. The container to be sold shall be securely sealed by a method authorized by the division that is designed so that if the sealed container is reopened or the seal tampered with, it is visibly apparent that the seal on the container of wine has been tampered with or the sealed container has otherwise been reopened.

NEW SUBSECTION. 6. A container of wine other than the original container that is sold and sealed in compliance with the requirements of subsection 5 and the rules of the division shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

DIVISION III ALCOHOLIC BEVERAGES SALES

Sec. 10. Section 123.30, subsection 3, paragraph c, subparagraph (1), Code 2020, is amended to read as follows:

(1) A class "C" liquor control license may be issued to a commercial establishment but must be issued in the name of the individuals who actually own the entire business and shall authorize the holder to purchase alcoholic liquors in original unopened containers from class "E" liquor control licensees only, wine from class "A" wine permittees or class "B" wine permittees who also hold class "E" liquor control licenses only as provided in sections 123.173 and 123.177, and to sell alcoholic beverages to patrons by the individual drink for consumption on the premises only. However, alcoholic liquor, wine, and beer may also be sold for consumption off the premises. In addition, mixed drinks or cocktails may also be sold for consumption off the premises subject to the requirements of section 123.49, subsection 2, paragraph "d". The holder of a class "C" liquor control license may also hold a special class "A" beer permit for the premises licensed under a class "C" liquor control license for the purpose of operating a brewpub pursuant to this chapter.

Sec. 11. Section 123.30, subsection 3, paragraph c, subparagraph (3), Code 2020, is amended to read as follows:

(3) A class "C" native distilled spirits liquor control license may be issued to a native distillery but shall be issued in the name of the individuals who actually own the business and shall only be issued to a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of distilled spirits on an annual basis. The license shall authorize the holder to sell native distilled spirits manufactured on the premises of the native distillery to patrons by the individual drink for consumption on the premises and mixed drinks or cocktails for consumption off the premises subject to the requirements of section 123.49, subsection 2, paragraph "d". All native distilled spirits sold by a native distillery for on-premises consumption and mixed drinks or cocktails sold for consumption off the premises shall be purchased from a class "E" liquor control licensee in original unopened containers.

Sec. 12. Section 123.43A, subsection 6, Code 2020, is amended to read as follows:

6. Notwithstanding any provision of this chapter to the contrary or the fact that a person is the holder of a class "A" native distilled spirits license, a native distillery which, combining all production facilities of the business, produces and manufactures not more than one hundred thousand proof gallons of native distilled spirits on an annual basis may sell those native distilled spirits manufactured on the premises of the native distillery for consumption on the

premises by applying for a class “C” native distilled spirits liquor control license as provided in section 123.30. A native distillery may be granted not more than one class “C” native distilled spirits liquor control license. All native distilled spirits sold by a native distillery for on-premises consumption and mixed drinks or cocktails sold for consumption off the premises shall be purchased from a class “E” liquor control licensee. A manufacturer of native distilled spirits may be issued a class “C” native distilled spirits liquor control license regardless of whether the manufacturer is also a manufacturer of beer pursuant to a class “A” beer permit or a manufacturer of native wine pursuant to a class “A” wine permit.

Sec. 13. Section 123.49, subsection 2, paragraph d, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (3) Mixed drinks or cocktails mixed on premises covered by a class “C” liquor control license or a class “C” native distilled spirits liquor control license for consumption off the licensed premises may be sold if the mixed drink or cocktail is immediately sealed with a lid or other method of securing the product and is promptly taken from the licensed premises prior to consumption of the mixed drink or cocktail. A mixed drink or cocktail that is sold and sealed in compliance with the requirements of this subparagraph shall not be deemed an open container subject to the requirements of sections 321.284 and 321.284A if the sealed container is unopened and the seal has not been tampered with, and the contents of the container have not been partially removed.

Sec. 14. Section 123.131, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. The beer is transferred from the original container to the container to be sold on the licensed premises at the time of sale or when sold by telephonic or other electronic means.

Sec. 15. EMERGENCY RULES. The alcoholic beverages division of the department of commerce may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 16. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved June 29, 2020

CHAPTER 1115

CONTINUOUS SEXUAL ABUSE OF A CHILD

H.F. 2554

AN ACT relating to the offense of continuous sexual abuse of a child and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 692A.101, subsection 1, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (9) Continuous sexual abuse of a child in violation of section 709.23.

Sec. 2. Section 692A.101, subsection 2, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) Continuous sexual abuse of a child in violation of section 709.23.

Sec. 3. Section 692A.102, subsection 1, paragraph c, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (013) Continuous sexual abuse of a child in violation of section 709.23.

Sec. 4. NEW SECTION. 709.23 Continuous sexual abuse of a child.

1. A person eighteen years of age or older commits continuous sexual abuse of a child when the person engages in any combination of three or more acts of sexual abuse in violation of section 709.3 or 709.4, with the same child, and at least thirty days have elapsed between the first and last acts of sexual abuse.

2. A person who commits continuous sexual abuse of a child is, upon conviction, guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, paragraph "b", a person convicted of a violation of this subsection¹ involving any combination of three or more acts of sexual abuse that includes a violation of section 709.3 or 709.4 shall be confined for no more than fifty years.

3. If a jury is the trier of fact, members of the jury must unanimously agree that three or more acts of sexual abuse in violation of section 709.3 or 709.4 were committed with the same child and at least thirty days have elapsed between the first and last acts of sexual abuse. The jury does not need to unanimously agree which specific acts were committed or the exact date when those acts were committed.

4. Any other sexual abuse offense involving the same child shall not be charged in the same proceeding as a charge under this section unless the other sexual abuse offense occurred outside of the time period charged under this section or the other sexual abuse offense is charged in the alternative.

5. A person shall be charged with only one count under this section unless more than one child is involved in the offense. If more than one child is involved, a separate count may be charged for each child.

6. Each act of sexual abuse committed under section 709.3 or 709.4 shall be considered a lesser included offense to the crime of continuous sexual abuse of a child under this section.

Sec. 5. Section 902.14, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. Continuous sexual abuse of a child in violation of section 709.23.

Sec. 6. Section 903B.10, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Continuous sexual abuse of a child in violation of section 709.23.

Approved June 29, 2020

¹ See chapter 1121, §67 herein

CHAPTER 1116**MEDICAL CANNABIDIOL AND MARIJUANA — MISCELLANEOUS CHANGES***H.F. 2589*

AN ACT concerning the medical cannabidiol Act and marijuana.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 96.5, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 14. Marijuana or controlled substance use in the workplace — disqualified.

a. For purposes of this subsection, unless the context otherwise requires:

(1) “*Controlled substance*” means the same as defined in section 124.101.

(2) “*Marijuana*” means the same as defined in section 124E.2.

b. If the department finds that the individual became separated from employment due to ingesting marijuana in the workplace, working while under the influence of marijuana, or testing positive for any other controlled substance, for which the individual did not have a current prescription or which the individual was otherwise using unlawfully, under a drug testing policy pursuant to section 730.5 or any other procedures provided by federal statutes, federal regulations, or orders issued pursuant to federal law.

c. A disqualification under this subsection shall continue until the individual has worked in and has been paid wages for insured work equal to ten times the individual’s weekly benefit amount, provided the individual is otherwise eligible.

Sec. 2. Section 124E.2, subsection 2, paragraph i, Code 2020, is amended to read as follows:

i. Untreatable Chronic pain.

Sec. 3. Section 124E.2, subsection 2, Code 2020, is amended by adding the following new paragraphs:

NEW PARAGRAPH. j. Severe, intractable autism with self-injurious or aggressive behaviors.

NEW PARAGRAPH. k. Post-traumatic stress disorder.

Sec. 4. Section 124E.2, subsections 5 and 6, Code 2020, are amended to read as follows:

5. “*Health care practitioner*” means an individual licensed under chapter 148 to practice medicine and surgery or osteopathic medicine and surgery, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or an advanced practice registered nurse under chapter 152E, who is a patient’s primary care provider or a podiatrist licensed pursuant to chapter 149. “*Health care practitioner*” shall not include a ~~physician assistant licensed under chapter 148C or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E.~~

6. “*Medical cannabidiol*” means any pharmaceutical grade cannabinoid found in the plant *Cannabis sativa L.* or *Cannabis indica* or any other preparation thereof ~~that has a tetrahydrocannabinol level of no more than three percent and that is delivered in a form recommended by the medical cannabidiol board, approved by the board of medicine, and adopted by the department pursuant to rule.~~

Sec. 5. Section 124E.2, Code 2020, is amended by adding the following new subsections:
NEW SUBSECTION. 4A. “Employee” means a natural person who is employed in this state for wages by an employer.

NEW SUBSECTION. 4B. “Employer” means a person who in this state employs for wages an employee.

NEW SUBSECTION. 5A. “Laboratory” means the state hygienic laboratory at the university of Iowa in Iowa City or any other independent medical cannabidiol testing facility accredited to standard ISO/IEC 17025 by an international organization for standards-approved accrediting body, with a controlled substance registration certificate from the United States drug enforcement administration and a certificate of registration

from the board of pharmacy. For the purposes of this chapter, an independent laboratory is a laboratory operated by an entity that has no equity ownership in a medical cannabidiol manufacturer.

NEW SUBSECTION. 5B. “*Marijuana*” means any derivative of marijuana including but not limited to medical cannabidiol.

NEW SUBSECTION. 7A. “*Total tetrahydrocannabinol*” means eighty-seven and seven-tenths percent of the amount of tetrahydrocannabinolic acid plus the amount of tetrahydrocannabinol.

Sec. 6. Section 124E.4, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Subject to subsection 7, the department may ~~approve the issuance of~~ issue a medical cannabidiol registration card ~~by the department of transportation~~ to a patient who:

Sec. 7. Section 124E.4, subsection 1, paragraph d, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Submits an application to the department, on a form created by the department, ~~in consultation with the department of transportation,~~ that contains all of the following:

Sec. 8. Section 124E.4, subsection 1, paragraph f, Code 2020, is amended by striking the paragraph.

Sec. 9. Section 124E.4, subsection 2, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A medical cannabidiol registration card issued to a patient by the department of ~~transportation~~ pursuant to subsection 1 shall contain, at a minimum, all of the following:

Sec. 10. Section 124E.4, subsection 2, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 11. Section 124E.4, subsection 3, unnumbered paragraph 1, Code 2020, is amended to read as follows:

For a patient in a primary caregiver’s care, subject to subsection 7, the department may ~~approve the issuance of~~ issue a medical cannabidiol registration card ~~by the department of transportation~~ to the primary caregiver who:

Sec. 12. Section 124E.4, subsection 3, paragraph b, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Submits an application to the department, on a form created by the department, ~~in consultation with the department of transportation,~~ that contains all of the following:

Sec. 13. Section 124E.4, subsection 3, paragraph c, Code 2020, is amended by striking the paragraph.

Sec. 14. Section 124E.4, subsection 4, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A medical cannabidiol registration card issued by the department of ~~transportation~~ to a primary caregiver pursuant to subsection 3 shall contain, at a minimum, all of the following:

Sec. 15. Section 124E.4, subsection 4, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 16. Section 124E.4, subsection 6, Code 2020, is amended by striking the subsection.

Sec. 17. Section 124E.5, subsections 2 and 6, Code 2020, are amended to read as follows:
2. The medical cannabidiol board shall convene at least twice ~~but no more than four times~~ per year.

~~6. The medical cannabidiol board may recommend a statutory revision to the definition of medical cannabidiol contained in this chapter that increases the tetrahydrocannabinol~~

~~level to more than three percent, however, any such recommendation shall be submitted to the general assembly during the regular session of the general assembly following such submission.~~ The general assembly shall have the sole authority to revise the definition of medical cannabidiol for purposes of this chapter.

Sec. 18. Section 124E.6, subsection 4, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

4. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as provided in section 124E.7. The department shall require that the laboratory report testing results to the medical cannabidiol manufacturer and the department as determined by the department by rule. If a medical cannabidiol manufacturer contracts with a laboratory other than the state hygienic laboratory at the university of Iowa in Iowa City, the department shall approve the laboratory to perform testing pursuant to this chapter.

Sec. 19. Section 124E.7, subsection 1, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

1. A medical cannabidiol manufacturer shall contract with a laboratory to perform spot-check testing of the medical cannabidiol produced by the medical cannabidiol manufacturer as to content, contamination, and consistency. The cost of all laboratory testing shall be paid by the medical cannabidiol manufacturer.

Sec. 20. Section 124E.9, Code 2020, is amended by adding the following new subsections:
NEW SUBSECTION. 13. A medical cannabidiol dispensary shall employ a pharmacist or pharmacy technician licensed or registered pursuant to chapter 155A for the purpose of making dosing recommendations.

NEW SUBSECTION. 14. A medical cannabidiol dispensary shall not dispense more than a combined total of four and one-half grams of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period, except as provided in subsection 15.

NEW SUBSECTION. 15. A medical cannabidiol dispensary may dispense more than a combined total of four and one-half of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period if any of the following apply:

a. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that patient's debilitating medical condition is a terminal illness with a life expectancy of less than one year. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner.

b. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that the patient has participated in the medical cannabidiol program and that the health care practitioner has determined that four and one-half of total tetrahydrocannabinol in a ninety-day period is insufficient to treat the patient's debilitating medical condition. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner.¹

Sec. 21. Section 124E.11, subsection 1, paragraph b, subparagraph (1), subparagraph divisions (a) and (c), Code 2020, are amended to read as follows:

(a) To authorized employees or agents of the department ~~and the department of transportation~~ as necessary to perform the duties of the department ~~and the department of transportation~~ pursuant to this chapter.

(c) To authorized employees of a medical cannabidiol dispensary, but only for the ~~purpose~~ purposes of verifying that a person is lawfully in possession of a medical cannabidiol registration card issued pursuant to this chapter ~~and that a person has not purchased total tetrahydrocannabinol in excess of the amount authorized by this chapter.~~

¹ See chapter 1121, §62 herein

Sec. 22. Section 124E.11, subsection 1, paragraph b, subparagraph (1), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (e) To a health care practitioner for the purpose of determining whether a patient seeking a written certification pursuant to section 124E.3 has already received a written certification from another health care practitioner.

Sec. 23. Section 124E.12, subsection 7, Code 2020, is amended to read as follows:

7. Notwithstanding any law to the contrary, the department, ~~the department of transportation~~, the governor, or any employee of any state agency shall not be held civilly or criminally liable for any injury, loss of property, personal injury, or death caused by any act or omission while acting within the scope of office or employment as authorized under this chapter.

Sec. 24. NEW SECTION. **124E.20 Observational effectiveness study.**

The department may conduct an observational effectiveness study in cooperation with patients and health care practitioners and pursuant to rules of the department in order to study the effectiveness of medical cannabidiol in the treatment of debilitating medical conditions.

Sec. 25. NEW SECTION. **124E.21 Employer regulation of marijuana use.**

1. Nothing in this chapter shall require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of marijuana in the workplace.

2. Nothing in this chapter shall prohibit an employer from implementing policies restricting the use of marijuana by employees for the purpose of promoting workplace health and safety.

3. Nothing in this chapter shall prohibit an employer from including in a contract with an employee a provision prohibiting the use of marijuana.

4. Nothing in this chapter shall prohibit an employer from establishing and enforcing a zero-tolerance drug policy or a drug-free workplace by use of a drug testing policy in accordance with section 730.5 or any other procedures provided by federal statutes, federal regulations, or orders issued pursuant to federal law.

Sec. 26. NEW SECTION. **124E.22 Regulation of marijuana use by government medical assistance programs, private health insurers, and other entities.**

Nothing in this chapter shall require a government medical assistance program, private health insurer, workers' compensation carrier, or self-insured employer providing workers' compensation benefits to reimburse a person for costs associated with the medical use of marijuana.

Sec. 27. NEW SECTION. **124E.23 Regulation of marijuana use on property.**

Nothing in this chapter shall require a person that owns, occupies, or controls a property to allow the use, consumption, possession, transfer, display, transportation, distribution, sale, or growing of marijuana on or in that property.

Sec. 28. NEW SECTION. **124E.24 Limitation of liability.**

Nothing in this chapter shall create any claim, cause of action, sanction, or penalty, for discrimination or under any other theory of liability, under chapter 216 or any other provision of law, based on an act, omission, policy, or contractual provision permissible under this chapter including but not limited to refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking any adverse employment action against a person with respect to hiring, tenure, or any terms, conditions, or privileges of employment.

Sec. 29. NEW SECTION. **124E.25 Cannabis-derived products — exemption.**

This chapter shall not apply to any cannabis-derived investigational product or cannabis-derived product approved as a prescription drug medication by the United States food and drug administration.

Sec. 30. NEW SECTION. **124E.26 Applicability.**

The provisions of this chapter apply notwithstanding any other provision of law to the contrary.

Sec. 31. PROTECTION OF FEDERAL FUNDING. The department of public health shall request guarantees from the agencies of the federal government providing funding to educational and long-term care facilities that facilities with policies allowing patients to possess medical cannabidiol on the grounds of the facilities consistent with chapter 124E or allowing facility staff to administer medical cannabidiol to a patient shall not lose eligibility for any federal funding due to such policies.

Sec. 32. TRANSITION PROVISIONS. A medical cannabidiol registration card issued prior to July 1, 2020, remains effective and continues in effect as issued for the twelve-month period following its issuance.

Approved June 29, 2020

CHAPTER 1117

EDUCATIONAL IMPROVEMENT, VOCATIONAL TRAINING, AND AFFORDABLE CHILD CARE ACCESS PROGRAMS

H.F. 2629

AN ACT relating to the future ready Iowa Act and other efforts to strengthen Iowa's workforce, including provisions relating to apprenticeship training programs, a child care challenge program for working Iowans, computer science educational standards, a scholarship program, and the senior year plus program, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

FUTURE READY IOWA APPRENTICESHIP TRAINING PROGRAMS

Section 1. Section 15B.4, subsection 5, Code 2020, is amended to read as follows:

5. An apprenticeship sponsor receiving financial assistance under this chapter is ineligible for financial assistance under ~~section 15C.1~~ chapter 15C during the same fiscal year.

Sec. 2. Section 15C.1, subsection 3, paragraph b, Code 2020, is amended to read as follows:

b. An apprenticeship sponsor receiving financial assistance under chapter 15B or section 15C.2 is ineligible for financial assistance under this section during the same fiscal year.

Sec. 3. NEW SECTION. 15C.2 Future ready Iowa expanded registered apprenticeship opportunities program.

1. *Definitions.* For purposes of this section, unless the context otherwise requires:

a. "Applicant" means an apprenticeship sponsor located in Iowa that has established an apprenticeship program involving an eligible apprenticeable occupation that is located in Iowa and approved by the United States department of labor, office of apprenticeship.

b. "Apprentice" means the same as defined in section 15C.1.

c. "Apprenticeable occupation" means the same as defined in section 15C.1.

d. "Apprenticeship program" means the same as defined in section 15C.1.

e. "Authority" means the economic development authority created in section 15.105.

f. "Eligible apprenticeable occupation" means the same as defined in section 15C.1.

g. “Eligible apprenticeship sponsor” means an entity operating an apprenticeship program or an entity in whose name an apprenticeship program is being operated, which is registered with or approved by the United States department of labor, office of apprenticeship and which program has twenty or fewer apprentices, at least one of whom is in an eligible apprenticeable occupation.

h. “Financial assistance” means assistance provided only from the funds, rights, and assets legally available to the authority and includes but is not limited to assistance in the form of a reimbursement grant of one thousand dollars per apprentice in an eligible apprenticeable occupation.

2. *Program created.* Subject to an appropriation of funds by the general assembly for this purpose, a future ready Iowa expanded registered apprenticeship opportunities program is created which shall be administered by the authority. The purpose of the program is to provide financial assistance to encourage apprenticeship sponsors of apprenticeship programs with twenty or fewer apprentices to maintain apprenticeship programs in high-demand occupations.

3. *Application requirements — restriction.* An eligible apprenticeship sponsor may apply to the authority, on forms provided by the authority and in accordance with the authority’s instructions, to receive financial assistance under the program. The authority shall provide upon request and on the authority’s internet site information about the program, the application, application instructions, and the application period established each year for funding available under the program.

a. An apprenticeship sponsor is eligible to apply for financial assistance for apprentices in eligible apprenticeable occupations if all of the following conditions are met:

(1) Twenty or fewer apprentices are registered in the apprenticeship program as of December 31 of the calendar year prior to the date the authority receives the eligible apprenticeship sponsor’s application.

(2) More than seventy percent of the applicant’s apprentices are residents of Iowa, and the remainder of the applicant’s apprentices are residents of states contiguous to Iowa. In determining the number of apprentices in an applicant’s apprenticeship program, the authority may calculate the average number of apprentices in the program within the most recent two-year period.

b. An apprenticeship sponsor receiving financial assistance under chapter 15B or section 15C.1 is ineligible to receive financial assistance under this section during the same fiscal year. An apprenticeship sponsor who trains through a lead apprenticeship sponsor that qualifies for financial assistance under chapter 15B is ineligible to receive financial assistance under this section.

4. *Rules.* The authority shall adopt rules pursuant to chapter 17A establishing a staff review and application approval process, application scoring criteria, the minimum score necessary for approval of financial assistance, procedures for notification of an award of financial assistance, the terms of agreement between the apprenticeship sponsor and the authority, and any other rules deemed necessary for the implementation and administration of this section.

5. *Agreement.* Prior to distributing financial assistance under this section, the authority shall enter into an agreement with the eligible apprenticeship sponsor awarded financial assistance in accordance with this section, and the financial assistance recipient shall confirm the number of apprentices in eligible apprenticeable occupations as identified in the approved application, and shall meet all terms established by the authority for receipt of financial assistance under this section.

6. *Financial assistance limitation.* Financial assistance in the form of a reimburseable grant awarded to any one eligible apprenticeship sponsor in any given fiscal year shall not exceed twenty thousand dollars.

7. *Use of moneys appropriated — administration.*

a. The annual administrative expenditures as a percent of the moneys appropriated for a fiscal year for purposes of this section shall not exceed two percent.

b. Notwithstanding section 8.33, moneys appropriated to the authority by the general assembly for purposes of this section that remain unencumbered or unobligated at the end of

the fiscal year shall not revert to the general fund but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 4. Section 84A.1B, subsection 14, unnumbered paragraph 1, Code 2020, is amended to read as follows:

Create, and update as necessary, a list of high-demand jobs statewide for purposes of the future ready Iowa registered apprenticeship ~~development program~~ programs created in ~~section 15C.1~~ chapter 15C, the summer youth intern pilot program established under section 84A.12, the Iowa employer innovation program established under section 84A.13, the future ready Iowa skilled workforce last-dollar scholarship program established under section 261.131, the future ready Iowa skilled workforce grant program established under section 261.132, and postsecondary summer classes for high school students as provided under section 261E.8, subsection 8. In addition to the list created by the workforce development board under this subsection, each community college, in consultation with regional career and technical education planning partnerships, and with the approval of the board of directors of the community college, may identify and maintain a list of not more than five regional high-demand jobs in the community college region, and shall share the lists with the workforce development board. The lists submitted by community colleges under the subsection may be used in that community college region for purposes of programs identified under this subsection. The workforce development board shall have full discretion to select and prioritize statewide high-demand jobs after consulting with business and education stakeholders, as appropriate, and seeking public comment. The workforce development board may add to the list of high-demand jobs as it deems necessary. For purposes of this subsection, “*high-demand job*” means a job in the state that the board, or a community college in accordance with this subsection, has identified in accordance with this subsection. In creating a list under this subsection, the following criteria, at a minimum, shall apply:

DIVISION II IOWA CHILD CARE CHALLENGE FUND

Sec. 5. Section 84A.13, subsection 4, Code 2020, is amended to read as follows:

4. An Iowa employer innovation fund is created in the state treasury as a separate fund under the control of the department of workforce development, in consultation with the workforce development board. The fund shall consist of any moneys appropriated by the general assembly and any other moneys available to and obtained or accepted by the department from the federal government. A portion of the moneys deposited in the fund, in an amount to be determined annually by the department of workforce development in consultation with the workforce development board, shall be transferred annually to the Iowa child care challenge fund. The assets of the Iowa employer innovation fund shall be used by the department ~~only for purposes of~~ in accordance with this section. All moneys deposited or paid into the fund are appropriated and made available to the board to be used ~~for purposes of~~ in accordance with this section. Notwithstanding section 8.33, any balance in the fund on June 30 of each fiscal year shall not revert to the general fund of the state, but shall be available for purposes of this section and for transfer in accordance with this section in subsequent fiscal years.

Sec. 6. NEW SECTION. 84A.13A Iowa child care challenge program — fund.

1. For purposes of this section, “*consortium*” means a consortium of two or more employers or businesses, at least one of which must be a private employer.

2. The Iowa child care challenge program is established in the department of workforce development. The department shall administer the program in consultation with the workforce development board. The purpose of the Iowa child care challenge program is to encourage and enable businesses, nonprofit organizations, and consortiums to establish local child care facilities and increase the availability of quality, affordable child care for working Iowans.

3. The department of workforce development shall adopt rules under chapter 17A establishing a program application and award process to match business, nonprofit organization, or consortium moneys and the criteria for the allocation of moneys in the fund

established pursuant to subsection 4. A business, nonprofit organization, or consortium seeking matching moneys shall submit an application and a proposal for the new construction of a child care facility, rehabilitation of an existing structure as a child care facility, or the retrofitting and repurposing of an existing structure for use as a child care facility to the department. Proposals shall include a financial statement and a description of funds to be provided by the business, nonprofit organization, or consortium, including in-kind donations, and a plan for sustainability. Match amount awards made by the department that are unclaimed or unused as of June 1 of the fiscal year shall be canceled by the department.

4. An Iowa child care challenge fund is created in the state treasury as a separate fund under the control of the department of workforce development, in consultation with the workforce development board. The fund shall consist of appropriations made to the fund, any other moneys available to and obtained or accepted by the department from the federal government or private sources for placement in the fund, and transfers of interest, earnings, and moneys from other funds as provided by law. The assets of the fund shall be used by the department only for purposes of this section. All moneys deposited, transferred to, or paid into the fund are appropriated and made available to the department to be used for purposes of this section. Any unclaimed moneys in the fund by June 1 annually shall be transferred to the Iowa employer innovation fund, created pursuant to section 84A.13, to be used only for purposes of the Iowa employer innovation program established pursuant to section 84A.13. Notwithstanding section 8.33, moneys deposited after May 1 annually in the Iowa child care challenge fund that remain unencumbered or unobligated at the close of a fiscal year shall not revert to the general fund of the state but shall be transferred to the Iowa employer innovation fund created pursuant to section 84A.13 to be used for purposes of the Iowa employer innovation program established pursuant to section 84A.13.

DIVISION III COMPUTER SCIENCE INSTRUCTION — EDUCATIONAL STANDARDS

Sec. 7. Section 256.7, subsection 26, paragraph a, subparagraph (4), Code 2020, is amended to read as follows:

(4) The rules shall provide for the establishment of high-quality standards for computer science education taught by elementary, middle, and high schools, in accordance with the goal established under section 284.6A, subsection 1, setting a foundation for personal and professional success in a high-technology, knowledge-based Iowa economy. ~~Such rules shall be applicable only to school districts and accredited nonpublic schools receiving moneys from the computer science professional development incentive fund under section 284.6A, or from other funds administered by the department for the same purposes as specified in section 284.6A, subsection 2.~~

Sec. 8. Section 256.9, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 60. Develop and implement a statewide kindergarten through grade twelve computer science instruction plan by July 1, 2022.

Sec. 9. Section 256.11, subsections 3 and 4, Code 2020, are amended to read as follows:

3. The following areas shall be taught in grades one through six: English-language arts, social studies, mathematics, science, health, age-appropriate and research-based human growth and development, physical education, traffic safety, music, and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph “a”, subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. The health curriculum shall include the characteristics of communicable diseases including acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the elementary program.

4. The following shall be taught in grades seven and eight: English-language arts; social studies; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph “a”, subparagraph (4), shall be offered in at least

one grade level commencing with the school year beginning July 1, 2023. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education service areas as defined in subsection 5, paragraph “h”, and incorporate relevant twenty-first century skills. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases, including HPV and the availability of a vaccine to prevent HPV, and acquired immune deficiency syndrome. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of career exploration and development in nonpublic schools. For purposes of this section, “*age-appropriate*”, “*HPV*”, and “*research-based*” mean the same as defined in section 279.50.

Sec. 10. Section 256.11, subsection 5, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *l.* One-half unit of computer science commencing with the school year beginning July 1, 2022. The one-half unit of computer science shall incorporate the standards established pursuant to section 256.7, subsection 26, paragraph “a”, subparagraph (4), and may be offered online in accordance with rules adopted pursuant to section 256.7, subsection 32, paragraph “a”.

Sec. 11. Section 280.3, subsection 3, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

3. The board of directors of each public school district and the authorities in charge of each nonpublic school shall develop and implement a kindergarten through grade twelve computer science plan by July 1, 2022, which incorporates the standards established under section 256.7, subsection 26, paragraph “a”, subparagraph (4), and the minimum educational standards relating to computer science contained in section 256.11.

Sec. 12. DEPARTMENT OF EDUCATION — COMPUTER SCIENCE WORK GROUP.

1. The department of education shall convene a computer science work group to develop recommendations to strengthen computer science instruction and for the development and implementation of a statewide campaign to promote computer science to kindergarten through grade twelve students and to the parents and legal guardians of such students.

2. The work group shall submit its findings to the general assembly by July 1, 2021.

Sec. 13. STATE MANDATE FUNDING SPECIFIED. In accordance with section 25B.2, subsection 3, the state cost of requiring compliance with any state mandate included in this division of this Act shall be paid by a school district from state school foundation aid received by the school district under section 257.16. This specification of the payment of the state cost shall be deemed to meet all of the state funding-related requirements of section 25B.2, subsection 3, and no additional state funding shall be necessary for the full implementation of this division of this Act by and enforcement of this division of this Act against all affected school districts.

Sec. 14. EFFECTIVE DATE. The following takes effect July 1, 2021:

The section of this division of this Act amending section 256.7, subsection 26, paragraph “a”, subparagraph (4).

DIVISION IV
FUTURE READY IOWA SKILLED WORKFORCE LAST-DOLLAR SCHOLARSHIP
PROGRAM

Sec. 15. Section 256.7, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 34. Adopt rules under chapter 17A establishing a process by which the department shall approve state-recognized work-based learning programs consisting of structured educational and training programs that include authentic worksite training, such

as registered apprenticeship programs, for purposes of eligible institutions under section 261.131.

Sec. 16. Section 261.131, subsection 1, Code 2020, is amended by adding the following new paragraphs:

NEW PARAGRAPH. 0a. “*Adult learner*” means a person who, following receipt of a high school diploma or high school equivalency diploma and on or after attaining the age of twenty, enrolls on a full-time or part-time basis in an eligible program at an eligible institution and maintains continuous enrollment on a full-time or part-time basis in subsequent terms to receive additional awards. A person’s age for purposes of this paragraph shall be calculated on July 1 prior to the year of enrollment in an eligible institution.

NEW PARAGRAPH. 00a. “*Approved state-recognized work-based learning program*” means a structured educational and training program that includes authentic worksite training and is approved by the department of education according to a process established under rules adopted pursuant to section 256.7, subsection 34.

Sec. 17. Section 261.131, subsection 1, paragraph e, subparagraph (1), Code 2020, is amended to read as follows:

(1) ~~Is either a new any of the following:~~

(a) A graduate of an Iowa high school, or a person who completed private instruction under chapter 299A, or a person who is a recipient of a high school equivalency diploma, and who prior to becoming an adult learner enrolls full-time during the academic year, or part-time for a summer semester, in an eligible program at an eligible institution by the fall semester, or the equivalent, following graduation from high school or completion of private instruction under chapter 299A; or is an

(b) A graduate of an Iowa high school or a person who completed private instruction under chapter 299A, or a recipient of a high school equivalency diploma, and who prior to becoming an adult learner, enters into full-time or part-time employment as part of an approved state-recognized work-based learning program, and enrolls full-time or part-time in an eligible program in an eligible institution.

(c) An adult learner who is at least age twenty at the beginning of the state fiscal year, who has received a high school diploma or a high school equivalency diploma, and who enrolls in an eligible program in an eligible institution as a full-time or part-time student.

Sec. 18. EMERGENCY RULES. The department of education and the college student aid commission may adopt emergency rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph “b”, to implement the provisions of this division of this Act and the rules shall be effective immediately upon filing unless a later date is specified in the rules. Any rules adopted in accordance with this section shall also be published as a notice of intended action as provided in section 17A.4.

Sec. 19. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this division of this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 20. RETROACTIVE APPLICABILITY. Unless otherwise provided, this division of this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

DIVISION V

SENIOR YEAR PLUS PROGRAM AND POSTSECONDARY ENROLLMENT OPTIONS

Sec. 21. Section 261E.2, subsections 5 and 7, Code 2020, are amended by striking the subsections.

Sec. 22. Section 261E.6, subsection 1, Code 2020, is amended to read as follows:

1. *Program established.* The postsecondary enrollment options program is established to promote rigorous academic or career and technical pursuits and to provide a wider variety of options to high school students by enabling ninth and tenth grade students who

have been identified by the school district as gifted and talented, and eleventh and twelfth grade students, to enroll in eligible courses at an eligible postsecondary institution of higher learning ~~as a part-time student~~.

Sec. 23. Section 261E.7, subsection 2, Code 2020, is amended by striking the subsection.

Sec. 24. Section 261E.8, subsection 1, Code 2020, is amended to read as follows:

1. A district-to-community college sharing or concurrent enrollment program is established to be administered by the department to promote rigorous academic or career and technical pursuits and to provide a wider variety of options to high school students to enroll ~~part-time~~ in eligible nonsectarian courses at or through community colleges established under chapter 260C. The program shall be made available to all resident students in grades nine through twelve. Notice of the availability of the program shall be included in a school district's student registration handbook and the handbook shall identify which courses, if successfully completed, generate college credit under the program. A student and the student's parent or legal guardian shall also be made aware of this program as a part of the development of the student's career and academic plan in accordance with section 279.61.

Approved June 29, 2020

CHAPTER 1118

TAXATION, BUSINESS ENTITIES, SHORT-TERM RENTALS, SPECIAL REGISTRATION PLATES, AND FOOD OPERATION TRESPASS

H.F. 2641

AN ACT relating to state taxation and related laws of the state, including the administration by the department of revenue of certain tax credits and refunds, income taxes, moneys and credits taxes, sales and use taxes, partnership and pass-through entity audits, and by modifying provisions relating to the reinstatement of business entities, the assessment and valuation of property, the Iowa reinvestment Act, short-term rentals, special registration plates, and animals and food, and providing penalties, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

DEPARTMENT OF REVENUE ADMINISTRATION AND PENALTY PROVISIONS

Section 1. Section 421.6, Code 2020, is amended to read as follows:

421.6 Definition of return.

For purposes of this title, unless the context otherwise requires, “*return*” means any tax or information return, amended return, declaration of estimated tax, or claim for refund that is required by, provided for, or permitted under, the provisions of this title or section 533.329, and which is filed with the department by, on behalf of, or with respect to any person. “*Return*” includes any amendment or supplement to these items, including supporting schedules, attachments, or lists which are supplemental to or part of the filed return.

Sec. 2. Section 421.17, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 36. To enter into an agreement pursuant to chapter 28E with the state fair organized under chapter 173 or with a fair defined in section 174.1, to collect and remit taxes and fees from sellers making sales at retail on property owned, controlled, or operated by a fair or through events conducted by a fair.

Sec. 3. Section 421.27, subsection 1, Code 2020, is amended to read as follows:

1. *Failure to timely file a return or deposit form.*

a. If a person fails to file with the department on or before the due date a return or deposit form there shall be added to the tax shown due or required to be shown due a penalty of ten percent of the tax shown due or required to be shown due.

b. In the case of a specified business with no tax shown due or required to be shown due that fails to timely file an income return, the specified business shall pay the greater of the following penalty amounts:

(1) Two hundred dollars.

(2) An amount equal to ten percent of the imputed Iowa liability of the specified business, not to exceed twenty-five thousand dollars.

c. The penalty, if assessed pursuant to paragraph “a” or “b”, shall be waived by the department upon a showing of any of the following conditions:

a. (1) At An amount of tax greater than zero is required to be shown due and at least ninety percent of the tax required to be shown due has been paid by the due date of the tax.

b. (2) Those taxpayers who are required to file quarterly returns, or monthly or semimonthly deposit forms may have one late return or deposit form within a three-year period. The use of any other penalty exception will not count as a late return or deposit form for purposes of this exception.

e. (3) The death of a taxpayer, death of a member of the immediate family of the taxpayer, or death of the person directly responsible for filing the return and paying the tax, when the death interferes with timely filing.

d. (4) The onset of serious, long-term illness or hospitalization of the taxpayer, of a member of the immediate family of the taxpayer, or of the person directly responsible for filing the return and paying the tax.

e. (5) Destruction of records by fire, flood, or other act of God.

f. (6) The taxpayer presents proof that the taxpayer relied upon applicable, documented, written advice specifically made to the taxpayer, to the taxpayer’s preparer, or to an association representative of the taxpayer from the department, state department of transportation, county treasurer, or federal internal revenue service, whichever is appropriate, that has not been superseded by a court decision, ruling by a quasi-judicial body, or the adoption, amendment, or repeal of a rule or law.

g. (7) Reliance upon results in a previous audit was a direct cause for the failure to file where the previous audit expressly and clearly addressed the issue and the previous audit results have not been superseded by a court decision, or the adoption, amendment, or repeal of a rule or law.

h. (8) Under rules prescribed by the director, the taxpayer presents documented proof of substantial authority to rely upon a particular position or upon proof that all facts and circumstances are disclosed on a return or deposit form.

i. (9) The return, deposit form, or payment is timely, but erroneously, mailed with adequate postage to the internal revenue service, another state agency, or a local government agency and the taxpayer provides proof of timely mailing with adequate postage.

j. (10) The tax has been paid by the wrong licensee and the payments were timely remitted to the department for one or more tax periods prior to notification by the department.

k. (11) The failure to file was discovered through a sanctioned self-audit program conducted by the department.

l. (12) If the availability of funds in payment of tax required to be made through electronic funds transfer is delayed and the delay of availability is due to reasons beyond the control of the taxpayer. “Electronic funds transfer” means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal telephone, computer, magnetic tape, or similar device for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account.

m. (13) The failure to file a timely inheritance tax return resulting solely from a disclaimer that required the personal representative to file an inheritance tax return. The penalty shall be waived if such return is filed and any tax due is paid within the later of nine months from the date of death or sixty days from the delivery or filing of the disclaimer pursuant to section 633E.12.

~~¶ (14)~~ That an Iowa inheritance tax return is filed for an estate within the later of nine months from the date of death or sixty days from the filing of a disclaimer by the beneficiary of the estate refusing to take the property or right or interest in the property.

Sec. 4. Section 421.27, subsections 4 and 6, Code 2020, are amended to read as follows:

4. *Willful failure to file or deposit.*

a. (1) In case of willful failure to file a return or deposit form with the intent to evade tax or a filing requirement, or in case of willfully filing a false return or deposit form with the intent to evade tax, in lieu of the penalties otherwise provided in this section, a penalty of seventy-five percent shall be added to the amount shown due or required to be shown as tax on the return or deposit form.

(2) In case of a willful failure by a specified business to file an income return with no tax shown due or required to be shown due with intent to evade a filing requirement, or in case of willfully filing a false income return with no tax shown due or required to be shown due with the intent to evade reporting of Iowa-source income, the penalty imposed shall be the greater of the following amounts:

(a) One thousand five hundred dollars.

(b) An amount equal to seventy-five percent of the imputed Iowa liability of the specified business.

(3) If penalties are applicable for failure to file a return or deposit form and failure to pay the tax shown due or required to be shown due on the return or deposit form, the penalty provision for failure to file shall be in lieu of the penalty provisions for failure to pay the tax shown due or required to be shown due on the return or deposit form, except in the case of willful failure to file a return or deposit form or willfully filing a false return or deposit form with intent to evade tax.

b. The penalties imposed under this subsection are not subject to waiver.

6. ~~Improper receipt of payments~~ *Liability — fraudulent practice.* A person who makes an erroneous application for refund, credit, reimbursement, rebate, or other payment shall be liable for any overpayment received or tax liability reduced plus interest at the rate in effect under section 421.7.

a. In addition, a person ~~who willfully commits a fraudulent practice and is liable for a penalty equal to seventy-five percent of the refund, credit, exemption, reimbursement, rebate, or other payment or benefit being claimed if the person does any of the following:~~

(1) ~~Willfully makes a false or frivolous application for refund, credit, exemption, reimbursement, rebate, or other payment or benefit with intent to evade tax or with intent to receive a refund, credit, exemption, reimbursement, rebate, or other payment or benefit, to which the person is not entitled is guilty of a fraudulent practice and is liable for a penalty equal to seventy-five percent of the refund, credit, reimbursement, rebate, or other payment being claimed.~~

(2) Willfully submits any false information, document, or document containing false information in support of an application for refund, credit, exemption, reimbursement, rebate, or other payment or benefit with the intent to evade tax.

(3) Willfully submits with any false information, document, or document containing false information in support of an application for refund with the intent to receive a refund, credit, exemption, reimbursement, rebate, or other payment benefit, to which the person is not entitled.

b. Payments, penalties, and interest due under this subsection may be collected and enforced in the same manner as the tax imposed.

Sec. 5. Section 421.27, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 8. *Definitions.* As used in this section:

a. *“Imputed Iowa liability”* means any of the following:

(1) In the case of corporations other than corporations described in section 422.34 or section 422.36, subsection 5, the corporation’s Iowa net income after the application of the Iowa business activity ratio, if applicable, multiplied by the top income tax rate imposed under section 422.33 for the tax year.

(2) In the case of financial institutions as defined in section 422.61, the financial institution's Iowa net income after the application of the Iowa business activity ratio, if applicable, multiplied by the franchise tax rate imposed under section 422.63 for the tax year.

(3) In this case of all other entities, including corporations described in section 422.36, subsection 5, and all other entities required to file an information return under section 422.15, subsection 2, the entity's Iowa net income after the application of the Iowa business activity ratio, if applicable, multiplied by the top income tax rate imposed under section 422.5A for the tax year.

b. "Income return" means an income tax return or information return required under section 422.15, subsection 2, or section 422.36, 422.37, or 422.62.

c. "Specified business" means a partnership or other entity required to file an information return under section 422.15, subsection 2, a corporation required to file a return under section 422.36 or 422.37, or a financial institution required to file a return under section 422.62.

NEW SUBSECTION. 9. Additional penalty. In addition to the penalties imposed by this section, if a taxpayer fails to file a return within ninety days of written notice by the department that the taxpayer is required to do so, there shall be added to the amount shown due or required to be shown due a penalty in the amount of one thousand dollars.

Sec. 6. NEW SECTION. 421.27A Perjury.

1. For purposes of this title, a form, application, or any other documentation required or requested by the department shall be required to be certified under penalty of perjury that the information contained in the form, application, or other documentation is true and correct.

2. A person commits a class "D" felony under any of the following circumstances:

a. The person makes a form, application, or other document containing false information in support of an application for refund, credit, exemption, reimbursement, rebate, or other payment or benefit with intent to evade tax.

b. The person makes a form, application, or other document containing false information with intent to unlawfully receive a refund, credit, exemption, reimbursement, rebate, or other payment or benefit, to which the person is not entitled.

c. The person knowingly makes any false affidavit.

d. The person knowingly swears or affirms falsely to any matter or thing required by the terms of this title to be sworn to or affirmed.

Sec. 7. NEW SECTION. 421.59 Power of attorney — authority to act on behalf of taxpayer.

1. a. A taxpayer may authorize an individual to act on behalf of the taxpayer by filing a power of attorney with the department, on a form prescribed by the department.

b. A taxpayer may at any time revoke a power of attorney filed with the department pursuant to subsection 1. Upon processing of the taxpayer's revocation of a power of attorney, the department shall cease honoring the power of attorney.

2. The department may authorize the following persons to act and receive information on behalf of and exercise all of the rights of a taxpayer, regardless of whether a power of attorney has been filed pursuant to subsection 1:

a. A guardian, conservator, or custodian appointed by a court, if a taxpayer has been deemed legally incompetent by a court. The authority of the appointee to act on behalf of the taxpayer shall be limited to the extent specifically stated in the order of appointment.

(1) Upon request, a guardian, conservator, or custodian of a taxpayer shall submit to the department a copy of the court order appointing the guardian, conservator, or custodian.

(2) The department may petition the court that appointed the guardian, conservator, or custodian to verify the appointment or to determine the scope of the appointment.

b. A receiver appointed pursuant to chapter 680. An appointed receiver shall be limited to act on behalf of the taxpayer by the authority stated in the order of appointment.

(1) Upon the request of the department, a receiver shall submit to the department a copy of the court order appointing the receiver.

(2) The department may petition the court that appointed the receiver to verify the appointment or to determine the scope of the appointment.

c. An individual who has been named as an authorized representative on a fiduciary return of income filed under section 422.14 or a tax return filed under chapter 450.

d. (1) An individual holding the following title or position within a corporation, association, partnership, or other business entity:

(a) A president or chief executive officer, or any other officer of the corporation or association if the president or chief executive officer certifies that the officer has the authority to legally bind the corporation or association.

(b) A designated partner duly authorized to act on behalf of the partnership.

(c) A person authorized to act on behalf of a limited liability company in tax matters pursuant to a valid statement of authority.

(2) An individual seeking to act on behalf of a taxpayer pursuant to this paragraph shall file an affidavit with the department attesting to the identity and qualifications of the individual and any necessary certifications required under this paragraph. The department may require any documents or other evidence to demonstrate the individual has authority to act on behalf of the taxpayer before the department.

e. A licensed attorney who has appeared on behalf of the taxpayer or the taxpayer's estate in a court proceeding. Authorization under this paragraph is limited to those matters within the scope of the representation.

f. A parent or guardian of a taxpayer who has not reached the age of majority where the parent or guardian has signed the taxpayer's return on behalf of the taxpayer. Authorization under this paragraph is limited to those matters relating to the return signed by the parent or guardian. Authorization under this paragraph automatically terminates when the taxpayer reaches the age of majority pursuant to section 599.1.

3. a. In lieu of executing a power of attorney pursuant to subsection 1, the department may enter into a memorandum of understanding with the taxpayer for each employee, officer, or member of a third-party entity engaged with or otherwise hired by a taxpayer to manage the tax matters of the taxpayer, to permit the disclosure of confidential tax information to the third-party entity and the authority to act on behalf of the taxpayer. The memorandum of understanding shall adhere to requirements as established by the director.

b. The memorandum of understanding shall be signed by the director, the taxpayer, and the third-party entity or an authorized representative of the third-party entity.

c. At any time, a taxpayer may unilaterally revoke a memorandum of understanding entered into pursuant to this subsection by filing a notice of revocation with the department. Upon the filing of such a revocation by the taxpayer, the department shall cease honoring the memorandum of understanding.

4. The department shall adopt rules pursuant to chapter 17A to administer this section.

Sec. 8. Section 421.60, subsection 2, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The statement prepared in accordance with this paragraph shall be available on the department's internet site. The internet site for this information shall be distributed by the department to all taxpayers at the first contact by the department with respect to the determination or collection of any tax, except in the case of simply providing tax forms.

Sec. 9. Section 421.60, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 11. *Electronic communication.* Notwithstanding any provision of the law to the contrary, for purposes of this title and sections 321.105A and 533.329, a taxpayer may elect to receive any notices, correspondence, or other communication electronically that the department is required to send by regular mail. The director may establish procedures and limitations for obtaining this election from the taxpayer.

Sec. 10. Section 421.62, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0b. *"Income tax return or claim for refund"* means any tax return or claim for refund under chapter 422, excluding withholding returns under section 422.16.

Sec. 11. Section 421.62, subsection 1, paragraph c, subparagraph (1), Code 2020, is amended to read as follows:

(1) “*Tax return preparer*” means any individual who, for a fee or other consideration, prepares ten or more income tax returns or claims for refund ~~under chapter 422~~ during a calendar year, or who assumes final responsibility for completed work on such income tax returns or claims for refund ~~under chapter 422~~ on which preliminary work has been done by another individual.

Sec. 12. Section 421.62, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. On or after January 1, 2020, a tax return preparer is required to include the tax return preparer’s PTIN on any income tax return or claim for refund prepared by the tax return preparer and filed ~~under chapter 422~~ with the department.

Sec. 13. Section 421.64, subsection 1, Code 2020, is amended to read as follows:

1. For purposes of this section, “*tax return preparer*” means the same as defined in section ~~421.61~~ 421.62.

Sec. 14. Section 422.20, subsections 1 and 2, Code 2020, are amended to read as follows:

1. It shall be unlawful for any present or former officer or employee of the state to willfully or recklessly divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to willfully or recklessly print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any person committing an offense against the foregoing provision shall be guilty of a serious misdemeanor. If the offender is an officer or employee of the state, such person shall also be dismissed from office or discharged from employment. Nothing herein shall prohibit turning over to duly authorized officers of the United States or tax officials of other states state information and income returns pursuant to agreement between the director and the secretary of the treasury of the United States or the secretary’s delegate or pursuant to a reciprocal agreement with another state.

2. It is unlawful for an officer, employee, or agent, or former officer, employee, or agent of the state to willfully or recklessly disclose to any person, except as authorized in subsection 1 of this section, any federal tax return or return information as defined in section 6103(b) of the Internal Revenue Code. It is unlawful for a person to whom any federal tax return or return information, as defined in section 6103(b) of the Internal Revenue Code, is disclosed in a manner unauthorized by subsection 1 of this section to thereafter willfully or recklessly print or publish in any manner not provided by law any such return or return information. A person violating this provision is guilty of a serious misdemeanor.

Sec. 15. Section 422.20, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. Unless otherwise expressly permitted by section 8A.504, section 8G.4, section 11.41, section 96.11, subsection 6, section 421.17, subsections 22, 23, and 26, section 421.17, subsection 27, paragraph “k”, section 421.17, subsection 31, section 252B.9, section 321.40, subsection 6, sections 321.120, 421.19, 421.28, 421.59, 422.72, and 452A.63, this section, or another provision of law, a tax return, return information, or investigative or audit information shall not be divulged to any person or entity, other than the taxpayer, the department, or internal revenue service for use in a matter unrelated to tax administration.

Sec. 16. Section 422.20, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 3A. The director may disclose the tax return of a partnership, limited liability company, or S corporation, any such return information, or any investigative information related to the return, to any person who was a partner, shareholder, or member of such an entity during any part of the period covered by the return.

NEW SUBSECTION. 3B. *a.* Prior to being made available for public inspection, the department shall redact from the record in an appeal or contested case the following information from any pleading, exhibit, attachment, motion, written evidence, final order, decision, or opinion:

- (1) A financial account number.
- (2) An account number generated by the department to identify an audit or examination.
- (3) A social security number.
- (4) A federal employer identification number.
- (5) The name of a minor.
- (6) A medical record or other medical information.

b. Upon a motion filed by the taxpayer, the department may redact from the record in an appeal or contested case any other information from a pleading, exhibit, attachment, motion, or written evidence, if the taxpayer proves by clear and convincing evidence that the release of such information would disclose a trade secret or be a clear, unwarranted invasion of personal privacy.

c. Notwithstanding paragraph “*a*”, when making final orders, decisions, or opinions available for public inspection, the department may disclose the items in paragraph “*a*” if the department determines such information is necessary to the resolution or decision of the appeal or case.

d. Except as described in paragraphs “*a*” and “*b*”, all information contained in a pleading, exhibit, attachment, motion, written evidence, final order, decision, opinion, and the record in an appeal or contested case is subject to examination to the extent provided by chapter 22.

Sec. 17. Section 422.25, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. *c.* The period of examination and determination is unlimited under this title in the case of any action by the department to recover or rescind any tax expenditure as defined by section 2.48, subsection 1, or any other incentive or assistance, due to a failure to meet or maintain the requirements of a program administered by the economic development authority.

Sec. 18. Section 422.69, subsection 1, Code 2020, is amended to read as follows:

1. All fees, taxes, interest, and penalties imposed under this chapter shall be paid to the department in the form of remittances payable to the ~~state treasurer~~ department and the department shall transmit each payment daily to the state treasurer.

Sec. 19. Section 422.72, subsection 1, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) It is unlawful for the director, or any person having an administrative duty under this chapter, or any present or former officer or other employee of the state authorized by the director to examine returns, to willfully or recklessly divulge in any manner whatever, the business affairs, operations, or information obtained by an investigation under this chapter of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to willfully or recklessly permit any return or copy of a return or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law.

Sec. 20. Section 422.72, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. *a.* Prior to being made available for public inspection, the department shall redact from the record in an appeal or contested case the following information from any pleading, exhibit, attachment, motion, written evidence, final order, decision, or opinion:

- (1) A financial account number.
- (2) An account number generated by the department to identify an audit or examination.
- (3) A social security number.
- (4) A federal employer identification number.
- (5) The name of a minor.

(6) A medical record or other medical information.

b. Upon a motion filed by the taxpayer, the department may redact from the record in an appeal or contested case any other information from a pleading, exhibit, attachment, motion, or written evidence, if the taxpayer proves by clear and convincing evidence that the release of such information would disclose a trade secret or be a clear, unwarranted invasion of personal privacy.

c. Notwithstanding paragraph "a", when making final orders, decisions, or opinions available for public inspection, the department may disclose the items in paragraph "a" if the department determines such information is necessary to the resolution or decision of the appeal or case.

d. Except as described in paragraphs "a" and "b", all information contained in a pleading, exhibit, attachment, motion, written evidence, final order, decision, opinion, and the record in an appeal or contested case is subject to examination to the extent provided by chapter 22.

Sec. 21. Section 423.37, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 4. The period of limitation on examination and determination is unlimited under this title in the case of any action by the department to recover or rescind any tax expenditure as defined by section 2.48, subsection 1, or any other incentive or assistance, due to a failure to meet or maintain the requirements of a program administered by the economic development authority.

Sec. 22. Section 428A.1, subsection 3, Code 2020, is amended to read as follows:

3. The declaration of value shall state the full consideration paid for the real property transferred. If agricultural land, as defined in section 9H.1, is purchased by a corporation, limited partnership, trust, alien or nonresident alien, the declaration of value shall include the name and address of the buyer, the name and address of the seller, a legal description of the agricultural land, and identify the buyer as a corporation, limited partnership, trust, alien, or nonresident alien. The county recorder shall not record the declaration of value, but shall enter on the declaration of value information the director of revenue requires for the production of the sales/assessment ratio study and transmit all declarations of value to the city or county assessor in whose jurisdiction the property is located. The city or county assessor shall ~~enter on the declaration of value~~ provide the information the director of revenue requires for the production of the sales/assessment ratio study ~~and transmit one copy of each declaration of value to the director of revenue~~, at times as directed by the director of revenue. The assessor shall retain ~~one copy of each declaration of value~~ for three years from December 31 of the year in which the transfer of realty for which the declaration was filed took place. The director of revenue shall, upon receipt of the information required to be filed under this chapter by the city or county assessor, send to the office of the secretary of state that part of the declaration of value which identifies a corporation, limited partnership, trust, alien, or nonresident alien as a purchaser of agricultural land as defined in section 9H.1.

Sec. 23. Section 441.48, Code 2020, is amended to read as follows:

441.48 Notice of adjustment.

1. Before the department of revenue shall adjust the valuation of any class of property any such percentage, the department shall first serve ten days' notice by mail, on the county auditor of the county whose valuation is proposed to be adjusted. ~~The department shall hold an adjourned meeting after such~~

2. If the county or assessing jurisdiction intends to protest the proposed adjustment, the board of supervisors or city council, as applicable, shall provide the department with notice of intent to protest prior to expiration of the ten days' notice.

3. ~~After expiration of the ten days' notice, at which time the county or assessing jurisdiction may appear by its city council or board of supervisors, city or county attorney, and other assessing jurisdiction, or city or county officials, and make written or oral protest against such proposed adjustment.~~

4. The protest shall consist simply of a statement of the error, or errors, complained of with such facts as may lead to their correction. ~~At the adjourned meeting~~

5. After written protest is received, or an oral protest is heard, the final action may be taken in reference to the proposed adjustment.

Sec. 24. Section 489.706, subsection 2, Code 2020, is amended to read as follows:

2. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~departments~~ department of revenue and workforce development. The ~~departments~~ department of revenue and workforce development shall report to the secretary of state the tax status of the limited liability company. If either the department reports to the secretary of state that a filing delinquency or liability exists against the limited liability company, the secretary of state shall not cancel the declaration of dissolution until the filing delinquency or liability is satisfied.

Sec. 25. Section 490.1422, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~departments~~ department of revenue and workforce development. The ~~departments~~ department of revenue and workforce development shall report to the secretary of state the tax status of the corporation. If either the department reports to the secretary of state that a filing delinquency or liability exists against the corporation, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Sec. 26. Section 501.813, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~departments~~ department of revenue and workforce development. The ~~departments~~ department of revenue and workforce development shall report to the secretary of state the tax status of the cooperative. If either the department reports to the secretary of state that a filing delinquency or liability exists against the cooperative, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Sec. 27. Section 504.1423, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. The secretary of state shall refer the federal tax identification number contained in the application for reinstatement to the ~~departments~~ department of revenue and workforce development. The ~~departments~~ department of revenue and workforce development shall report to the secretary of state the tax status of the corporation. If either the department reports to the secretary of state that a filing delinquency or liability exists against the corporation, the secretary of state shall not cancel the certificate of dissolution until the filing delinquency or liability is satisfied.

Sec. 28. Section 533.329, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 03. Returns shall be in the form the director of revenue prescribes, and shall be filed with the department of revenue on or before the last day of the fourth month after the expiration of the tax year. The moneys and credits tax is due and payable on the last day of the fourth month after the expiration of the tax year.

Sec. 29. Section 533.329, subsection 3, Code 2020, is amended to read as follows:

3. The department of revenue shall administer and enforce the provisions of this section, and except as explicitly provided in this section or another provision of law, shall apply all applicable penalty, interest, and administrative provisions of chapters 421 and 422 as nearly as possible in administering and enforcing the moneys and credits tax imposed by this section.

Sec. 30. LEGISLATIVE INTENT. It is the intent of the general assembly that the sections of this division amending Code sections 422.25 and 423.37 are conforming amendments consistent with current state law, and that the amendments do not change the application

of current law but instead reflect current law both before and after the enactment of this division of this Act.

Sec. 31. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 422.25.
2. The section of this division of this Act amending section 423.37.

Sec. 32. APPLICABILITY. The following applies to any return for which a written notice that the taxpayer is required to file such return is issued by the department on or after January 1, 2022:

The portion of the section of this division of this Act enacting section 421.27, subsection 9.

Sec. 33. APPLICABILITY. The following apply to tax years beginning on or after January 1, 2022:

1. The section of this division of this Act amending section 421.27, subsection 1.
2. The portion of the section of this division of this Act amending section 421.27, subsection 4.
3. The portion of the section of this division of this Act enacting section 421.27, subsection 8.

DIVISION II SALES AND USE TAX

Sec. 34. Section 321G.4, subsection 2, Code 2020, is amended to read as follows:

2. a. The owner of the snowmobile shall file an application for registration with the department through the county recorder of the county of residence in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321G.27. A snowmobile shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the snowmobile or that the owner is exempt from paying the tax. A snowmobile that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

b. If the owner of the snowmobile is unable to present satisfactory evidence that the sales or use tax has been paid, the county recorder shall collect the tax. On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of the taxes collected during the preceding month, together with an itemized statement on forms furnished by the department of revenue showing the name of each taxpayer, the make and purchase price of each snowmobile, the amount of tax paid, and such other information as the department of revenue requires.

Sec. 35. Section 321I.4, subsection 2, Code 2020, is amended to read as follows:

2. a. The owner of the all-terrain vehicle shall file an application for registration with the department through the county recorder of the county of residence, or in the case of a nonresident owner, in the county of primary use, in the manner established by the commission. The application shall be completed by the owner and shall be accompanied by a fee of fifteen dollars and a writing fee as provided in section 321I.29. An all-terrain vehicle shall not be registered by the county recorder until the county recorder is presented with receipts, bills of sale, or other satisfactory evidence that the sales or use tax has been paid for the purchase of the all-terrain vehicle or that the owner is exempt from paying the tax. An all-terrain vehicle that has an expired registration certificate from another state may be registered in this state upon proper application, payment of all applicable registration and writing fees, and payment of a penalty of five dollars.

b. If the owner of the all-terrain vehicle is unable to present satisfactory evidence that the sales or use tax has been paid, the county recorder shall collect the tax. On or before the tenth day of each month, the county recorder shall remit to the department of revenue the amount of

the taxes collected during the preceding month, together with an itemized statement on forms furnished by the department of revenue showing the name of each taxpayer, the make and purchase price of each all-terrain vehicle, the amount of tax paid, and such other information as the department of revenue requires.

Sec. 36. Section 423.2, subsection 6, paragraph bs, Code 2020, is amended to read as follows:

bs. Services arising from or related to installing, maintaining, servicing, repairing, operating, upgrading, or enhancing either specified digital products or software sold as tangible personal property.

Sec. 37. Section 423.2, subsection 8, paragraph d, subparagraph (1), Code 2020, is amended to read as follows:

(1) The retail sale of tangible personal property or specified digital product and a service, where the tangible personal property or specified digital product is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service.

Sec. 38. Section 423.3, subsection 3A, Code 2020, is amended to read as follows:

3A. The sales price from the sale of a commercial recreation service offering the opportunity to hunt a preserve whitetail as defined in section 484C.1 if the sale occurred between July 1, 2005, and December 31, 2015.

Sec. 39. Section 423.3, subsection 31, unnumbered paragraph 1, Code 2020, is amended to read as follows:

The sales price of tangible personal property or specified digital products sold to and of services furnished to a tribal government as defined in 216A.161, or the sales price of tangible personal property or specified digital products sold to and of services furnished, and used for public purposes sold to a tax-certifying or tax-levying body of the state or a governmental subdivision of the state, including the following: regional transit systems, as defined in section 324A.1; the state board of regents; department of human services; state department of transportation; any municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility; and all divisions, boards, commissions, agencies, or instrumentalities of state, federal, county, or municipal government, or tribal government which have no earnings going to the benefit of an equity investor or stockholder, except any of the following:

Sec. 40. Section 423.3, subsection 80, paragraphs b and c, Code 2020, are amended to read as follows:

b. Subject to the limitations in paragraph “c”, if a contractor, subcontractor, or builder is to use building materials, supplies, and equipment, or services in the performance of a written construction contract with a designated exempt entity, the person shall purchase such items of tangible personal property or services without liability for the tax if such property or services will be used in the performance of the written construction contract and a purchasing agent authorization letter and an exemption certificate, issued by the designated exempt entity, are presented to the retailer.

c. (1) With regard to a written construction contract with a designated exempt entity described in paragraph “a”, subparagraph (1), the sales price of building materials, supplies, or equipment, or services is exempt from tax by this subsection only to the extent the building materials, supplies, or equipment, or services are completely consumed in the performance of the construction contract with the designated exempt entity, and only if the property that is the subject of the construction project becomes public property or the property of the designated exempt entity.

(2) With regard to a written construction contract with a designated exempt entity described in paragraph “a”, subparagraph (2), the sales price of building materials, supplies, or equipment, or services is exempt from tax by this subsection only to the extent the building materials, supplies, or equipment, or services are completely consumed in the performance of a construction contract to construct a project, as defined in section 15J.2,

subsection 10, which project has been approved by the economic development authority board in accordance with chapter 15J.

Sec. 41. Section 423.4, subsection 1, Code 2020, is amended to read as follows:

1. *a.* For purposes of this subsection, a “*designated exempt entity*” means any of the following:

(1) A private nonprofit educational institution in this state;

(2) A nonprofit Iowa affiliate of a nonprofit international organization whose primary activity is the promotion of the construction, remodeling, or rehabilitation of one-family or two-family dwellings for low-income families;

(3) A nonprofit private museum in this state;

(4) A tax-certifying or tax-levying body or governmental subdivision of the state, including the state board of regents, state department of human services, state department of transportation;

(5) A municipally owned solid waste facility which sells all or part of its processed waste as fuel to a municipally owned public utility; ~~and all.~~

(6) The state of Iowa.

(7) Any political subdivision of the state.

(8) All divisions, boards, commissions, agencies, or instrumentalities of state, federal, county, or municipal government which do not have earnings going to the benefit of an equity investor or stockholder;

(9) A tribal government as defined in section 216A.161, and any instrumentalities of the tribal government which do not have earnings going to the benefit of an equity investor or stockholder.

b. A designated exempt entity may ~~make application apply~~ to the department for the refund of the sales or use tax upon the sales price of all sales of goods, wares, or merchandise building materials, supplies, equipment, or from services furnished to a contractor, used in the fulfillment performance of a written contract with the state of Iowa, any political subdivision of the state, or a division, board, commission, agency, or instrumentality of the state or a political subdivision, a private nonprofit educational institution in this state, a nonprofit Iowa affiliate described in this subsection, or a nonprofit private museum in this state if the property becomes an integral part of the project under contract and at the completion of the project becomes public property, is devoted to educational uses, becomes part of a low-income one family or two-family dwelling in the state, or becomes a nonprofit private museum; ~~except goods, wares, or merchandise,~~ designated exempt entity if all of the following apply:

(1) The building materials, supplies, equipment, or services are completely consumed in the performance of a construction project with the designated entity.

(2) The property that is subject of the construction project becomes public property or the property of an exempt entity.

(3) The building materials, supplies, equipment, or services furnished which are not used in the performance of any contract in connection with the operation of any municipal utility engaged in selling gas, electricity, or heat to the general public or in connection with the operation of a municipal pay television system; and ~~except goods, wares, and merchandise~~ are not used in the performance of a contract for a “project” under chapter 419 as defined in that chapter other than goods, wares, or merchandise used in the performance of a contract for a “project” under chapter 419 for which a bond issue was approved by a municipality prior to July 1, 1968, or for which the goods, wares, or merchandise becomes an integral part of the project under contract and at the completion of the project becomes public property or is devoted to educational uses.

c. Such a contractor shall state under oath, on forms provided by the department, the amount of such sales of goods, wares, or merchandise, or services furnished and used in the performance of such contract, and upon which sales or use tax has been paid, and shall file such forms with the governmental unit, private nonprofit educational institution, nonprofit Iowa affiliate, or nonprofit private museum designated exempt entity which has made any written contract for performance by the contractor. The forms shall be filed by

the contractor with the ~~governmental unit, educational institution, nonprofit Iowa affiliate, or nonprofit private museum~~ designated exempt entity before final settlement is made.

~~b. d.~~ Such ~~governmental unit, educational institution, nonprofit Iowa affiliate, or nonprofit private museum~~ A designated exempt entity shall, not more than one year after the final settlement has been made, ~~make application~~ apply to the department for any refund of the amount of the sales or use tax which shall have been paid upon any ~~goods, wares, or merchandise~~ building materials, supplies, equipment, or services furnished, the application to be made in the manner and upon forms to be provided by the department, and the department shall forthwith audit the claim and, if approved, issue a warrant to the ~~governmental unit, educational institution, nonprofit Iowa affiliate, or nonprofit private museum~~ designated exempt entity in the amount of the sales or use tax which has been paid to the state of Iowa under the contract.

~~e. e.~~ Refunds authorized under this subsection shall accrue interest in accordance with section 421.60, subsection 2, paragraph “e”.

~~d. f.~~ Any contractor who willfully makes a false report of tax paid under the provisions of this subsection is guilty of a simple misdemeanor and in addition shall be liable for the payment of the tax and any applicable penalty and interest.

Sec. 42. Section 423.4, subsection 2, paragraphs a and b, Code 2020, are amended to read as follows:

a. A contractor awarded a contract for a transportation construction project is considered the consumer of all building materials, building supplies, ~~and~~ equipment, ~~and~~ services and shall pay sales tax to the supplier or remit consumer use tax directly to the department.

b. The contractor is not required to file information with the state department of transportation stating the amount of ~~goods, wares, or merchandise, or services rendered, furnished, or performed~~ and building materials, supplies, equipment, or services used in the performance of the contract or the amount of sales or use tax paid.

Sec. 43. Section 423.4, subsection 6, paragraph a, subparagraph (1), Code 2020, is amended to read as follows:

(1) The owner of a collaborative educational facility in this state may make application to the department for the refund of the sales or use tax upon the sales price of all sales of ~~goods, wares, or merchandise~~ building materials, supplies, equipment, or from services furnished to a contractor, used in the fulfillment of a written construction contract with the owner of the collaborative educational facility for the original construction, or additions or modifications to, a building or structure to be used as part of the collaborative educational facility.

Sec. 44. Section 423.4, subsection 6, paragraphs b and c, Code 2020, are amended to read as follows:

b. ~~Such~~ A contractor shall state under oath, on forms provided by the department, the amount of such sales of ~~goods, wares, or merchandise~~ building materials, supplies, equipment, or services furnished and used in the performance of such contract, and upon which sales or use tax has been paid, and shall file such forms with the owner of the collaborative educational facility which has made any written contract for performance by the contractor.

c. (1) The owner of the collaborative educational facility shall, not more than one year after the final settlement has been made, make application to the department for any refund of the amount of the sales or use tax which shall have been paid upon any ~~goods, wares, or merchandise~~ building materials, supplies, equipment, or services furnished, the application to be made in the manner and upon forms to be provided by the department, and the department shall forthwith audit the claim and, if approved, issue a warrant to the owner of the collaborative educational facility in the amount of the sales or use tax which has been paid to the state of Iowa under the contract.

(2) Refunds authorized under this subsection shall accrue interest in accordance with section 421.60, subsection 2, paragraph “e”.

Sec. 45. Section 423.5, subsection 1, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 46. Section 423.29, subsection 1, Code 2020, is amended to read as follows:

1. Every seller who is a retailer and who is making taxable sales of tangible personal property or specified digital products in Iowa or who is a retailer maintaining a place of business in this state making taxable sales of tangible personal property or specified digital products shall, at the time of making the sale, collect the sales tax. ~~Every seller who is a retailer that is not otherwise required to collect sales tax under the provisions of this chapter and who is selling tangible personal property or specified digital products for use in Iowa shall, at the time of making the sale, whether within or without the state, collect the use tax.~~ Sellers required to collect sales or use tax shall give to any purchaser a receipt for the tax collected in the manner and form prescribed by the director.

Sec. 47. Section 423.33, subsection 1, Code 2020, is amended to read as follows:

1. ~~Liability of purchaser for sales tax and retailer.~~

a. If a purchaser fails to pay sales tax to the retailer required to collect the tax, then in addition to all of the rights, obligations, and remedies provided, ~~the~~ a use tax is payable by the purchaser directly to the department, and sections 423.31, 423.32, 423.37, 423.38, 423.39, 423.40, 423.41, and 423.42 apply to the purchaser.

b. For failure to pay the sales or use tax as described in paragraph "a", the retailer and purchaser are jointly liable, unless the circumstances described in section 29C.24, subsection 3, paragraph "a", subparagraph (2), section 421.60, subsection 2, paragraph "m", section 423.34A, or section 423.45, subsection 4, paragraph "b" or "e", or subsection 5, paragraph "c" or "e", are applicable.

c. If the retailer fails to collect sales tax at the time of the transaction, the retailer shall thereafter remit the applicable sales tax, or the purchaser thereafter shall remit the applicable use tax. If the purchaser remits all applicable use tax, the retailer remains liable for any local sales and services tax under chapter 423B that the retailer failed to collect.

Sec. 48. REFUNDS RELATED TO PRESERVE WHITETAIL DEER HUNTING. Refunds of taxes, interest, or penalties that arise from claims resulting from the amendment of section 423.3, subsection 3A, for sales occurring between July 1, 2005, and the effective date of the amendment to section 423.3, subsection 3A, shall not be allowed, notwithstanding any other law to the contrary.

Sec. 49. LEGISLATIVE INTENT.

1. It is the intent of the general assembly that the section of this division of this Act amending section 423.29 is a conforming amendment consistent with current state law, and that the amendment does not change the application of current law but instead reflects current law both before and after the enactment of this division of this Act.

2. It is the intent of the general assembly that the addition of "jointly" in the section of this division of this Act amending section 423.33 is a conforming amendment consistent with current state law, and that the amendment does not change the application of current law but instead reflects current law both before and after the enactment of this division of this Act.

Sec. 50. EFFECTIVE DATE. The following, being deemed of immediate importance, take effect upon enactment:

1. The section of this division of this Act amending section 423.3, subsection 3A.

2. The section of this division of this Act relating to refunds for commercial recreation services offering an opportunity to hunt preserve whitetail deer.

Sec. 51. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2005:

The section of this division of this Act amending section 423.3, subsection 3A.

DIVISION III
INCOME TAX

Sec. 52. Section 422.9, subsection 3, paragraph c, Code 2020, is amended by striking the paragraph and inserting in lieu thereof the following:

c. A taxpayer may elect to waive the entire carryback period with respect to an Iowa net operating loss for any taxable year beginning on or after January 1, 2020. The election shall be made in the manner and form prescribed by the department, and shall be made by the due date for filing the taxpayer's Iowa return, including extensions of time. After the election is made for any taxable year, the election shall be irrevocable for such taxable year. When an election has been properly made, the Iowa net operating loss shall be carried forward twenty taxable years.

Sec. 53. Section 422.9, subsection 3, paragraph d, Code 2020, is amended to read as follows:

d. Notwithstanding paragraph "a", for a taxpayer who is engaged in the trade or business of farming, which means the same as a "farming business" as defined in section 263A(e)(4) of the Internal Revenue Code, and has a farming loss from farming as defined in section 172(b)(1)(B) of the Internal Revenue Code including modifications prescribed by rule by the director, the Iowa farming loss from the trade or business of farming is a net operating loss which may, at the time of the election of the taxpayer, be carried back five taxable years prior to the taxable year of the loss. The election shall be made in the manner and form prescribed by the department, and shall be made by the due date for filing the taxpayer's return, including extensions of time. After the election is made for any taxable year, the election shall be irrevocable for such taxable year.

Sec. 54. APPLICABILITY. This division of this Act applies to tax years beginning on or after January 1, 2020.

DIVISION IV
RESEARCH ACTIVITIES CREDIT

Sec. 55. Section 15.335, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. In lieu of the credit amount computed in subsection 2, an eligible business may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative simplified credit described in section ~~41(e)(5)~~ 41(c)(4) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

Sec. 56. Section 15.335, subsection 4, paragraph b, unnumbered paragraph 1, Code 2020, is amended to read as follows:

For purposes of the alternate credit computation method in paragraph "a", the credit percentages applicable to qualified research expenses described in section ~~41(e)(5)(A)~~ 41(c)(4)(A) and clause (ii) of section ~~41(e)(5)(B)~~ 41(c)(4)(B) of the Internal Revenue Code are as follows:

Sec. 57. Section 422.10, subsection 1, paragraphs c and d, Code 2020, are amended to read as follows:

c. In lieu of the credit amount computed in paragraph "b", subparagraph (1), subparagraph division (a), a taxpayer may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative simplified credit described in section ~~41(e)(5)~~ 41(c)(4) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer's federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

d. For purposes of the alternate credit computation method in paragraph “c”, the credit percentages applicable to qualified research expenses described in section ~~41(e)(5)(A)~~ 41(c)(4)(A) and clause (ii) of section ~~41(e)(5)(B)~~ 41(c)(4)(B) of the Internal Revenue Code are four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

Sec. 58. Section 422.33, subsection 5, paragraphs c and d, Code 2020, are amended to read as follows:

c. In lieu of the credit amount computed in paragraph “a”, subparagraph (1), a corporation may elect to compute the credit amount for qualified research expenses incurred in this state in a manner consistent with the alternative simplified credit described in section ~~41(e)(5)~~ 41(c)(4) of the Internal Revenue Code. The taxpayer may make this election regardless of the method used for the taxpayer’s federal income tax. The election made under this paragraph is for the tax year and the taxpayer may use another or the same method for any subsequent year.

d. For purposes of the alternate credit computation method in paragraph “c”, the credit percentages applicable to qualified research expenses described in section ~~41(e)(5)(A)~~ 41(c)(4)(A) and clause (ii) of section ~~41(e)(5)(B)~~ 41(c)(4)(B) of the Internal Revenue Code are four and fifty-five hundredths percent and one and ninety-five hundredths percent, respectively.

Sec. 59. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 60. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

DIVISION V PARTNERSHIP AND PASS-THROUGH ENTITY AUDITS AND REPORTING OF FEDERAL ADJUSTMENTS

Sec. 61. Section 421.27, subsection 2, paragraph c, Code 2020, is amended to read as follows:

c. (1) The Except in the case of a final federal partnership adjustment governed by subparagraph (2), the taxpayer provides written notification to the department of a federal audit while it is in progress and voluntarily files an amended return which includes a copy of the federal document showing the final disposition or final federal adjustments and pays any additional Iowa tax due within sixty one hundred eighty days of the final disposition determination date of the federal government’s audit. For purposes of this subparagraph, “final determination date” means the same as defined in section 422.25.

(2) (a) In the case of a final federal partnership adjustment arising from a partnership level audit, with respect to the audited partnership or a direct partner or indirect partner of the audited partnership, the audited partnership, direct partner, or indirect partner voluntarily and timely complies with its reporting and payment requirements under section 422.25A, subsection 4 or 5.

(b) As used in this subparagraph, all words and phrases defined in section 422.25A shall have the same meaning given them by that section.

Sec. 62. Section 422.7, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 59. Any income subtracted from federal taxable income for an adjustment year pursuant to section 6225 of the Internal Revenue Code and the regulations thereunder shall be added back in computing net income for state tax purposes for the adjustment year.

Sec. 63. Section 422.25, subsections 1 and 2, Code 2020, are amended by striking the subsections and inserting in lieu thereof the following:

1. a. For purposes of this subsection:

(1) “*Federal adjustment*” means a change to an item or amount required to be determined under the Internal Revenue Code and the regulations thereunder that is used by the taxpayer to compute state tax owed whether such change results from action by the internal revenue service, or the filing of a timely amended federal return or timely federal refund claim. A federal adjustment is positive to the extent that it increases Iowa taxable income as determined under this title and is negative to the extent that it decreases Iowa taxable income as determined under this title.

(2) “*Federal adjustments report*” means the method or form required by the department by rule to report final federal adjustments or final federal partnership adjustments as defined in section 422.25A, and in the case of any entity taxed as a partnership or S corporation for federal income tax purposes, identifies all owners that hold an interest directly in such entity and provides the effect of the final federal adjustments on such owner’s Iowa income.

(3) “*Final determination date*” means the following:

(a) Except as provided in subparagraph divisions (b) and (c), for federal adjustments arising from an internal revenue service audit or other action by the internal revenue service, the final determination date is the first day on which no federal adjustments arising from that audit or other action remain to be finally determined, whether by internal revenue service decision with respect to which all rights of appeal have been waived or exhausted, by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted. For agreements required to be signed by the internal revenue service and the taxpayer, the final determination date is the date on which the last party signed the agreement.

(b) For federal adjustments arising from an internal revenue service audit or other action by the internal revenue service, if the taxpayer filed as a member of a consolidated return under section 422.37, the final determination date is the first day on which no related federal adjustments arising from that audit or other action remain to be finally determined, as described in subparagraph division (a), for the entire group.

(c) For federal adjustments arising from a timely filed amended federal return or a timely filed federal refund claim, or if it is a federal adjustment reported on a timely amended federal return or other similar report filed pursuant to section 6225(c) of the Internal Revenue Code, the final determination date is the day on which the amended return, refund claim, or other similar report was filed.

(4) “*Final federal adjustment*” means a federal adjustment after the final determination date for that federal adjustment has passed.

b. Within three years after the return is filed or within three years after the return became due, including any extensions of time for filing, whichever time is the later, the department shall examine the return and determine the tax. However, if the taxpayer omits from income an amount which will, under the Internal Revenue Code, extend the statute of limitations for assessment of federal tax to six years under the federal law, the period for examination and determination is six years.

c. The period for examination and determination of the correct amount of tax is unlimited in the case of a false or fraudulent return made with the intent to evade tax or in the case of a failure to file a return.

d. In lieu of the period of limitation for any prior year for which an overpayment of tax or an elimination or reduction of an underpayment of tax due for that prior year results from the carryback to that prior year of a net operating loss or net capital loss, the period is the period of limitation for the taxable year of the net operating loss or net capital loss which results in the carryback.

e. (1) In addition to the applicable period of limitation for examination and determination in paragraph “b”, “c”, or “d”, the department may make an examination and determination at any time within one year from the date of receipt by the department of a federal adjustments report with respect to a final federal adjustment or final federal partnership adjustment as defined in section 422.25A for a particular tax year. In order to begin the running of the one-year period, the federal adjustments report related to the final federal adjustment or final federal partnership adjustment shall be transmitted to the department by the taxpayer in the form and manner specified by the department by rule.

(2) The department in its discretion may adopt rules to establish a de minimis amount for which subparagraph (1) shall not apply and the taxpayer shall not be required to file a federal adjustments report.

(3) The department may in its discretion and when administratively feasible adopt a process through rule by which a taxpayer may make estimated payments of tax expected to result from a pending internal revenue service audit prior to the filing of a federal adjustments report with the department. The process shall provide that the estimated tax payments shall be credited against any tax liability ultimately found to be due to the state from the internal revenue service audit and will limit the accrual of further statutory interest on that liability. The process shall also provide that if the estimated tax payments exceed the final tax liability and statutory interest ultimately determined to be due, the taxpayer is entitled to a refund or credit for the excess, without interest, provided the taxpayer files a federal adjustments report, or a claim for refund or credit of tax under section 422.73, no later than one year following the final determination date.

2. a. If the tax found due under subsection 1 is greater than the amount paid, the department shall compute the amount due, together with interest and penalties as provided in paragraph “b”, and shall mail a notice of assessment to the taxpayer and, if applicable, to the taxpayer’s authorized representative of the total, which shall be computed as a sum certain, with interest computed to the last day of the month in which the notice is dated.

b. In addition to the tax or additional tax determined by the department under subsection 1, the taxpayer shall pay interest on the tax or additional tax at the rate in effect under section 421.7 for each month counting each fraction of a month as an entire month, computed from the date the return was required to be filed. In addition to the tax or additional tax, the taxpayer shall pay a penalty as provided in section 421.27.

Sec. 64. NEW SECTION. 422.25A Reporting and treatment of certain partnership adjustments.

1. *Definitions.* As used in this section and sections 422.25B and 422.25C, unless the context otherwise requires:

a. “*Administrative adjustment request*” means the same as provided in section 6227 of the Internal Revenue Code.

b. “*Audited partnership*” means a partnership subject to a final federal partnership adjustment resulting from a partnership level audit.

c. “*C corporation*” means an entity that elects or is required to be taxed as a corporation under title 26, chapter 1, subchapter A, part 2, of the Internal Revenue Code.

d. “*Corporate partner*” means a C corporation partner that is subject to tax pursuant to section 422.33.

e. “*Direct partner*” means a person that holds an interest directly in a partnership or pass-through entity.

f. “*Exempt partner*” means a partner that is exempt from taxation pursuant to section 422.34.

g. “*Federal adjustments report*” means the same as defined in section 422.25.

h. “*Federal partnership adjustment*” means a change to an item or amount required to be determined under the Internal Revenue Code and the regulations thereunder that is used by a partnership and its direct and indirect partners to compute state tax owed for the reviewed year where such change results from a partnership level audit or an administrative adjustment request. A federal partnership adjustment is positive to the extent that it increases Iowa taxable income as determined under this title and is negative to the extent that it decreases Iowa taxable income as determined under this title. A federal adjustment reported on an amended federal return or other similar report filed pursuant to section 6225(c) of the Internal Revenue Code shall not be considered a federal partnership adjustment for purposes of this section.

i. “*Federal partnership representative*” means the person the partnership designates for the taxable year as the partnership’s representative, or the person the internal revenue service has appointed to act as the federal partnership representative, pursuant to section 6223(a) of the Internal Revenue Code and the regulations thereunder.

j. “*Fiduciary partner*” means a partner that is a fiduciary that is subject to tax pursuant to sections 422.5 and 422.6.

k. “*Final determination date*” means any one of the following dates:

(1) In the case of a federal partnership adjustment that arises from a partnership level audit, the first day on which no federal adjustments arising from that audit remain to be finally determined, whether by agreement, or, if appealed or contested, by a final decision with respect to which all rights of appeal have been waived or exhausted. For agreements required to be signed by the internal revenue service and the audited partnership, the final determination date is the date on which the last party signed the agreement.

(2) In the case of a federal partnership adjustment that results from a timely filed administrative adjustment request, the day on which the administrative adjustment request was filed with the internal revenue service.

l. “*Final federal partnership adjustment*” means a federal partnership adjustment after the final determination date for that federal partnership adjustment has passed.

m. “*Indirect partner*” means a partner in a partnership or pass-through entity where such partnership or pass-through entity itself holds an interest directly, or through another indirect partner, in a partnership or pass-through entity.

n. “*Individual partner*” means a partner who is a natural person that is subject to tax pursuant to section 422.5.

o. “*Nonresident partner*” means a partner that is not a resident partner as defined in this subsection.

p. “*Partner*” means a person that holds an interest, directly or indirectly, in a partnership or pass-through entity.

q. “*Partnership*” means an entity subject to taxation under subchapter K of the Internal Revenue Code and the regulations thereunder and includes but is not limited to a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on and which is not, within the meaning of this chapter, a trust, estate, or corporation.

r. “*Partnership level audit*” means an examination by the internal revenue service at the partnership level pursuant to subchapter C, title 26, subtitle F, chapter 63, of the Internal Revenue Code, as enacted by the Bipartisan Budget Act of 2015, Pub. L. No. 114-74, and as amended, which results in final federal partnership adjustments initiated and made by the internal revenue service.

s. “*Pass-through entity*” means an entity, other than a partnership, that is not subject to tax under section 422.33 for C corporations but excluding an exempt partner. “*Pass-through entity*” includes but is not limited to S corporations, estates, and trusts other than grantor trusts.

t. “*Reallocation adjustment*” means a final federal partnership adjustment that changes the shares of items of partnership income, gain, loss, expense, or credit allocated to a partner that holds an interest directly in a partnership or pass-through entity. A positive reallocation adjustment means the portion of a reallocation adjustment that would increase Iowa taxable income for such partners, and a negative reallocation adjustment means the portion of a reallocation adjustment that would decrease Iowa taxable income for such partners.

u. “*Resident partner*” means any of the following:

(1) For an individual partner, a “*resident*” as defined in section 422.4.

(2) For a fiduciary partner, one with situs in Iowa.

(3) For all other partners, a partner whose headquarters or principal place of business is located in Iowa.

v. “*Reviewed year*” means the taxable year of a partnership that is subject to a partnership level audit from which final federal partnership adjustments arise, or otherwise means the taxable year of the partnership or pass-through entity that is the subject of a state partnership audit.

w. “*State partnership audit*” means an examination by the director at the partnership or pass-through entity level which results in adjustments to partnership or pass-through entity related items or reallocations of income, gains, losses, expenses, credits, and other attributes among such partners for the reviewed year.

x. “*Tiered partner*” means any partner that is a partnership or pass-through entity.

y. “*Unrelated business income*” means the income which is defined in section 512 of the Internal Revenue Code and the regulations thereunder.

2. *Application.* Partnerships and their direct partners and indirect partners shall report final federal partnership adjustments as provided in this section.

3. *State partnership representative.* Notwithstanding any other law to the contrary, the state partnership representative for the reviewed year shall have the sole authority to act on behalf of the partnership or pass-through entity with respect to an action required or permitted to be taken by a partnership or pass-through entity under this section or section 422.28 or 422.29 with respect to final federal partnership adjustments arising from a partnership level audit or an administrative adjustment request, and its direct partners and indirect partners shall be bound by those actions.

4. *Reporting and payment requirements for audited partnerships and their partners subject to final federal partnership adjustments.*

a. Unless an audited partnership makes the election in subsection 5, the audited partnership shall do all of the following for all final federal partnership adjustments no later than ninety days after the final determination date of the audited partnership:

(1) File a completed federal adjustments report.

(2) Notify each direct partner of such partner’s distributive share of the adjustments in the manner and form prescribed by the department by rule.

(3) File an amended composite return under section 422.13 if one was originally filed, and if applicable for withholding from partners, file an amended withholding report under section 422.16, and pay the additional amount under this title that would have been due had the final federal partnership adjustments been reported properly as required, including any applicable interest and penalties.

b. Unless an audited partnership paid an amount on behalf of the direct partners of the audited partnership pursuant to subsection 5, all direct partners of the audited partnership shall do all of the following no later than one hundred eighty days after the final determination date of the audited partnership:

(1) File a completed federal adjustments report reporting the direct partner’s distributive share of the adjustments required to be reported to such partners under paragraph “a”.

(2) If the direct partner is a tiered partner, notify all partners that hold an interest directly in the tiered partner of such partner’s distributive share of the adjustments in the manner and form prescribed by the department by rule.

(3) If the direct partner is a tiered partner and subject to section 422.13, file an amended composite return under section 422.13 if such return was originally filed, and if applicable for withholding from partners file an amended withholding report under section 422.16 if one was originally required to be filed.

(4) Pay any additional amount under this title that would have been due had the final federal partnership adjustments been reported properly as required, including any applicable penalty and interest.

c. Unless a partnership or tiered partner paid an amount on behalf of the partners pursuant to subsection 5, each indirect partner shall do all of the following:

(1) Within ninety days after the time for filing and furnishing statements to tiered partners and their partners as established by section 6226 of the Internal Revenue Code and the regulations thereunder, file a completed federal adjustments report.

(2) If the indirect partner is a tiered partner, within ninety days after the time for filing and furnishing statements to tiered partners and their partners as established by section 6226 of the Internal Revenue Code and the regulations thereunder but within sufficient time for all indirect partners to also complete the requirements of this subsection, notify all of the partners that hold an interest directly in the tiered partner of such partner’s distributive share of the adjustments in the manner and form prescribed by the department by rule.

(3) Within ninety days after the time for filing and furnishing statements to tiered partners and their partners as established by section 6226 of the Internal Revenue Code and the regulations thereunder, if the indirect partner is a tiered partner and subject to section 422.13, file an amended composite return under section 422.13 if such return was originally filed, and if applicable for withholding from partners, file an amended withholding report under section 422.16 if one was originally required to be filed.

(4) Within ninety days after the time for filing and furnishing statements to tiered partners and the partners of the tiered partners as established by section 6226 of the Internal Revenue Code and the regulations thereunder, pay any additional amount due under this title, including any penalty and interest that would have been due had the final federal partnership adjustments been reported properly as required.

5. *Election for partnership or tiered partners to pay.*

a. An audited partnership, or a tiered partner that receives a notification of a final federal partnership adjustment under subsection 4, may make an election to pay as provided under this subsection.

b. An audited partnership or tiered partner makes an election to pay under this subsection by filing a completed federal adjustments report, notifying the department in the manner and form prescribed by the department that it is making the election under this subsection, notifying each of the direct partners of such partner's distributive share of the adjustments, and paying on behalf of its partners an amount calculated in paragraph "c", including any applicable penalty and interest. These requirements shall all be fulfilled within one of the following time periods:

(1) For the audited partnership, no later than ninety days after the final determination date of the audited partnership.

(2) For a direct tiered partner, no later than one hundred eighty days after the final determination date of the audited partnership.

(3) For an indirect tiered partner, within ninety days after the time for filing and furnishing statements to a tiered partner and the partner of the tiered partner, as established by section 6226 of the Internal Revenue Code and the regulations thereunder.

c. The amount due under this subsection from an audited partnership or tiered partner shall be calculated as follows:

(1) Exclude from final federal partnership adjustments and any positive reallocation adjustments the distributive share of such adjustments reported to an exempt partner that holds an interest directly in the audited partnership if the audited partnership is making the election or that holds an interest directly in the tiered partner if the tiered partner is making the election, but only to the extent the distributive share is not unrelated business income.

(2) Determine the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to corporate partners, and to exempt partners to the extent the distributive share is unrelated business income, and allocate and apportion such adjustments as provided in section 422.33 at the partnership or tiered partner level, and multiply the resulting amount by the maximum state corporate income tax rate pursuant to section 422.33 for the reviewed year.

(3) Determine the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to nonresident individual partners and nonresident fiduciary partners and allocate and apportion such adjustments as provided in section 422.33 at the partnership or tiered partner level, and multiply the resulting amount by the maximum individual income tax rate pursuant to section 422.5A for the reviewed year.

(4) For the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to tiered partners:

(a) Determine the amount of such adjustments which are of a type that would be subject to sourcing to Iowa under section 422.8, subsection 2, paragraph "a", as a nonresident, and then determine the portion of this amount that would be sourced to Iowa under those provisions as if the tiered partner were a nonresident.

(b) Determine the amount of such adjustments which are of a type that would not be subject to sourcing to Iowa under section 422.8, subsection 2, paragraph "a", as a nonresident.

(c) Determine the portion of the amount in subparagraph division (b) that can be established, as prescribed by the department by rule, to be properly allocable to indirect partners that are nonresident partners or other partners not subject to tax on the adjustments.

(d) Multiply the total of the amounts determined in subparagraph divisions (a) and (b), reduced by any amount determined in subparagraph division (c), by the highest individual income tax rate pursuant to section 422.5A for the reviewed year.

(5) For the total distributive share of all final federal partnership adjustments and positive reallocation adjustments as modified by this title that are reported to resident individual partners and resident fiduciary partners, multiply that amount by the highest individual income tax rate pursuant to section 422.5A for the reviewed year.

(6) Total the amounts computed pursuant to subparagraphs (2) through (5) and calculate any interest and penalty as provided under this title. Notwithstanding any provision of law to the contrary, interest and penalties on the amount due by the audited partnership or tiered partner shall be computed from the day after the due date of the reviewed year return without extension, and shall be imposed as if the audited partnership or tiered partner was required to pay tax or show tax due on the original return for the reviewed year.

d. Adjustments subject to the election in this subsection do not include any adjustments arising from an administrative adjustment request.

e. An audited partnership or tiered partner not otherwise subject to any reporting or payment obligation to Iowa that makes an election under this subsection consents to be subject to the Iowa laws related to reporting, assessment, collection, and payment of Iowa tax, interest, and penalties calculated under the election.

6. *Modified reporting and payment method.* The department may adopt procedures for an audited partnership or tiered partner to enter into an agreement with the department to use an alternative reporting and payment method, including applicable time requirements or any other provision of this section. The audited partnership or tiered partner must demonstrate that the requested method will reasonably provide for the reporting and payment of taxes, penalties, and interest due under the provisions of this section. Application for approval of an alternative reporting and payment method must be made by the audited partnership or tiered partner within the time for making an election to pay under subsection 5 and in the manner prescribed by the department. Approval of such an alternative reporting and payment method shall be at the discretion of the department.

7. *Effect of election by partnership or tiered partner and payment of amount due.*

a. The election made under subsection 5 is irrevocable, unless in the discretion of the director, the director determines otherwise.

b. The amount determined in subsection 5, when properly reported and paid by the audited partnership or tiered partner, shall be treated as paid on behalf of the partners of such audited partnership or tiered partner on the same final federal partnership adjustments, provided, however, that no partner may take any deduction or credit for the amount, claim a refund of the amount, or include the amount on such partner's Iowa return in any manner.

c. In the event another state offers to an audited partnership or tiered partner a similar election to pay state tax resulting from final federal partnership adjustments, nothing in this subsection shall prohibit a resident who holds an interest directly in that audited partnership or tiered partner, as the case may be, from claiming a credit for taxes paid by the resident to another state under section 422.8, subsection 1, for any amounts paid by the audited partnership or tiered partner on such resident partner's behalf to another state, provided such payment otherwise meets the requirements of section 422.8, subsection 1.

d. Nothing in this section shall prohibit the department from assessing direct partners and indirect partners for taxes they owe in the event that an audited partnership or tiered partner fails to timely make any report or payment required by this section for any reason.

8. *Assessments of additional Iowa income tax, interest, and penalties, and claims for refund, arising from final federal partnership adjustments.*

a. The department shall assess additional Iowa income tax, interest, and penalties arising from final federal partnership adjustments in the same manner as provided in this title unless a different treatment is provided by this subsection. Since final federal partnership adjustments are determined at the audited partnership level, any assessment issued to partners shall not be appealable by the partner. The department may assess any taxes, including on-behalf-of amounts, interest, and penalties arising from the final federal partnership adjustments if it issues a notice of assessment to the audited partnership, tiered partner, or other direct or indirect partner on or before the expiration of the applicable limitations period specified in section 422.25.

b. In addition to the period for claiming a refund or credit provided in section 422.73, subsection 1, paragraph "a", and notwithstanding section 422.73, subsection 1, paragraph

“b”, a partnership, tiered partner, or other direct or indirect partner, as the case may be, may file a claim for refund of Iowa income tax arising directly or indirectly from a final federal partnership adjustment arising from a partnership level audit on or before the date which is one year from the date the federal adjustments report for that final federal partnership adjustment was required to be filed by such person under this section.

9. *Rules.* The department may adopt any rules pursuant to chapter 17A to implement this section.

Sec. 65. **NEW SECTION. 422.25B State partnership representative.**

1. As used in this section, all words and phrases defined in section 422.25A shall have the same meaning given them by that section.

2. The state partnership representative for the reviewed year for a partnership shall be the partnership’s federal partnership representative with respect to an action required or permitted to be taken by a state partnership representative under this chapter for a reviewed year, unless the partnership designates in writing another person as the state partnership representative as provided in subsection 3. The state partnership representative for the reviewed year for a pass-through entity is the person designated in subsection 3.

3. The department may establish reasonable qualifications for a person to be a state partnership representative. If a partnership desires to designate a person other than the federal partnership representative, the partnership shall designate such person in the manner and form prescribed by the department. A pass-through entity shall designate a person as the state partnership representative in the manner and form prescribed by the department. A partnership or pass-through entity shall be allowed to change such designation by notifying the department at the time the change occurs in the manner and form prescribed by the department.

4. The department may adopt any rules pursuant to chapter 17A to implement this section.

Sec. 66. **NEW SECTION. 422.25C Partnership and pass-through entity audits and examinations — consistent treatment of entity-level items — binding actions — amended returns.**

1. As used in this section, all words and phrases defined in section 422.25A shall have the same meaning given them by that section.

2. For tax years beginning on or after January 1, 2020, any adjustments to a partnership’s or pass-through entity’s items of income, gain, loss, expense, or credit, or an adjustment to such items allocated to a partner that holds an interest in a partnership or pass-through entity for the reviewed year by the department as a result of a state partnership audit, shall be determined at the partnership level or pass-through entity level in the same manner as provided by section 6221(a) of the Internal Revenue Code and the regulations thereunder unless a different treatment is specifically provided in this title. The provisions of sections 6222, 6223, and 6227 of the Internal Revenue Code and the regulations thereunder shall also apply to a partnership or pass-through entity and its direct or indirect partners in the same manner as provided in such sections unless a different treatment is specifically provided in this title. For purposes of applying such sections, due account shall be made for differences in federal and Iowa terminology. The adjustment provided by section 6221(a) of the Internal Revenue Code shall be determined as provided in such section but shall be based on Iowa taxable income or other tax attributes of the partnership as determined pursuant to this chapter for the reviewed year. The department shall issue a notice of adjustment to the partnership or pass-through entity. Such notice shall be treated as an assessment for the purposes of section 422.25, and the notice shall be appealable by the partnership or pass-through entity pursuant to sections 422.28 and 422.29 and shall be issued within the time period provided by section 422.25. Once the adjustments to partnership-related or pass-through entity-related items or reallocations of income, gains, losses, expenses, credits, and other attributes among such partners for the reviewed year are finally determined, the partnership or pass-through entity and any direct partners or indirect partners shall then be subject to the provisions of section 422.25, subsection 1, paragraph “e”, and section 422.25A in the same manner as if the state partnership audit were a federal partnership level audit, and as if the final state partnership audit adjustment were a final federal partnership

adjustment. The penalty exceptions in section 421.27, subsection 2, paragraphs “b” and “c”, shall not apply to a state partnership audit.

3. The state partnership representative for the reviewed year as determined under section 422.25B shall have the sole authority to act on behalf of the partnership or pass-through entity with respect to an action required or permitted to be taken by a partnership or pass-through entity under this section, including proceedings under section 422.28 or 422.29, and the partnership’s or pass-through entity’s direct partners and indirect partners shall be bound by those actions.

4. If the department, the partnership or pass-through entity, and the partnership or pass-through entity owners agree, the provisions of this section may be applied to tax years beginning before January 1, 2020.

5. The department may adopt rules pursuant to chapter 17A to implement this section.

Sec. 67. Section 422.35, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 26. Any income subtracted from federal taxable income for an adjustment year pursuant to section 6225 of the Internal Revenue Code and the regulations thereunder shall be added back in computing net income for state tax purposes for the adjustment year.

Sec. 68. Section 422.39, Code 2020, is amended by striking the section and inserting in lieu thereof the following:

422.39 Statutes applicable to corporations and corporation tax.

All the provisions of sections 422.24 through 422.27 of division II, respecting payment, collection, reporting, examination, and assessment, shall apply in respect to a corporation subject to the provisions of this division and to the tax due and payable by a corporation taxable under this division. This includes but is not limited to a corporation that is a pass-through entity as defined in section 422.25A.

Sec. 69. Section 422.73, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 01. For purposes of this section, “*federal adjustment*”, “*final determination date*”, and “*final federal adjustment*” all mean the same as defined in section 422.25.

Sec. 70. Section 422.73, subsections 1 and 3, Code 2020, are amended to read as follows:

1. a. If it appears that an amount of tax, penalty, or interest has been paid which was not due under division II, III or V of this chapter, then that amount shall be credited against any tax due on the books of the department by the person who made the excessive payment, or that amount shall be refunded to the person or with the person’s approval, credited to tax to become due. A claim for refund or credit that has not been filed with the department within three years after the return upon which a refund or credit claimed became due, or within one year after the payment of the tax upon which a refund or credit is claimed was made, whichever time is the later, shall not be allowed by the director. If, as a result of a carryback of a net operating loss or a net capital loss, the amount of tax in a prior period is reduced and an overpayment results, the claim for refund or credit of the overpayment shall be filed with the department within the three years after the return for the taxable year of the net operating loss or net capital loss became due.

b. Notwithstanding the period of limitation specified in paragraph “a”, the taxpayer shall have ~~six months~~ one year from the ~~day of final disposition~~ final determination date of any ~~income tax matter between the taxpayer and the internal revenue service~~ final federal adjustment arising from an internal revenue service audit or other similar action by the internal revenue service with respect to the particular tax year to claim an income tax refund or credit arising from that final federal adjustment.

3. The department shall enter into an agreement with the internal revenue service for the transmission of federal income tax reports on individuals required to file an Iowa income tax return who have been involved in an income tax matter with the internal revenue service. After ~~final disposition~~ the final determination date of the income tax matter ~~that involves a final federal adjustment~~ between the taxpayer and the internal revenue service, the department shall determine whether the individual is due a state income tax refund as

a result of ~~that final disposition of federal adjustment from~~ such income tax matter. If the individual is due a state income tax refund, the department shall notify the individual within thirty days and request the individual to file a claim for refund or credit with the department.

Sec. 71. APPLICABILITY. This division of this Act applies to federal adjustments and federal partnership adjustments that have a final determination date after the effective date of this division of this Act.

DIVISION VI SETOFF PROCEDURES — RULEMAKING — EFFECTIVE DATE

Sec. 72. RULES. The following applies to 2020 Iowa Acts, House File 2565,¹ if enacted: The department of revenue shall adopt rules governing setoffs that occur during the transition from the department of administrative services to the department of revenue.

Sec. 73. 2020 Iowa Acts, House File 2565,² section 28, if enacted, is amended to read as follows:

SEC. 28. EFFECTIVE DATE. This Act takes effect on the later of January 1, 2021, or the effective date of the rules adopted by the department of revenue pursuant to chapter 17A implementing this Act other than transitional rules.

Sec. 74. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VII MARRIED TAXPAYERS — JOINT LIABILITY

Sec. 75. Section 422.21, subsection 7, Code 2020, is amended to read as follows:

7. If married taxpayers file a joint return or file separately on a combined return in accordance with rules prescribed by the director, both spouses are jointly and severally liable for the total tax due on the return, except when one spouse is ~~considered to be an innocent spouse eligible for relief~~ under criteria established pursuant to section 6015 of the Internal Revenue Code. The department may notify the nonrequesting spouse or former spouse and permit, by rule, the intervention of a nonrequesting spouse or former spouse when relief from joint and several liability is requested.

Sec. 76. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION VIII BUSINESS INTEREST EXPENSE DEDUCTION AND GLOBAL INTANGIBLE LOW-TAXED INCOME

Sec. 77. Section 422.7, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 59. a. Section 163(j) of the Internal Revenue Code does not apply in computing net income for state tax purposes. If the taxpayer's federal adjusted gross income for the tax year was increased or decreased by reason of the application of section 163(j) of the Internal Revenue Code, the taxpayer shall recompute net income for state tax purposes under rules prescribed by the director.

b. Paragraph "a" shall not apply during any tax year in which the additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code applies in computing net income for state tax purposes.

c. For any tax year in which paragraph "a" does not apply, a taxpayer shall not be permitted to deduct any amount of interest expense paid or accrued in a previous taxable year that is allowed as a deduction in the current taxable year by reason of the carryforward of disallowed

¹ Chapter 1064 herein

² Chapter 1064 herein

business interest provisions of section 163(j)(2) of the Internal Revenue Code, if either of the following apply:

(1) The interest expense was originally paid or accrued during a tax year in which paragraph “a” applied.

(2) The interest expense was originally paid or accrued during a tax year in which the taxpayer was not required to file an Iowa return.

Sec. 78. Section 422.35, Code 2020, is amended by adding the following new subsections:

NEW SUBSECTION. 26. a. Section 163(j) of the Internal Revenue Code does not apply in computing net income for state tax purposes. If the taxpayer’s federal taxable income for the tax year was increased or decreased by reason of the application of section 163(j) of the Internal Revenue Code, the taxpayer shall recompute net income for state tax purposes under rules prescribed by the director.

b. Paragraph “a” shall not apply during any tax year in which the additional first-year depreciation allowance authorized in section 168(k) of the Internal Revenue Code applies in computing net income for state tax purposes.

c. For any tax year in which paragraph “a” does not apply, a taxpayer shall not be permitted to deduct any amount of interest expense paid or accrued in a previous taxable year that is allowed as a deduction in the current taxable year by reason of the carryforward of disallowed business interest provisions of section 163(j)(2) of the Internal Revenue Code, if either of the following apply:

(1) The interest expense was originally paid or accrued during a tax year in which paragraph “a” applied.

(2) The interest expense was originally paid or accrued during a tax year in which the taxpayer was not required to file an Iowa return.

NEW SUBSECTION. 27. Subtract, to the extent included, global intangible low-taxed income under section 951A of the Internal Revenue Code.

Sec. 79. RESCISSION OF ADMINISTRATIVE RULES.

1. Contingent upon the enactment of the section of this Act amending section 422.35, subsection 27, the following Iowa administrative rules are rescinded:

a. 701 Iowa administrative code, rule 54.2, subrule 3, paragraph “i”.

b. 701 Iowa administrative code, rule 59.28, subrule 2, paragraph “p”.

2. As soon as practicable, the Iowa administrative code editor shall remove the language of the Iowa administrative rules referenced in subsection 1 of this section from the Iowa administrative code.

Sec. 80. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 81. RETROACTIVE APPLICABILITY. The following applies retroactively to January 1, 2019, for tax years beginning on or after that date:

The portion of the section of this division of this Act enacting section 422.35, subsection 27.

Sec. 82. RETROACTIVE APPLICABILITY. The following apply retroactively to January 1, 2020 for tax years beginning on or after that date:

1. The section of this division of this Act enacting section 422.7, subsection 59.

2. The portion of the section of this division of this Act enacting section 422.35, subsection 26.

DIVISION IX IOWA REINVESTMENT ACT

Sec. 83. Section 15J.2, subsections 4, 7, 8, and 9, Code 2020, are amended to read as follows:

4. “*District*” means the area within a municipality that is designated a reinvestment district pursuant to section 15J.4.

7. “*Municipality*” means a county or an incorporated city, any of the following:

a. A county.

b. An incorporated city.

c. A joint board or other legal entity established or designated in an agreement between two or more contiguous municipalities identified in paragraph “a” or “b” pursuant to chapter 28E.

8. a. “New lessor” means a lessor, as defined in section 423A.2, operating a business in the district that was not in operation in the area of the district before the effective date of the ordinance or resolution establishing the district, regardless of ownership.

b. “New lessor” also includes any lessor, defined in section 423A.2, operating a business in the district if the place of business for that business is the subject of a project that was approved by the board.

9. a. “New retail establishment” means a business operated in the district by a retailer, as defined in section 423.1, that was not in operation in the area of the district before the effective date of the ordinance or resolution establishing the district, regardless of ownership.

b. “New retail establishment” also includes any business operated in the district by a retailer, as defined in section 423.1, if the place of business for that retail establishment is the subject of a project that was approved by the board.

Sec. 84. Section 15J.4, subsection 1, unnumbered paragraph 1, Code 2020, is amended to read as follows:

A municipality that has an area suitable for development within the boundaries of the municipality or within the combined boundaries of a municipality under section 15J.2, subsection 7, paragraph “c”, is eligible to seek approval from the board to establish a reinvestment district under this section consisting of the area suitable for development. To be designated a reinvestment district, an area shall meet the following requirements:

Sec. 85. Section 15J.4, subsection 1, paragraphs c and d, Code 2020, are amended to read as follows:

c. The For districts approved before July 1, 2018, the area consists of contiguous parcels and does not exceed twenty-five acres in total. For districts approved on or after July 1, 2020, the area consists of contiguous parcels and does not exceed seventy-five acres in total.

d. For a municipality that is a city or for a city that is party to an agreement under section 15J.2, subsection 7, paragraph “c”, the area does not include the entire incorporated area of the city.

Sec. 86. Section 15J.4, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. The municipality shall submit a copy of the resolution, the proposed district plan, and all accompanying materials adopted pursuant to this section to the board for evaluation. The board shall not approve a proposed district plan on or after July 1, 2018 2025.

Sec. 87. Section 15J.4, subsection 3, paragraph b, subparagraph (6), Code 2020, is amended to read as follows:

(6) The amount of proposed capital investment within the proposed district related to retail businesses in the proposed district does not exceed fifty percent of the total capital investment for all proposed projects in the proposed district plan. For the purposes of this subparagraph, “*retail business*” means any business engaged in the business of selling tangible personal property or taxable services at retail in this state that is obligated to collect state sales or use tax under chapter 423. However, for the purposes of this subparagraph, “*retail business*” does not include a new lessor or a business engaged in an activity subject to tax under section 423.2, subsection 3.

Sec. 88. Section 15J.4, subsection 3, paragraph f, Code 2020, is amended to read as follows:

f. (1) The total aggregate amount of state sales tax revenues and state hotel and motel tax revenues that may be approved by the board for remittance to all municipalities and that may be transferred to the state reinvestment district fund under section 423.2A or 423A.6, and

remitted to all municipalities having a reinvestment district under this chapter for districts approved by the board before July 1, 2018, shall not exceed one hundred million dollars.

(2) The total aggregate amount of state sales tax revenues and state hotel and motel tax revenues that may be approved by the board for remittance to all municipalities and that may be transferred to the state reinvestment district fund under section 423.2A or 423A.6, and remitted to all municipalities having a reinvestment district under this chapter for districts approved on or after July 1, 2020, but before July 1, 2025, shall not exceed one hundred million dollars.

Sec. 89. Section 15J.4, subsections 4 and 5, Code 2020, are amended to read as follows:

4. a. Upon receiving the approval of the board, the municipality may shall adopt an ordinance, or in the case of a municipality under section 15J.2, subsection 7, paragraph "c", a resolution, establishing the district and shall notify the director of revenue of the district's commencement date established by the board and the information required under paragraph "b" no later than thirty days after adoption of the ordinance or resolution.

b. For each district approved by the board on or after July 1, 2020, the municipality shall include in the notification under paragraph "a" and in the statement required under paragraph "c" all of the following:

(1) For each new retail establishment under section 15J.2, subsection 9, paragraph "b", that was in operation before the establishment of the district, the monthly amount of sales subject to the state sales tax from the most recently available twelve-month period preceding the establishment of the district.

(2) For each new lessor under section 15J.2, subsection 8, paragraph "b", that was in operation before the establishment of the district, the monthly amount of sales subject to the state hotel and motel tax from the most recently available twelve-month period preceding the establishment of the district.

c. The ordinance or resolution adopted by the municipality shall include the district's commencement date and a detailed statement of the manner in which the approved projects to be undertaken in the district will be financed, including but not limited to the financial information included in the project plan under subsection 2, paragraph "d".

d. Following establishment of the district, a municipality may use the moneys deposited in the municipality's reinvestment project fund created pursuant to section 15J.7 to fund the development of those projects included within the district plan.

5. A municipality may amend the district plan to add or modify projects. However, a proposed modification to a project and each project proposed to be added shall first be approved by the board in the same manner as provided for the original plan. In no case, however, shall an amendment to the district plan result in the extension of the commencement date established by the board. If a district plan is amended to add or modify a project, the municipality shall, if necessary, amend the ordinance or resolution, as applicable, if necessary, to reflect any changes to the financial information required to be included under subsection 4.

Sec. 90. Section 15J.5, subsection 1, paragraph b, Code 2020, is amended to read as follows:

b. (1) The For districts established before July 1, 2020, the amount of new state sales tax revenue for purposes of paragraph "a" shall be the product of the amount of sales subject to the state sales tax in the district during the quarter from new retail establishments times four percent.

(2) For districts established on or after July 1, 2020, the amount of new state sales tax revenue for purposes of paragraph "a" shall be the product of four percent times the remainder of amount of sales subject to the state sales tax in the district during the quarter from new retail establishments minus the sum of the sales from the corresponding quarter of the twelve-month period determined under section 15J.4, subsection 4, paragraph "b", subparagraph (1), for new retail establishments identified under section 15J.4, subsection 4, paragraph "b", subparagraph (1), that were in operation at the end of the quarter.

Sec. 91. Section 15J.5, subsection 2, paragraph b, Code 2020, is amended to read as follows:

b. (1) The For districts established before July 1, 2020, the amount of new state hotel and motel tax revenue for purposes of paragraph “a” shall be the product of the amount of sales subject to the state hotel and motel tax in the district during the quarter from new lessors times the state hotel and motel tax rate imposed under section 423A.3.

(2) For districts established on or after July 1, 2020, the amount of new state hotel and motel tax revenue for purposes of paragraph “a” shall be the product of the state hotel and motel tax rate imposed under section 423A.3 times the remainder of amount of sales subject to the state hotel and motel tax in the district during the quarter from new lessors minus the sum of the sales from the corresponding quarter of the twelve month period determined under section 15J.4, subsection 4, paragraph “b”, subparagraph (2), for new lessors identified under section 15J.4, subsection 4, paragraph “b”, subparagraph (2), that were in operation at the end of the quarter.

Sec. 92. Section 15J.7, subsection 4, paragraph b, Code 2020, is amended to read as follows:

b. For the purposes of this subsection, “relocation” means the closure or substantial reduction of an enterprise’s existing operations in one area of the state and the initiation of substantially the same operation in the same county or a contiguous county in the state. However, if the initiation of operations includes an expanded scope or nature of the enterprise’s existing operations, the new operation shall not be considered to be substantially the same operation. “Relocation” does not include an enterprise expanding its operations in another area of the state provided that existing operations of a similar nature are not closed or substantially reduced.

Sec. 93. Section 15J.7, subsection 6, Code 2020, is amended to read as follows:

6. Upon dissolution of a district pursuant to section 15J.8, moneys remaining in the reinvestment project fund that were deposited pursuant to subsection 2 and all interest remaining in the fund that was earned on such amounts shall be deposited in the general fund of the municipality or, for a municipality under section 15J.2, subsection 7, paragraph “c”, the governing body shall allocate such amounts to the participating cities and counties for deposit in each city or county general fund according to the chapter 28E agreement.

Sec. 94. Section 15J.8, Code 2020, is amended to read as follows:

15J.8 End of deposits — district dissolution.

1. As of the date twenty years after the district’s commencement date, the department shall cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district’s account within the fund, unless the municipality dissolves the district by ordinance or resolution prior to that date. Following the expiration of the twenty-year period, the district shall be dissolved by ordinance or resolution of the municipality adopted within twelve months of the conclusion of the twenty-year period.

2. If the municipality dissolves the district by ordinance or resolution prior to the expiration of the twenty-year period specified in subsection 1, the municipality shall notify the director of revenue of the dissolution as soon as practicable after adoption of the ordinance or resolution, and the department shall, as of the effective date of dissolution, cease to deposit state sales tax revenues and state hotel and motel tax revenues into the district’s account within the fund.

3. Upon request of the municipality prior to the dissolution of the district, and following a determination by the board that the amounts of new state sales tax revenue and new state hotel and motel tax revenue deposited in the municipality’s reinvestment project fund under section 15J.7 are substantially lower than the amounts established by the board under section 15J.4, subsection 3, paragraph “e”, the board may extend the district’s twenty-year period of time for depositing and receiving revenues under this chapter by up to five additional years if such an extension is in the best interest of the public.

DIVISION X
COMPUTER PERIPHERALS

Sec. 95. Section 423.1, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 10A. “*Computer peripheral*” means an ancillary device connected to the computer digitally, by cable, or by other medium, used to put information into or get information out of a computer.

Sec. 96. Section 423.3, subsection 47, Code 2020, is amended to read as follows:

47. *a.* The sales price from the sale or rental of computers, computer peripherals, machinery, equipment, replacement parts, supplies, and materials used to construct or self-construct computers, computer peripherals, machinery, equipment, replacement parts, and supplies, if such items are any of the following:

(1) Directly and primarily used in processing by a manufacturer.

(2) Directly and primarily used to maintain the integrity of the product or to maintain unique environmental conditions required for either the product or the computers, computer peripherals, machinery, and equipment used in processing by a manufacturer, including test equipment used to control quality and specifications of the product.

(3) Directly and primarily used in research and development of new products or processes of processing.

(4) Computers and computer peripherals used in processing or storage of data or information by an insurance company, financial institution, or commercial enterprise.

(5) Directly and primarily used in recycling or reprocessing of waste products.

(6) Pollution-control equipment used by a manufacturer, including but not limited to that required or certified by an agency of this state or of the United States government.

b. The sales price from the sale of fuel used in creating heat, power, steam, or for generating electrical current, or from the sale of electricity, consumed by computers, computer peripherals, machinery, or equipment used in an exempt manner described in paragraph “*a*”, subparagraph (1), (2), (3), (5), or (6).

c. The sales price from the sale or rental of the following shall not be exempt from the tax imposed by this subchapter:

(1) Hand tools.

(2) Point-of-sale equipment, ~~and computers, and computer peripherals.~~

(3) The following within the scope of section 427A.1, subsection 1, paragraphs “*h*” and “*i*”:

(a) Computers.

(b) Computer peripherals.

~~(c) Machinery.~~

~~(d) Equipment, including pollution control equipment.~~

~~(e) Replacement parts.~~

~~(f) Supplies.~~

~~(g) Materials used to construct or self-construct the following:~~

~~(i) Computers.~~

(ii) Computer peripherals.

~~(iii) Machinery.~~

~~(iv) Equipment, including pollution control equipment.~~

~~(v) Replacement parts.~~

~~(vi) Supplies.~~

(4) Vehicles subject to registration, except vehicles subject to registration which are directly and primarily used in recycling or reprocessing of waste products.

d. As used in this subsection:

(1) “*Commercial enterprise*” means businesses and manufacturers conducted for profit, for-profit and nonprofit insurance companies, and for-profit and nonprofit financial institutions, but excludes other nonprofits and professions and occupations.

(2) “*Financial institution*” means as defined in section 527.2.

(3) “*Insurance company*” means an insurer organized or operating under chapter 508, 514, 515, 518, 518A, 519, or 520, or authorized to do business in Iowa as an insurer or an insurance producer under chapter 522B.

(4) (a) “*Manufacturer*” means a business that primarily purchases, receives, or holds personal property of any description for the purpose of adding to its value by a process of manufacturing with a view to selling the property for gain or profit.

(b) “*Manufacturer*” includes contract manufacturers. A contract manufacturer is a manufacturer that otherwise falls within the definition of manufacturer, except that a contract manufacturer does not sell the tangible personal property the contract manufacturer processes on behalf of other manufacturers.

(c) “*Manufacturer*” does not include persons who are not commonly understood as manufacturers, including but not limited to persons primarily engaged in any of the following activities:

(i) Construction contracting.

(ii) Repairing tangible personal property or real property.

(iii) Providing health care.

(iv) Farming, including cultivating agricultural products and raising livestock.

(v) Transporting for hire.

(d) For purposes of this subparagraph:

(i) “*Business*” means those businesses conducted for profit, but excludes professions and occupations and nonprofit organizations.

(ii) “*Manufacturing*” means those activities commonly understood within the ordinary meaning of the term, and shall include:

(A) Refining.

(B) Purifying.

(C) Combining of different materials.

(D) Packing of meats.

(E) Activities subsequent to the extractive process of quarrying or mining, such as crushing, washing, sizing, or blending of aggregate materials.

(iii) “*Manufacturing*” does not include activities occurring on premises primarily used to make retail sales.

(5) “*Processing*” means a series of operations in which materials are manufactured, refined, purified, created, combined, or transformed by a manufacturer, ultimately into tangible personal property. Processing encompasses all activities commencing with the receipt or producing of raw materials by the manufacturer and ending at the point products are delivered for shipment or transferred from the manufacturer. Processing includes but is not limited to refinement or purification of materials; treatment of materials to change their form, context, or condition; maintenance of the quality or integrity of materials, components, or products; maintenance of environmental conditions necessary for materials, components, or products; quality control activities; and construction of packaging and shipping devices, placement into shipping containers or any type of shipping devices or medium, and the movement of materials, components, or products until shipment from the processor.

(6) “*Receipt or producing of raw materials*” means activities performed upon tangible personal property only. With respect to raw materials produced from or upon real estate, the receipt or producing of raw materials is deemed to occur immediately following the severance of the raw materials from the real estate.

(7) “*Replacement part*” means tangible personal property other than computers, computer peripherals, machinery, equipment, or supplies, regardless of the cost or useful life of the tangible personal property, that meets all of the following conditions:

(a) The tangible personal property replaces a component of a computer, computer peripheral, machinery, or equipment, which component is capable of being separated from the computer, computer peripheral, machinery, or equipment.

(b) The tangible personal property performs the same or similar function as the component it replaced.

(c) The tangible personal property restores the computer, computer peripheral, machinery, or equipment to an operational condition, or upgrades or improves the efficiency of the computer, computer peripheral, machinery, or equipment.

(8) “*Supplies*” means tangible personal property, other than computers, computer peripherals, machinery, equipment, or replacement parts, that meets one of the following conditions:

(a) The tangible personal property is to be connected to a computer, computer peripheral, machinery, or equipment and requires regular replacement because the property is consumed or deteriorates during use, including but not limited to saw blades, drill bits, filters, and other similar items with a short useful life.

(b) The tangible personal property is used in conjunction with a computer, computer peripheral, machinery, or equipment and is specially designed for use in manufacturing specific products and may be used interchangeably and intermittently on a particular computer, computer peripheral, machine, or piece of equipment, including but not limited to jigs, dies, tools, and other similar items.

(c) The tangible personal property comes into physical contact with other tangible personal property used in processing and is used to assist with or maintain conditions necessary for processing, including but not limited to cutting fluids, oils, coolants, lubricants, and other similar items with a short useful life.

(d) The tangible personal property is directly and primarily used in an activity described in paragraph “a”, subparagraphs (1) through (6), including but not limited to prototype materials and testing materials.

Sec. 97. RESCISSION OF ADMINISTRATIVE RULES.

1. The following Iowa administrative rules are rescinded as of July 1, 2020:

- a. 701 Iowa administrative code, rule 18.34, subrule 1, paragraph “b”, subparagraph (1).
- b. 701 Iowa administrative code, rule 18.45, subrule 1, definition of “computer”.
- c. 701 Iowa administrative code, rule 18.58, subrule 1, definition of “computer”.
- d. 701 Iowa administrative code, rule 230.14, subrule 2, paragraph “a”.

2. As soon as practicable after July 1, 2020, the Iowa administrative code editor shall remove the language of the Iowa administrative rules referenced in subsection 1 of this section from the Iowa administrative code.

DIVISION XI SCHOOL TUITION ORGANIZATION TAX CREDIT

Sec. 98. Section 422.11S, subsection 8, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) (a) “*Total approved tax credits*” means for the 2006 calendar year, two million five hundred thousand dollars, for the 2007 calendar year, five million dollars, for calendar years beginning on or after January 1, 2008, but before January 1, 2012, seven million five hundred thousand dollars, for calendar years beginning on or after January 1, 2012, but before January 1, 2014, eight million seven hundred fifty thousand dollars, for calendar years beginning on or after January 1, 2014, but before January 1, 2019, twelve million dollars, and for calendar years beginning on or after January 1, 2019, but before January 1, 2020, thirteen million dollars, and for calendar years beginning on or after January 1, 2020, fifteen million dollars.

(b) (i) During any calendar year beginning on or after January 1, 2022, if the amount of awarded tax credits from the preceding calendar year are equal to or greater than ninety percent of the total approved tax credits for the current calendar year, the total approved tax credits for the current calendar year shall equal the product of ten percent multiplied by the total approved tax credits for the current calendar year plus the total approved tax credits for the current calendar year.

(ii) If total approved tax credits are recomputed pursuant to subparagraph subdivision (i), the total approved tax credits shall equal the previous total approved tax credits recomputed pursuant to subparagraph subdivision (i) for purposes of future recomputations under subparagraph subdivision (i), provided that the maximum total approved tax credits recomputed pursuant to this subparagraph division (b) shall not exceed twenty million dollars in a calendar year.

Sec. 99. Section 422.33, subsection 28, Code 2020, is amended to read as follows:

28. The taxes imposed under this division shall be reduced by a school tuition organization tax credit allowed under section 422.11S. ~~The maximum amount of tax credits that may be approved under this subsection for a tax year equals twenty-five percent of the school tuition~~

~~organization's tax credits that may be approved pursuant to section 422.11S, subsection 8, for a tax year.~~

DIVISION XII BROADBAND INFRASTRUCTURE TAXATION

Sec. 100. Section 422.7, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 18. *a.* Subtract, to the extent included, the amount of a federal, state, or local grant provided to a communications service provider, if the grant is used to install broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds.

b. As used in this subsection, “*broadband infrastructure*”, “*communications service provider*”, and “*targeted service area*” mean the same as defined in section 8B.1, respectively.

Sec. 101. Section 422.35, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 26. *a.* Subtract, to the extent included, the amount of a federal, state, or local grant provided to a communications service provider, if the grant is used to install broadband infrastructure that facilitates broadband service in targeted service areas at or above the download and upload speeds.

b. As used in this subsection, “*broadband infrastructure*”, “*communications service provider*”, and “*targeted service area*” mean the same as defined in section 8B.1, respectively.

Sec. 102. REFUNDS. Refunds of taxes, interest, or penalties that arise from claims resulting from the enactment of this division of this Act, in the tax year beginning January 1, 2019, but before January 1, 2020, shall not be allowed unless refund claims are filed prior to October 1, 2020, notwithstanding any other provision of law to the contrary.

Sec. 103. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 104. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019, and applies to tax years beginning on or after that date.

DIVISION XIII LOCAL ASSESSORS

Sec. 105. Section 441.6, subsection 2, Code 2020, is amended to read as follows:

2. Upon receipt of the report of the examining board, the chairperson of the conference board shall by written notice call a meeting of the conference board to appoint an assessor. The meeting shall be held not later than seven days after the receipt of the report of the examining board by the conference board. At the meeting, the conference board shall appoint an assessor from the register of eligible candidates. However, if a special examination has not been conducted previously for the same vacancy, the conference board may request the director of revenue to hold a special examination pursuant to section 441.7. The chairperson of the conference board shall give written notice to the director of revenue of the appointment ~~and its effective date~~ within ten days of the decision of the board.

Sec. 106. Section 441.6, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 3. The appointee selected by the conference board under subsection 2 shall not assume the office of city or county assessor until such appointment is confirmed by the director of revenue. If the director of revenue rejects the appointment, the examining board shall conduct a new examination and submit a new report to the conference board under subsection 1. The director of revenue shall adopt rules pursuant to chapter 17A to implement and administer this subsection.

Sec. 107. Section 441.17, subsection 2, Code 2020, is amended to read as follows:

2. Cause to be assessed, in accordance with section 441.21, all the property in the assessor's county or city, except property exempt from taxation, or the assessment of which is otherwise provided for by law. However, an assessor or deputy assessor shall not personally assess

a property if the person or a member of the person's immediate family owns the property, has a financial interest in the property, or has a financial interest in the entity that owns the property. The director of revenue shall adopt rules pursuant to chapter 17A to implement and administer this subsection.

Sec. 108. Section 441.41, Code 2020, is amended to read as follows:

441.41 Legal counsel.

In the case of cities having an assessor, the city legal department shall represent the assessor and board of review in all litigation dealing with assessments. In the case of counties, the county attorney shall represent the assessor and board of review in all litigation dealing with assessments. Any taxing district interested in the taxes received from such assessments may be represented by an attorney and shall be required to appear by attorney upon written request of the assessor to the presiding officer of any such taxing district. The Subject to review and prior approval by either the city legal department in the case of a city or the county attorney in the case of a county, the conference board may employ special counsel to assist the city legal department or county attorney as the case may be.

DIVISION XIV
PAYCHECK PROTECTION PROGRAM (PPP)

Sec. 109. IOWA NET INCOME EXCLUSION FOR FEDERAL PAYCHECK PROTECTION PROGRAM LOAN FORGIVENESS FOR CERTAIN FISCAL-YEAR FILERS IN TAX YEAR 2019. Notwithstanding any other provision of law to the contrary, for any tax year beginning on or after January 1, 2019, and ending after March 27, 2020, Pub. L. No. 116-136, §1106(i), applies in computing net income for state tax purposes under section 422.7 or 422.35.

Sec. 110. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XV
IOWA INCOME TAX EXCLUSION — EMERGENCY STUDENT GRANT MONEY

Sec. 111. Section 422.7, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 59. Notwithstanding any other provision of law to the contrary, any funds received by a student through a higher education institution to support the student's financial needs as a result of the COVID-19 pandemic pursuant to §§3504, 18004, or 18008 of Pub. L. No. 116-136 shall not be included in the student's Iowa net income for any tax year ending after March 27, 2020.

Sec. 112. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 113. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 27, 2020, for tax years ending on or after that date.

DIVISION XVI
IOWA INCOME TAX EXCLUSION — STIMULUS CHECKS

Sec. 114. IOWA INCOME TAX EXCLUSION FOR ECONOMIC IMPACT PAYMENTS. In determining the amount of deduction for federal income tax under section 422.9 for tax years beginning in the 2020 calendar year, the amount of the deduction for the tax year shall not be adjusted by the amount received during the tax year of the income tax rebate provided pursuant to the federal Recovery Rebates and Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, §2201, and the amount of such income tax rebate shall not be subject to taxation under chapter 422, division II.

DIVISION XVII
PRO RATA SHARE OF ENTITY-LEVEL INCOME TAX PAID BY SHAREHOLDERS OR
BENEFICIARIES

Sec. 115. Section 422.8, subsection 1, Code 2020, is amended to read as follows:

1. a. The amount of income tax paid to another state or foreign country by a resident taxpayer of this state on income derived from sources outside of Iowa shall be allowed as a credit against the tax computed under this chapter, except that the credit shall not exceed what the amount of the Iowa tax would have been on the same income which was taxed by the other state or foreign country. The limitation on this credit shall be computed according to the following formula: Income earned outside of Iowa and taxed by another state or foreign country shall be divided by the total income of the resident taxpayer of Iowa. This quotient multiplied ~~times~~ by the net Iowa tax as determined on the total income of the taxpayer as if entirely earned in Iowa shall be the maximum tax credit against the Iowa net tax.

b. (1) For purposes of paragraph "a", a resident partner of an entity taxed as a partnership for federal tax purposes, a resident shareholder of an S corporation, or a resident beneficiary of an estate or trust shall be deemed to have paid the resident partner's, resident shareholder's, or resident beneficiary's pro rata share of entity-level income tax paid by the partnership, S corporation, estate, or trust to another state or foreign country on income that is also subject to tax under this division, but only if the entity provides the resident partner, resident shareholder, or resident beneficiary a statement that documents the resident partner's, resident shareholder's, or resident beneficiary's share of the income derived in the other state or foreign country, the income tax liability of the entity in that state or foreign country, and the income tax paid by the entity to that state or foreign country.

(2) For purposes of paragraph "a", a resident shareholder of a regulated investment company shall be deemed to have paid the shareholder's pro rata share of entity-level income tax paid by the regulated investment company to another state or foreign country and treated as paid by its shareholders pursuant to section 853 of the Internal Revenue Code, but only if the regulated investment company provides the resident shareholder a statement that documents the resident shareholder's share of the income derived in the other state or foreign country, the income tax liability of the regulated investment company in that state or foreign country, and the income tax paid by the regulated investment company to that state or foreign country.

Sec. 116. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 117. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2020, for tax years beginning on or after that date.

DIVISION XVIII
IOWA SMALL BUSINESS RELIEF GRANT PROGRAM

Sec. 118. Section 422.7, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 59. Subtract, to the extent included, the amount of any financial assistance grant provided to an eligible small business by the economic development authority under the Iowa small business relief grant program created during calendar year 2020 to provide financial assistance to eligible small businesses economically impacted by the COVID-19 pandemic.

Sec. 119. Section 422.35, Code 2020, is amended by adding the following new subsection:
NEW SUBSECTION. 26. Subtract, to the extent included, the amount of any financial assistance grant provided to an eligible small business by the economic development authority under the Iowa small business relief grant program created during calendar year 2020 to provide financial assistance to eligible small businesses economically impacted by the COVID-19 pandemic.

Sec. 120. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 121. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to March 23, 2020, for tax years ending on or after that date.

DIVISION XIX
SECTION 179 EXPENSING

Sec. 122. Section 422.7, subsections 51 and 52, Code 2020, are amended by striking the subsections.

Sec. 123. Section 422.9, subsection 2, paragraph h, Code 2020, is amended to read as follows:

h. For purposes of calculating the deductions in this subsection that are authorized under the Internal Revenue Code, and to the extent that any of such deductions is determined by an individual's federal adjusted gross income, the individual's federal adjusted gross income is computed in accordance with section 422.7, subsections 39, 39A, 39B, ~~51, 52,~~ and 53.

Sec. 124. Section 422.35, subsections 14 and 15, Code 2020, are amended by striking the subsections.

Sec. 125. PRESERVATION OF EXISTING RIGHTS. The sections of this division striking section 422.7, subsections 51 and 52, and section 422.35, subsections 14 and 15, respectively, shall not limit, modify, or otherwise adversely affect a taxpayer's right to deduct for a tax year beginning on or after January 1, 2020, any amount determined under section 422.7, subsection 52, paragraph "b", subparagraph (3), Code 2020, or under section 422.35, subsection 15, paragraph "b", subparagraph (3), Code 2020, for a tax year beginning prior to January 1, 2020.

Sec. 126. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2020, for tax years beginning on or after that date.

DIVISION XX
IOWA EDUCATIONAL SAVINGS PLAN TRUST (529 PLANS)

Sec. 127. Section 12D.1, subsection 2, paragraph k, Code 2020, is amended to read as follows:

k. "*Qualified education expenses*" means the same as "*qualified higher education expenses*" as defined in section 529(e)(3) of the Internal Revenue Code, as amended by Pub. L. No. 115-97, and shall include elementary and secondary school expenses for tuition described in section 529(c)(7) of the Internal Revenue Code, subject to the limitations imposed by section 529(e)(3)(A) of the Internal Revenue Code. "*Qualified education expenses*" includes expenses for the participation in an apprenticeship program registered and certified with the United States secretary of labor under section 1 of the National Apprenticeship Act, 29 U.S.C. §50, and amounts paid as principal or interest on any qualified education loan on behalf of a beneficiary or a sibling of the beneficiary, subject to the limitations imposed by section 529(c)(9)(B) and (C) of the Internal Revenue Code.

Sec. 128. Section 12D.1, subsection 2, Code 2020, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *0l.* "*Qualified education loan*" means the same as "*qualified education loan*" as defined in section 221(d) of the Internal Revenue Code.

NEW PARAGRAPH. *0m.* "*Sibling*" means a brother, sister, stepbrother, or stepsister of the beneficiary.

Sec. 129. Section 422.7, subsection 32, paragraph c, subparagraph (1), Code 2020, is amended by adding the following new subparagraph divisions:

NEW SUBPARAGRAPH DIVISION. (d) The payment of expenses for fees, books, supplies, and equipment required for the participation of a beneficiary in an apprenticeship program.

NEW SUBPARAGRAPH DIVISION. (e) The payment of qualified education loan repayments.

Sec. 130. Section 422.7, subsection 32, paragraph c, subparagraph (2), Code 2020, is amended by adding the following new subparagraph divisions:

NEW SUBPARAGRAPH DIVISION. (0a) “*Apprenticeship program*” means a program registered and certified with the United States secretary of labor under section 1 of the National Apprenticeship Act, 29 U.S.C. §50.

NEW SUBPARAGRAPH DIVISION. (0c) “*Qualified education loan*” means the same as defined in section 12D.1, subsection 2.

NEW SUBPARAGRAPH DIVISION. (00c) “*Qualified education loan repayments*” means amounts paid as principal or interest on any qualified education loan of the beneficiary or a sibling of the beneficiary. The repayment amounts shall not exceed ten thousand dollars in the aggregate for the beneficiary or the sibling, respectively.

NEW SUBPARAGRAPH DIVISION. (d) “*Sibling*” means the same as defined in section 12D.1, subsection 2.

Sec. 131. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 132. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

DIVISION XXI

IOWA EDUCATIONAL SAVINGS ACCOUNT AND FIRST-TIME HOMEBUYER ACCOUNT — EXTENSIONS

Sec. 133. EXTENSION OF IOWA EDUCATIONAL SAVINGS ACCOUNT CONTRIBUTION DEDUCTION FOR TAX YEAR 2019. Notwithstanding any provision of law to the contrary, in determining the deduction provided under section 422.7, subsection 32, paragraph “a”, for tax years beginning during the 2019 calendar year, a participant who makes a contribution to the Iowa educational savings plan trust pursuant to section 12D.3, subsection 1, on or after January 1, 2020, but on or before July 31, 2020, may elect to be deemed to have made the contribution on the last day of calendar year 2019.

Sec. 134. EXTENSION OF IOWA FIRST-TIME HOMEBUYER ACCOUNT AND BENEFICIARY DESIGNATION FOR ACCOUNTS OPENED IN 2019.

1. Notwithstanding section 541B.3, subsection 1, paragraph “a”, or any other provision of law to the contrary, an individual who opened a first-time homebuyer account during calendar year 2019 and who wishes to participate in the Iowa first-time homebuyer savings account program shall designate the account as a first-time homebuyer account on or before July 31, 2020, on forms provided by the department of revenue.

2. Notwithstanding section 541B.3, subsection 2, paragraph “a”, or any other provision of law to the contrary, an individual who opened a first-time homebuyer account during calendar year 2019 and who wishes to participate in the Iowa first-time homebuyer savings account program shall designate an individual as beneficiary of the first-time homebuyer savings account on or before July 31, 2020, on forms provided by the department of revenue.

Sec. 135. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXII
IOWA EDUCATIONAL SAVINGS PLAN TRUST (529 PLANS) — RECONTRIBUTIONS

Sec. 136. Section 422.7, subsection 32, paragraph c, subparagraph (1), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (d) (i) A recontribution of a refund of any qualified higher education expenses from an eligible educational institution to the extent that such refund has been recontributed to the Iowa educational savings plan trust described in chapter 12D and meets all of the following criteria:

(A) The recontribution is made to the same account from which the original withdrawal was made.

(B) The recontribution occurs within sixty days of the date of refund.

(C) The recontribution amount does not exceed the amount refunded by the eligible educational institution.

(ii) A deduction under paragraph “a” shall not be taken for the amount of the recontribution.

Sec. 137. Section 422.7, subsection 32, paragraph c, subparagraph (2), subparagraph division (c), subparagraph subdivision (ii), Code 2020, is amended to read as follows:

(i) For purposes of this subparagraph division (c), “*Internal Revenue Code*” means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended and in effect on January 1, ~~2018~~ 2020. This definition shall not be construed to include any amendment to the Internal Revenue Code enacted after the date specified in the preceding sentence, including any amendment with retroactive applicability or effectiveness.

Sec. 138. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 139. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2019, for tax years beginning on or after that date.

DIVISION XXIII
QUALIFYING PERSONAL PROTECTION EQUIPMENT — DONATION

Sec. 140. Section 423.6, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 18. Qualifying personal protective equipment and materials which are assembled to become qualifying personal protective equipment. For purposes of this subsection, “*qualifying personal protective equipment*” means personal protective equipment that is assembled and donated by a person during the period beginning with a state of disaster emergency proclamation by the governor under section 29C.6 and ending one hundred eighty days after the expiration of such proclamation.

Sec. 141. REFUNDS. Refunds of taxes, interest, or penalties that arise from claims resulting from the enactment of this division of this Act, for donations occurring prior to the effective date of this division of this Act, shall not be allowed unless claims are filed prior to October 1, 2020, notwithstanding any other provision of the law to the contrary.

Sec. 142. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 143. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to January 1, 2020, for qualifying personal protective equipment and materials assembled and donated on or after that date.

DIVISION XXIV
FOOD OPERATION TRESPASS

Sec. 144. Section 716.7A, subsection 1, paragraph d, as enacted by 2020 Iowa Acts, Senate File 2413,³ section 17, is amended to read as follows:

d. (1) “Food operation” means any of the following:

(1) (a) A location where a food animal is produced, maintained, or otherwise housed or kept, or processed in any manner.

(2) (b) A location other than as described in subparagraph (1) ~~division (a)~~ where a food animal is kept, including an apiary, livestock market, vehicle or trailer attached to a vehicle, fair, exhibition, or a business operated by a person licensed to practice veterinary medicine pursuant to chapter 169.

(3) (c) A location where a meat food product, poultry product, milk or milk product, eggs or an egg product, aquatic product, or honey is prepared for human consumption, including a food processing plant, a slaughtering establishment operating under the provisions of 21 U.S.C. §451 et seq. or 21 U.S.C. §601 et seq.; or a slaughtering establishment subject to state inspection as provided in chapter 189A.

(4) (2) A “Food operation” does not include a food establishment or farmers market ~~that sells or offers for sale a meat food product, poultry product, milk or milk product, eggs or an egg product, aquatic product, or honey.~~

Sec. 145. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 146. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 10, 2020.

DIVISION XXV
SHORT-TERM RENTAL PROPERTIES

Sec. 147. Section 331.301, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 18. a. For purposes of this subsection, “short-term rental property” means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. “Short-term rental property” does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

b. A county shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the county. A short-term rental property shall be classified as a residential land use for zoning purposes.

c. Notwithstanding paragraph “b”, a county may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(1) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(2) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(3) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph “a”.

(4) To provide the county with an emergency contact for a short-term rental property.

³ Chapter 1036 herein

d. A county shall not require a license or permit fee for a short-term rental property in the county.

Sec. 148. Section 414.1, subsection 1, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. (1) For purposes of this paragraph, “short-term rental property” means any individually or collectively owned single-family house or dwelling unit; any unit or group of units in a condominium, cooperative, or timeshare; or an owner-occupied residential home that is offered for a fee for thirty days or less. “Short-term rental property” does not include a unit that is used for any retail, restaurant, banquet space, event center, or other similar use.

(2) A city shall not adopt or enforce any regulation, restriction, or other ordinance, including a conditional use permit requirement, relating to short-term rental properties within the city. A short-term rental property shall be classified as a residential land use for zoning purposes.

(3) Notwithstanding subparagraph (2), a city may enact or enforce an ordinance that regulates, prohibits, or otherwise limits short-term rental properties for the following primary purposes if enforcement is performed in the same manner as enforcement applicable to similar properties that are not short-term rental properties:

(a) Protection of public health and safety related to fire and building safety, sanitation, or traffic control.

(b) Residential use and zoning purposes related to noise, property maintenance, or nuisance issues.

(c) Limitation or prohibition of use of property to house sex offenders; to manufacture, exhibit, distribute, or sell illegal drugs, liquor, pornography, or obscenity; or to operate an adult-oriented entertainment establishment as described in section 239B.5, subsection 4, paragraph “a”.

(d) To provide the city with an emergency contact for a short-term rental property.

(4) A city shall not require a license or permit fee for a short-term rental property in the city.

DIVISION XXVI RURAL IMPROVEMENT ZONES

Sec. 149. Section 357H.1, subsection 1, Code 2020, is amended to read as follows:

1. The board of supervisors of a county with less than twenty thousand residents, not counting persons admitted or committed to an institution enumerated in section 218.1 or 904.102, based upon the most recent certified federal census, and with a private lake real estate development adjacent to or abutting in part a lake may designate an area surrounding the lake, if it is an unincorporated area of the county, a rural improvement zone upon receipt of a petition pursuant to section 357H.2, and upon the board’s determination that the area is in need of improvements.

Sec. 150. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 151. APPLICABILITY. This division of this Act applies to rural improvement zones in existence on or established on or after the effective date of this division of this Act.

DIVISION XXVII ENTERPRISE ZONE PROGRAM

Sec. 152. 2014 Iowa Acts, chapter 1130, section 27, is amended to read as follows:

SEC. 27. INVESTMENT TAX CREDITS ISSUED TO ELIGIBLE HOUSING BUSINESSES UNDER THE ENTERPRISE ZONE PROGRAM — TRANSFERABILITY. Notwithstanding the requirement in section 15E.193B, subsection 8, Code 2014, that not more than three million dollars worth of tax credits for housing developments located in a brownfield site or a blighted area shall be eligible for transfer in a calendar year unless the eligible housing business is also eligible for low-income housing tax credits authorized under section 42

of the Internal Revenue Code, and notwithstanding the requirement in section 15E.193B, subsection 8, Code 2014, that the economic development authority shall not approve more than one million five hundred thousand dollars in tax credit certificates for transfer to any one eligible housing business located on a brownfield site or in a blighted area in a calendar year, all investment tax credits determined under section 15E.193B, subsection 6, paragraph “a”, Code 2014, for housing developments located on a brownfield site or in a blighted area may be approved by the economic development authority for transfer in calendar year 2014, or any subsequent calendar year, provided the eligible housing business was awarded the investment tax credit before the effective date of this section of this division of this Act and notifies the economic development authority, in writing, before July 1, 2014, of its intent to transfer such tax credits, or provided the eligible housing business was awarded the investment tax credit before July 1, 2015, for a housing development located in a blighted area and in a county with a total population of less than one hundred five thousand as determined by the most recent federal decennial census, and submits a written request to the economic development authority before September 1, 2020, for approval to transfer such tax credits and provided the eligible housing business and the related housing development meet all other applicable requirements under section 15E.193B, Code 2014. Notwithstanding any other provision of law to the contrary, a tax credit transferred pursuant to this section shall not be claimed by a transferee prior to January 1, 2016.

Sec. 153. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 154. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to May 30, 2014.

DIVISION XXVIII FLYING OUR COLORS SPECIAL REGISTRATION PLATES

Sec. 155. Section 321.34, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 11D. *Flying our colors plates.*

a. Upon application and payment of the proper fees, the director may issue flying our colors plates to the owner of a motor vehicle subject to registration under section 321.109, subsection 1, autocycle, motor truck, motor home, multipurpose vehicle, motorcycle, trailer, or travel trailer.

b. Flying our colors plates shall be designed by the department. Flying our colors plates shall be navy along the top and red along the bottom, and contain a white space in the middle of the plate which shall include the plate’s letters and numbers in black and a gray image of a bald eagle behind the plate’s letters and numbers.

c. (1) The special flying our colors fee for letter-number designated flying our colors plates is thirty-five dollars. An applicant may obtain personalized flying our colors plates upon payment of the fee for personalized plates as provided in subsection 5, which is in addition to the special fee. The fees collected by the director under this subsection shall be paid monthly to the treasurer of state and deposited in the road use tax fund.

(2) The treasurer of state shall credit monthly from the statutory allocations fund created under section 321.145, subsection 2, to the flood mitigation fund created under section 418.10, the amount of the special fees collected in the previous month for flying our colors plates. This subparagraph is repealed July 1, 2023.

d. Upon receipt of the special registration plates, the applicant shall surrender the current registration plates to the county treasurer. The county treasurer shall validate the special registration plates in the same manner as regular registration plates are validated under this section. The annual special flying our colors fee for letter-number designated flying our colors plates is ten dollars which shall be paid in addition to the regular annual registration fee. The annual fee for personalized flying our colors plates is five dollars which shall be paid in addition to the annual special flying our colors fee and the regular annual registration fee. The annual special flying our colors fee shall be credited as provided under paragraph “c”.

Sec. 156. Section 321.166, subsection 9, Code 2020, is amended to read as follows:

9. Special registration plates issued pursuant to section 321.34, other than gold star, medal of honor, collegiate, fire fighter, natural resources, ~~and blackout, and flying our colors~~ registration plates, shall be consistent with the design and color of regular registration plates but shall provide a space on a portion of the plate for the purpose of allowing the placement of a distinguishing processed emblem or an organization decal. Special registration plates shall also comply with the requirements for regular registration plates as provided in this section to the extent the requirements are consistent with the section authorizing a particular special vehicle registration plate.

Approved June 29, 2020

CHAPTER 1119

EXCISE TAXES ON MOTOR FUEL AND SPECIAL FUEL

S.F. 2403

AN ACT relating to the excise taxes on motor fuel and certain special fuel, and including applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 452A.3, subsections 1, 2, 3, 4, 5, and 6, Code 2020, are amended to read as follows:

1. Except as otherwise provided in this section and in this subchapter, ~~until June 30, 2020,~~ this subsection shall apply to the excise tax imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

a. An excise tax of thirty cents is imposed on each gallon of motor fuel other than ethanol blended gasoline classified as E-15 or higher.

a. b. The On and after July 1, 2026, an excise tax of thirty cents is imposed on each gallon of ethanol blended gasoline classified as E-15 or higher. Before July 1, 2026, the rate of the excise tax on ethanol blended gasoline classified as E-15 or higher shall be based on the number of gallons of ethanol blended gasoline classified as E-15 or higher that is are distributed in this state as expressed as a percentage of the number of gallons of motor fuel distributed in this state, which is referred to as the distribution percentage. For purposes of this subsection paragraph, only ethanol blended gasoline and nonblended gasoline, not including aviation gasoline, shall be used in determining the percentage basis for the excise tax. The department shall determine the percentage basis for each determination period beginning January 1 and ending December 31 based on data from the reports filed pursuant to section 452A.33. The rate for the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period. Before July 1, 2026, the rate of the excise tax on each gallon of ethanol blended gasoline classified as E-15 or higher shall be as follows:

b. The rate for the excise tax shall be as follows:

(1) If the distribution percentage is not greater than ~~fifty ten~~ percent, the rate shall be ~~twenty-nine~~ twenty-four cents for ethanol blended gasoline and ~~thirty cents~~ for motor fuel other than ethanol blended gasoline.

(2) If the distribution percentage is greater than ~~fifty ten~~ percent but not greater than ~~fifty-five~~ twelve percent, the rate shall be ~~twenty-nine~~ twenty-four and ~~five-tenths~~ cents for ethanol blended gasoline and ~~thirty and one-tenth cents~~ for motor fuel other than ethanol blended gasoline.

(3) If the distribution percentage is greater than ~~fifty-five~~ twelve percent but not greater than ~~sixty~~ fourteen percent, the rate shall be ~~twenty-nine~~ twenty-five cents for ethanol blended gasoline and ~~thirty and three-tenths cents~~ for motor fuel other than ethanol blended gasoline.

(4) If the distribution percentage is greater than ~~sixty~~ sixteen percent but not greater than ~~sixty-five~~ sixteen percent, the rate shall be ~~twenty-nine~~ twenty-five and five-tenths cents for ethanol blended gasoline and ~~thirty and five-tenths~~ thirty and five-tenths cents for motor fuel other than ethanol blended gasoline.

(5) If the distribution percentage is greater than ~~sixty-five~~ sixteen percent but not greater than ~~seventy~~ eighteen percent, the rate shall be ~~twenty-nine~~ twenty-six cents for ethanol blended gasoline and ~~thirty and seven-tenths~~ thirty and seven-tenths cents for motor fuel other than ethanol blended gasoline.

(6) If the distribution percentage is greater than ~~seventy~~ eighteen percent but not greater than ~~seventy-five~~ twenty percent, the rate shall be ~~twenty-nine~~ twenty-six and five-tenths cents for ethanol blended gasoline and ~~thirty-one~~ thirty-one cents for motor fuel other than ethanol blended gasoline.

(7) If the distribution percentage is greater than ~~seventy-five~~ twenty percent but not greater than ~~eighty~~ twenty-two percent, the rate shall be ~~twenty-nine and three-tenths~~ twenty-seven cents for ethanol blended gasoline and ~~thirty and eight-tenths~~ thirty and eight-tenths cents for motor fuel other than ethanol blended gasoline.

(8) If the distribution percentage is greater than ~~eighty~~ twenty-two percent but not greater than ~~eighty-five~~ twenty-six percent, the rate shall be ~~twenty-nine~~ twenty-seven and five-tenths cents for ethanol blended gasoline and ~~thirty and seven-tenths~~ thirty and seven-tenths cents for motor fuel other than ethanol blended gasoline.

(9) If the distribution percentage is greater than ~~eighty-five~~ twenty-six percent but not greater than ~~ninety~~ thirty-five percent, the rate shall be ~~twenty-nine and seven-tenths~~ twenty-eight cents for ethanol blended gasoline and ~~thirty and four-tenths~~ thirty and four-tenths cents for motor fuel other than ethanol blended gasoline.

(10) If the distribution percentage is greater than ~~ninety~~ thirty-five percent but not greater than ~~ninety-five~~ forty-five percent, the rate shall be ~~twenty-nine and nine-tenths~~ twenty-eight and five-tenths cents for ethanol blended gasoline and ~~thirty and one-tenth~~ thirty and one-tenth cents for motor fuel other than ethanol blended gasoline.

(11) If the distribution percentage is greater than ~~ninety-five~~ forty-five percent but not greater than ~~sixty-five~~ percent, the rate shall be ~~thirty~~ twenty-nine cents for ethanol blended gasoline and ~~thirty~~ thirty cents for motor fuel other than ethanol blended gasoline.

(12) If the distribution percentage is greater than ~~sixty-five~~ percent but not greater than ~~eighty-five~~ percent, the rate shall be ~~twenty-nine and two-tenths~~ twenty-nine and two-tenths cents.

(13) If the distribution percentage is greater than ~~eighty-five~~ percent but not greater than ~~ninety-five~~ percent, the rate shall be ~~twenty-nine and five-tenths~~ twenty-nine and five-tenths cents.

(14) If the distribution percentage is greater than ~~ninety-five~~ percent, the rate shall be ~~thirty~~ thirty cents.

c. The provisions of paragraph "b" and subsection 6 3, paragraph "a", subparagraph (2), shall be subject to legislative review at least every ~~six~~ five years. The review shall be based upon a fuel distribution percentage formula status report containing the recommendations of a legislative interim committee appointed to conduct a review of the fuel distribution percentage formulas, to be prepared with the assistance of the department of revenue in association with the department of transportation. The report shall include recommendations for changes or revisions to the fuel distribution percentage formulas based upon advances in technology, fuel use trends, and fuel price fluctuations observed during the preceding ~~six-year~~ five-year interval; an analysis of the operation of the fuel distribution percentage formulas during the preceding ~~six-year~~ five-year interval; and a summary of issues that have arisen since the previous review and potential approaches for resolution of those issues. The first such report shall be submitted to the general assembly no later than January 1, 2020, with subsequent reports developed and submitted by January 1 at least every ~~sixth~~ fifth year thereafter.

2. Except as otherwise provided in this section and in this subchapter, after June 30, 2020, an excise tax of thirty cents is imposed on each gallon of motor fuel used for any purpose for the privilege of operating motor vehicles in this state.

3. An excise tax of seventeen cents is imposed on each gallon of E-85 gasoline, subject to the determination provided in subsection 4.

4. The rate of the excise tax on E-85 gasoline imposed in subsection 3 shall be determined based on the number of gallons of E-85 gasoline that are distributed in this state during the previous calendar year. The department shall determine the actual tax paid for E-85 gasoline for each period beginning January 1 and ending December 31. The amount of the tax paid on E-85 gasoline during the past calendar year shall be compared to the amount of tax on E-85 gasoline that would have been paid using the tax rate for gasoline imposed in subsection 1 or 2 and a difference shall be established. If this difference is equal to or greater than twenty-five thousand dollars, the tax rate for E-85 gasoline for the period beginning July 1 following the end of the determination period shall be the rate in effect as stated in subsection 1 or 2.

5. 2. For the privilege of operating aircraft in this state an excise tax of eight cents per gallon is imposed on the use of all aviation gasoline.

6. 3. a. For the privilege of operating motor vehicles or aircraft in this state, there is imposed an excise tax on the use of special fuel in a motor vehicle or aircraft.

(1) Except as otherwise provided in this section and in this subchapter, ~~for the period ending June 30, 2015, and for the period beginning July 1, 2020, and thereafter, the rate of the excise tax rate on each gallon of special fuel for diesel engines of motor vehicles used for any purpose for the privilege of operating motor vehicles in this state, other than biodiesel blended fuel classified as B-11 or higher, is thirty-two and five-tenths cents per gallon.~~

(2) Except as otherwise provided in this section and in this subchapter, ~~for the period beginning July 1, 2015, and ending June 30, 2020, this subparagraph shall apply to the excise tax imposed on each gallon of special fuel for diesel engines of motor vehicles biodiesel blended fuel classified as B-11 or higher used for any purpose for the privilege of operating motor vehicles in this state. The On and after July 1, 2026, the rate of the excise tax on each gallon of biodiesel blended fuel classified as B-11 or higher is thirty-two and five-tenths cents. Before July 1, 2026, the rate of the excise tax shall be based on the number of gallons of biodiesel blended fuel classified as B-11 or higher that is distributed in this state as expressed as a percentage of the number of gallons of special fuel for diesel engines of motor vehicles distributed in this state, which is referred to as the distribution percentage. The department shall determine the percentage basis for each determination period beginning January 1 and ending December 31 based on data from the reports filed pursuant to section 452A.33. The rate for of the excise tax shall apply for the period beginning July 1 and ending June 30 following the end of the determination period. The Before July 1, 2026, the rate for of the excise tax on each gallon of biodiesel blended fuel classified as B-11 or higher shall be as follows:~~

(a) If the distribution percentage is not greater than fifty percent, the rate shall be twenty-nine and five-tenths cents ~~for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

(b) If the distribution percentage is greater than fifty percent but not greater than fifty-five percent, the rate shall be twenty-nine and eight-tenths cents ~~for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

(c) If the distribution percentage is greater than fifty-five percent but not greater than sixty percent, the rate shall be thirty and one-tenth cents ~~for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

(d) If the distribution percentage is greater than sixty percent but not greater than sixty-five percent, the rate shall be thirty and four-tenths cents ~~for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

(e) If the distribution percentage is greater than sixty-five percent but not greater than seventy percent, the rate shall be thirty and seven-tenths cents ~~for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

(f) If the distribution percentage is greater than seventy percent but not greater than seventy-five percent, the rate shall be thirty-one cents ~~for biodiesel blended fuel classified~~

~~as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

~~(g) If the distribution percentage is greater than seventy-five percent but not greater than eighty percent, the rate shall be thirty-one and three-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

~~(h) If the distribution percentage is greater than eighty percent but not greater than eighty-five percent, the rate shall be thirty-one and six-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

~~(i) If the distribution percentage is greater than eighty-five percent but not greater than ninety percent, the rate shall be thirty-one and nine-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

~~(j) If the distribution percentage is greater than ninety percent but not greater than ninety-five percent, the rate shall be thirty-two and two-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

~~(k) If the distribution percentage is greater than ninety-five percent, the rate shall be thirty-two and five-tenths cents for biodiesel blended fuel classified as B-11 or higher and thirty-two and five-tenths cents for special fuel for diesel engines of motor vehicles other than biodiesel blended fuel classified as B-11 or higher.~~

(3) The rate of the excise tax on special fuel for aircraft is five cents per gallon.

(4) On all other special fuel, unless otherwise specified in this section, the per gallon rate of the excise tax is the same as the motor fuel tax under subsection 1.

b. Indelible dye meeting United States environmental protection agency and internal revenue service regulations must be added to fuel before or upon withdrawal at a terminal or refinery rack for that fuel to be exempt from tax and the dyed fuel may be used only for an exempt purpose.

Sec. 2. Section 452A.31, subsection 2, paragraph a, subparagraph (1), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (c) The total E-15 gasoline gallonage which is the total number of gallons of ethanol blended gasoline classified as E-15 or higher, including E-85 gasoline.

Sec. 3. Section 452A.31, subsection 3, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) The total B-11 gallonage which is the total number of gallons of biodiesel blended fuel classified as B-11 or higher.

Sec. 4. Section 452A.31, subsection 4, paragraph a, subparagraph (1), Code 2020, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (c) The aggregate E-15 gasoline gallonage which is the aggregate total number of gallons of ethanol blended gasoline classified as E-15 or higher, including E-85 gasoline.

Sec. 5. Section 452A.31, subsection 5, paragraph a, Code 2020, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (02) The aggregate B-11 gallonage which is the aggregate total number of gallons of biodiesel blended fuel classified as B-11 or higher.

Sec. 6. APPLICABILITY. The provision of the section of this Act amending section 452A.3 to require the department of revenue to determine the percentage basis for each determination period beginning January 1 and ending December 31 based on data from the reports filed pursuant to section 452A.33 for purposes of the excise tax on biodiesel blended fuel classified as B-11 or higher applies to the determination period beginning January 1,

2021, and to each determination period thereafter, for the rate of the excise tax on each gallon of biodiesel blended fuel classified as B-11 or higher beginning July 1, 2021.

Approved June 30, 2020

CHAPTER 1120

APPROPRIATIONS — INFRASTRUCTURE AND CAPITAL PROJECTS

H.F. 2642

AN ACT relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund and the technology reinvestment fund, and providing for related matters, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I

REBUILD IOWA INFRASTRUCTURE FUND

Section 1. REBUILD IOWA INFRASTRUCTURE FUND — APPROPRIATIONS. There is appropriated from the rebuild Iowa infrastructure fund to the following departments and agencies for the following fiscal years, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For security cameras on the state capitol complex, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 250,000

2. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

a. (1) For deposit in the water quality initiative fund created in section 466B.45 for purposes of supporting the water quality initiative administered by the division of soil conservation and water quality as provided in section 466B.42, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 5,200,000

(2) (a) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in subwatersheds as designated by the department that are part of high-priority watersheds identified by the water resources coordinating council.

(b) The moneys appropriated in this lettered paragraph shall be used to support demonstration projects in watersheds generally, including regional watersheds, as designated by the division and high-priority watersheds identified by the water resources coordinating council.

(3) In supporting projects in watersheds and subwatersheds as provided in subparagraph (2), subparagraph divisions (a) and (b), all of the following shall apply:

(a) The demonstration projects shall utilize water quality practices as described in the latest revision of the document entitled “Iowa Nutrient Reduction Strategy” initially presented in November 2012 by the department of agriculture and land stewardship, the department of natural resources, and Iowa state university of science and technology.

(b) The division shall implement demonstration projects as provided in subparagraph division (a) by providing for participation by persons who hold a legal interest in agricultural land used in farming. To every extent practical, the division shall provide for collaborative participation by such persons who hold a legal interest in agricultural land located within the same subwatershed.

(c) The division shall implement demonstration projects on a cost-share basis as determined by the division. Except for edge-of-field practices, the state’s share of the amount shall not exceed 50 percent of the estimated cost of establishing the practice as determined by the division or 50 percent of the actual cost of establishing the practice, whichever is less.

(d) The demonstration projects shall be used to educate other persons about the feasibility and value of establishing similar water quality practices. The division shall promote field day events for purposes of allowing interested persons to establish water quality practices on their agricultural land.

(e) The division shall conduct water quality evaluations within supported subwatersheds. Within a reasonable period after accumulating information from such evaluations, the division shall create an aggregated database of water quality practices. Any information identifying a person holding a legal interest in agricultural land or specific agricultural land shall be a confidential record.

(4) The moneys appropriated in this lettered paragraph shall be used to support education and outreach in a manner that encourages persons who hold a legal interest in agricultural land used for farming to implement water quality practices, including the establishment of such practices in watersheds generally, and not limited to subwatersheds or high-priority watersheds.

(5) The moneys appropriated in this lettered paragraph may be used to contract with persons to coordinate the implementation of efforts provided in this paragraph.

(6) The moneys appropriated in this lettered paragraph may be used by the department to support urban soil and water conservation efforts, which may include but are not limited to management practices related to bioretention, landscaping, the use of permeable or pervious pavement, and soil quality restoration. The moneys shall be allocated on a cost-share basis as provided in chapter 161A.

(7) Notwithstanding any other provision of law to the contrary, the department may use moneys appropriated in this lettered paragraph to carry out the provisions of this paragraph on a cost-share basis in combination with other moneys available to the department from a state or federal source.

(8) Not more than 10 percent of the moneys appropriated in this lettered paragraph may be used for costs of administration and implementation of the water quality initiative administered by the soil conservation division.

b. For deposit in the renewable fuels infrastructure fund created in section 159A.16 for renewable fuel infrastructure programs:

FY 2020-2021: \$ 3,000,000

3. DEPARTMENT OF CULTURAL AFFAIRS

a. For deposit in the Iowa great places program fund created in section 303.3D for Iowa great places program projects that meet the definition of “vertical infrastructure” in section 8.57, subsection 5, paragraph “c”:

FY 2020-2021: \$ 1,000,000

b. For grants to nonprofit organizations committed to strengthening communities through youth development, healthy living, and social responsibility for costs associated with the renovation and maintenance of facility infrastructure at facilities located in cities with a population of less than 28,000 as determined by the 2010 federal decennial census:

FY 2020-2021: \$ 250,000

4. ECONOMIC DEVELOPMENT AUTHORITY

a. For deposit in the community attraction and tourism fund created in section 15F.204:

FY 2020-2021: \$ 5,000,000

b. For equal distribution to regional sports authority districts certified by the department pursuant to section 15E.321, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021: \$ 500,000

5. DEPARTMENT OF HUMAN SERVICES

a. For critical infrastructure at state institutions, including the state resource centers, the mental health institutes, and the state training school at Eldora:

FY 2020-2021:

..... \$ 596,500

b. For the renovation and construction of certain nursing facilities, consistent with the provisions of chapter 249K:

FY 2020-2021:

..... \$ 500,000

c. For a grant to a nonprofit agency that provides expert care for children with medical complexity to expand its services to those children who reach adulthood in their care by providing infrastructure funding for expanding a nursing facility:

FY 2021-2022:

..... \$ 500,000

6. IOWA LAW ENFORCEMENT ACADEMY

For costs associated with furniture, fixtures, and equipment at the academy, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 280,000

7. DEPARTMENT OF NATURAL RESOURCES

a. For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department’s annual lake restoration plan and report, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 8,600,000

b. For state park infrastructure improvements:

FY 2020-2021:

..... \$ 1,000,000

c. For the administration of a water trails and low head dam public hazard statewide plan, including salaries, support, maintenance, and miscellaneous purposes, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 250,000

8. DEPARTMENT OF PUBLIC DEFENSE

a. For major maintenance projects at national guard armories and facilities:

FY 2020-2021:

..... \$ 1,000,000

b. For improvement projects for Iowa national guard installations and readiness centers to support operations and training requirements:

FY 2020-2021:

..... \$ 1,000,000

c. For construction improvement projects at the Camp Dodge facility:

FY 2020-2021:

..... \$ 250,000

d. The department of public defense shall report to the general assembly by December 15, 2020, regarding the projects the department has funded or intends to fund from moneys appropriated to the department pursuant to this subsection for the fiscal year beginning July 1, 2020.

9. DEPARTMENT OF PUBLIC SAFETY

a. For payments and other costs due under a financing agreement entered into by the treasurer of state for building the statewide interoperable communications system pursuant to section 29C.23, subsection 2, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 3,960,945

b. For the purchase of ballistic vests, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:

..... \$ 467,500

c. For the purchase of bomb suits, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:
 \$ 384,000

d. For the purchase of an airplane, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:
 \$ 1,713,170

10. BOARD OF REGENTS

a. For allocation by the state board of regents to the state university of Iowa, Iowa state university of science and technology, and the university of northern Iowa to reimburse the institutions for deficiencies in the operating funds resulting from the pledging of tuition, student fees and charges, and institutional income to finance the cost of providing academic and administrative buildings and facilities and utility services at the institutions:

FY 2020-2021:
 \$ 28,268,466

b. For the renovation and construction of an industrial technology center at the university of northern Iowa to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year:

FY 2021-2022:
 \$ 13,000,000

FY 2022-2023:
 \$ 18,000,000

FY 2023-2024:
 \$ 8,500,000

11. DEPARTMENT OF TRANSPORTATION

a. For deposit in the public transit infrastructure grant fund created in section 324A.6A, for projects that meet the definition of vertical infrastructure in section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:
 \$ 500,000

b. For acquiring, constructing, and improving recreational trails within the state:

FY 2020-2021:
 \$ 1,000,000

c. For deposit in the railroad revolving loan and grant fund created in section 327H.20A, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2020-2021:
 \$ 500,000

d. For vertical infrastructure improvements at the commercial service airports within the state:

FY 2020-2021:
 \$ 1,000,000

e. For vertical infrastructure improvements at general aviation airports within the state:

FY 2020-2021:
 \$ 650,000

12. TREASURER OF STATE

For distribution in accordance with chapter 174 to qualified fairs that belong to the association of Iowa fairs for county fair vertical infrastructure improvements:

FY 2020-2021:
 \$ 1,060,000

13. DEPARTMENT OF VETERANS AFFAIRS

For resurfacing the roadway at the Iowa veteran’s cemetery:

FY 2020-2021:
 \$ 50,000

14. JUDICIAL BRANCH

a. For major maintenance to the Iowa judicial building:

FY 2020-2021:

.....	\$	400,000
b. For furniture and equipment for justice centers located in counties with a population of less than 400,000 as determined by the 2010 federal decennial census, notwithstanding section 8.57, subsection 5, paragraph “c”:		
FY 2020-2021:		
.....	\$	211,455
15. LEGISLATIVE BRANCH		
For repair of the gutters of the Iowa state capitol:		
FY 2020-2021:		
.....	\$	1,250,000
FY 2021-2022:		
.....	\$	1,250,000

Sec. 2. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends two years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION II TECHNOLOGY REINVESTMENT FUND

Sec. 3. TECHNOLOGY REINVESTMENT FUND. There is appropriated from the technology reinvestment fund created in section 8.57C to the following departments and agencies for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD		
For upgrading the web reporting system:		
.....	\$	500,000
2. DEPARTMENT OF CORRECTIONS		
For institutions building automation systems:		
.....	\$	500,000
3. DEPARTMENT OF EDUCATION		
a. For the continued development and implementation of an educational data warehouse to be utilized by teachers, parents, school district administrators, area education agency staff, department of education staff, and policymakers:		
.....	\$	600,000
The department may allocate a portion of the moneys appropriated in this lettered paragraph for an e-transcript data system capable of tracking students throughout their education via interconnectivity with multiple schools.		
b. For maintenance and lease costs associated with connections for part III of the Iowa communications network:		
.....	\$	2,727,000
c. To the public broadcasting division for the replacement of equipment:		
.....	\$	1,000,000
4. DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT		
For the implementation of a statewide mass notification and emergency messaging system:		
.....	\$	400,000
5. DEPARTMENT OF HUMAN RIGHTS		
a. For the cost of equipment and computer software for the continued development and implementation of Iowa’s criminal justice information system:		
.....	\$	1,400,000
b. For the costs associated with the justice enterprise data warehouse:		
.....	\$	157,980
6. IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION		

For firewall and distributed denial-of-service attack protection for the Iowa communications network:

..... \$ 2,071,794

7. IOWA LAW ENFORCEMENT ACADEMY

For information technology for classrooms and conference rooms at the academy building:

..... \$ 400,000

8. DEPARTMENT OF HUMAN SERVICES

For technology costs associated with the state poison control center:

..... \$ 34,000

9. DEPARTMENT OF MANAGEMENT

a. For the continued development and implementation of a searchable database that can be placed on the internet for budget and financial information:

..... \$ 45,000

b. For the continued development and implementation of the comprehensive electronic grant management system:

..... \$ 70,000

c. For the upgrade of the local government budget and property tax system:

..... \$ 624,000

10. DEPARTMENT OF PUBLIC HEALTH

For replacement of computer infrastructure and software at the state medical examiner's office:

..... \$ 395,000

11. DEPARTMENT OF REVENUE

For tax system modernization:

..... \$ 4,070,460

12. DEPARTMENT OF VETERANS AFFAIRS

For security cameras at the Iowa veteran's cemetery:

..... \$ 21,000

13. JUDICIAL BRANCH

For voice-over internet protocol phone upgrades at county courthouses:

..... \$ 163,000

Sec. 4. REVERSION. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys from an appropriation made in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends two years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

DIVISION III
CHANGES TO PRIOR APPROPRIATIONS

Sec. 5. 2015 Iowa Acts, chapter 139, section 1, subsection 10, paragraph b, as amended by 2017 Iowa Acts, chapter 173, section 11, 2018 Iowa Acts, chapter 1162, section 9, and 2019 Iowa Acts, chapter 137, section 6 is amended to read as follows:

b. For construction of a student innovation center at Iowa state university of science and technology, to include reimbursement of infrastructure costs incurred by the university for construction of the facility in the prior fiscal year years:

FY 2016-2017:

..... \$ 1,000,000

FY 2017-2018:

..... \$ 6,000,000

FY 2018-2019:

..... \$ 6,000,000

FY 2019-2020:

..... \$ 7,000,000

FY 2020-2021:		
.....	\$	10,000,000
		6,625,000
FY 2021-2022:		
.....	\$	10,000,000
		13,375,000

Sec. 6. 2016 Iowa Acts, chapter 1133, section 7, is amended to read as follows:

SEC. 7. REVERSION.

1. ~~For~~ Except as provided in subsection 2, for purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys made from an appropriation in this division of this Act shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation is made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

2. For purposes of section 8.33, unless specifically provided otherwise, unencumbered or unobligated moneys appropriated in section 6, subsection 2, of this division of this 2016 Act, shall not revert but shall remain available for the purpose designated until the close of the fiscal year that begins July 1, 2020.

Sec. 7. 2018 Iowa Acts, chapter 1162, section 1,¹ is amended to read as follows:

1. DEPARTMENT OF ADMINISTRATIVE SERVICES

For major maintenance projects:

FY 2018-2019:		
.....	\$	24,500,000

Of the moneys appropriated in this subsection for the fiscal year beginning July 1, 2018, the department shall give priority to projects for repair of the roof of the state historical building and is authorized to expend such amount not to exceed \$3,300,000 for the costs associated with projects for repair of the roof of the state historical building.

FY 2019-2020:		
.....	\$	20,000,000

Of the moneys appropriated in this subsection for the fiscal year beginning July 1, 2019, the department shall give priority to projects for repair of the roof of the state historical building and is authorized to expend such amount not to exceed \$3,300,000 for the costs associated with projects for repair of the roof of the state historical building.

FY 2020-2021:		
.....	\$	20,000,000
		12,000,000

FY 2021-2022:		
.....	\$	20,000,000

FY 2022-2023:		
.....	\$	20,000,000

<u>FY 2023-2024:</u>		
.....	\$	20,000,000

Sec. 8. 2018 Iowa Acts, chapter 1162, section 1, subsection 10, paragraph b, is amended to read as follows:

b. For construction of a new veterinary diagnostic laboratory at Iowa state university of science and technology, to include reimbursement of infrastructure costs incurred by the university for construction of the laboratory in the prior fiscal year years:

FY 2018-2019:		
.....	\$	1,000,000

FY 2019-2020:		
.....	\$	12,500,000

¹ According to Act; a reference to section 1, subsection 1 probably intended

FY 2020-2021:		
.....	\$	12,500,000
		<u>8,900,000</u>
FY 2021-2022:		
.....	\$	12,500,000
FY 2022-2023:		
.....	\$	12,500,000
FY 2023-2024:		
.....	\$	12,500,000
		<u>16,100,000</u>

Sec. 9. 2019 Iowa Acts, chapter 137, section 1, subsection 4, paragraphs d and e, are amended to read as follows:

d. For deposit in the vacant state buildings demolition fund created in section 15.261:

FY 2019-2020:		
.....	\$	1,000,000
FY 2020-2021:		
.....	\$	1,000,000
FY 2021-2022:		
.....	\$	1,000,000

e. For deposit in the vacant state buildings rehabilitation fund created in section 15.262, notwithstanding section 8.57, subsection 5, paragraph “c”:

FY 2019-2020:		
.....	\$	1,000,000
FY 2020-2021:		
.....	\$	1,000,000
FY 2021-2022:		
.....	\$	1,000,000

Sec. 10. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION IV
MISCELLANEOUS PROVISIONS

Sec. 11. Section 2.12B, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. The facilities manager for facilities under the control of the general assembly shall develop and submit to the legislative council by December 15, 2020, a five-year maintenance project schedule report, with annual written updates thereafter, for the Iowa state capitol and the Ola Babcock Miller building.

Sec. 12. Section 8.57C, subsection 3, paragraph a, subparagraph (2), Code 2020, is amended to read as follows:

(2) The fiscal year beginning July 1, ~~2020~~ 2021, and for each subsequent fiscal year thereafter.

Sec. 13. Section 8.57C, subsection 3, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. There is appropriated from the rebuild Iowa infrastructure fund for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the sum of eighteen million five hundred fifty thousand dollars to the technology reinvestment fund, notwithstanding section 8.57, subsection 5, paragraph “c”.

Sec. 14. **ROUTINE MAINTENANCE FUND.** Notwithstanding the standing appropriation in section 8A.330, there is appropriated from the rebuild Iowa infrastructure fund to the department of administrative services for deposit in the routine maintenance fund established in section 8A.330 for the fiscal year beginning July 1, 2020, the sum of one million dollars.

DIVISION V
REBUILD IOWA INFRASTRUCTURE FUND APPROPRIATION

Sec. 15. IOWA ECONOMIC EMERGENCY FUND TRANSFERS. Notwithstanding any provision of section 8.55 to the contrary and for purposes of transfers from the Iowa economic emergency fund created in section 8.55 as provided in this section during the fiscal year beginning July 1, 2020, the maximum balance of the Iowa economic emergency fund is the amount equal to two and one-half percent of the adjusted revenue estimate for the fiscal year beginning July 1, 2020. If the amount of moneys in the Iowa economic emergency fund is equal to the maximum balance, moneys in excess of this amount shall be distributed as follows during the fiscal year beginning July 1, 2020:

1. The first seventy million dollars shall be transferred to the general fund of the state.
2. Of the excess remaining after the transfer in subsection 1, the difference, reduced by the transfer made in subsection 1, between the actual net revenue for the general fund of the state for the fiscal year beginning July 1, 2019, and ending June 30, 2020, and the adjusted revenue estimate for the fiscal year beginning July 1, 2019, and ending June 30, 2020, shall be transferred to the taxpayer relief fund created in section 8.57E.
3. The remainder of the excess, if any, shall be transferred to the general fund of the state.

Sec. 16. REBUILD IOWA INFRASTRUCTURE FUND — GENERAL FUND APPROPRIATION. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 2019, and ending June 30, 2020, to the rebuild Iowa infrastructure fund created in section 8.57, the sum of seventy million dollars.

Sec. 17. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 18. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 1, 2020.

DIVISION VI
CONTINGENT EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 19. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 20. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

Approved June 30, 2020

CHAPTER 1121

STATE AND LOCAL GOVERNMENT AND REGULATORY MATTERS — APPROPRIATIONS
AND MISCELLANEOUS CHANGES

H.F. 2643

AN ACT relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I
CONTINUING APPROPRIATIONS

Section 1. CONTINUING APPROPRIATIONS — FY 2020-2021.

1. APPROPRIATIONS DETERMINED FROM FY 2019-2020 LINE ITEM AND LIMITED STANDING APPROPRIATIONS.

a. For all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, the department of management, in consultation with the legislative services agency, shall determine the amount of such line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including appropriations from federal and nonstate funds, made for the fiscal year beginning July 1, 2019, and ending June 30, 2020, by taking into consideration all of the following:

(1) 2020 Iowa Acts, Senate Files 2144¹ and 2408,² and other 2020 Iowa Acts.

(2) 2019 Iowa Acts.

(3) All interdepartmental and intradepartmental transfers made pursuant to section 8.39 and other provisions of law.

(4) Other provisions of law.

b. The department of management, in consultation with the legislative services agency, shall also identify the entities to which such appropriations were made, or the entities' successors.

2. CONTINUING APPROPRIATIONS. There is appropriated from the appropriate state fund or account to the entities identified pursuant to subsection 1, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, amounts, or so much thereof as is necessary, equal to the amounts of all line item appropriations, standing limited appropriations, and standing unlimited appropriations otherwise limited by law, including federal and nonstate funds, made for the fiscal year beginning July 1, 2019, and ending June 30, 2020, as determined pursuant to subsection 1, to be used for the same designated purposes.

3. DUPLICATIVE STANDING APPROPRIATIONS SUPPLANTED. The amounts appropriated under subsection 2 shall supplant any duplicative standing appropriation for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

4. MISCELLANEOUS PROVISIONS APPLICABLE TO FY 2020-2021. Any powers, duties, limitations, or requirements, including reporting requirements, set forth in 2019 Iowa Acts, chapters 85, 89, 131, 135, 136, 154, 155, and 163, for the fiscal year beginning July 1, 2019, and ending June 30, 2020, are applicable for the fiscal year beginning July 1, 2020, and ending June 30, 2021, and any specified date contained therein shall apply one year later than specified in such chapters.

5. ALLOCATION AMOUNTS. For any line item appropriation, standing limited appropriation, or standing unlimited appropriation otherwise limited by law identified pursuant to subsection 1 which is subject to an allocation amount for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the amount appropriated under subsection 2 based on such appropriation shall be subject to the same allocation amount for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

6. NONREVERSION PROVISIONS. For any line item appropriation, standing limited appropriation, or standing unlimited appropriation otherwise limited by law identified pursuant to subsection 1 that is subject to a specified nonreversion provision, whether for a limited or unlimited period, the amount appropriated under subsection 2 based on such appropriation shall be subject to the same specified nonreversion provision, and in the case of a specified nonreversion provision for a limited period, the period shall be considered to be one fiscal year longer than specified for the appropriation identified pursuant to subsection 1.

7. FULL-TIME EQUIVALENT POSITIONS. The amounts appropriated under subsection 2 to an entity identified pursuant to subsection 1 may be used by the entity for a number of full-time equivalent positions for the fiscal year beginning July 1, 2020, and ending June 20,

¹ Chapter 1001 herein

² Chapter 1019 herein

2021, equal to the number of full-time equivalent positions authorized for the entity for the fiscal year beginning July 1, 2019, and ending June 30, 2020.

8. EXCLUSIONS. This section does not apply to any of the following:

a. Appropriations made from the rebuild Iowa infrastructure fund and the technology reinvestment fund pursuant to 2019 Iowa Acts, chapter 137.

b. Appropriations made to the department of transportation from the road use tax fund and the primary road fund pursuant to 2019 Iowa Acts, chapter 52.

c. The appropriation made to the department of administrative services from the general fund of the state for establishing a listing of real property owned or leased by the state pursuant to 2019 Iowa Acts, chapter 136, section 1, subsection 1, paragraph “d”.

d. The appropriation made to the department of cultural affairs from the general fund of the state for payment of rent for the state records center pursuant to 2019 Iowa Acts, chapter 154, section 1, subsection 1, paragraph “g”.

e. The appropriation made to the Iowa law enforcement academy from the general fund of the state for costs associated with temporary relocation of the Iowa law enforcement academy pursuant to 2019 Iowa Acts, chapter 163, section 10, subsection 1, paragraph “a”, subparagraph (2), as amended in this Act.

f. The appropriation made to the department of homeland security and emergency management from the general fund of the state for flood recovery pursuant to 2020 Iowa Acts, Senate File 2144,³ section 3.

g. The appropriation made to the department of management for distribution of moneys to other governmental entities for the payment of rate adjustments established by the office of the chief information officer pursuant to 2019 Iowa Acts, chapter 136, section 16, subsection 2.

h. The appropriation made to the department of revenue from the general fund of the state for technology upgrades pursuant to 2019 Iowa Acts, chapter 136, section 19, subsection 1, paragraph “b”.

i. Any line item appropriation, standing limited appropriation, or standing unlimited appropriation otherwise limited by law that is otherwise provided for in this Act.

Sec. 2. REPEAL. 2020 Iowa Acts, Senate File 2408,⁴ sections 7 and 8, are repealed.

DIVISION II
GENERAL ASSEMBLY

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2020, and ending June 30, 2021, are reduced by the following amount:

..... \$ 1,000,000

2. The budgeted amounts for the general assembly and legislative agencies for the fiscal year beginning July 1, 2020, may be adjusted to reflect the unexpended budgeted amounts from the previous fiscal year.

DIVISION III
ADMINISTRATION AND REGULATION APPROPRIATIONS — FY 2020-2021

Sec. 4. DEPARTMENT OF ADMINISTRATIVE SERVICES. There is appropriated from the general fund of the state to the department of administrative services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the payment of utility costs, and for not more than the following full-time equivalent positions:

..... \$ 3,882,948

..... FTEs 1.00

³ Chapter 1001 herein

⁴ Chapter 1019 herein

Notwithstanding section 8.33, any excess moneys appropriated for utility costs in this section shall not revert to the general fund of the state at the end of the fiscal year but shall remain available for expenditure for the purposes designated during the succeeding fiscal year.

Sec. 5. SECRETARY OF STATE — ADMINISTRATION AND ELECTIONS. There is appropriated from the general fund of the state to the office of the secretary of state for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,874,870
.....	FTEs	16.00

The state department or agency that provides data processing services to support voter registration file maintenance and storage shall provide those services without charge.

DIVISION IV
EDUCATION APPROPRIATIONS — FY 2020-2021

Sec. 6. STATE BOARD OF REGENTS. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. STATE SCHOOL FOR THE DEAF

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	10,536,171
.....	FTEs	101.84

2. IOWA BRAILLE AND SIGHT SAVING SCHOOL

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	4,434,459
.....	FTEs	58.00

Sec. 7. BOARD OF REGENTS — REDUCTION. The appropriations made to the state board of regents for the fiscal year beginning July 1, 2020, and ending June 30, 2021, pursuant to section 1 of this Act, shall be collectively reduced by the following amount:

.....	\$	8,000,000
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The reduction set forth in this section shall be distributed among the appropriations made to the state board of regents for the fiscal year beginning July 1, 2020, and ending June 30, 2021, pursuant to section 1 of this Act as determined by the state board of regents.

Sec. 8. Section 261.20, subsection 2, Code 2020, is amended to read as follows:

2. The maximum balance of the scholarship and tuition grant reserve fund is an amount equal to ~~one~~ two percent of the funds appropriated to the scholarship and tuition grant programs under section 261.25 during the preceding fiscal year. The moneys in the fund shall be placed in separate accounts within the fund, according to the source and purpose of the original appropriation. Moneys in the various accounts shall only be used to alleviate a current fiscal year shortfall in appropriations for scholarship or tuition grant programs that have the same nature as the programs for which the moneys were originally appropriated. At the conclusion of a fiscal year, any surplus appropriations made to the commission for scholarship or tuition grant programs are appropriated to the scholarship and grant reserve fund in an amount equal to the amount of the surplus or the amount necessary to achieve the maximum balance, whichever amount is less.

DIVISION V
JUDICIAL APPROPRIATIONS — FY 2020-2021

Sec. 9. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, associate juvenile judges, associate probate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners, board of examiners of shorthand reporters, and commission on judicial qualifications; receipt and disbursement of child support payments; reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2020; and maintenance, equipment, and miscellaneous purposes:

..... \$ 181,023,737

b. For deposit in the revolving fund created pursuant to section 602.1302, subsection 3, for jury and witness fees, mileage, costs related to summoning jurors, costs and fees for interpreters and translators, and reimbursement of attorney fees paid by the state public defender:

..... \$ 3,100,000

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts on the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all 99 counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county. An office of the clerk of the district court shall be open regular courthouse hours.

6. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this Act, unless notice of the revisions is given to the legislative services agency prior to the effective date. The notice shall include information on the branch’s rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

7. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of fines, surcharges, and court costs collected using the Iowa court information system since the last report. The judicial branch shall continue to facilitate the sharing of vital sentencing and other information with other state departments and governmental agencies involved in the criminal justice system through the Iowa court information system.

8. The judicial branch shall provide a report to the general assembly by January 1, 2021, concerning the amounts received and expended from the enhanced court collections fund created in section 602.1304 and the court technology and modernization fund created in section 602.8108, subsection 9, during the fiscal year beginning July 1, 2019, and ending June 30, 2020, and the plans for expenditures from each fund during the fiscal year beginning July 1, 2020, and ending June 30, 2021. A copy of the report shall be provided to the legislative services agency.

Sec. 10. CIVIL TRIALS — LOCATION. Notwithstanding any provision to the contrary, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, if all parties in a case agree, a civil trial including a jury trial may take place in a county contiguous to the county with proper jurisdiction, even if the contiguous county is located in an adjacent judicial district or judicial election district. If the trial is moved pursuant to this section, court personnel shall treat the case as if a change of venue occurred.

DIVISION VI
HEALTH AND HUMAN SERVICES APPROPRIATIONS — FY 2020-2021

Sec. 11. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and successor legislation, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 5,002,006

Sec. 12. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance program reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2020, except as otherwise expressly authorized by law, consistent with options under federal law and regulations, and contingent upon receipt of approval from the office of the governor of reimbursement for each abortion performed under the program:

..... \$ 1,459,599,409

The prohibitions, limitations, transfers, authorizations, requirements applicable to state and private entities, and requirements applicable to the use of appropriated moneys, including allocation amounts, set forth in 2019 Iowa Acts, chapter 85, section 13, subsections 1 through 20, apply to the moneys appropriated in this section for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:

..... \$ 7,349,002

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2020, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-through requirement specified in Tit. XVI of the federal Social Security Act, section 1618, as codified in 42 U.S.C. §1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the prescribed residential care facility or in-home health-related care reimbursement rates to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated, including for liability amounts associated with the supplemental nutrition assistance program payment error rate, until the close of the succeeding fiscal year.

Sec. 14. CHILDREN’S HEALTH INSURANCE PROGRAM.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I, including supplemental dental services, for receipt of federal financial participation under Tit. XXI of the federal Social Security Act, which creates the children’s health insurance program:

..... \$ 37,598,984

2. Of the funds appropriated in this section, \$146,682 is allocated for continuation of the contract for outreach with the department of public health.

3. A portion of the funds appropriated in this section may be transferred to the appropriations made for field operations or medical contracts to be used for the integration of hawk-i program eligibility, payment, and administrative functions under the purview of the department of human services, including for the Medicaid management information system upgrade.

Sec. 15. STATE RESOURCE CENTERS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 16,700,867

b. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 10,913,360

2. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of intermediate care facilities for persons with an intellectual disability services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

3. The state resource centers may expand the time-limited assessment and respite services during the fiscal year.

4. If the department’s administration and the department of management concur with a finding by a state resource center’s superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center’s superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

5. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and begin implementing the service or addressing the special need during fiscal year 2020-2021.

6. Notwithstanding section 8.33, and notwithstanding the amount limitation specified in section 222.92, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 16. JUVENILE INSTITUTION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. a. For operation of the state training school at Eldora and for salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	16,029,488
.....	FTEs	207.00

b. Of the funds appropriated in this subsection, \$91,000 shall be used for distribution to licensed classroom teachers at this and other institutions under the control of the department of human services based upon the average student yearly enrollment at each institution as determined by the department.

2. A portion of the moneys appropriated in this section shall be used by the state training school at Eldora for grants for adolescent pregnancy prevention activities at the institution in the fiscal year beginning July 1, 2020.

3. Of the funds appropriated in this subsection, \$212,000 shall be used by the state training school at Eldora for a substance use disorder treatment program at the institution for the fiscal year beginning July 1, 2020.

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 17. DEPARTMENT OF PUBLIC HEALTH — ADDICTIVE DISORDERS. There is appropriated from the general fund of the state to the department of public health for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. For reducing the prevalence of the use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

.....	\$	23,659,379
.....	FTEs	12.00

2. a. Of the funds appropriated in this section, \$4,021,000 shall be used for the tobacco use prevention and control initiative, including efforts at the state and local levels, as provided in chapter 142A. The commission on tobacco use prevention and control established pursuant to section 142A.3 shall advise the director of public health in prioritizing funding needs and the allocation of moneys appropriated for the programs and initiatives. Activities of the programs and initiatives shall be in alignment with the United States centers for disease control and prevention best practices for comprehensive tobacco control programs that include the goals of preventing youth initiation of tobacco usage, reducing exposure to secondhand smoke, and promotion of tobacco cessation. To maximize resources, the department shall determine if third-party sources are available to instead provide nicotine replacement products to an applicant prior to provision of such products to an applicant under the initiative. The department shall track and report to the individuals specified in this section, any reduction in the provision of nicotine replacement products realized by the initiative through implementation of the prerequisite screening.

b. (1) The department shall collaborate with the alcoholic beverages division of the department of commerce for enforcement of tobacco laws, regulations, and ordinances and to engage in tobacco control activities approved by the division of tobacco use prevention and control of the department of public health as specified in the memorandum of understanding entered into between the divisions.

(2) For the fiscal year beginning July 1, 2020, and ending June 30, 2021, the terms of the memorandum of understanding, entered into between the division of tobacco use prevention and control of the department of public health and the alcoholic beverages division of the department of commerce, governing compliance checks conducted to ensure licensed retail tobacco outlet conformity with tobacco laws, regulations, and ordinances relating to persons under 18 years of age, shall continue to restrict the number of such checks to one check per retail outlet, and one additional check for any retail outlet found to be in violation during the first check.

3. a. Of the funds appropriated in this section, \$19,639,000 shall be used for problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation.

b. Of the amount allocated under this subsection, \$306,000 shall be utilized by the department of public health, in collaboration with the department of human services, to support establishment and maintenance of a single statewide 24-hour crisis hotline for the Iowa children’s behavioral health system that incorporates warmline services which may be provided through expansion of existing capabilities maintained by the department of public health as required pursuant to 2018 Iowa Acts, chapter 1056, section 16.

4. The requirement of section 123.17, subsection 5, is met by the appropriations and allocations made in this section and section 1 of this Act for purposes of substance-related disorder treatment and addictive disorders for the fiscal year beginning July 1, 2020.

Sec. 18. DEPARTMENT OF PUBLIC HEALTH — SPORTS WAGERING RECEIPTS FUND. There is appropriated from the sports wagering receipts fund created in section 8.57, subsection 6, to the department of public health for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For problem gambling and substance-related disorder prevention, treatment, and recovery services, including a 24-hour helpline, public information resources, professional training, youth prevention, and program evaluation:

..... \$ 1,450,000

The appropriation made in this section shall not supplant the appropriation made to the department of public health from the sports wagering receipts fund pursuant to section 1 of this Act, based on the appropriation made in 2019 Iowa Acts, chapter 133.

DIVISION VII
HEALTH AND HUMAN SERVICES — PRIOR APPROPRIATIONS AND OTHER
PROVISIONS

RURAL PSYCHIATRIC RESIDENCIES

Sec. 19. 2019 Iowa Acts, chapter 85, section 3, subsection 4, paragraph j, is amended to read as follows:

j. Of the funds appropriated in this subsection, \$400,000 shall be used for rural psychiatric residencies to support the annual creation and training of four psychiatric residents who will provide mental health services in underserved areas of the state. Notwithstanding section 8.33, moneys that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated for subsequent fiscal years.

FAMILY INVESTMENT PROGRAM ACCOUNT

Sec. 20. 2019 Iowa Acts, chapter 85, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated, and may be transferred to the appropriations made in this division of this Act for general administration and field

operations for technology needs including the eligibility integrated applications solutions (ELIAS) project, until the close of the succeeding fiscal year.

STATE SUPPLEMENTARY ASSISTANCE

Sec. 21. 2019 Iowa Acts, chapter 85, section 15, subsection 4, is amended to read as follows:

4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated, including for liability amounts associated with the supplemental nutrition assistance program payment error rate, until the close of the succeeding fiscal year.

CHILD AND FAMILY SERVICES

Sec. 22. 2019 Iowa Acts, chapter 85, section 19, subsection 18, is amended to read as follows:

18. Of the funds appropriated in this section, at least \$147,000 shall be used for the continuation of the child welfare provider training academy, a collaboration between the coalition for family and children's services in Iowa and the department. Notwithstanding section 8.33, moneys allocated under this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 23. 2019 Iowa Acts, chapter 85, section 19, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated, and including services implemented to meet the requirements of the federal Family First Prevention Services Act, until the close of the succeeding fiscal year.

MENTAL HEALTH INSTITUTES

Sec. 24. 2019 Iowa Acts, chapter 85, section 24, subsection 2, is amended to read as follows:

2. a. Notwithstanding sections 218.78 and 249A.11, any revenue received from the state mental health institute at Cherokee or the state mental health institute at Independence pursuant to 42 C.F.R. §438.6(e) may be retained and expended by the mental health institute.

b. Notwithstanding sections 218.78 and 249A.11, any COVID-19 related funding received through federal funding sources by the state mental health institute at Cherokee or the state mental health institute at Independence may be retained and expended by the mental health institute.

FIELD OPERATIONS

Sec. 25. 2019 Iowa Acts, chapter 85, section 27, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

GENERAL ADMINISTRATION

Sec. 26. 2019 Iowa Acts, chapter 85, section 28, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not

revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DECATEGORIZATION FY 2018 CARRYOVER FUNDING

Sec. 27. DECATEGORIZATION CARRYOVER FUNDING FY 2018 — TRANSFER TO MEDICAID PROGRAM. Notwithstanding section 232.188, subsection 5, paragraph “b”, any state-appropriated moneys in the funding pool that remained unencumbered or unobligated at the close of the fiscal year beginning July 1, 2017, and were deemed carryover funding to remain available for the two succeeding fiscal years that still remain unencumbered or unobligated at the close of the fiscal year beginning July 1, 2019, shall not revert but shall be transferred to the medical assistance program for the fiscal year beginning July 1, 2020.

Sec. 28. PROVISIONS NOT APPLICABLE TO FY 2020-2021. All of the following amendments to 2019 Iowa Acts, chapter 85, are not applicable to the associated appropriations made for the fiscal year beginning July 1, 2020, and ending June 30, 2021, notwithstanding section 1 of this Act:

1. 2019 Iowa Acts, chapter 85, section 9, as amended in this division of this Act.
2. 2019 Iowa Acts, chapter 85, section 19, subsection 18, as amended in this division of this Act.
3. 2019 Iowa Acts, chapter 85, section 19, subsection 24, if enacted by this division of this Act.
4. 2019 Iowa Acts, chapter 85, section 27, as amended in this division of this Act.
5. 2019 Iowa Acts, chapter 85, section 28, as amended in this division of this Act.

Sec. 29. PROVISIONS APPLICABLE TO FY 2020-2021. All of the following amendments to 2019 Iowa Acts, chapter 85, are applicable to the associated appropriations made for the fiscal year beginning July 1, 2020, and ending June 30, 2021, pursuant to section 1 of this Act:

1. 2019 Iowa Acts, chapter 85, section 3, subsection 4, paragraph “j”.
2. 2019 Iowa Acts, chapter 85, section 15, subsection 4.
3. 2019 Iowa Acts, chapter 85, section 24, subsection 2, as amended in this division of this Act.

Sec. 30. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 31. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2019.

DIVISION VIII HEALTH AND HUMAN SERVICES — FY 2019-2020 PROVISIONS NOT APPLICABLE FOR FY 2020-2021

Sec. 32. HEALTH AND HUMAN SERVICES PROVISIONS NOT APPLICABLE TO FY 2020-2021. The following provisions of 2019 Iowa Acts, chapter 85, are not applicable to the associated appropriations made for the fiscal year beginning July 1, 2020, and ending June 30, 2021, notwithstanding section 1 of this Act:

1. 2019 Iowa Acts, chapter 85, section 3, subsection 2, paragraph “a”.
2. 2019 Iowa Acts, chapter 85, section 3, subsection 7, paragraph “b”.
3. 2019 Iowa Acts, chapter 85, section 3, subsection 9, paragraph “b”.
4. 2019 Iowa Acts, chapter 85, section 4, subsection 1.
5. 2019 Iowa Acts, chapter 85, section 9, subsection 4.
6. 2019 Iowa Acts, chapter 85, section 13, subsections 21, 22, 23, and 24.
7. 2019 Iowa Acts, chapter 85, section 18, subsection 1, paragraph “c”.
8. 2019 Iowa Acts, chapter 85, section 22, subsection 2.
9. 2019 Iowa Acts, chapter 85, section 24, subsection 1, paragraph “a”, subparagraph (2).
10. 2019 Iowa Acts, chapter 85, section 24, subsection 1, paragraph “b”, subparagraph (2).
11. 2019 Iowa Acts, chapter 85, section 26, subsection 1, paragraph “b”.

12. 2019 Iowa Acts, chapter 85, section 27, subsection 2.
13. 2019 Iowa Acts, chapter 85, section 32, subsection 1.
14. 2019 Iowa Acts, chapter 85, section 33.
15. 2019 Iowa Acts, chapter 85, divisions VII, VIII, XI, XII, XIV, XVI, XIX, and XXVII.

DIVISION IX

HEALTH AND HUMAN SERVICES — NEW PROVISIONS APPLICABLE FOR FY 2020-2021

STATE MEDICAL EXAMINER

Sec. 33. STATE MEDICAL EXAMINER — USE OF MONEYS. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, a portion of the moneys appropriated from the general fund of the state to the department of public health for public protection shall be used to support the office of the state medical examiner and to address the growth in demand for services. The office of the state medical examiner shall enter into a memorandum of understanding with the university of Iowa hospitals and clinics to coordinate the completion of forensic autopsies to address increased caseloads and prolonged backlogs, and to promote regional efficiencies.

HOPES — HFI

Sec. 34. HEALTHY OPPORTUNITIES FOR PARENTS TO EXPERIENCE SUCCESS (HOPES) — HEALTHY FAMILIES IOWA (HFI) PROGRAM. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, of the funds appropriated from the general fund of the state to the department of public health for healthy children and families, not more than \$734,000 shall be used for the healthy opportunities for parents to experience success (HOPES) — healthy families Iowa (HFI) program established pursuant to section 135.106.

SEXUAL VIOLENCE PREVENTION PROGRAMMING

Sec. 35. SEXUAL VIOLENCE PREVENTION PROGRAMMING. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, of the moneys appropriated from the general fund of the state to the department of public health for public protection, up to \$243,000 shall be used for sexual violence prevention programming through a statewide organization representing programs serving victims of sexual violence through the department's sexual violence prevention program, and for continuation of a training program for sexual assault response team (SART) members, including representatives of law enforcement, victim advocates, prosecutors, and certified medical personnel. The amount allocated in this section shall not be used to supplant funding administered for other sexual violence prevention or victims assistance programs.

TAX PREPARATION ASSISTANCE

Sec. 36. DEPARTMENT OF HUMAN SERVICES — TAX PREPARATION ASSISTANCE. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, of the moneys appropriated from the general fund of the state to the department of human services to be credited to the family investment program account and used for family investment assistance under chapter 239B, \$195,000 shall be used for a contract executed in accordance with 2019 Iowa Acts, chapter 85, section 9, subsection 4, with an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the contract is to supply this assistance to underserved areas of the state.

HEALTH PROGRAM OPERATIONS

Sec. 37. HEALTH PROGRAM OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount or so much thereof as is necessary, to be used for the purposes designated:

For health program operations:

..... \$ 17,831,343

1. The department of inspections and appeals shall provide all state matching moneys for survey and certification activities performed by the department of inspections and appeals. The department of human services is solely responsible for distributing the federal matching moneys for such activities.

2. Of the moneys appropriated in this section, \$50,000 shall be used for continuation of home and community-based services waiver quality assurance programs, including the review and streamlining of processes and policies related to oversight and quality management to meet state and federal requirements.

3. Of the amount appropriated in this section, up to \$200,000 may be transferred to the appropriation for general administration to be used for additional full-time equivalent positions in the development of key health initiatives such as development and oversight of managed care programs and development of health strategies targeted toward improved quality and reduced costs in the Medicaid program.

4. Of the moneys appropriated in this section, \$1,000,000 shall be used for planning and development, in cooperation with the department of public health, of a phased-in program to provide a dental home for children.

5. Of the moneys appropriated in this section, \$573,000 shall be credited to the autism support program fund created in section 225D.2 to be used for the autism support program created in chapter 225D, with the exception of the following amount of this allocation which shall be used as follows:

Of the moneys allocated in this subsection, \$25,000 shall be used for the public purpose of continuation of a grant to a nonprofit provider of child welfare services that has been in existence for more than 115 years, is located in a county with a population between 200,000 and 220,000 according to the most recent federal decennial census, is licensed as a psychiatric medical institution for children, and provides school-based programming, to be used for support services for children with autism spectrum disorder and their families.

Sec. 38. REFERENCES TO MEDICAL CONTRACTS — REPLACED. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, all references in 2019 Iowa Acts, chapter 85, division V, to “medical contracts” shall be replaced with the term “health program operations” and all transfers of funds made to or from the appropriation for medical contracts shall instead be made to or from the appropriation for health program operations.

CHILD AND FAMILY SERVICES

Sec. 39. CHILD AND FAMILY SERVICES — GROUP FOSTER CARE. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, of the funds appropriated from the general fund of the state to the department of human services for child and family services, \$26,025,000 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services. If the department projects that such expenditures for the fiscal year will be less than the target amount allocated in this paragraph “a”, the department may reallocate the excess to provide additional funding for family foster care, independent living, family-centered services, shelter care, or the child welfare emergency services addressed with the allocation for shelter care.

FAMILY SUPPORT SUBSIDY PROGRAM

Sec. 40. FAMILY SUPPORT SUBSIDY PROGRAM. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, of the moneys appropriated from the general fund of the state to the department of human services for the family support subsidy program, at least \$875,195 is transferred to the department of public health for the family support center component of the comprehensive family support program under chapter 225C, subchapter V.

DEPARTMENT OF HUMAN SERVICES PROVIDER REIMBURSEMENTS

Sec. 41. PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following reimbursement rates and methodologies shall apply:

a. (1) For the fiscal year beginning July 1, 2020, case-mix, non-case-mix, and special population nursing facilities shall be reimbursed in accordance with the methodology in effect on June 30, 2020.

(2) For managed care claims, the department of human services shall adjust the payment rate floor for nursing facilities, annually, to maintain a rate floor that is no lower than the Medicaid fee-for-service case-mix adjusted rate calculated in accordance with subparagraph (1) and 441 IAC 81.6. The department shall then calculate adjusted reimbursement rates, including but not limited to add-on payments, annually, and shall notify Medicaid managed care organizations of the adjusted reimbursement rates within 30 days of determining the adjusted reimbursement rates. Any adjustment of reimbursement rates under this subparagraph shall be budget neutral to the state budget.

(3) Medicaid managed care organizations shall adjust facility-specific rates based upon payment rate listings issued by the department. The rate adjustments shall be applied prospectively from the effective date of the rate letter issued by the department.

b. For the fiscal year beginning July 1, 2020, reimbursement rates for outpatient hospital services shall be rebased effective January 1, 2021, subject to Medicaid program upper payment limit rules, and adjusted as necessary to maintain expenditures within the amount appropriated to the department for this purpose for the fiscal year.

c. For the fiscal year beginning July 1, 2020, under both fee-for-service and managed care administration of the Medicaid program, critical access hospitals shall be reimbursed for inpatient and outpatient services based on the hospital-specific critical access hospital cost adjustment factor methodology utilizing the most recent and complete cost reporting period as applied prospectively within the funds appropriated for such purpose for the fiscal year.

d. For the fiscal year beginning July 1, 2020, assertive community treatment per diem rates shall remain at the rates in effect on June 30, 2020.

e. Notwithstanding section 234.38, for the fiscal year beginning July 1, 2020, the foster family basic daily maintenance rate and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$16.78, the rate for children ages 6 through 11 years shall be \$17.45, the rate for children ages 12 through 15 years shall be \$19.10, and the rate for children and young adults ages 16 and older shall be \$19.35. For youth ages 18 up to 23 who have exited foster care, the preparation for adult living program maintenance rate shall be \$602.70 per month. The maximum payment for adoption subsidy nonrecurring expenses shall be limited to \$500 and the disallowance of additional amounts for court costs and other related legal expenses implemented pursuant to 2010 Iowa Acts, chapter 1031, section 408, shall be continued.

f. For the fiscal year beginning July 1, 2020, the reimbursement rate for family-centered services providers shall be established by contract.

2. With the exception of the providers and services specified in subsection 1, all other provider and service reimbursement rates and methodologies specified in 2019 Iowa Acts, chapter 85, section 31, shall continue to be applicable for the fiscal year beginning July 1, 2020, and ending June 30, 2021.

EMERGENCY RULES

Sec. 42. EMERGENCY RULES.

1. If necessary to comply with federal requirements including time frames, or if specifically authorized by a provision of this division of this Act, the department of human services or the mental health and disability services commission may adopt administrative rules under section 17A.4, subsection 3, and section 17A.5, subsection 2, paragraph "b", to implement the provisions of this division of this Act and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date of the rules

is delayed or the applicability of the rules is suspended by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 7, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as a notice of intended action as provided in section 17A.4.

2. If during a fiscal year, the department of human services is adopting rules in accordance with this section or as otherwise directed or authorized by state law, and the rules will result in an expenditure increase beyond the amount anticipated in the budget process or if the expenditure was not addressed in the budget process for the fiscal year, the department shall notify the persons designated by this division of this Act for submission of reports, the chairpersons and ranking members of the committees on appropriations, and the department of management concerning the rules and the expenditure increase. The notification shall be provided at least 30 calendar days prior to the date notice of the rules is submitted to the administrative rules coordinator and the administrative code editor.

REPORT ON NONREVERSION OF FUNDS

Sec. 43. REPORT ON NONREVERSION OF FUNDS. The department of human services shall report the expenditure of any moneys for which nonreversion authorization was provided for the fiscal year beginning July 1, 2019, and ending June 30, 2020, for the family investment program account, state supplementary assistance, child and family services, the mental health institutes, field operations, or general administration to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the four legislative caucus staffs on a quarterly basis beginning October 1, 2020.

CHILD AND FAMILY SERVICES

Sec. 44. CHILD AND FAMILY SERVICES APPROPRIATION. For the fiscal year beginning July 1, 2020, and ending June 30, 2021, a portion of the funds appropriated from the general fund of the state to the department of human services for child and family services may be used for family-centered services for purposes of complying with the federal Family First Prevention Services Act of 2018, Pub. L. No. 115-123, and successor legislation.

DIVISION X

PUBLIC HEALTH EMERGENCY PROVISIONS

COVID-19 REGULATIONS

Sec. 45. COVID-19 FEDERAL REGULATIONS. For the time period beginning on the effective date of this division of this Act, and ending June 30, 2021, notwithstanding state administrative rules to the contrary, to the extent federal regulations relating to the COVID-19 pandemic differ from state administrative rules, including applicable federal waivers, the federal regulations are controlling during the pendency of the federally declared state of emergency.

COUNTY HOSPITAL FUNDING

Sec. 46. COUNTY HOSPITAL FUNDING — SUSTAINING OF HOSPITAL OPERATIONS. For the time period beginning on the effective date of this division of this Act, and ending June 30, 2021, notwithstanding any provision of section 347.14, subsection 4, to the contrary, a board of trustees of a county hospital may borrow moneys secured solely by hospital revenues for the purpose of providing working capital or for general financing needs to sustain hospital operations.

Sec. 47. COUNTY HOSPITAL FUNDING — NONCURRENT DEBT ISSUANCE. For the time period beginning on the effective date of this division of this Act, and ending June 30, 2021, notwithstanding any provision of section 331.478, subsections 2 and 3, to the contrary, a board of trustees of a county hospital may authorize noncurrent debt for the purpose of providing working capital or for general financing needs to sustain a county hospital's operations including in the form of natural disaster loans from the state or federal government.

Sec. 48. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XI
MENTAL HEALTH AND DISABILITY SERVICES

Sec. 49. Section 331.389, subsection 4, paragraph c, Code 2020, is amended to read as follows:

c. The department shall work with any county that has not agreed to be part of a region in accordance with paragraph "a" and with the regions forming around the county to resolve issues preventing the county from joining a region. In addition to the regional governance agreement requirements in section 331.392, the department may compel the county and region to engage in mediation for resolution of a dispute. The costs incurred for mediation shall be paid by the county and the region in dispute according to their governance agreement. A county that has not agreed to be part of a region in accordance with paragraph "a" shall be assigned by the department to a region, unless exempted prior to July 1, 2014. A county assigned by the department to a region shall be included in that region's amended governance agreement pursuant to this section as of an effective date designated by the department. The assigned county and region shall operate according to the region's existing governance agreement until the regional governance agreement is amended.

Sec. 50. Section 331.389, subsection 5, Code 2020, is amended to read as follows:

5. a. If the department determines that a region or an exempted county is not adequately fulfilling the requirements under this chapter for a regional service system, the department shall address the region or county in the following order:

a. (1) Require compliance with a corrective action plan.

b. (2) Reduce the amount of the annual state funding provided for the regional service system, not to exceed fifteen percent of the amount.

e. (3) Withdraw approval for the region or for the county exemption, as applicable.

b. The department shall rely on all information available, including annual audits submitted under section 331.391, regional governance agreements submitted under section 331.392, and annual service and budget plans submitted under section 331.393 in determining whether a region or an exempted county is adequately fulfilling the requirements for a regional service system. The department may request and review financial documents, contracts, and other audits, and may perform on-site reviews and interviews to gather information.

Sec. 51. Section 331.392, subsection 4, Code 2020, is amended to read as follows:

4. The financial provisions of the agreement shall include all of the following:

a. Methods for pooling, management, and expenditure of the funding under the control of the regional administrator. If the agreement does not provide for pooling of the participating county moneys in a single fund, the agreement shall specify how the participating county moneys will be subject to the control of the regional administrator.

b. (1) Methods for allocating administrative funding and resources.

(2) Methods for allocating a region's cash flow amount in the event a county leaves the region. A region's cash flow amount shall be divided by the percentage of each county's population according to the region's population indicated in the region's annual service and budget plan and shall be allocated to the counties. This subparagraph shall apply to all agreements in existence or entered into on or after July 1, 2020.

c. Contributions and uses of initial funding or related contributions made by the counties participating in the region for purposes of commencing operations by the regional administrator.

d. Methods for acquiring or disposing of real property.

e. A process for determining the use of savings for reinvestment.

f. A process for performance of an annual independent audit of the regional administrator. The annual independent audit prepared by the regional administrator shall be submitted to the department upon completion of the audit.

Sec. 52. Section 331.392, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 6. All agreements shall be submitted to the department. The department shall approve the agreement if the agreement complies with the requirements of this section.

Sec. 53. MENTAL HEALTH AND DISABILITY SERVICES — REGIONALIZATION AUTHORIZATION.

1. The department of human services shall facilitate the county social services mental health and disability services region dividing into two separate regions. All member counties shall participate in the planning as required by the department. Counties in the western portion of the region may form a new region if the counties meet the requirements of this section. Counties in the eastern portion of the region shall retain the name county social services if a new region is formed by the counties in the western portion of the region.

2. County formation of a proposed new mental health and disability services region pursuant to this section is subject to all of the following:

a. The aggregate population of all counties forming the region is at least 50,000 and includes at least one incorporated city with a population of more than 24,000. For purposes of this subparagraph, "population" means the same as defined in section 331.388, subsection 4, Code 2020.

b. Notwithstanding section 331.389, subsection 4, on or before February 1, 2021, the counties forming the region have complied with section 331.389, subsection 3, and all of the following additional requirements:

(1) The board of supervisors of each county forming the region has voted to approve a chapter 28E agreement.

(2) The duly authorized representatives of all the counties forming the region have signed a chapter 28E agreement that is in compliance with section 331.392 and 441 IAC 25.14.

(3) The county board of supervisors' or supervisors' designee members and other members of the region's governing board are appointed in accordance with section 331.390.

(4) Executive staff for the region's regional administrator are identified or engaged.

(5) The regional service management plan is developed in accordance with section 331.393 and 441 IAC 25.18 and 441 IAC 25.21 and is submitted to the department.

(6) The initial regional service management plan shall identify the service provider network for the region, identify the information technology and data management capacity to be employed to support regional functions, and establish business functions, accounting procedures, and other administrative processes.

c. Each county forming the region shall submit the compliance information required in paragraph "b" to the director of human services on or before February 1, 2021. Within forty-five days of receipt of such information, the director of human services shall determine if the region is in full compliance and shall approve the region if the region has met all of the requirements of this section.

d. The director of human services shall work with a county making a request under this section that has not agreed or is unable to join the proposed new region to resolve issues preventing the county from joining the proposed new region.

e. By February 1, 2021, the director of human services shall assign a county, making a request under this section that has not reached an agreement to be part of the proposed new region, to an existing region or to another new proposed region, consistent with this section.

3. If approved by the department, the region shall commence full operations no later than July 1, 2021.

Sec. 54. MENTAL HEALTH AND DISABILITY SERVICES — TRANSFER OF FUNDS. Notwithstanding section 331.432, a county with a population of over 300,000 based on the most recent federal decennial census may transfer funds from any other fund of the county to the mental health and disability regional services fund for the purposes of providing mental health and disability services for the fiscal year beginning July 1, 2020, and ending June 30, 2021. The county shall submit a report to the governor and the general assembly by September 1, 2021, including the source of any funds transferred, the amount of the funds transferred, and the mental health and disability services provided with the transferred funds. The county shall work with the department to maximize the use of the medical assistance program and other third-party payment sources, including but not limited to identifying individuals enrolled with or eligible for Medicaid whose Medicaid-covered services are being paid by the county or could be converted to Medicaid-covered services.

Sec. 55. MENTAL HEALTH AND DISABILITY SERVICES REGIONS — FUNDING.

1. There is appropriated from the grow Iowa values fund created in section 15G.108, Code 2009, to the department of human services for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For a grant to a single-county mental health and disability services region with a population of over 350,000 as determined by the latest federal decennial census, for the provision of mental health and disability services within the region:

..... \$ 5,000,000

The department and the region shall enter into a memorandum of understanding regarding the use of the moneys and detailing the provisions of the plan prior to the region's receipt of moneys under this subsection.

2. The department shall distribute moneys appropriated in this section within 60 days of the date of signing of the memorandum of understanding between the department and each region.

3. Moneys awarded under this section shall be used by the regions consistent with each region's service system management plan as approved by the department.

DIVISION XII FOSTER HOME INSURANCE FUND

Sec. 56. Section 237.13, Code 2020, is amended by striking the section and inserting in lieu thereof the following:

237.13 Foster home insurance fund.

1. For the purposes of this section, “*foster home*” means an individual, as defined in section 237.1, subsection 7, who is licensed to provide child foster care and shall also be known as a “*licensed foster home*”.

2. The foster home insurance fund shall be administered by the department of human services. The fund shall consist of all moneys appropriated by the general assembly for deposit in the fund. The department shall use moneys in the fund to reimburse foster parents for the cost of purchasing foster care liability insurance and to perform the administrative functions necessary to carry out this section.

3. The department of human services shall adopt rules, pursuant to chapter 17A, to carry out the provisions of this section.

DIVISION XIII VETERANS HOME CARRYFORWARD

*Sec. 57. Section 35D.18, subsection 5, Code 2020, is amended to read as follows:

5. Notwithstanding section 8.33, ~~any~~ up to eight hundred thousand dollars of the balance in the Iowa veterans home annual appropriation or revenues that remains unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for

* Item veto; see message at end of the Act

expenditure for specified purposes of the Iowa veterans home until the close of the succeeding fiscal year.*

DIVISION XIV
PROPERTY TAX CREDITS

Sec. 58. PROPERTY TAX CREDITS.

1. In lieu of the standing appropriations in the following designated sections, for the fiscal year beginning July 1, 2020, and ending June 30, 2021, there is appropriated from the general fund of the state the following amounts for the following designated purposes:

a. For reimbursement for the homestead property tax credit under section 425.1:
..... \$ 139,984,518

b. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.40:
..... \$ 20,500,000

2. If the director of revenue determines that the amount of claims for credit for property taxes due pursuant to ⁵ paragraphs “a” and “b”, plus the amount of claims for reimbursement for rent constituting property taxes paid which are to be paid during a fiscal year may exceed the total amount appropriated for that fiscal year, the director shall estimate the percentage of the credits and reimbursements which will be funded by the appropriation. The county treasurer shall notify the director of the amount of property tax credits claimed by June 26, 2020. The director shall estimate the percentage of the property tax credits and rent reimbursement claims that will be funded by the appropriation and notify the county treasurer of the percentage estimate by June 30, 2020. The estimated percentage shall be used in computing for each claim the amount of property tax credit and reimbursement for rent constituting property taxes paid for that fiscal year. If the director overestimates the percentage of funding, claims for reimbursement for rent constituting property taxes paid shall be paid until they can no longer be paid at the estimated percentage of funding. Rent reimbursement claims filed after that point in time shall receive priority and shall be paid in the following fiscal year.

Sec. 59. TAXPAYER RELIEF FUND — APPROPRIATION. There is appropriated from the taxpayer relief fund created in section 8.57E to the department of revenue for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For reimbursement for the homestead property tax credit under section 425.1:
..... \$ 2,799,690

2. For implementing the elderly and disabled tax credit and reimbursement pursuant to sections 425.16 through 425.40:
..... \$ 2,460,000

Sec. 60. RETROACTIVE APPLICABILITY. This division of this Act, if approved by the governor after June 26, 2020, applies retroactively to June 26, 2020.

DIVISION XV
CORRECTIVE PROVISIONS

Sec. 61. Section 100B.41, as enacted by 2020 Iowa Acts, Senate File 2259, ⁶ section 1, is amended to read as follows:

100B.41 Donation of fire fighting, emergency medical response, and law enforcement equipment.

A fire department, emergency medical services provider, or law enforcement agency may donate used vehicles or equipment to an organization that provides fire response or emergency medical services, or to a law enforcement agency. An entity making a good faith donation of equipment pursuant to this subsection section shall be immune from civil liability

* Item veto; see message at end of the Act
⁵ According to Act; a reference to subsection 1 probably intended
⁶ Chapter 1027 herein

from any claim arising from the performance, failure to perform, nature, age, condition, or packaging of any vehicle or equipment used in fire fighting, emergency medical response, or law enforcement.

Sec. 62. Section 124E.9, subsection 15, if enacted by 2020 Iowa Acts, House File 2589,⁷ section 20, is amended to read as follows:

15. A medical cannabidiol dispensary may dispense more than a combined total of four and one-half grams of total tetrahydrocannabinol to a patient and the patient's primary caregiver in a ninety-day period if any of the following apply:

a. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that patient's debilitating medical condition is a terminal illness with a life expectancy of less than one year. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner.

b. The health care practitioner who certified the patient to receive a medical cannabidiol registration card certifies that the patient has participated in the medical cannabidiol program and that the health care practitioner has determined that four and one-half grams of total tetrahydrocannabinol in a ninety-day period is insufficient to treat the patient's debilitating medical condition. A certification issued pursuant to this paragraph shall include a total tetrahydrocannabinol cap deemed appropriate by the patient's health care practitioner.

Sec. 63. Section 218.70, Code 2020, as amended by 2020 Iowa Acts, House File 2536,⁸ section 78, if enacted, is amended to read as follows:

218.70 Payment to party entitled.

Moneys transmitted to the treasurer ~~or~~ of state under section 218.68 shall be paid, at any time within ten years from the death of the intestate, to any person who is shown to be entitled thereto. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

Sec. 64. Section 260C.48, subsection 1, paragraph a, subparagraph (2), Code 2020, as enacted by 2020 Iowa Acts, House File 2454,⁹ section 1, is amended to read as follows:

(2) For purposes of subparagraph (1), subparagraph divisions (b) and (c), if the instructor is a licensed practitioner who holds a career and technical endorsement under chapter 272, relevant work experience in the occupational area includes but is not limited to classroom instruction in a career and technical education subject area offered by a school district or accredited nonpublic school.

Sec. 65. Section 321.279, subsection 2, paragraph b, as enacted by 2020 Iowa Acts, Senate File 2275,¹⁰ section 1, is amended to read as follows:

b. The driver of a motor vehicle who commits a violation under this ~~section~~ subsection and who has previously committed a violation under this ~~section~~ subsection or subsection 3 is, upon conviction, guilty of a class "D" felony.

Sec. 66. Section 514C.35, subsection 4, paragraph d, subparagraph (1), if enacted by 2020 Iowa Acts, Senate File 2261,¹¹ section 5, is amended to read as follows:

(1) ~~A any~~ Any school, other than a public school, that is accredited pursuant to section 256.11 for any and all levels for grades one through twelve.

Sec. 67. Section 709.23, subsection 2, if enacted by 2020 Iowa Acts, House File 2554,¹² section 4, is amended to read as follows:

2. A person who commits continuous sexual abuse of a child is, upon conviction, guilty of a class "B" felony. Notwithstanding section 902.9, subsection 1, paragraph "b", a person convicted of a violation of this ~~subsection~~ section involving any combination of three or more

⁷ Chapter 1116 herein

⁸ Chapter 1063 herein

⁹ Chapter 1031 herein

¹⁰ Chapter 1028 herein

¹¹ Chapter 1105 herein

¹² Chapter 1115 herein

acts of sexual abuse that includes a violation of section 709.3 or 709.4 shall be confined for no more than fifty years.

Sec. 68. 2020 Iowa Acts, Senate File 2357,¹³ section 9, subsection 2, paragraph b, subparagraph (1), subparagraph division (a), is amended to read as follows:

(a) Review of requirements. The supervising physician and the physician assistant shall review all of the requirements of physician assistant licensure, practice, supervision, and delegation of medical services as set forth in section 148.13 and chapter 148C, the Iowa administrative code chapter chapters under 653 IAC, and 645 IAC chapters 326 to 329.

Sec. 69. 2020 Iowa Acts, Senate File 2357,¹⁴ section 10, subsection 1, unnumbered paragraph 1, is amended to read as follows:

The Notwithstanding section 148C.5, the board of physician assistants shall rescind all of the following:

Sec. 70. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 71. RETROACTIVE APPLICABILITY. The following apply retroactively to March 18, 2020:

1. The section of this division of this Act amending 2020 Iowa Acts, Senate File 2357,¹⁵ section 9.
2. The section of this division of this Act amending 2020 Iowa Acts, Senate File 2357,¹⁶ section 10.

DIVISION XVI
IOWA STATE FAIR BOARD — BOND AUTHORIZATION

Sec. 72. IOWA STATE FAIR BOARD — BOND AUTHORIZATION. If the Iowa state fair board decides not to hold the Iowa state fair for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the Iowa state fair board is authorized to issue and sell negotiable revenue bonds of the Iowa state fair authority pursuant to section 173.14B during the fiscal year for purposes of providing sufficient funds for the advancement of any of its corporate purposes, including salaries, support, maintenance, and miscellaneous purposes.

DIVISION XVII
IOWA LAW ENFORCEMENT ACADEMY — RELOCATION

Sec. 73. 2019 Iowa Acts, chapter 163, section 10, subsection 1, paragraph a, subparagraph (2), is amended to read as follows:

(2) For the costs associated with temporary relocation of the Iowa law enforcement academy:

..... \$ 1,015,442

Notwithstanding section 8.33, moneys appropriated in this subparagraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2020.

Sec. 74. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 75. RETROACTIVE APPLICABILITY. This division of this Act, if approved by the governor on or after July 1, 2020, applies retroactively to June 30, 2020.

¹³ Chapter 1020 herein
¹⁴ Chapter 1020 herein
¹⁵ Chapter 1020 herein
¹⁶ Chapter 1020 herein

DIVISION XVIII
NONPUBLIC SCHOOL CONCURRENT ENROLLMENT

Sec. 76. 2019 Iowa Acts, chapter 135, section 5, subsection 27, is amended to read as follows:

27. NONPUBLIC SCHOOL CONCURRENT ENROLLMENT PAYMENTS TO COMMUNITY COLLEGES

For payments to community colleges for the concurrent enrollment of accredited nonpublic students under section 261E.8, subsection 2, paragraph “b”, if enacted by 2019 Iowa Acts, Senate File 603:

..... \$ 1,000,000
Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2020.

Sec. 77. NONREVERSION NOT APPLICABLE TO FY 2020-2021. The specified nonreversion provision set forth in 2019 Iowa Acts, chapter 135, section 5, subsection 27, as amended in this division of this Act, is not applicable to the associated appropriation made for the fiscal year beginning July 1, 2020, and ending June 30, 2021, notwithstanding section 1 of this Act.

Sec. 78. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 79. RETROACTIVE APPLICABILITY. This division of this Act, if approved by the governor on or after July 1, 2020, applies retroactively to June 30, 2020.

DIVISION XIX
RESOURCE ENHANCEMENT AND PROTECTION

Sec. 80. Section 455A.18, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. For each fiscal year of the fiscal period beginning July 1, 1997, and ending June 30, ~~2021~~ 2023, there is appropriated from the general fund, to the Iowa resources enhancement and protection fund, the amount of twenty million dollars, to be used as provided in this chapter. However, in any fiscal year of the fiscal period, if moneys from the lottery are appropriated by the state to the fund, the amount appropriated under this subsection shall be reduced by the amount appropriated from the lottery.

DIVISION XX
CLERKS OF THE DISTRICT COURT

Sec. 81. Section 602.1215, subsection 1, Code 2020, is amended to read as follows:

1. Subject to the provisions of section 602.1209, subsection 3, the district judges of each judicial election district shall by majority vote appoint persons to serve as clerks of the district court within the judicial election district. The district judges of a judicial election district may appoint a person to serve as clerk of the district court for more than one ~~but not more than four contiguous counties~~ county in the same judicial district. A person does not qualify for appointment to the office of clerk of the district court unless the person is at the time of application a resident of the state. A clerk of the district court may be removed from office for cause by the chief judge of the judicial district, after consultation with the district judges of the judicial election district. Prior to removal, the clerk of the district court shall be notified of the cause for removal.

DIVISION XXI
DEPARTMENT OF PUBLIC SAFETY APPROPRIATION — FY 2019-2020

Sec. 82. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2019, and ending June 30, 2020, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For overtime expenses, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 2,400,000

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that begins July 1, 2020.

Sec. 83. APPROPRIATION NOT APPLICABLE TO FY 2020-2021. The appropriation set forth in this division of this Act shall not be made for the fiscal year beginning July 1, 2020, and ending June 30, 2021, notwithstanding section 1 of this Act.

Sec. 84. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 85. RETROACTIVE APPLICABILITY. This division of this Act, if approved by the governor on or after July 1, 2020, applies retroactively to June 30, 2020.

DIVISION XXII
ALARM SYSTEM CONTRACTORS — FEES AND FINES

Sec. 86. Section 100C.1, Code 2020, is amended by adding the following new subsection: NEW SUBSECTION. 8A. “*False alarm*” means the activation of an alarm system when a situation requiring emergency response does not actually exist. For purposes of this chapter, “*false alarm*” does not include the activation of an alarm system as a result of weather conditions.

Sec. 87. Section 100C.6, subsection 1, Code 2020, is amended to read as follows:

1. Relieve any person from payment of any local permit or building fee, except as provided in section 100C.11.

Sec. 88. NEW SECTION. 100C.11 Alarm systems — fees or fines — limitations.

A political subdivision shall not adopt or enforce an ordinance, resolution, rule, or other measure requiring an alarm system contractor to pay a fee or fine associated with any of the following:

1. False alarms.
2. Emergency response to false alarms.
3. Permits associated with placing or keeping an alarm system in service, not including any installation permits required by the political subdivision’s building code.

Sec. 89. NEW SECTION. 100C.12 Collection of fees.

1. If, prior to the effective date of this division of this Act, an alarm system contractor charged its customers an amount equal to the costs the political subdivision of the state imposed on the alarm system contractor for permits associated with placing or keeping an alarm in service, as shown on a separate line item on the customer’s invoice, the alarm system contractor may continue to collect from its customers such fees until December 31, 2020. The alarm system contractor shall pay to the political subdivision of the state or its designee the fees collected under this section in accordance with the instructions of the political subdivision or the political subdivision’s designee.

2. Fees collected by an alarm system contractor under this section shall not be subject to audit by a political subdivision or the political subdivision’s designee.

Sec. 90. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXIII
ECONOMIC DEVELOPMENT AUTHORITY

*Sec. 91. 2019 Iowa Acts, chapter 154, section 3, subsection 1, paragraph b, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (7) For technical assistance to communications service providers in completing applications for federal funds, or any other funds from any public or private sources, related to improving broadband infrastructure.*

Sec. 92. POWERS APPLICABLE TO FY 2020-2021. The powers set forth in 2019 Iowa Acts, chapter 154, section 3, subsection 1, paragraph “b”, as amended in this division of this Act, are applicable to the associated appropriation made for the fiscal year beginning July 1, 2020, and ending June 30, 2021, pursuant to section 1 of this Act.

Sec. 93. INSURANCE ECONOMIC DEVELOPMENT. From the moneys collected by the insurance division in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2020, \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 94. UNEMPLOYMENT COMPENSATION PROGRAM. Notwithstanding section 96.9, subsection 4, paragraph “a”, moneys credited to the state by the secretary of the treasury of the United States pursuant to section 903 of the Social Security Act are appropriated to the department of workforce development and shall be used by the department for the administration of the unemployment compensation program only. This appropriation shall not apply to any fiscal year beginning after December 31, 2020.

Sec. 95. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 96. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2019:

The section of this division of this Act enacting 2019 Iowa Acts, chapter 154, section 3, subsection 1, paragraph “b”, subparagraph (7).

DIVISION XXIV
CONTINGENT APPROPRIATIONS — FY 2020-2021

Sec. 97. COLLEGE STUDENT AID COMMISSION. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation of 2020 Iowa Acts, House File 2629,¹⁷ if enacted, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 32,000

Sec. 98. COLLEGE STUDENT AID COMMISSION. There is appropriated from the general fund of the state to the college student aid commission for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation of 2020 Iowa Acts, Senate File 2398,¹⁸ if enacted, including salaries, support, maintenance, and miscellaneous purposes:

* Item veto; see message at end of the Act
¹⁷ Chapter 1117 herein
¹⁸ Chapter 1049 herein

..... \$ 300,000

Sec. 99. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation of 2020 Iowa Acts, House File 2581,¹⁹ as amended in this Act, if enacted, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 411,000

Sec. 100. IOWA LAW ENFORCEMENT ACADEMY. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For implementation of 2020 Iowa Acts, House File 2647,²⁰ if enacted, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 140,000

Sec. 101. CONTINGENT REPEAL. The section of this division of this Act appropriating moneys to the college student aid commission for implementation of 2020 Iowa Acts, House File 2629,²¹ is repealed if 2020 Iowa Acts, House File 2629,²² is not enacted.

Sec. 102. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of 2020 Iowa Acts, Senate File 2398,²³ if enacted:

The section of this division of this Act appropriating moneys to the college student aid commission for implementation of 2020 Iowa Acts, Senate File 2398.²⁴

Sec. 103. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of 2020 Iowa Acts, House File 2581,²⁵ as amended in this Act, if enacted:

The section of this division of this Act appropriating moneys to the department of public safety.

Sec. 104. CONTINGENT EFFECTIVE DATE. The following takes effect on the effective date of 2020 Iowa Acts, House File 2647,²⁶ if enacted:

The section of this division of this Act appropriating moneys to the Iowa law enforcement academy.

DIVISION XXV
ADJUSTMENT TO SCHOOL FOUNDATION AID

Sec. 105. ADJUSTMENT TO STATE FOUNDATION AID FOR SCHOOL BUDGET YEAR 2020-2021.

1. If a school district was required to repay property taxes paid or had a reduction in property taxes due for school taxes levied for the school budget year beginning July 1, 2019, on a property that received an assessed value reduction for the assessment year beginning January 1, 2018, by action of the board of review or property assessment appeal board, or by judicial action, and the amount of the reduction for the property exceeded \$47,000,000, the school district is eligible for an adjustment in state foundation aid for the budget year beginning July 1, 2020.

2. To receive the adjustment in state foundation aid, the school district shall apply to the department of management within thirty days following the effective date of this division of

¹⁹ Chapter 1065 herein
²⁰ Chapter 1037 herein
²¹ Chapter 1117 herein
²² Chapter 1117 herein
²³ Chapter 1049 herein
²⁴ Chapter 1049 herein
²⁵ Chapter 1065 herein
²⁶ Chapter 1037 herein

this Act and section 257.12, subsection 3, shall not apply. The department of management shall determine the amount of adjustment in state foundation aid pursuant to subsection 3.

3. The department of management shall determine the amount of state foundation aid which the school district would have received under section 257.1 for the school budget year beginning July 1, 2019, in the manner provided in section 257.12, subsection 2. The adjustment in state foundation aid under this section shall be paid as provided in section 257.16.

Sec. 106. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVI
HEMP REGULATION

Sec. 107. REPEAL. 2020 Iowa Acts, House File 2581,²⁷ section 19, if enacted, is repealed.

Sec. 108. 2020 Iowa Acts, House File 2581,²⁸ if enacted, is amended by adding the following new section:

NEW SECTION. 19A. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 109. RETROACTIVE APPLICABILITY. The following applies retroactively to the effective date of 2020 Iowa Acts, House File 2581,²⁹ as amended in this division of this Act, if enacted:

The section of this division of this Act repealing 2020 Iowa Acts, House File 2581,³⁰ section 19.

DIVISION XXVII
GRAIN REGULATION

Sec. 110. APPROPRIATION. There is appropriated from the general fund of the state to the department of agriculture and land stewardship for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the administration and enforcement of chapters 203 and 203C, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 350,000

Sec. 111. SUSPENSION. Notwithstanding section 203D.5, the fees described in that section shall not be assessable or owing.

Sec. 112. REPEAL. The section of this division of this Act suspending fees under section 203D.5 is repealed on March 1, 2021.

Sec. 113. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

DIVISION XXVIII
RETURNS ON SEARCH WARRANTS

Sec. 114. Section 808.8, subsection 2, Code 2020, is amended to read as follows:

2. The officer must file, with the officer’s return, a complete inventory of the property taken, ~~and state under oath~~ including a sworn statement that it is accurate to the best of the officer’s knowledge. The magistrate must, if requested, deliver a copy of the inventory of

²⁷ Chapter 1065 herein

²⁸ Chapter 1065 herein

²⁹ Chapter 1065 herein

³⁰ Chapter 1065 herein

seized property to the person from whose possession it was taken and to the applicant for the warrant.

Sec. 115. CONTINGENT EFFECTIVE DATE. This division of this Act takes effect on the effective date of rules prescribed by the supreme court and submitted to the legislative council pursuant to section 602.4202, that establish processes and procedures for the application and issuance of a search warrant by electronic means to implement 2017 Iowa Acts, chapter 37.

DIVISION XXIX
COUNTY ZONING

Sec. 116. Section 335.8, subsection 1, Code 2020, as amended by 2020 Iowa Acts, House File 2512,³¹ section 3, is amended to read as follows:

1. In order to avail itself of the powers conferred by this chapter, the board of supervisors shall appoint a commission consisting of eligible electors, as defined in section 39.3, who reside within the ~~area regulated by the county zoning ordinance~~ county, but outside the corporate limits of any city, to be known as the county zoning commission. The commission may recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced in the districts. The commission shall, with due diligence, prepare a preliminary report and hold public hearings on the preliminary report before submitting the commission's final report. The board of supervisors shall not hold its public hearings or take action until it has received the final report of the commission. After the adoption of the regulations, restrictions, and boundaries of districts, the zoning commission may, from time to time, recommend to the board of supervisors amendments, supplements, changes, or modifications. The commission's report and any recommendations may include a proposed ordinance or amendments to an ordinance.

Sec. 117. Section 335.11, Code 2020, as amended by 2020 Iowa Acts, House File 2512,³² section 4, is amended to read as follows:

335.11 Membership of board.

The board of adjustment shall consist of five members who are eligible electors, as defined in section 39.3, and who reside within the ~~area regulated by the county zoning ordinance~~ county, but outside the corporate limits of any city, each to be appointed for a term of five years, excepting that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Sec. 118. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 119. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to June 1, 2020, to members of county zoning commissions and county boards of adjustment holding office on or after that date.

DIVISION XXX
COLLEGE STUDENT AID COMMISSION

Sec. 120. 2019 Iowa Acts, chapter 154, section 17, subsection 1, paragraph d, is amended to read as follows:

d. COLLEGE STUDENT AID COMMISSION

For deposit in the future ready Iowa skilled workforce grant fund established pursuant to section 261.132, as enacted by 2018 Iowa Acts, chapter 1067, section 13:

..... \$ 1,000,000

³¹ Chapter 1034 herein

³² Chapter 1034 herein

Of the moneys appropriated in this lettered paragraph, \$600,000 shall be transferred to the future ready Iowa skilled workforce last-dollar scholarship fund created in section 261.131.

Sec. 121. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 122. RETROACTIVE APPLICABILITY. This division of this Act applies retroactively to July 1, 2019.

DIVISION XXXI VOTING

Sec. 123. Section 53.2, subsection 4, paragraph a, unnumbered paragraph 1, Code 2020, is amended to read as follows:

~~Each application shall contain the following information~~ To request an absentee ballot, a registered voter shall provide:

Sec. 124. Section 53.2, subsection 4, paragraph b, Code 2020, is amended to read as follows:

b. If insufficient information has been provided, including the absence of a voter verification number, either on the prescribed form or on an application created by the applicant, the commissioner shall, ~~by the best means available, obtain the additional necessary information within twenty-four hours after the receipt of the absentee ballot request, contact the applicant by telephone and electronic mail, if such information has been provided by the applicant. If the commissioner is unable to contact the applicant by telephone or electronic mail, the commissioner shall send a notice to the applicant at the address where the applicant is registered to vote, or to the applicant's mailing address if it is different from the residential address. If the applicant has requested the ballot to be sent to an address that is not the applicant's residential or mailing address, the commissioner shall send an additional notice to the address where the applicant requested the ballot to be sent. A commissioner shall not use the voter registration system to obtain additional necessary information.~~ A voter requesting or casting a ballot pursuant to section 53.22 shall not be required to provide a voter verification number.

Sec. 125. Section 53.2, subsection 4, Code 2020, is amended by adding the following new paragraph:

NEW PARAGRAPH. d. If an applicant does not have current access to the applicant's voter verification number, the commissioner shall verify the applicant's identity prior to supplying the voter verification number by asking the applicant to provide at least two of the following facts about the applicant:

- (1) Date of birth.
- (2) The last four digits of the applicant's social security number, if applicable.
- (3) Residential address.
- (4) Mailing address.
- (5) Middle name.
- (6) Voter verification number as defined in paragraph "c".

Sec. 126. Section 53.10, subsection 2, paragraph a, Code 2020, is amended to read as follows:

a. Each person who wishes to vote by absentee ballot at the commissioner's office shall first sign an application for a ballot including the following information: name, current address, voter verification number, and the election for which the ballot is requested. The person may report a change of address or other information on the person's voter registration record at that time. Prior to furnishing a ballot, the commissioner shall verify the person's identity as provided in section 49.78. The registered voter shall immediately mark the ballot; enclose the ballot in a secrecy envelope, if necessary, and seal it in the envelope marked with the affidavit; subscribe to the affidavit on the reverse side of the envelope; and return the absentee ballot to

the commissioner. The commissioner shall record the numbers appearing on the application and affidavit envelope along with the name of the registered voter.

DIVISION XXXII
BOARD OF REGENTS — ATTORNEYS

Sec. 127. Section 262.9, subsection 16, Code 2020, is amended to read as follows:

16. In its discretion, employ or retain attorneys or counselors ~~when acting as a public employer for the purpose of carrying out collective bargaining and related responsibilities provided for under chapter 20. This subsection shall supersede the provisions of section 13.7 to provide legal counsel or legal advice, notwithstanding section 13.7, provided that the provisions of section 13.7 shall govern the retention of attorneys in any action or proceeding that is brought in any court or tribunal.~~

DIVISION XXXIII
ELECTRIC TRANSMISSION LINES

Sec. 128. NEW SECTION. 478.16 Electric transmission lines — federally registered planning authority transmission plans.

1. As used in this section, unless the context otherwise requires:

a. “*Electric transmission line*” means a high-voltage electric transmission line with a capacity of one hundred kilovolts or more and any associated electric transmission facility, including any substation or other equipment.

b. “*Electric transmission owner*” means an individual or entity who, as of the effective date of this Act, owns and maintains an electric transmission line that is required for rate-regulated electric utilities, municipal electric utilities, and rural electric cooperatives in this state to provide electric service to the public for compensation.

c. “*Incumbent electric transmission owner*” means any of the following:

(1) A public utility or a municipally owned utility that owns, operates, and maintains an electric transmission line in this state.

(2) An electric cooperative corporation or association or municipally owned utility that owns an electric transmission facility in this state and has turned over the functional control of such facility to a federally approved authority.

(3) An “*electric transmission owner*” as defined in paragraph “b”.

d. “*Landowner*” means the same as defined in section 478.2.

e. “*Municipally owned utility*” means a “*city utility*” as defined in section 362.2, or an “*electric power agency*” as defined in section 390.9 which is comprised solely of cities or solely of cities and other political subdivisions.

2. An incumbent electric transmission owner has the right to construct, own, and maintain an electric transmission line that has been approved for construction in a federally registered planning authority transmission plan and which connects to an electric transmission facility owned by the incumbent electric transmission owner. Where a proposed electric transmission line would connect to electric transmission facilities owned by two or more incumbent electric transmission owners, each incumbent electric transmission owner whose facility connects to the electric transmission line has the right to construct, own, and maintain the electric transmission line individually and equally. If an incumbent electric transmission owner declines to construct, own, and maintain its portion of an electric transmission line that would connect to electric transmission facilities owned by two or more incumbent electric transmission owners, then the other incumbent electric transmission owner or owners that own an electric transmission facility to which the electric transmission line connects has the right to construct, own, and maintain the electric transmission line individually.

3. If an electric transmission line has been approved for construction in a federally registered planning authority transmission plan, and the electric transmission line is not subject to a right of first refusal in accordance with the tariff of a federally registered planning authority, then within ninety days of approval for construction, an incumbent electric transmission owner, or owners if there is more than one owner, that owns a connecting electric transmission facility shall give written notice to the board regarding whether the incumbent electric transmission owner or owners intend to construct, own,

and maintain the electric transmission line. If the incumbent electric transmission owner or owners give notice of intent to construct the electric transmission line, the incumbent electric transmission owner or owners shall follow the applicable franchise requirements pursuant to this chapter. If the incumbent electric transmission owner or owners give notice declining to construct the electric transmission line, the board may determine whether another person may construct the electric transmission line.

4. For projects where an election to construct an electric transmission line has been made under this section, all of the following cost accountability measures shall apply:

a. Within thirty days after the issuance of a franchise pursuant to this chapter for the electric transmission line, the incumbent electric transmission owner or owners shall provide to the board an estimate of the cost to construct the electric transmission line.

b. Until construction of the electric transmission line is complete, the incumbent electric transmission owner or owners shall provide a quarterly report to the board, which shall include an updated estimate of the cost to construct the electric transmission line and an explanation of changes in the cost estimate from the prior cost estimate.

5. This section shall not modify the authority of the board under this chapter, the rights of landowners under this chapter, or the requirements, rights, and obligations relating to the construction, maintenance, and operation of electric transmission lines pursuant to this chapter.

6. This section shall not apply to an electric transmission line to be placed underground that has not been approved for construction in a federally registered planning authority transmission plan.

7. The board shall adopt rules pursuant to chapter 17A to administer this section.

DIVISION XXXIV

CONTINGENT EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

Sec. 129. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 130. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

Approved June 30, 2020, with exceptions noted.

KIM REYNOLDS, Governor

Dear Mr. Secretary:

I hereby transmit House File 2643, an Act relating to state and local finances by making appropriations, providing for legal and regulatory responsibilities, providing for other properly related matters, and including effective date and retroactive applicability provisions.

House File 2643 is approved on this date with the exception of sections 57 and 91.

Section 57 would have amended Iowa law governing the funding of the Iowa Veterans Home to limit the amount of revenues or appropriation that may carry forward at the close of a fiscal year to \$800,000. Because the Iowa Veterans Home's state appropriation is less than eight percent of its total budget and the vast majority of that budget comes from revenues paid from a variety of sources, this section could have significant unintended consequences. I look forward to working with the legislature to consider alternative methods of addressing its concerns in a manner that better recognizes the unique funding and budgetary issues of the Iowa Veterans Home.

Section 91 would have authorized the Iowa Economic Development Authority to assist broadband providers in obtaining federal funds and other funds to improve broadband infrastructure. While I strongly support assisting providers in improving broadband

infrastructure, Iowa’s Office of the Chief Information Officer coordinates our broadband initiatives and has the best expertise to assist in these efforts. Introducing another governmental entity is unnecessary and could be counterproductive.

For these reasons, I respectfully disapprove House File 2643 in part, only as specified above, in accordance with Article III, Section 16, of the Constitution of the State of Iowa. The remainder of House File 2643 not disapproved as stated herein is approved on this date.

Sincerely,
KIM REYNOLDS, Governor

CHAPTER 1122
APPROPRIATIONS — TRANSPORTATION
H.F. 2644

AN ACT relating to transportation and other infrastructure-related appropriations to the department of transportation, including allocation and use of moneys from the road use tax fund and the primary road fund and other related provisions, and including effective date and retroactive applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. ROAD USE TAX FUND. There is appropriated from the road use tax fund created in section 312.1 to the department of transportation for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the payment of costs associated with the production of driver’s licenses, as defined in section 321.1, subsection 20A:

..... \$ 3,876,000

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes specified in this subsection until the close of the succeeding fiscal year.

2. For salaries, support, maintenance, and miscellaneous purposes:

a. Administrative services:

..... \$ 6,800,347

b. Planning:

..... \$ 450,327

c. Highways:

..... \$ 10,319,346

d. Motor vehicles:

..... \$ 26,552,992

e. Strategic performance:

..... \$ 675,955

3. For payments to the department of administrative services for utility services:

..... \$ 337,404

4. For unemployment compensation:

..... \$ 7,000

5. For payments to the department of administrative services for paying workers’ compensation claims under chapter 85 on behalf of employees of the department of transportation:

..... \$ 170,209

6. For payment to the general fund of the state for indirect cost recoveries:

.....	\$	90,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		
.....	\$	92,120
8. For automation, telecommunications, and related costs associated with the county issuance of driver’s licenses and vehicle registrations and titles:		
.....	\$	1,406,000
9. For costs associated with the participation in the Mississippi river parkway commission:		
.....	\$	40,000
10. For costs associated with the traffic and criminal software program and the mobile architecture and communications handling program:		
.....	\$	300,000
11. For costs associated with the statewide interoperability network:		
.....	\$	72,889
12. For motor vehicle division field facility maintenance projects at various locations:		
.....	\$	300,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsection 12 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which the appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 2. PRIMARY ROAD FUND. There is appropriated from the primary road fund created in section 313.3 to the department of transportation for the fiscal year beginning July 1, 2020, and ending June 30, 2021, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

a. Administrative services:		
.....	\$	41,773,560
.....	FTEs	251.00
b. Planning:		
.....	\$	8,556,215
.....	FTEs	94.00
c. Highways:		
.....	\$	252,436,259
.....	FTEs	2,064.00
d. Motor vehicles:		
.....	\$	1,272,705
.....	FTEs	289.00
e. Strategic performance:		
.....	\$	4,152,292
.....	FTEs	41.00
2. For payments to the department of administrative services for utility services:		
.....	\$	2,007,247
3. For unemployment compensation:		
.....	\$	138,000
4. For payments to the department of administrative services for paying workers’ compensation claims under chapter 85 on behalf of the employees of the department of transportation:		
.....	\$	4,085,021
5. For disposal of hazardous wastes from field locations and the central complex:		
.....	\$	1,000,000
6. For payment to the general fund of the state for indirect cost recoveries:		
.....	\$	660,000
7. For reimbursement to the auditor of state for audit expenses as provided in section 11.5B:		

.....	\$	565,880
8. For costs associated with producing transportation maps:		
.....	\$	242,000
9. For inventory and equipment replacement:		
.....	\$	10,085,000
10. For costs associated with the statewide interoperability network:		
.....	\$	487,793
11. For utility improvements at various locations:		
.....	\$	400,000
12. For roofing projects at various locations:		
.....	\$	500,000
13. For heating, cooling, and exhaust system improvements at various locations:		
.....	\$	700,000
14. For deferred maintenance projects at field facilities throughout the state:		
.....	\$	1,700,000
15. For maintenance projects at rest area facilities throughout the state:		
.....	\$	250,000
16. For improvements related to compliance with the federal Americans with Disabilities Act to facilities throughout the state:		
.....	\$	150,000
17. For renovations to the northwest wing of the department headquarters in Ames:		
.....	\$	11,287,000

For purposes of section 8.33, unless specifically provided otherwise, moneys appropriated in subsections 11 through 17 that remain unencumbered or unobligated shall not revert but shall remain available for expenditure for the purposes designated until the close of the fiscal year that ends three years after the end of the fiscal year for which the appropriation was made. However, if the project or projects for which such appropriation was made are completed in an earlier fiscal year, unencumbered or unobligated moneys shall revert at the close of that same fiscal year.

Sec. 3. The department of transportation shall study the effectiveness of rumble strips in preventing vehicle crashes at certain stop-controlled intersections as determined by the department. The department shall submit a report of its findings to the general assembly on or before December 31, 2021.

Sec. 4. The department of transportation shall submit an annual report to the general assembly on or before December 31 for the next five fiscal years which shall include any cost savings to the department from adding additional full-time equivalent employees from the fiscal year prior.

Sec. 5. EFFECTIVE UPON ENACTMENT. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, takes effect upon enactment.

Sec. 6. RETROACTIVE APPLICABILITY. Unless otherwise provided, this Act, if approved by the governor on or after July 1, 2020, applies retroactively to July 1, 2020.

Approved June 30, 2020

ANALYSIS OF TABLES

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Iowa Administrative Code Referred to in Acts of the Eighty-eighth General Assembly, 2020
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Acts of Congress, United States Code, and Code of Federal Regulations Referred To

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**CONVERSION TABLES OF SENATE AND HOUSE FILES
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2020 REGULAR SESSION

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280	1073	2137	1011	2296	1069
388	1038	2142	1012	2299	1029
457	1074	2144	1001	2300	1046
458	1075	2164	1002	2310	1107
526	1104	2182	1040	2323	1047
537	1021	2187	1013	2337	1030
583	1004	2188	1041	2338	1070
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2091	1006	2198	1014	2360	1108
2097	1039	2225	1044	2373	1077
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2119	1023	2250	1015	2400	1078
2120	1024	2259	1027	2403	1119
2131	1008	2261	1105	2408	1019
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599	1079	2364	1087	2528	1100
684	1080	2365	1088	2535	1062
716	1071	2372	1089	2536	1063
717	1050	2382	1057	2540	1114
737	1111	2389	1090	2554	1115
760	1081	2402	1058	2561	1101
2197	1082	2410	1091	2565	1064
2220	1051	2411	1059	2581	1065
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2235	1017	2418	1093	2589	1116
2236	1052	2445	1094	2623	1066
2238	1084	2452	1095	2627	1103
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AND NEW CODE SECTIONS ADDED,
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“NEW” denotes new Code section numbers that are subject to change when codified.
“C2019” denotes 2019 Code chapters and sections amended or repealed.

Code section subunits are referenced by their designated number or letter in parentheses,
with unnumbered paragraphs referenced by a “u” and a number. For example, section 8C.7A, subsection 3,
paragraph c, subparagraph (3), subparagraph division (a), subparagraph subdivision (iv), subparagraph part (A),
subparagraph subpart (l) is “8C.7A(3)(c)(3)(a)(iv)(A)(l)”; and section 2.2, unnumbered paragraph 1 is “2.2(u1)”.

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1C.9	1062, §94	15.293A(1)(a)	1062, §94
2.12B(2A)	1120, §11	15.293A(2)(c, f)	1062, §94
2B.13(2)(Of)	1090, §1	15.300	1063, §389
6B.32	1063, §1	15.301	1063, §389
6B.45	1062, §94	15.319(2)	1062, §94
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**ACTS OF THE EIGHTY-EIGHTH GENERAL ASSEMBLY,
2020 REGULAR SESSION AMENDED, REPEALED, OR REFERRED TO**

Acts section subunits are referenced by their designated number or letter in parentheses,
with unnumbered paragraphs referenced by a “u” and a number. For example, section 142,
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